

Re: Morris v. Poliakov
#2025-000306

Dear Clerk,

Enclosed you will find yet another copy of the record on appeal, to include the final brief. The court's order was received by Appellant on January 30, 2026. See attached

Sincerely

Carrie Harris

RECEIVED

FEB 05 2026

SC Court of Appeals

The South Carolina Court of Appeals

Carnie Norris III, #227226, Appellant,

v.

Dr. Gary Poliakoff, Respondent.

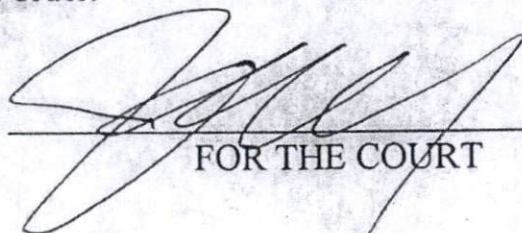
Appellate Case No. 2025-000306

ORDER

On August 4, 2025, Respondent filed a motion to dismiss the appeal, arguing the appeal should be dismissed based on Appellant's failure to comply with the South Carolina Appellate Court Rules. Appellant filed a return, opposing the motion. Respondent did not file a reply.

On August 11, 2025, Appellant filed a motion requesting permission to file his final brief out of time. Respondent filed a return, opposing the motion, and Appellant filed a reply.

After careful consideration, we deny Respondent's motion to dismiss and grant Appellant's motion to file his final brief out of time. Appellant's final brief is accepted as filed. However, Appellant shall serve and file the record on appeal within ten days of the date of this order.



FOR THE COURT J.

Columbia, South Carolina

cc:

Carnie Norris, III, #227226

Thomas A. Pendarvis, Esquire

FILED
Jan 27 2026



South Carolina Court of Appeals

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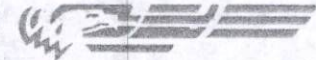
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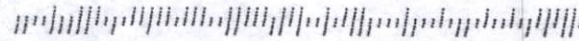
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STATE OF SOUTH CAROLINA * COMMON PLEAS COURT
COUNTY OF SPARTANBURG * TRANSCRIPT OF RECORD

-----X
CARNIE NORRIS *

Plaintiff, *

vs. * Case No. 2024-CP-42-02781

GARY POLIAKOFF *
CHARLES NORRIS *
CLYDE NORRIS *

Defendants. *

-----X

OCTOBER 15, 2024

B E F O R E:

The Honorable WILLIAM MCKINNON, Presiding Judge

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

CARNIE NORRIS
PRO SE PLAINTIFF

GARY POLIAKOFF, ESQ.
PRO SE DEFENDANT

RYAN MCCARTY, ESQ.
ATTORNEY FOR CLYDE NORRIS

DAVID COLLINS, ESQ.
ATTORNEY FOR CHARLES NORRIS

Recorded by: WebEx

Transcribed by: Loraine Victoria, CER, CET
SC Official Digital Court Reporter II

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WITNESS/DESCRIPTION

PAGE

NONE

E X H I B I T S

(None.)

COURT REPORTER LEGEND

Dash (--)	Indicates an interruption in speech
Ellipses (...)	Indicates trailing off in speech
(ph)	Indicates phonetic word
[Verbatim]	Indicates the word is said as written
(Indiscernible)	Indicates word(s) is not known due to audio recording quality

P R O C E E D I N G S

1
2 THE COURT: All Right, give me just a second, folks.
3 All right, so now we're switching over to Spartanburg Common
4 Pleas motions. We have four motions this morning, all in the
5 case of Norris vs. Poliakoff. Okay.

6 Counsel, if you can identify yourselves for the record,
7 please.

8 MR. POLIAKOFF: I'm Gary Poliakoff, appearing pro se as
9 a defendant.

10 THE COURT: Mr. Poliakoff, is there anyone appearing on
11 behalf of the other defendant?

12 MR. POLIAKOFF: Ryan McCarthy [Verbatim] should be
13 appearing on behalf of the plaintiff's two brothers, Charles
14 and Clyde Norris, Your Honor. I don't know why he's not on
15 here.

16 THE COURT: I can see we've got courtrooms -- looks like
17 in Judge Hayes's courtroom in Spartanburg. The picture is so
18 small, I can't tell if anyone is present there.

19 Is there anyone in the courtroom there?

20 MR. MCCARTY: Judge, I'm Ryan McCarty. I'm here for the
21 defendant, Clyde Norris. I guess our notice said, "in
22 person." So Mr. Collins, who's appearing for Charles Norris,
23 is also here. We're both present for the other two
24 defendants -- Ryan McCarty, David Collins.

25 THE COURT: Okay, well, I appreciate it, gentlemen. I

1 -- you know, that -- that there's no Court reporter assigned
2 for the week, so we have -- we have to do it over Webex, so
3 -- but I'm sorry for the confusion with the (Indiscernible).

4 MR. MCCARTY: No problem, sir.

5 THE COURT: Okay.

6 So -- all right -- so the first one, Mr. Carnie, I'll be
7 happy to hear from you on your Motion for Production of
8 Documents and Things. But I don't think that's appropriate
9 for a motion. I mean, you -- have you filed -- have you sent
10 the request under Rule 34?

11 MR. NORRIS: Yes, sir, Your Honor. Thank -- thank you
12 for hearing my case. I did -- I served all three defendants,
13 Gary Poliakoff, Charles D. Norris, and Clyde F. Norris, on
14 July 9, 20 --

15 THE COURT: Mr. Norris, but Rule 34 is a discovery
16 mechanism. There's no motion involved in that unless you
17 served requests and they've not been responded to. That's my
18 question.

19 MR. NORRIS: Yes, sir, I -- I did. I -- serv -- I
20 served the -- the defendants for the Motion for Production of
21 Documents, Interrogatories, and Admissions.

22 THE COURT: Okay, but you -- one of your motions is
23 described as a -- a Motion to -- for Production of Documents
24 and Things. That -- what is the request that goes along with
25 that?

1 MR. NORRIS: Okay, I -- you -- you were breaking up. I
2 couldn't hardly hear everything you said.

3 THE COURT: Mr. Norris, let me -- let me hear from --
4 from one of the -- the defendants on that one. Maybe I'm
5 misunderstanding something.

6 So we'll turn -- the Motions for Production of Documents
7 and Things, we'll look at that one first.

8 MR. POLIAKOFF: This is Gary Poliakoff. I'm named as a
9 defendant in the case. The -- Carnie Norris, the plaintiff,
10 did serve with a Complaint, Interrogatories, and Requests for
11 Production. I answered those last week. He served them with
12 the Complaint.

13 So the rule says that we have 45 days to respond. I
14 think Mr. Norris, by my calculations, filed his Motion to
15 Compel on the 46th day, one -- one day later. Of course,
16 there was no communication of any kind prior to his filing
17 the Motion to Compel.

18 In any case, we fully answered last week. We sent them
19 to him by overnight mail last week. We've gotten
20 confirmation that he's received our answers to
21 interrogatories and responses to RPDs and also, the documents
22 that we produced.

23 Also, I might add, Your Honor, there's a Motion to
24 Dismiss me as a defendant pending. That's scheduled to be
25 heard for March -- excuse me -- October 30th as well.

1 THE COURT: I see that the roster said that it had
2 already been heard. It was going to be heard on the 7th.
3 Did it get continued?

4 MR. POLIAKOFF: I'm not aware of any prior scheduling,
5 Your Honor --

6 THE COURT: Okay.

7 MR. POLIAKOFF: -- but the 30th is the notice that I've
8 got for the Motion to Dismiss.

9 THE COURT: All right. Well, maybe I misread it in the
10 file -- okay. I'm sorry. Yeah, I'm sorry. Yes, that's --
11 you're exactly right. I apologize. Okay. But it looks like
12 the -- the -- the first motion on the roster is the Rule 34
13 motion.

14 So let's deal with that. And that is directed only --
15 I'm looking at the motion right now. It's a little hard to
16 read the handwriting. It appears to be directed only to
17 Defendant Charles Norris.

18 So let me -- let me hear from Counsel for Mr. Charles
19 Norris.

20 MR. COLLINS: This is David Collins for Mr. Norris.

21 THE COURT: Okay.

22 MR. COLLINS: I -- my understanding is the only thing
23 directed to him today is the motion to -- for an order of
24 default. Is that --

25 THE COURT: I mean -- I'm looking at Motion for

1 Production -- Production of Documents and Things filed July
2 9th, set for Judge McKinnon today. I don't --

3 MR. COLLINS: Is that for Clyde Norris or Charles
4 Norris? And I apologize, Your Honor. I got into this case
5 about 6:30 last night, so --

6 THE COURT: It's okay. It's directed to Charles Norris.
7 And like I said, it -- it -- it appears to me to be not
8 proper because it's a -- it's a motion purporting to be in
9 the Rule 34, asking to inspect certain documents. I don't --
10 it doesn't appear that there's been a discovery request that
11 goes along with it. So -- but that -- that's -- that's what
12 I'm -- that's what I'm asking about.

13 MR. COLLINS: Okay. Well, with regard to the -- to any
14 Motion to Compel at this point, Your Honor, as Mr. Poliakoff
15 said, there would be 45 days to answer. My client, it
16 appears, was served with the documents on July the 29th. One
17 of the corresponding motions for Mr. Charles Norris is a
18 Motion for an Entry of Default. And so that is an issue --

19 THE COURT: Just -- Counsel, just one thing at a time.
20 I just want -- I'm going --

21 MR. COLLINS: Okay.

22 THE COURT: -- to go through the motion step by step,
23 and I don't want to miss anything. I'm -- I'm looking at the
24 first motion on the roster, the Motion for Production of
25 Documents filed in July.

