

RECEIVED

Mar 31 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
Circuit Court

Judge J. Mark Hayes, II
Judge Dale E. Van Slambrook

Probate Court No.: 2019-ES-10-00394
Circuit Court Appellate No.: 2024-CP-10-00598
Circuit Court Appellate No.: 2024-CP-10-01509
Appellate Case No.: 2025-000194

In the Matter of
Veronique W. Pickett

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

v.

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

AND

Kathleen Anderson aka Kathleen Elizabeth Anderson, in her individual Capacity, ... Respondent.

SUPPLEMENTAL RECORD

Paul B. Ferrara, III
SC Bar No. 70511
8887 Old University Blvd. Ste. 201
North Charleston, SC 29406
(843) 569-5511/ (843) 569-5411 fax
paul@ferraralawfirm.net
Attorney for Appellant

March 30, 2026

Elizabeth J. Palmer, Esq.
151 Meeting Street
Charleston, SC 29445
Email: ep@saxtonstump.com
Attorney for Respondent Jones

Eric B. Laquiere, Esq.
3674 Old Charleston Hwy.
Johns Island, SC 29445
Email: eric@laqlaw.com
Attorney for Respondent Anderson

INDEX

ORDERS

2/2/24 Order Denying Motion for Reconsideration (of Order Appt. Spec. Admin.).....	387

PLEADINGS

6/26/23 Verified Petition for Appointment of Special Administrator (including exhibits).....	395
2/2/24 Notice of Intent to Appeal (Circuit Court Case#: 2024-CP-10-00598).....	460
2/21/24 Notice of Intent to Appeal (filed in Circuit Court on 2/20/24).....	481
2/27/24 Motion to Dismiss (Circuit Court Case#: 2024-CP-10-00921).....	490
3/6/24 Amend. Motion to Dismiss (Circuit Court Case#: 2024-CP-10-00921)	493
6/20/24 Appellant's Final Brief (Circuit Court Case#: 2024-CP-10-00598).....	507
9/16/24 Motion for Reconsideration (Circuit Court Case#: 2024-CP-10-00598)	529
9/22/23 Inventory and Appraisement.....	670
9/27/23 Final Accounting	674

TRANSCRIPTS

9/22/23 Transcript.....	536
1/16/24 Transcript.....	567
9/13/24 Transcript.....	624
9/24/24 Transcript.....	649

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
Circuit Court

Judge J. Mark Hayes, II
Judge Dale E. Van Slambrook

Probate Court No.: 2019-ES-10-00394
Circuit Court Appellate No.: 2024-CP-10-00598
Circuit Court Appellate No.: 2024-CP-10-01509
Appellate Case No.: 2025-000194

In the Matter of
Veronique W. Pickett

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

v.

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

AND

Kathleen Anderson aka Kathleen Elizabeth Anderson, in her individual Capacity, ... Respondent.

CERTIFICATION BY COUNSEL

Pursuant to Rule 212(b), SCACR, undersigned counsel for Appellant hereby certifies as follows:

1. The foregoing Supplemental Record has been compiled in accordance with the South Carolina Appellate Court Rules.
2. The Record contains true and correct copies of the pleadings, motions, orders, and other documents filed in the Probate Court and Circuit Court which are necessary for determination of the issues raised on appeal.

3. The Record is complete and contains all materials relevant to the issues presented for appellate review to the best of counsel's knowledge, information, and belief.
4. The documents contained in the Record are arranged in chronological order and correspond to the Index of the Supplemental Record.

This certification is made in good faith and in compliance with the South Carolina Appellate Court Rules.

Respectfully submitted this 30th day of March, 2026.

/s/ Paul B. Ferrara, III

Paul B. Ferrara, III

SC Bar No. 70511

8887 Old University Blvd.

North Charleston, SC 29406

Phone: (843) 569-5511

Fax: (843) 569-5411

paul@ferraralawfirm.net

Attorney for Appellant

) IN THE PROBATE COURT
) CASE NO: 2019-ES-10-00394

(

1

1

;

)

1

;

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

**ORDER DENYING MOTIONS FOR
RECONSIDERATION FOR APPOINTMENT
OF
SPECIAL ADMINISTRATOR**

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

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

1 of 8
DLM

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

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

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

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

Background

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

2 of 8
DLM

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

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

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

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

Arguments of Respondents

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

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

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

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

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

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

5 of 8
DLM

(A) Within ninety days after his appointment, a personal representative, who is not a special administrator or a successor to another representative who has previously discharged this duty, shall:

- (1) prepare an inventory and appraisement of probate property owned by the decedent at the time of his death, listing it with reasonable detail, and indicating as to each listed item, its fair market value as of the date of the decedent's death, and the type and amount of any encumbrance that may exist with reference to any item;
- (2) file the original of the inventory and appraisement with the court; and
- (3) mail a copy of the filed inventory and appraisement to interested persons who have filed a demand for notice of the filing of the inventory pursuant to Section 62-3-204.

