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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Walton J. McLeod, Circuit Court Judge

Common Pleas No. 2020-CP-32-01941

Joseph R. Dawson, Jr., Appellant,

v.

Heather Pounds, Individually, as Agent Under Power of Attorney, and as Personal Representative of the Estate of Jane Rollins Dawson, Respondent.

Appellate Case No. 2024-001801

PETITION FOR REHEARING

On February 25, 2026, this Court affirmed the circuit court’s ruling that the contested will was validly executed and was not the product of undue influence. *Dawson v. Pounds*, Op. No. 2026-UP-089 (S.C. Ct. App. filed Feb. 25, 2026). Pursuant to Rule 221 (a), SCACR, Petitioner respectfully requests this Court rehear the matter considering the significant points overlooked and/or misapprehended by this Court discussed below.

Execution of the Will

This Court concluded that “even if the contested witness’s signature did not comply with statutory requirements, the notary satisfied the conditions of a second witness by observing Decedent’s execution of the Will and thereafter signing it.” *Dawson* at 2. This Court concluded that the affidavit signed by the notary was part of the will and not a separate document “because Decedent and the witnesses also signed this page, it referred to executing ‘this instrument’ as

Decedent's will on numerous occasions, the Will did not contain page numbers, and the affidavit was incorporated as a part of the document." *Id.*

Respectfully, this Court may have overlooked the fact that the self-proving nature of a notarized will is subject to rebuttal. S.C. Code § 62-3-406(1). In such a case, "the testimony of at least one of the attesting witnesses is required to establish proper execution if the witness is within this State, competent, and able to testify." S.C. Code § 62-3-406(3). Mr. Dawson rebutted the self-proving nature of the will by presenting testimony by Ellis which established that he was not a witness to the will as contemplated by S.C. Code § 62-2-502(3). Therefore, as the proponent of the will, Mrs. Pounds was required to present at least one attesting witness to establish valid execution of the will under S.C. Code § 62-3-406(3) and 407.

Accordingly, this Court should rehear this matter and hold that Mrs. Pounds' failure to produce the testimony of the notary or the other alleged witness to the will constituted a failure to carry her burden of establishing valid execution of the will. This Court should then reach Mr. Dawson's remaining arguments that Ellis was not a proper witness to the will because he was a minor, he did not know what he was signing, and he did not witness Jane sign the will nor did Jane acknowledge her signature to Ellis.

Undue Influence

This Court acknowledged that there was a presumption of undue influence because Mrs. Pounds had power of attorney over Jane, but this Court found that Mrs. Pounds successfully rebutted that presumption and that Mr. Dawson failed to carry his burden showing that Jane's agency was overcome through force or coercion. *Dawson* at 2-3.

Respectfully, this Court may have overlooked the significant evidence presented by Mr. Dawson showing that Jane's free agency was overcome. Specifically, this Court did not

acknowledge that Jane had a history of using attorneys to handle her legal matters but was apparently convinced by Mrs. Pounds' aunt Donna to skip the attorney and sign significant legal documents at a cheaper price. R. 272, ll. 9 – 14. Furthermore, prior to her hospitalization in April 2019, Jane had Mr. Dawson assisting with her finances and had him as joint account owner of her bank accounts. Mrs. Pounds did not have joint accounts and was not involved in the management of Jane's finances prior to Jane's fall. Mrs. Pounds took Jane to the bank to be added as a joint owner of her bank accounts and to file the powers of attorney. R. 94, ll. 7 – 15; R. 366-367.

Additionally, after Jane's fall in April 2019 and the execution of the powers of attorney, contact between Jane and Mr. Dawson virtually ceased. The text messages Mr. Dawson received from Jane's phone number appeared to have been sent by someone else based on the way they were worded, and Mr. Dawson was threatened by Mrs. Pounds on Facebook. R. 223, l. 7 – 224, l. 22; R. 245, l. 23 – 246, l. 11; R. 254, ll. 2 – 9; R. 378. This was highly unusual since before the April fall, Mr. Dawson and his wife Jennifer had Sunday dinner with Jane every week and regularly spent time with Jane helping her around her house. R. 185, ll. 9 – 23; R. 190, ll. 8 – 16.

Mrs. Pounds' fiduciary relationship with Jane coupled with the restriction on visitation and the highly unnatural disposition of Jane's assets are strong indicators of undue influence. Not only was Mr. Dawson cut out of Jane's will, but all of Jane's grandchildren and great-grandchildren were cut out of the will as well with only one exception—one of Jane's granddaughters was given half of the life insurance policy. However, Mrs. Pounds was given authority as to how that money would be spent. R. 364.

Mr. Dawson respectfully requests that this Court reconsider, and reverse, its ruling on undue influence given the substantial evidence presented by Mr. Dawson which established Jane's free agency was overcome—evidence which was not acknowledged by this Court in its decision.

Respectfully submitted,

s/Adam Ruffin

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This 12th day of March 2026.

RUFFIN LAW FIRM, LLC
APPELLATE LITIGATION

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March 12, 2026

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

Re: Dawson v. Pounds
Lower Court Number: 2020-CP-32-01941

Dear Ms. Kitchings:

Enclosed please find the \$50 filing fee for the petition for rehearing in the above-referenced case, which was served on counsel for respondents and filed with this Court on March 12, 2026.

Sincerely,

s/Adam Ruffin
Adam Sinclair Ruffin
Ruffin Law Firm, LLC