1 MR. COLLINS: In July? He -- if -- if it's the motion
2 that was filed -- if there's a motion that was filed in July,
3 Your Honor, that would be premature. As your -- as Your
4 Honor pointed out, Rule 34 would have been the -- he would
5 have served those documents and then would have filed a
6 Motion to Compel --

7 THE COURT: That -- that's where I'm going with this.
8 Yes, sir.

9 MR. COLLINS: As far as I know, there is no Motion to
10 Compel that has been filed with regard to Charles Norris at
11 this point in time.

12 THE COURT: Okay.

13 So Mr. -- Mr. Carnie Norris, let me come back to you,
14 sir. So again, I'm taking this one step at a time. The
15 first thing I have from you is a motion styled Motion for
16 Production of Rule 34. Did you send -- and it -- it's sent
17 in July, which appears to be when the complaint was filed.

18 So Rule 34 is a discovery mechanism, and you serve
19 discovery request, and then if the people don't respond, then
20 you can file a Motion to Compel. But I don't think a Motion
21 to Rule 34 is proper. Do you understand what I'm saying?

22 MR. NORRIS: Yes, sir. Yes, sir. I -- this is the
23 first time I've heard of Mr. Collins representing Charles
24 Norris.

25 THE COURT: Okay.

1 MR. NORRIS: I have served all Defendants, and Charles
2 have failed to respond at all. That's why --

3 THE COURT: Mr. -- Mr. Norris, please just answer --
4 talk to me about what I'm asking. Okay. So my question is
5 that -- that what the first motion on the roster is a July
6 9th Motion for Production -- Production of Documents and
7 Things that appears to not be a Motion to Compel.

8 It appears to be some way to try to get discovery via
9 motion. Is that -- am I -- is -- do you -- is there a prior
10 discovery request that goes along with that?

11 MR. NORRIS: No, sir. This -- this is the first set of
12 -- Motion for Production of Documents --

13 THE COURT: Okay. Well, that -- that motion is denied
14 for being procedurally improper. I mean, you -- you can make
15 a request for discovery under Rule 34, but then -- and if
16 it's not responded to properly, then you can file a Motion to
17 Compel. But there -- there's no such thing as a Motion for
18 Production under Rule 34. So let me make some notes here.
19 We'll deal -- we'll deal with that first, okay?

20 Counsel, just give me a second. I have to make notes so
21 I don't forget anything when I do the orders. Okay.

22 All right. So now, Counsel, let's turn to the Motions
23 to Compel, and we'll end up with the -- with the -- with the
24 Motion for Default. Okay, so I've got Motions to Compel --
25 let's -- let's start with -- forgot the first one on my list

1 here.

2 Mr. Poliakoff, we'll start with yours. I'll be happy to
3 hear from you, sir.

4 MR. POLIAKOFF: Yes, sir, Your Honor. The plaintiff,
5 Carnie Norris, did serve interrogatories and RPDs with the
6 complaint. We're entitled to 45 days to respond. By my
7 account, he filed his Motion to Compel on the 46th day.
8 We're still, obviously, pretty early in the case.

9 In any case, I fully answered the interrogatories and
10 requests for production last week, providing documents and
11 full responses. We sent those by overnight mail to Mr.
12 Norris last week. We've gotten confirmation from FedEx that
13 he's received it. And I would respond that we've fully
14 answered at this point in time.

15 Also for the record, Your Honor, there's a Motion to
16 Dismiss me as a defendant that's scheduled for October 30th.
17 I would simply submit to the Court that it's a motion that I
18 believe has a 100 percent merit that has a high likelihood of
19 being granted.

20 THE COURT: I understand. I mean, I -- I actually read
21 your motion. I mean, the motion -- the basis was -- I mean,
22 in part, the -- the failing to provide the contemporary use
23 affidavit from an attorney. Is that correct?

24 MR. POLIAKOFF: That was part of it, yes, Your Honor.
25 And the rest of it was simply no basis whatsoever.

1 THE COURT: Okay. All right. To be honest, Couns --
2 I'm after -- I'm looking up the rules now. I can't remember
3 if the -- if -- if the -- is the duty to confer before filing
4 discovery motions apply to pro ses as well, and I -- I don't
5 -- I don't know if -- I'm looking up to make sure I don't
6 make a mistake there. Because --

7 MR. POLIAKOFF: Your Honor, I'm sorry I haven't checked
8 that, specifically, to see if it applies to pro se --

9 MR. NORRIS: Your Honor, may I -- may I address a
10 concern?

11 THE COURT: Yes, sir, you may.

12 MR. NORRIS: Mr. Poliakoff said he served me with
13 multiple production documents and interrogatories. I haven't
14 seen -- received that. That's why I filed the motion.

15 MR. POLIAKOFF: Okay. It was served at the prison where
16 he is, Your Honor, last week by FedEx. And we'll -- we're
17 accessing the confirmation right now from FedEx. And we've
18 just uploaded this morning the actual answers to the
19 interrogatories and RPDs.

20 THE COURT: Okay. And I'm -- I'm just looking at -- I
21 thought in the back of my head -- so Rule 11 does not apply
22 to cases with pro se litigants. So that's -- that's --
23 that's not an issue.

24 So what about -- what about the motion for the defense --
25 - for Defendant Norris? Let me pull that one up one second

1 here. So -- so this would be the -- the -- the motion for --
2 the Motion to Compel. Response is from Defendant Clyde
3 Norris.

4 MR. MCCARTY: Your Honor, Ryan McCarty --

5 THE COURT: Yes, sir.

6 MR. MCCARTY: -- I'm here for Clyde Norris. Your Honor,
7 just like Mr. Poliakoff said, when the complaint was filed,
8 my client was also served at the same time with
9 interrogatories, requests for production, and request to
10 admit. I -- I will tell the Court that we responded timely
11 to the request for admit.

12 And as the Court will see, a certificate of service was
13 filed on August the 26th. Responding -- or answering -- the
14 request to admit. And Judge, if you'll look as well, on
15 October 9, 2024, I filed a certificate of service as well,
16 with the Court evidencing that my client's answers to the
17 interrogatories and the request for production were responded
18 to and copies mailed to the plaintiff as well as the
19 defendants in this case.

20 And so, again, Judge, those were mailed on the 19th --
21 or excuse me -- on October the 9th. My certificate of
22 service was filed the same day. I believe I have fully
23 responded to the interrogatories with the appropriate
24 objections and also supplied any documents in my client's
25 possession responsive to the request for production.

1 And I'd ask the Court deny any other relief that this
2 Plaintiff has regarding his Motions to Compel. Judge, I too
3 am unfamiliar with Rule 11, if that applies to a pro se
4 defendant, with regard to sending any kind of letter to cure
5 before a motion is filed.

6 But I will say to the Court, just like Mr. Poliakoff has
7 informed you, I received no such communication from the
8 plaintiff before the filing of this motion.

9 THE COURT: Okay. And again, I wasn't sure myself, and
10 I just looked it up. The Rule does exclude pro se cases.
11 But --

12 So, Mr. Norris, both of the attorneys, where you filed
13 Motions to Compel, said they fully responded.

14 MR. NORRIS: No, sir, I disagree with that. I haven't
15 received any kind of documents from them. The only thing I
16 received from Mr. McCarty is a -- an answer -- a partial
17 answer, and the admissions.

18 THE COURT: Well, Mr. -- Mr. Norris, I mean, you're
19 incarcerated, so I -- I don't know what the -- the mail
20 handling procedures are in -- in -- in the -- are you in
21 Pelzer? Is that -- is that where you are?

22 MR. NORRIS: Yes, sir. Yes, sir. I'm -- I'm
23 incarcerated. I can't -- I can't tell what they do with the
24 mail.

25 THE COURT: Well, yes, sir. That's what I'm saying. So

1 I -- I -- I -- I -- I can't hold -- you know, I can't
2 penalize Mr. Poliakoff or Mr. McCarty or their clients
3 because the -- the -- the facility where you're incarcerated
4 is not providing you with mail in a -- in a timely fashion,
5 so.

6 Mr. Poliakoff, you -- you said you -- you -- you're
7 getting confirmation from FedEx right now?

8 MR. POLIAKOFF: Yes, sir. We've -- I can hold it up to
9 the screen, and I can file it with the Court, Your Honor --
10 indicates it was delivered to the prison Friday, October 11th
11 at 8:55 a.m. to (Indiscernible) at Pelzer. It says it was
12 delivered to 430 Oaklawn Road, Pelzer, received by Jay
13 (Indiscernible). I'm showing it on the screen, Your Honor,
14 and we'll -- we can upload these into the system as well.

15 THE COURT: Yeah, I'll take your word, you're an officer
16 of the Court.

17 And Mr. McCarty, you -- you have proof as well that it
18 was -- it was delivered?

19 MR. MCCARTY: Your Honor, I don't have proof that it was
20 delivered. I can only just say that my certificate of
21 service, we send it ordinary, regular U.S. Mail --

22 THE COURT: First class mail?

23 MR. MCCARTY: Yes -- yes, Your Honor. And -- and I will
24 bring to the Court's attention, on my certificate of service,
25 it specifically says Mr. Norris, his SCDC number, where he's

1 located, and everything else. He's located at Perry
2 Correctional Institute in Pelzer, South Carolina.

3 MR. NORRIS: That's correct.

4 May I respond, Your Honor?

5 THE COURT: You may respond. Yes, sir.

6 MR. NORRIS: Like -- like I said, I served these on
7 time. And they only sent what they wanted to send back. The
8 production of documents and interrogatories -- the reason I
9 had -- I don't know about them serving anything, but anytime
10 I receive legal mail, I have to sign for it. And I hadn't
11 signed for any kind of legal mail pertaining to production
12 the documents or interrogatories. The reason --

13 THE COURT: Well, Mr. Norris, I mean, both of the
14 attorneys have told me as officers of the Court that -- I
15 mean, Mr. Poliakoff has a receipt from FedEx saying it was
16 delivered to the correctional institution.

17 And Mr. McCarty has a certificate of service saying it
18 was put in first-class mail. So I'm -- I'm going to deny
19 your Motions to Compel without prejudice. Okay. What that
20 means is if -- if something's happened to these documents and
21 somehow the prison's lost them or something, I'll let you
22 refile your motion. Okay?

23 But the attorneys tell me they've responded and it's not
24 their fault that you're incarcerated and there may be a delay
25 in you receiving the mail. Do you understand?

1 MR. NORRIS: Yes, sir, I -- I understand.

2 THE COURT: Okay. So -- so I'm going to deny the
3 Motions to Compel without prejudice. And then -- again,
4 without prejudice means you can refile it. Is that if it
5 turns out the prison somehow destroyed it or it got lost or
6 something, you can refile it. But again, I -- a Motion to
7 Compel, seeking to get me to penalize the other parties --
8 and I -- I can't penalize the other parties because you
9 haven't received the mail through the prison system yet.
10 Does that make sense?

11 MR. NORRIS: Yes, sir, that makes sense. The -- the
12 reason I have filed those documents because those documents
13 are essential to my case, as far as --

14 THE COURT: I understand.

15 MR. NORRIS: And I -- I wouldn't sit in front of you and
16 tell you that I didn't receive them when I didn't -- I mean,
17 that I did receive them when I didn't receive them.

18 I can get proof from -- from the mail room that I -- I
19 hadn't signed for any kind of documents that these two
20 gentlemen say they sent, as far as the production of
21 documents and interrogatories. I have to sign for this
22 stuff. They have to open this mail up and look at it.

23 THE COURT: Yes, sir. Mr. Norris, I'm not -- I'm not
24 saying that you signed for it. I'm saying that the most
25 likely explanation is that it's sitting in somebody's office

1 in the prison there. And they haven't gone through it yet
2 and haven't brought it to you to sign for it yet.

3 But that's -- I -- I can't penalize Mr. Poliakov or Mr.
4 McCarty's client because it's sitting in -- on -- on some --
5 on a correctional officer's desk. Does that make sense?

6 MR. NORRIS: Yes, sir. That makes sense.

7 THE COURT: Okay. So again -- so do you understand what
8 I'm doing? I'm going to deny your motions without prejudice.
9 And if it turns out that you even get these -- if another
10 month goes by or whatever, you don't have them -- and -- and
11 you should ask the prison mail room too. I don't -- because
12 it sounds like they're probably sitting on these. Does that
13 make sense?

14 MR. NORRIS: Well, yes, sir. They -- they pass out mail
15 dorm by dorm.

16 THE COURT: Okay, well, that's -- so -- so I -- and --
17 and Mr. -- I mean, Mr. McCarty is -- he's just put it in the
18 mail. It's always possible the U.S. Mail lost it. Mr.
19 Poliakov has a receipt from FedEx saying it was delivered to
20 the prison.

21 So once you get these documents, you -- you can look at
22 them, and if you don't think they're appropriate or they
23 don't fully respond, you can file another Motion to Compel,
24 or if you don't get them -- but again, based on what I've
25 heard today -- and I have a FedEx receipt from one party and

1 a certificate of service from the other, I'm going to deny
2 the motion.

3 Because it -- it the most likely scenario to me is it --
4 it's -- it's in somebody's office in the prison waiting to be
5 examined or whatever they do with the mail handling
6 procedure. Okay?

7 MR. NORRIS: Yes, sir.

8 THE COURT: All right.

9 Okay. So let me -- so -- so that -- that brings us to
10 the last motion. It's a Motion for Default for a defendant,
11 Charles Norris.

12 Let me -- I know Mr. -- Mr. Norris I know has Counsel
13 now and not for -- and -- and I know you're new to the case,
14 but you do you want to be heard on that issue?

15 MR. NORRIS: Yes, sir. I want to be heard on it.

16 THE COURT: Mr. Norris, I'm speaking to -- is it your
17 brother that you've sued?

18 MR. NORRIS: Yes, sir.

19 THE COURT: Okay. All right.

20 So I want to hear from Mr. Charles Norris's Counsel.

21 MR. COLLINS: Good morning, Your Honor. This is David
22 Collins for Mr. Charles Norris. So, and this -- this may be
23 -- it's somewhat of a, I think, a unique procedural setting
24 in that Mr. Norris has brought a motion to -- for this entry
25 of default. I think, normally, that would be done by the

1 clerk and I would be asking the Court to set aside any entry
2 of default at this point. But I think the analysis for the
3 Court is still the same.

4 Under *Sundown vs. Intedge*, it's the three-part prong as
5 to whether or not a party should be found in default or
6 relieved from -- from entry of default. As your Court -- as
7 Your Honor has already pointed out this morning, all the
8 documents in this particular case are handwritten, and that
9 at times, difficult to read.

10 And to decipher what exactly the documents are, what
11 they're asking for, and some of the wording, some of the --
12 the language is actually difficult to read. My client was
13 serve -- or his wife was actually served -- 78 days ago by
14 the sheriff's office with these handwritten documents from
15 Mr. Carnie Norris.

16 My client, currently, is the personal representative for
17 the underlying estate that is -- that is at issue in this
18 case. So he is -- he has some involvement with the Court
19 system, but it is limited very much to Probate Court at this
20 point. Frankly, my understanding from talking to Mr. Charles
21 Norris is based on the way these documents were done, prior
22 interactions with his brother, Mr. Carnie Norris, he did not
23 believe these to be official Court documents.

24 He did not think this was something that was actually
25 pending in Circuit Court. He tells me that his -- his

1 experience with the legal system to this point has been with
2 Probate Court, where everything is done on a Court form,
3 everything has to be typed, and -- and done in a -- a
4 professional manner.

5 He said he's gone to Probate Court, and instead of
6 accepting handwritten documents, they pointed him to a
7 computer and said, "Fill out the forms there so that they're
8 typed, they're on the Court forms, and they're official."

9 And so given that experience that he had with the -- has
10 with the Court system, he did not, at the time, believe that
11 these were official Court documents that indicated there was
12 actually a pending case in Common Pleas. So I think that is
13 the reason, and -- and I think the Court is well aware under
14 *Sundown*, that the standard at this stage is good cause for
15 allowing the setting aside or - or in this case, the blocking
16 of a -- an order of default.

17 And so Mr. Norris has given a very reasonable -- and I
18 think practical -- reason for why he didn't think this was
19 something he needed to respond to. The second prong is
20 whether or not there are any viable defenses that he may be
21 able to present.

22 And admittedly, Your Honor, I have not been able to do
23 the research at this point in time, but my first thought when
24 I talked to Mr. Norris was the appropriate place -- the
25 appropriate venue -- for this action and for these claims

1 that Mr. Carnie Norris has brought, at least against he and
2 his brother, would be in Probate Court in the pending probate
3 action, not in Common Pleas at this point.

4 So I think whether or not this is an appropriate venue
5 is one issue that Mr. Charles Norris is -- is entitled to
6 raise. There do [Verbatim] appear to be as -- as his
7 brother, Clyde, has also raised some potent -- and Mr.
8 Poliakoff -- some potential statute of limitation issues.
9 There also seems to be a concern about whether or not there's
10 actually a claim that Mr. Carnie Norris has even presented to
11 the Court.

12 So -- and then these are also very factual-based issues
13 that, basically, would need -- if we get past those
14 procedural issues, would need to be sorted out by a jury.
15 And so there are several questions of fact, if we get to that
16 point, that would need to be decided by a jury. So there are
17 viable defenses that Mr. Charles Norris has, which he would
18 be entitled to present.

19 And then the last prong -- the third prong -- under the
20 good-cause analysis, is whether or not there's any prejudice
21 to Mr. Cly -- to Mr. Carnie Norris at this point. As both,
22 Your Honor -- I think -- has pointed out, Mr. Poliakoff has
23 pointed out, Mr. McCarty has pointed out, we are very early
24 in this process.

25 There would be no prejudice to Mr. Carnie Norris to

1 allow Charles Norris to file an answer at this point in time.
2 At this point, we are 78 days into his period to answer. So
3 this -- it is extremely early in the process. There would be
4 no prejudice to Mr. Carnie Norris. I can tell you that Mr.
5 Charles Norris and I have talked. Based on the legal issues,
6 the research that needs to be done, I would ask the Court to
7 give me until Friday, November the 1st, to file an answer and
8 deny the Motion for Default.

9 At this point, it could be without prejudice. Set a new
10 deadline for me to file that answer, and I will tell the
11 Court that we'll get that answer filed and we will begin
12 working on those discovery requests as well. I can't promise
13 that we'll get the discovery to him by November 1st, but I
14 will get him an answer by November 1st of this year. Thank
15 you, Your Honor.

16 MR. NORRIS: Now, Your Honor --

17 THE COURT: Yes, sir. You may respond.

18 MR. NORRIS: Mr. Collins, he came in at last minute on
19 this case. As I say, I filed these documents. Charles
20 Norris is a college -- was a college student with three years
21 in college. He though -- this is an ex-felon -- both of
22 them. They know what the Court process is. You follow me?
23 So he can't say he didn't know what it was. He know what it
24 was. He could read and write real good.

25 So I -- I did -- I deny what Mr. Collins is saying.

1 They -- rules -- rules of civil procedure are -- are very
2 strict. And these guys, they think they're above the law.
3 They -- they should be able to follow the rules of Court,
4 just as I have. I mean, he said probate should be the -- the
5 proper place. Well, I tried probate.

6 Probate told -- probate would not handle the case
7 because an attorney was not a chance. So he -- he know what
8 it is. He filed documents for reimbursed -- reimbursement
9 purposes only as opposed to carrying out the probate part.
10 But that's neither here nor there.

11 Like I said, both of them, they are aware of -- of the
12 -- of the rules of Court and the law. And they should --
13 they should abide by it.

14 MR. POLIAKOFF: Your Honor, this is Gary Poliakoff. I'm
15 not directly involved in this particular motion, but I would
16 just, as information to the Court, I hadn't been involved
17 with the estate or with Mr. Carnie Norris for a good two
18 years or better, prior to this case being filed.

19 But in our review since being served with the Summons
20 and Complaint in Common Pleas, we found that Carnie Norris,
21 the plaintiff, has written many, many letters to Probate
22 Court; many, many letters to the Master in Equity. Some of
23 them might be described as pleadings; some not.

24 It -- it was difficult, as an attorney, to determine
25 which of these handwritten documents from Carnie Norris might

1 even qualify as pleadings or not. And -- and for someone who
2 -- without a law degree -- would be even much more difficult
3 to determine that.

4 THE COURT: Mr. Poliakoff, I appreciate that. The
5 difficulty I have is typically --

6 And Counsel, I know you just got brought in yesterday.
7 Is that correct, Mr. Collins?

8 MR. COLLINS: Yes, sir.

9 THE COURT: Okay. Typically, people would -- you know,
10 the defendant would have an affidavit that I can take his
11 evidence as far as what -- what the justification for the
12 delay was or would testify live. So is your -- is your
13 client there?

14 MR. COLLINS: He is, Your Honor.

15 THE COURT: Okay, so two things, if he -- if he wants to
16 be sworn in now and give testimony, we can do that, or I can
17 continue this motion -- motion hearing to a later term of
18 Court to give you time for him to prepare an affidavit that
19 can be presented. But I -- I don't think I can rule without
20 some evidence, as far as the -- you know, the -- the reason
21 for not answering.

22 MR. COLLINS: Yes, sir. Your Honor, if -- if you would
23 be so inclined, I would ask the Court to continue it. That
24 would allow me a time to produce not only an answer, but also
25 an affidavit for the Court so that the Court can also

1 evaluate the potential defenses, which is the second prong
2 under that case law. I think that may be the most efficient
3 and appropriate way to handle it.

4 THE COURT: That's what I'll do then. We'll continue
5 this to the -- to the next motion's term, no sooner than 30
6 days from today.

7 MR. NORRIS: Can I respond, Your Honor?

8 THE COURT: Yes, sir.

9 MR. NORRIS: Earlier, he was mentioning about expert
10 affidavit. The rule -- the rules of law -- the Court code of
11 laws 4, 7, and standard professionalism -- it has been
12 determined to be expert -- expert testimony, expert
13 statements.

14 THE COURT: Mr. -- Mr. -- so again, I'm not -- I'm not
15 following you, sir. That -- the -- Mr. Poliakoff's Motion to
16 Dismiss and which includes as one of the reasons there was an
17 expert affidavit. I'm not ruling on that today. That's --
18 that's set for a different date with a different Judge.

19 MR. NORRIS: I understand.

20 THE COURT: You understand? Okay. So the -- the mome
21 -- so the ruling on your Motion for Entry of Default with Mr.
22 -- with your brother, Charles Norris, is that we're going to
23 continue that. Meaning we're going -- I'm going to delay the
24 ruling to another motion hearing. Okay. And that -- that's
25 to give Mr. Norris time to prepare an affidavit for

1 explaining why he did not answer within 30 days. Okay.
2 There's not going to be a ruling on that today other than
3 delaying it. Does that make sense?

4 MR. NORRIS: Yes, sir. So you deny the other motions?

5 THE COURT: Yes, sir. I'm denying - again, denying
6 without prejudice, because both sides say they've answered --
7 so they answered your discovery.

8 If you -- if you -- if somehow those are lost in the
9 prison mail or you don't get it, or you read the documents
10 and you found them to be -- you don't think that they're
11 sufficient under the rules, you can refile those motions,
12 okay?

13 MR. NORRIS: Yes, sir.

14 THE COURT: And as far as your first motion under Rule
15 34, you have to make the discovery request and then if they
16 don't respond to it, file a motion. You can't just file a
17 motion under Rule 34, okay?

18 MR. NORRIS: Yes, sir.

19 THE COURT: All right.

20 Anything else from anybody?

21 MR. POLIAKOFF: No, Your Honor. Thank you.

22 MR. MCCARTY: No, Your Honor. Thank you.

23 THE COURT: Gentlemen, it was nice to see you all today.
24
25

CERTIFICATE OF TRANSCRIBER

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CASE NAME/NUMBER: NORRIS VS POLIAKOFF AND NORRIS
2024-CP-42-02781
DATE OF HEARING: OCTOBER 15, 2024
COURT REPORTER/MONITOR: VIA WEBEX

I, LORAINE VICTORIA, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording and supporting information, and that I am neither counsel for, related to, nor employed by any of the parties to this case, and I have no interest, financial or otherwise, in its outcome.

Loraine Victoria

LORAINE VICTORIA, CER, CET Certified Transcriber

Date Submitted: FEBRUARY 3, 2025

NOTE: PURSUANT TO RULE 607(h) (1) (b), SCACR, "A COURT REPORTER SHALL RECEIVE THE FEE OF \$1.00 PER PAGE FOR FURNISHING A COPY OF A PREVIOUSLY PREPARED TRANSCRIPT." ALL REQUESTS FOR COPIES OF THE ATTACHED TRANSCRIPT (FORM 800) FROM OPPOSING PARTY OR NON-PARTIES MUST BE SENT TO THIS REPORTER AT EMAIL.

FILED

APR-3 PM 4:11

S.C. Court of Appeals
P.O. Box 11029
Columbia, S.C. 29211

Re: Carnie Morris vs Cory Pollock et al
2024-CP-42-0281

Dear Court,
Enclosed for filing is a notice of appeal in the above case. Also enclosed is the following:
(1) Proof of service of Notice of Appeal on the Respondents

(2) a copy of the order to be challenged on appeal

(3) copy of issue to be raised on appeal (SCE)

State of South Carolina } S.C. Court of Appeals
County of Spartanburg } # 2024-CR-42-02781

Carnie Morris III
Appellant

vs

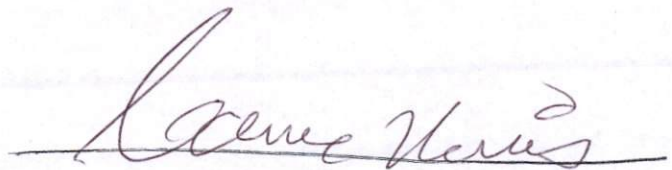
Gary W. Poliakov et al
Respondent

Certificate of Service

I, Carnie Morris III, certify that I have served the Respondent with a copy of my Notice of Appeal by placing a copy in the Perry mailroom boxes for mailing, postage prepaid, addressed as follows:

Gary W. Poliakov
Poliakov & Associates
215 Magnolia, St
Spartanburg, S.C. 29306

I, Carnie Morris III, certify and verify under the penalty of perjury that the foregoing is true and correct.



2-10-25

TM 24-2781

AMY W. COX

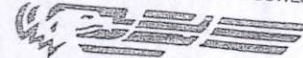
Clerk of Court, Spartanburg County
Post Office Box 3483
Spartanburg, South Carolina 29304-3483

**RETURN SERVICE
REQUESTED**

Presort
First Class Mail
ComBasPrice



US POSTAGE REGISTERED MAIL BY FIRST CLASS MAIL PERMIT NO. 1000 SPARTANBURG, SC



ZIP 29303 \$ 000.63⁶
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0000373539 NOV 25 2024

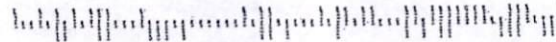
4B220

Carnie Norris III #227226
Perry Correctional Inst. Q4B-220
430 Oaklawn Rd.
Pelzer SC 29669

RECEIVED

DEC 02 2024

PCI MAILROOM JRDUNMP 29669



CLERK OF COURT
SPARTANBURG COUNTY

2024 DEC 10 PM 4:46

FILED

Carnie Norris III #227226
PLAINTIFF(S)

Gary W. Poliakoff et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

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

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

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

Plaintiff filed a motion to alter/amend pursuant to Rule 59(3) on December 10, 2024. The court has reviewed this motion and finds that further hearing is not necessary. This court denies the motion as filed.

ORDER INFORMATION

This order ends does not end the case.

See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 01/27/2025 .

Carnie Norris III #227226 for Carnie Norris III #227226
Carnie Norris III #227226 for Carnie Norris III #227226

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

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



Spartanburg Common Pleas

Case Caption: Carnie Norris III #227226 VS Gary W. Poliakoff , defendant, et al
Case Number: 2024CP4202781
Type: Order/Electronic Form 4

IT IS SO ORDERED.

/s/ Hon. Martha M. Rivers (2788)

State of South Carolina } Court of Common Pleas
County of Spartanburg } C/A. _____

Cornie Morris III }
Plaintiff, }

v. }
Gary W. Poliakoff }
Clyde F. Morris }
Charles D. Morris }
Defendants }

Complaint

Jury Trial Demanded

Now comes the above Plaintiff Cornie Morris, pro se complaining of the Defendants acts and omissions alleging the following:

Parties and Jurisdiction

1. The plaintiff Cornie Morris III is a citizen of South Carolina. At all times relevant to this action, plaintiff was a resident of Spartanburg South Carolina, but is incarcerated at the Perry Corr. Institution in Pelzer South Carolina, 29669
2. The defendant Charles D. Morris is a citizen and resident of Spartanburg South Carolina, 13 Willow Oak Terrace, 29303
3. The defendant Clyde F. Morris is a citizen and resident of Spartanburg South Carolina, 133 Canterbury Rd.
4. The defendant Gary W. Poliakoff is a licensed attorney in the state of South Carolina, Spartanburg County Bar. At all times herein after mentioned in this Tort claim, the above defendant acted

and carried on it's business by and through the other defendants wants and desires. The above defendant was operating and acting within the scope of his official assigned, personal and/or compensated duties during all times hereinafter mentioned.

5. The acts and occurrences which give rise to this action occurred in the city and county of Spartanburg, South Carolina, to include at the residence of 305 Foxborough Rd, Spartanburg, South Carolina

Defendants Clyde and Charles Norris have willfully concealed and/or destroyed Mary F. Norris Last will & Testament to keep from filing it to become heirs, illegally. Attorney Gary W. Poliakoff agreed to assist with the defendants unlawful conduct. Defendant Gary W. Poliakoff knew and was made known that the original last will & Testament existed at the time of death of Mary F. Norris. There is clear and convincing evidence that Mary Norris did not destroy her original LW & T with an intent to revoke it.

Clyde Norris and Charles Norris have intentionally and fraudulently destroyed, suppressed and concealed Mary F. Norris LW & T by failing to deliver the will to the judge of the probate court having jurisdiction to admit it to probate.

Attorney Zandra Johnson-Scott can and will testify as to the contents of Mary F. Morris LWT, her intentions and the authentication of the (draft) copy of Mrs Morris will.

On or about March 3, 2022, the plaintiff attempted to open up the estate of Mary F. Morris to alert the Probate Court of Clyde and Charles Morris unlawful actions and inactions, but to no avail. The Probate Court instructed the plaintiff to hire an attorney because there are certain procedures that need to take place, to include summons, filing fee, inventory of Mary F. Morris assets, inventory etc.

This Court has jurisdiction over the subject matter of this action and the parties hereto.

6. The plaintiff Corrie Morris IV, Pro Se respectfully request this Honorable Court to construe his pleading/Tort claims liberally and not hold them to lawyer standards for the following reasons:
7. The plaintiff is incarcerated, indigent and without the aid of counsel to represent him.
8. This case is complex.

9. Mary F. Morris passed away on or about July 30, 2020 at her home at 305 Foxborough Rd. Spartanburg, S.C. 29303
10. The original LW + Testament of Mary F. Morris that was prepared by Attorney Zondra Johnson-Scott was found at the residence on July 20, 2020.
11. Groveson Alton Morris found the original LW + Testament and gave it to Clyde F. Morris on July 20, 2020.
12. Clyde and Charles Morris intentionally concealed and/or destroyed the LW + Testament of Mary F. Morris without filing a copy with the Spartanburg County Probate Court.
13. Charles, Clyde, Shondra and Alton Morris were all privy to the contents and intentions of the LW + Testament of Mary F. Morris because they read it on July 20, 2020.
14. GTL telephone prison records were subpoenaed on or about October 2020 for phone calls and conversations that took place between the plaintiff Carnie III, Charles Morris, Clyde Morris and Carnie Morris Jr.
15. Plaintiff Carnie III used the GTL prison phone system, which is recorded to call defendant Charles Morris on September 7 & 8, 2020 at approximately 100m concerning the filing of the LW + Testament of Mary F. Morris.

16. Defendant Charles Morris stated in his conversation that Clyde was in possession of the LW + Testament of Mary F. Morris and he would give me a copy of it if I call him, to include any and all other paperwork to include insurance policies that were made out to plaintiff Carrie III as the sole beneficiary.
17. Spoke to Carrie Morris Jr about the conversation that plaintiff Carrie III had with defendant Charles Morris on September 14, 2020 at approximately 9am.
18. Plaintiff's father instructed the defendants Clyde and Charles Morris to file the will and send me a copy of it.
19. Plaintiff spoke to Defendant Clyde Morris by way of 6TL prison phone system on September 16, 2020 at 9am about the filing of the will and insurance policies.
20. Defendant Clyde Morris conceded that plaintiff was the beneficiary of a life insurance policy that Mary F. Morris possessed before her death, excluding state retirement.
21. Plaintiff filed a Demand for Notice in an Estate on October 2, 2020, in the SpTBG County Probate Court (20-DN-95)

22. Attorney Zandra Johnson-Scott sent a e-mail to Attorney Steve Wilson forwarding a copy of the LWT as presented to and signed by Mary F. Morris on November 9, 2020
23. Attorney Zandra Johnson-Scott also sent Attorney David L. Walsh the same e-mail on January 27, 2021 that was sent to Mr. Wilson.
24. On or about December 11, 2020 defendant Gary W. Poliakoff agreed to represent Clyde and Charles Morris best interest.
25. Defendant Gary W. Poliakoff sent plaintiff Carrie Morris III documents trying to persuade him to waive all of his rights to a probate proceeding. (Renunciation of Right to Administration and waiver for Notice in an estate to waive all formalities.
26. The documents sent by the defendant Poliakoff listed the wrong date of death of decedent Mary F. Morris (September 10, 1951), which is in error.
27. On 8-7-20 Plaintiff wrote a letter to Woodward funeral home requesting a copy of decedent Mary F. Morris death certificate. Kay Woodward's response was that I can purchase it off the internet. (6)

28. On 8-15-20 plaintiff petitioned the Probate Court for Guardian Ad Litem to represent his cause of action in a probate matter. Plaintiff request was premature.
29. On December 17, 2020 Attorney Stephen S. Wilson Law Firm sent plaintiff a copy of the LW + Testament that was received from Attorney Zandra Johnson-Scott.
30. On September 8, 2020 Probate Judge Ponda Caldwell responded to my letter about the defendants Clyde and Charles Morris willful concealment of decedent Mary F. Morris LW + Testament.
31. On 2-23-21 Attorney David L. Walsh was retained to represent the plaintiff interest with respect of opening up the estate of Mary F. Morris.
32. Demand for Notice in an Estate was filed by the plaintiff on September 21, 2021
33. On February 17, 2021 David L. Walsh notarized a sworn affidavit from Alton Morris stating that he gave Defendant Clyde Morris the original LW + T on July 20, 2020

34. On December 15, 2021 Attorney David L. Walsh requested and received a signed notarized affidavit from Attorney Zandra Johnson-Scott confirming the validity and authentication of the LW + Testament that she had prepared for Mary F. Morris.
35. On December 16, 2021 attorney David L. Walsh received as promised from attorney Zandra Johnson-Scott her executed and notarized affidavit regarding her preparation and the execution and notarization of Mrs Morris's LW + Testament.
36. On December 30, 2021 attorney Gary W. Poliakoff sent a letter to Plaintiff trying to attempt to extort plaintiff out of \$16,349 with the consent of Clyde and Charles Morris.
37. Attorney Gary W. Poliakoff misrepresented the true and accurate fact in light of the evidence submitted and presented. quote: clyde and Charles are not able to continue to pay the monthly mortgage bill, tax insurance and other bills.

38. The defendant Gary W. Poliakoff have misstated the value of Mary F. Morris estate and assets to include the value of the residence at 305 Foxborough Rd., 2012 Lincoln, Bank account of \$350, Furniture and Furnishing in house - \$500 value, one-fortieth ($\frac{1}{40}$) interest in 130 acres in Union County, (Lewis Jacks Estate) Slip and fall claim, handled by Charlie Hodge

39. On 11-26-21 Tonia McClain went to the residence at 305 Foxborough Rd and knocked on the door to find out who was staying in the house. The unknown resident talked through the door and wouldn't identify themselves. Pictures were taken by Mrs McClain of the cars that were parked outside of the home.
Tag #

40. On February 7, 2022 Attorney David L. Walsh did in fact investigate the occupants living at 305 Foxborough Rd and found out that Clyde Morris girlfriend Rita Romain was staying in the house. Attorney David L. Walsh was denied access to the house.

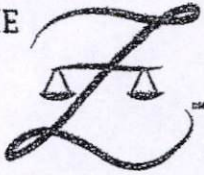
41. E-mail was sent from David L. Walsh to attorney Gary W. Poliakoff about the personal investigation of the visit he made to the resident at 305 Foxborough Rd, Sptbg, S.C.
42. On December 30, 2021 Fannie Waters Gant completed a form 300 ES as requested for Attorney David L. Walsh to file with the Spartanburg County Probate Court.
43. Fannie Waters-Gant was named as the original Personal Representative of Mary F. Morris estate.
44. On 4-25-22 David L. Walsh was relieved of his duties based upon procrastination and a actual conflict of interest.
45. On or about 3-7-22 plaintiff attempted to file and open up Mary F. Morris's estate pro se through the Spartanburg Co. Probate Court.
46. Plaintiff was denied because he didn't have a counsel of record to inventory the assets of the estate, do a proper appraisal, and lack of filing fee.
47. Plaintiff called attorney David L. Walsh a total of 35 times on the GTL prison phone system from February 12, 2021 to March 1, 2022

48. Clyde and Charles Morris personally liquidated all of Mary F. Morris' assets in and around the residence at 305 Foxborough Rd, to include gold jewelry, mink coats, wedding rings, appliances, pictures, silverware, china and plaintiff's football, basketball, baseball and track trophies and plaques, to include plaintiff's memorabilia, scrapbooks and sport trading cards.
49. Plaintiff Carrie III received a summons and complaint for foreclosure on the property and house at 305 Foxborough Rd, Spartanburg S.C. on 9-21-23 from the debt collector Scott + Corley, P.A.
50. A foreclosure hearing pertaining to the property at 305 Foxborough was held on February 29, 2024 by the Spartanburg County Master In Equity on behalf of Federal Home Loan Mortgage Corporation. (2024-CP-03390)
51. Master In Equity granted FHLMC corporation motion for summary judgment on March 1, 2024.

52. A Rule 59(e) SCRPC motion to recorder and to alter or amend judgment was filed by the plaintiff. A hearing was held on April 22, 2024, which was ultimately denied as untimely.
53. Unbeknownst, a quick sale of the residence at 305 Foxborough took place on or about April 1, 2024.
54. Plaintiff appeal the Master in Equity order of judgment on 4-26-24.
55. Defendant Charles Morris sent plaintiff a copy of documents that he tried to file, (per Spthg Co. Probate Office) requesting for appointment of representative for reimbursement purposes only pertaining to surplus funds from the sale of the resident at 305 Foxborough Rd.

Plaintiff has read the allegations in this pleading/complaint and to the best of his knowledge, and upon information and belief, there are good grounds to support it.

THE



FIRM, LLC

darn fine legal representation.

December 16, 2021

Mr. David L. Walsh
Gaines & Walsh
P.O. Box 5156
Spartanburg, S.C. 29304

Re: Estate of Mary Frances Norris

Dear Mr. Walsh:

Pursuant to your request and as promised, please find enclosed my executed and notarized Affidavit regarding my preparation and the execution and notarization of Ms. Norris's Last Will and Testament.

Please let me know if you need anything further in this regard.

With kindest regards, I remain

Sincerely,

Zandra J. Scott
The Z Firm

zfirm
enclosures (as noted)

104 South Calhoun Street
Greenville, South Carolina 29601

Phone: (864) 527-5915 | Fax: (864) 551-2913
Email: zandra@zfirm.com | Web: www.zfirm.com

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)
IN THE MATTER OF:)
MARY FRANCES NORRIS)

IN THE PROBATE COURT

**AFFIDAVIT OF
ZANDRA JOHNSON SCOTT**

CASE NUMBER: 20__-ES-42-_____

Personally appeared before me, Zandra Johnson Scott, who being duly sworn, states:

I was admitted as a member of the South Carolina Bar in 2003 and my office is located at 104 S. Calhoun Street in Greenville, S.C.

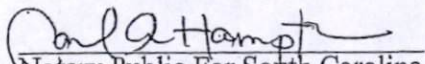
Attached to this affidavit is an un-executed copy of the Last Will And Testament Of Mary Frances Norris that I prepared for her on or about August 1, 2019. I arranged an appointment with Ms. Norris in her home at 305 Foxborough Road in Spartanburg a short time later on August 2, 2019. Ms. Norris had arranged to have a friend with her to act as a witness to her Last Will And Testament when I arrived.

After reviewing the Last Will And Testament with her, Ms. Norris signed it, her friend and I witnessed it, and I notarized Ms. Norris' signature.

I do not have an executed copy of the Last Will And Testament Of Mary Frances Norris because she wanted to keep the original and declined my offer to mail the original back to her after making a copy at my office in Greenville.

At the time I met with Ms. Norris, my name was Zandra L. Johnson. I have since married and I am now known as Zandra Johnson Scott.

Sworn to before me this 16th
day of December, 2021.


Notary Public For South Carolina
My Commission Expires:




Zandra Johnson Scott
S.C. Bar # 72014
The Z Firm LLC
104 S. Calhoun Street
Greenville, SC 29601
864 527-5915
zandra@zfirmc.com

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

**LAST WILL AND TESTAMENT
OF
MARY FRANCES NORRIS**

I, **MARY FRANCES NORRIS** of the County of Spartanburg, State of South Carolina, residing at 305 Foxborough Rd., Spartanburg, South Carolina, 29303, being of sound mind and disposing memory, do hereby make, publish, and declare that this is my Last Will and Testament, hereby revoking and intending to revoke any and all Wills, Codicils, letters, and writings of a testamentary character heretofore made and executed by me at any time heretofore made by me.

ITEM I.

I hereby nominate, constitute, and appoint as Personal Representative of this, my Last Will and Testament, my NIECE, **FANNIE WATERS**, and direct that he shall serve without bond and without accounting to any person except as required by law. In the event that my NIECE, **FANNIE WATERS**, is unable or unwilling to serve, I hereby nominate, constitute, and appoint as Personal Representative of this my Last Will and Testament, my SISTER, **HAZEL JETER**, and direct that she too shall serve without bond.

ITEM II.

I hereby direct that my Personal Representative hereinbefore named, pay all of my just debts, secured and unsecured, and funeral expenses, as soon as practicable after my death.

ITEM III.

I hereby declare that I am divorced and that I have three (3) children,
CHARLES NORRIS, CARNIE NORRIS AND CLYDE NORRIS.

ITEM IV.

I, **MARY FRANCIS NORRIS**, do hereby will, devise, and bequeath all of my interest in and to real property located at 305 Foxborough Rd., Spartanburg, S.C. 29303, together with and all of its improvements and the furnishings therein, to my SON, **CARNIE NORRIS.**

ITEM V.

I, **MARY FRANCES NORRIS**, do hereby will, devise, and bequeath all of my remaining personal property of every kind and description, not disposed of otherwise herein, including, cars, checking and savings accounts at financial institutions, appliances, furnishings, pictures, silverware, china, glass, books, jewelry, wearing apparel, automobiles, and other vehicles, and all policies of fire, burglary, property damage, and other insurance in connection with use of this property, wherever situated, and whether acquired before or after the execution of this Will absolutely, in fee simple, to my SON, **CARNIE NORRIS.**

ITEM VI.

In the event that my beloved SON named herein and above and I should perish in a common disaster and it cannot be determined which of us survived the other, I direct that my Last Will and Testament shall be interpreted as if my son survived me and distributed as part of my son's estate.

ITEM VII.

Any and all other persons who by blood relationship or otherwise have been considered by us in the making of this my **LAST WILL AND TESTAMENT** and have been intentionally omitted therefrom.

I, **MARY FRANCES NORRIS**, the Testatrix, do hereby sign my name to this instrument this _____ day of _____, 2019, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Last Will and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.

MARY FRANCES NORRIS, Testatrix

We, Zandra L. Johnson, and _____, the witnesses, sign our names to this instrument, and at least one of us, being first duly sworn, does hereby declare, generally and to the undersigned authority, that the testator signs and executes this instrument as his last Will and that he signs it willingly and that each of us, in the presence and hearing of the testatrix, hereby signs this Will as witness to the testator's signing, and that to the best of our knowledge the testatrix is eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Gary W. Poliakoff
atty@gpoliakoff.com

Raymond P. Mullman, Jr.
rmullmanjr@gmail.com



Bernard B. Poliakoff
(1916-1955)

J. Manning Poliakoff
(1923-1969)

Matthew Poliakoff
(1919-1979)

December 11, 2020

VIA US MAIL

Mr. Carnie Norris III
c/o Perry Correctional Institution
Oak Lawn Road
Pelzer, SC 29669
227226 Inmate #Q1b103

Re: Estate of Mary Frances Greer Norris, deceased

Dear Mr. Norris:

I hope this letter finds you well.

I am a friend of your brother Clyde, and have agreed to assist with the Probate administration of your mother's Estate, pro bono (without charge). It is necessary for the Estate to go through Probate Court administration, so that we can transfer the property from your mother's Estate to you, Charles and Clyde.

It is my understanding that your mother left no Will, so by South Carolina law, her Estate is equally shared by her living children, being you, Charles and Clyde.

Also I understand that your mother designated you as the named beneficiary on her State Retirement, as well as on a life insurance policy, so those assets pass directly to you, without going through the Estate.

It is my understanding that the Estate includes the following:

- House and lot on 305 Foxborough Road.
- 2012 Lincoln motor vehicle.
- Bank Account.
- Miscellaneous furniture, furnishings and personal property, of the home.
- 1/40 (one-fortieth) interest in 130 Acre tract from Estate of Lewis Jack, per Court Order of July 10, 1998.

(Once all assets are fully determined, we are required to list them all on an Inventory and Appraisement form, to be filed with the Probate Court. We will furnish that to you as well.)

I enclose the following:

- (A) Application for Informal Appointment (requesting that Clyde be appointed Personal Representative of the Estate, to handle the probate administration.) Also note that you,

215 Magnolia Street, Spartanburg, South Carolina 29306
Mailing Address: P.O. Box 1571, Spartanburg, South Carolina 29304
Telephone: 864-582-5472 • Facsimile: 864-582-7280
www.gpoliakoff.com

Charles and Clyde are shown as the 3 heirs of the Estate, entitling each of you to 1/3 of the Estate. This copy is for you to keep.

(B) Probate Documents – Renunciation of Right to Administration (which would allow Clyde to serve as Personal Representative), and Waiver for Notice in an Estate (which waives some formalities). These are documents prepared by the Probate Court. Your brother Charles has already signed the same documents.

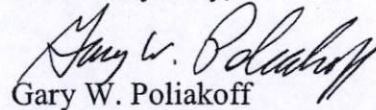
Please note that we will provide you with copies of all significant documents, including any and all accountings, inventory and appraisal, all documents regarding distribution of property, etc.

We request that you sign and return the Renunciation of Right to Administration and Waiver for Notice in an Estate to me in the enclosed envelope. Please have a Notary Public to notarize your signature on the Renunciation form. (we have made an extra copy of these for you to keep.)

If you have any questions regarding any of this, please feel free to contact me. Or, certainly you may obtain legal advice from any attorney of your choosing.

With best regards, I am,

Yours very truly,



Gary W. Poliakov

POLIAKOFF & ASSOCIATES, P.A.

GWP/ajp

Enclosures

cc: Clyde Norris
Charles Norris

Gary W. Pollakoff
atty@gpollakoff.com

Raymond P. Mullman, Jr.
mullmanjr@gmail.com



Bernard B. Pollakoff
(1916-1955)
J. Manning Pollakoff
(1923-1969)
Matthew Pollakoff
(1919-1979)

December 30, 2021

VIA US MAIL

David Walsh, Attorney
Gaines & Walsh
145 N Church St #127
Spartanburg, SC 29306

Re: Estate of Mary Norris

Dear David:

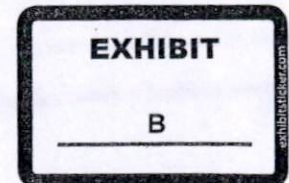
After further discussion with my clients Clyde and Charles Norris, they have decided that they will allow your client Carnie Norris III to have all the assets of the Estate. All they ask in return is to be reimbursed for the amounts they have paid for Mary's funeral and burial costs, payments toward the mortgage on Mary's house, taxes on her property, and any other incidental Estate expenses they have paid. We will fully account for these payments. Presently these payments include:

J.W. Woodward Mortuary	\$4,464.00
Shiloh Memorial Cemetery	\$1,000.00
Mortgage Payments (\$565 per month since August of 2020)	\$9,605.00
<u>Taxes Paid on Union County Property</u>	<u>\$180.00</u>
Estimated Total:	\$16,249.00

As best as we presently know, the Estate assets are:

- House and Lot, 305 Foxborough Rd. – County Tax Records show value at \$129,000; Mortgage balance is approximately \$88,000
 - 2012 Lincoln – Repossessed (Deficiency claim of approx. \$5,500.00 filed by One Main Finance – potential defect on Notice?)
 - Bank Account – Approximately \$350
 - Furniture and Furnishings in House - \$500 value ?
 - One-fortieth (1/40) interest in 130 Acres in Union County (Lewis Jack Estate)
 - Slip and Fall Claim, handled by Attorney Charlie Hodge. Approx. \$1,400 in Med-Pay net).
- Note: There may be some Judgments on record against Mary Norris, and some creditors' claims for bill owed by Mary are a possibility.

Courthouse Square
215 Magnolia Street, Spartanburg, South Carolina 29306
Mailing Address: P.O. Box 1571, Spartanburg, South Carolina 29304
Telephone: 864-582-5472 • Facsimile: 864-582-7280
www.gpollakoff.com



As Carnie has already received Mary's State Retirement and Life Insurance, he should be able to reimburse Clyde and Charles at this time. Then he will be the sole owner/heir of Mary's Estate, and may handle the Estate and the property as he sees fit.

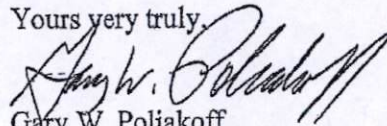
Clyde and Charles have never been provided with any signed Will. They are willing to make this most generous offer to their brother to help him out.

Please understand that Clyde and Charles are not able to continue to pay the monthly mortgage bill, taxes insurance and other bills. If for any reason Carnie chooses not to agree to the above, we will have no choice but to proceed with opening this Estate and requesting an order to sell the house to pay bills.

We request that you review this with your client and let us know if the above is agreeable.

With best regards, I am,

Yours very truly,



Gary W. Poliakov

POLIAKOFF & ASSOCIATES, P.A.

GWP/ajp

cc: Clyde Norris
Charles Norris

STATE OF SOUTH CAROLINA)	COURT OF COMMON PLEAS IN
)	THE SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG)	
)	C/A No.: 2024-CP-42-02781
Carnie Norris III,)	
)	
Plaintiff,)	
)	
vs.)	Order Granting Defendant's
)	Motion to Dismiss
Dr. Gary Poliakoff,)	
)	
Defendant.)	
_____)	

This matter was before the Court on November 7, 2024, to hear Defendant's Motion to Dismiss Present at the hearing were Carnie Norris, representing himself, and Thomas Pendarvis as counsel for defendant. Prior to rendering its decision in this matter, the Court had the opportunity to review the motion filed by Defendant and Return filed by Plaintiff, as well as considering the arguments of counsel and pro se plaintiff.

Standard of Review

The circuit court may dismiss a claim when the defendant demonstrates the plaintiff's 'failure to state facts sufficient to constitute a cause of action' in the pleadings filed with the court." *Hambrick v. GMAC Mortg. Corp.*, 370 S.C. 118, 121, 634 S.E.2d 5 (Ct. App. 2006) (citing *FOC Lawshe Ltd. P'ship v. Int'l Paper Co.*, 352 S.C. 408, 412, 574 S.E.2d 228, 230 (Ct.App.2002) (quoting Rule 12(b)(6), SCRCP)). The circuit court "must dispose of a motion for failure to state a cause of action based solely upon the allegations set forth on the face of the complaint." *Id.* at 122 (citing *Brown v. Leverette*, 291 S.C. 364, 366, 353 S.E.2d 697, 698 (1987)). "The motion cannot be sustained if facts alleged in the complaint and inferences reasonably deducible therefrom would entitle plaintiff to any relief on any theory of the case."

Id. "All properly pleaded factual allegations are deemed admitted for the purposes of considering a motion for judgment on the pleadings." Id. (quoting *FOC Lawshe Ltd. P'ship*, 352 S.C. at 413, 574 S.E.2d at 230 (Ct.App.2001)).

Based on a review of the Court's file, the motion and return as filed by counsel, and the arguments of counsel, the Court orders as follows.

1. The Claim is Barred by the Statute of Limitations

Plaintiff knew or should have known that he had a claim more than three years prior to filing the lawsuit. The statute of limitations for a tort claim other than for recovery of property is governed by S.C. Code § 15-3-530, which states that a claim must be brought within three years after it arises or after discovery of potential claim may be known. A civil action is commenced when the summons and complaint are filed with the clerk of court if service is accomplished within 120 days after filing, as outlined in SC Code § 15-3-20.

In this case, defendant, as attorney for the personal representative in the Estate of Plaintiff's mother, sent a letter dated February 23, 2021. The letter stated that there was no will found for plaintiff's mother. Plaintiff acknowledged receiving this letter. That letter placed him on notice of the claim he now raises, that the will was improperly destroyed. Plaintiff filed this action in July 2024. Given plaintiff's acknowledgment of receipt of the letter, the court finds that the three year statute of limitation had run by July 2024. Therefore, any claim regarding knowledge of a will or improper destruction of the will is barred by the statute of limitations. Plaintiff was on notice that defendant did not present a will as of February 23, 2021.

2. The Claim is Barred Because a Plaintiff May not Maintain an Action Against an Attorney for Actions Taken in His Professional Capacity for a Third-party.

Plaintiff may not maintain an action against Defendant for his professional actions taken in representing a third party. There are two applicable rules to this issue. Unless explicitly authorized, a fiduciary duty between an attorney and her client shall not impose upon the attorney any duties or obligations to other persons interested in the estate, trust estate, or other fiduciary property. S.C. Code § 62-1-109. The South Carolina Supreme Court reinforced the premise that an attorney has no liability for injury to a third party arising out of his professional performance. *Stiles v. Onorato*, 318 S.C. 297, 457 S.E.2d 601. This immunity is not absolute. To achieve this immunity, an attorney must act for the purpose of obtaining a proper adjudication for his client. *Stiles v. Onorato*, at 602 (citing *Gaar v. North Myrtle Beach Realty Co., Inc.*, 287 S.C. 525, 528-529, 339 S.E.2d 887, 889 (Ct. App. 1986)). The Court in this case ruled that an attorney may be held liable for conspiracy if, while representing his client, breaches an independent duty to a third person or acts in his own personal interest, outside the scope of his representation to the client. *Id.* at 300.

Here, it is alleged that Defendant Poliakoff knew that there was a will, and intentionally ignored the will or disregarded it in some way. This is not actionable for a few reasons. First, the issue of the existence of a will was adjudicated in probate, ruling the decedent mother passed intestate. Despite Carnie's understanding of his mother's will, there is no signed will; only a written will with an attached affidavit from her attorney saying it was her will. The fact that the mother was adjudicated decedent intestate would strongly favor the defendant in a motion for summary judgment, which is applicable here because matters outside the pleadings were

presented in the motion not excluded by the court. SCRPC Rule 12(c). During the hearing, plaintiff acknowledged he did not believe Mr. Poliakoff acted improperly, but that his brothers fraudulently destroyed a will that Mr. Poliakoff should have known about.

Further, Plaintiff cannot maintain a claim in compliance with the above attorney immunity rules. Here, Defendant was the attorney for Carnie Norris's brother(s), Clyde Norris, the personal representative of their mother's estate. Defendant owed no fiduciary duty to Carnie, even though Plaintiff had an interest in the estate. Defendant has attorney immunity for acting in his professional capacity for his client, Clyde Norris.

3. **The Plaintiff Failed to State Facts Sufficient to Constitute a Cause of Action and Judgment upon the Pleadings.**

Defendant moved to dismiss the case pursuant to Rule 12(b)(6) for failure to state a cause of action upon which relief may be granted. Plaintiff's complains of defendant Poliakoff's actions in a letter from defendant Poliakoff to plaintiff dated December 11, 2020 and a letter from defendant Poliakoff to plaintiff's former attorney dated December 30, 2021. These letters were written by defendant Poliakoff in his capacity as attorney for plaintiff's brothers regarding the Estate of Mary Norris. No attorney-client relationship existed between Plaintiff and Defendant Poliakoff. The second letter was a letter regarding settlement negotiations. Nothing in the pleadings raises any allegation regarding the letters other than plaintiff asserts they were improper and not in his best interest, as he believed or knew a version of his mother's will made him the primary beneficiary.

For the reasons already stated, the arguments provided by plaintiff at the hearing, and based upon an additional review of the pleadings, this court finds that plaintiff's complaint does

not properly raise any cause of action against defendant Poliakoff. There is no basis for an action from an attorney to a third party based upon the facts alleged in this pleading.

4. The Plaintiff Failed to File an Affidavit of Expert Witness

Taking the complaint in the light most favorable to the plaintiff, plaintiff raises a question of professional negligence or legal malpractice. However, as stated above, there was no attorney client relationship between plaintiff and defendant Poliakoff. There is no third-party claim for legal negligence. If plaintiff's complaint did properly present such a claim, plaintiff failed to file an affidavit of expert witness as required by S.C. Code Section 15-36-100(B). The court must construe the statute strictly. *Ranucci v. Crain*, 409 S.C. 493, 505, 763 S.E.2d 189 (2014). Therefore, this case must be dismissed on this ground, as well.

For these reasons, Plaintiff's case is dismissed.

IT IS SO ORDERED.

[Signature Page To Follow]



Spartanburg Common Pleas

Case Caption: Carnie Norris III #227226 VS Gary W. Poliakoff , defendant, et al
Case Number: 2024CP4202781
Type: Order/Dismissal

IT IS SO ORDERED.

/s/ Hon. Martha M. Rivers (2788)

State of South Carolina } Court of Appeals
County of Spartanburg } #2025-000306

Cornie Norris III
Appellant

Certificate of Service

vs

Dr. Gary W. Peliakoff
Respondent

I, Cornie Norris III, certify that I have served the below Respondent with a copy of the initial brief and Record on Appeal by placing a copy in the Perry ^{Designated Matters} mailroom hands for mailing, postage/prepaid, addressed as follows:

Thomas A. Pendorris
Pendorris Law Offices, P.C.
710 Boundary St. Unit A-1
Beaufort, S.C. 29902-4188

I, Cornie Norris #227226 certify and verify under the penalty of perjury that the foregoing is true and correct

Cornie Norris
2-25-25

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG
PROBATE COURT

JUDGMENT IN A CIVIL CASE

CASE NO. 2024ES4200945

IN THE MATTER OF: MARY FRANCES GREER NORRIS, DECEASED,
CHARLES NORRIS, APPLICANT.

- Jury Verdict. This action came before the court for a trial by jury. The issues have been tried and the verdict rendered.
- Decision by court. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- Action Dismissed. Rule 12(b), SCRCP Rule 40(c)(3), SCRCP
 Rule 41(a), SCRCP (Vol. Nonsuit) Settled
 Other, Explain: _____

IT IS ORDERED AND ADJUDGED: See attached Order
 Statement of Judgment by Court

Dated at SPARTANBURG, South Carolina, this 20TH day of AUGUST, 2024.

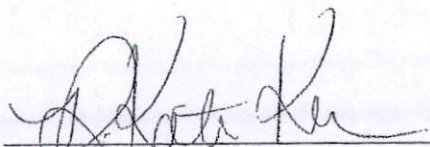
D. Kate Kendall
Associate Probate Judge

This judgment was entered on the 20TH day of AUGUST, 2024, and a copy mailed first class this 22ND day of AUGUST, 2024, to attorneys of record or to parties (when appearing pro se) as follows:

CHARLES NORRIS
13 WILLOW RUN TERRACE
SPARTANBURG, SC 29303

CLYDE NORRIS
133 CANTERBURY ROAD
SPARTANBURG, SC 29302

CARNIE NORRIS, III
PERRY CORRECTIONAL INSTITUTE
430 OAKLAWN ROAD
PELZER, SC 29669


Associate Probate Judge

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

IN THE PROBATE COURT

IN THE MATTER OF:
MARY FRANCES GREER
NORRIS,
DECEASED.



ORDER APPOINTING
PERSONAL REPRESENTATIVE

CHARLES NORRIS,
Applicant.

Probate Court Case No. 2024ES4200945

This matter was before the Court by way of the Form 300 filed May 1, 2024, wherein Charles Norris, applicant, seeks informal appointment as personal representative of the estate of his mother, Mary Frances Greer Norris (“decedent”), who died intestate in Spartanburg County on July 20, 2020. At the time of decedent’s death, she was domiciled in Spartanburg County. This Court has jurisdiction over the parties hereto and the subject matter hereof.

A hearing was held before me on August 20, 2024, attended in person by the applicant, Charles Norris, and virtually appearing by Zoom by Carnie Norris, III, an heir of the estate. Both gentlemen appeared pro see. Testimony was received from Charles Norris and Carnie Norris, III. Based upon the testimony and the evidence presented, I make the following findings of fact and conclusions of law:

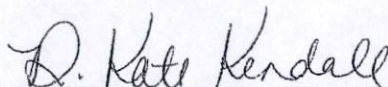
Decedent died intestate on July 20, 2020, and was survived by her three children, Charles Norris, Carnie Norris, III, and Clyde Norris. It was represented to the Court that the only asset which required administration was a foreclosure surplus check in decedent’s name in the amount of \$37,445.51. Clyde Norris was appropriately noticed for the hearing and did not appear nor file any responsive pleadings to object to Charles Norris serving as personal representative. Carnie Norris, III, is incarcerated, and at present is not in a position to serve as personal representative of

pg 1 of 2
PWA

this estate. Carnie Norris, III, did object to Charles Norris serving, citing the delay in opening the estate and concern that Charles Norris was now seeking reimbursement for funds advanced to pay the funeral bill of the decedent. However, as it is well past the period for creditor's claims pursuant to S.C. Code Section 62-3-803, the concern regarding funeral expense reimbursement is moot as Charles Norris would not be entitled to same as the creditor's claim period has expired. However, the personal representative would be entitled to reimbursement of any administration expenses which he personally advances to the estate during its administration, in addition to a commission pursuant to S.C. Code Section 62-3-719.

Accordingly, I find that the Charles E. Norris is qualified and shall be appointed to serve as personal representative of this estate.

IT IS SO ORDERED this 20th day of Aug., 2024.



D. KATE KENDALL, ASSOCIATE
PROBATE JUDGE FOR SPARTANBURG
COUNTY

Spartanburg, S. C.

PONDA A. CALDWELL

JUDGE, PROBATE COURT

TJB 180 MAGNOLIA STREET
SPARTANBURG, SOUTH CAROLINA 29306-2392

ADDRESS SERVICE REQUESTED

227226
48220



US POSTAGE TM PITNEY BOWES



ZIP 29303 \$ 000.63⁶
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0000373539 AUG 22, 2024

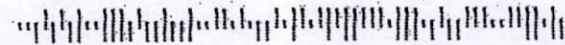
CARNIE NORRIS, III
PERRY CORRECTIONAL INSTITUTE
430 OAKLAWN ROAD
PELZER, SC 29669

RECEIVED

AUG 27 2024

FCI MAILROOM

13 HRDUNMP 29669



The South Carolina Court of Appeals

Carnie Morris III, #227226, Appellant

Dr. Gary Poliakoff, Respondent

RECEIVED

FEB 05 2026

SC Court of Appeals

Certificate of Service

I, Carnie Morris III certify that I have served the Respondent and the S.C. Court of Appeals with a copy of the record on appeal by placing the same in the Livesey C.I. mail room hands for mailing, postage prepaid, addressed as follows:

Thomas A. Rendorvis
Rendorvis Law Office PC.
710 Boundary St. Unit A-1
Beaufort, S.C. 29902-4188

I, Carnie Morris III, certify and verify under the penalty of perjury that the foregoing is true and correct.

Carnie Morris
2-2-26

Carnie Norris # 227226
Livesay C.I. 3-1-B
P.O. Box 580
Una, SC 29378

SCDC
FEB 03 2026
MAIL ROOM

RECEIVED
FEB 05 2026
SC Court of Appeals

Clerk
S.C. Court of Appeals
1220 Senate St
Columbia, SC 29201