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

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

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

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

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

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

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

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

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

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

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

IT IS SO ORDERED.



David L. Michel
Associate Judge of Probate

This 24 day of January, 2024
Charleston, South Carolina



Attest: A True Copy

Clerk Probate Court
Charleston County, South Carolina

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

SUMMONS

EZ FILING

PROBATE COURT

CHARLESTON COUNTY, SOUTH CAROLINA

2019ES1000394

6/26/2023 2:09PM

TO THE RESPONDENT ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Petition herein, a copy of which is herewith served upon you, and to serve a copy of your Answer to said Petition upon the subscribers, Spitz & Neville, at their offices at 151 Meeting Street, Suite 350, Charleston, South Carolina 29401, within thirty (30) days of the service hereof, exclusive of the day of such service.

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

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

ATTORNEY FOR PETITIONERS

Charleston, SC
June 26, 2023

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

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

IN THE PROBATE COURT

**APPLICATION/*PETITION FOR APPOINTMENT
OF SPECIAL ADMINISTRATOR**

CASE NUMBER: 2019-ES-10-00394

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

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

vs.

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

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

☐ **INFORMAL**

☒ ***FORMAL**

Appointment of a Special Administrator is requested:

INFORMAL PROCEEDING:

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

FORMAL PROCEEDING:

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

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

VERIFICATION

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

SWORN to before me this 23rd day of June, 2023

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



Signature: [Signature]

Print Name: LAURA V. JONES

Address: 4517 CLYDE STREET
VIRGINIA BEACH, VA 23455

Telephone (Work): (757) 500-7800

Home: _____

(Cell): (757) 776-2206

Email: LJONES@CARDINALBAYTITLELLC.COM

Relationship to Decedent/Estate: TRUSTEE OF DEVISEES

ORDER FOR HEARING

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

DATE: _____

TIME: _____

PLACE: _____

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

Executed this _____ day of _____, 20____.

_____, Probate Court Judge

ORDER OF APPOINTMENT

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

☐ GRANTED ☐ DENIED as follows:

RESTRICTIONS: _____

Executed this _____ day of _____, 20____.

_____, Probate Court Judge

QUALIFICATION AND STATEMENT OF ACCEPTANCE

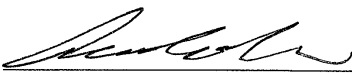
I accept appointment and agree to perform the duties and discharge the trust of the office of Special Administrator of the foregoing Estate and submit to the jurisdiction of the Court in this matter.

Signature: _____
Print Name: ANDREW E. RHEA, ESQUIRE
EVANS, CARTER, KUNES & BENNETT, PA
Address: 115 CHURCH STREET
CHARLESTON, SC 29401
Telephone (Work): (843) 577-2300
(Home): _____
(Cell): _____
Email: RHEA@ECKB.COM

Attorney: ELIZABETH J. PALMER
Address: 151 MEETING ST., STE. 400
CHARLESTON, SC 29401
Telephone: (843) 414-5080
Email: EP@SAXTONSTUMP.COM

QUALIFICATION AND STATEMENT OF ACCEPTANCE

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

Signature: 
Print Name: ANDREW E. RHEA, ESQUIRE
EVANS, CARTER, KUNES & BENNETT, PA
Address: 115 CHURCH STREET
CHARLESTON, SC 29401
Telephone (Work): (843) 577-2300
(Home):
(Cell):
Email: RHEA@ECKB.COM

Attorney: _____
Address: _____
Telephone: _____
Email: _____

**ATTACHMENT TO PETITION FOR APPOINTMENT OF SPECIAL
ADMINISTRATOR**

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

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

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

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

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

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

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

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

See Will, § 5.4, Art. 6.

5. Upon information as belief¹, the Estate's largest asset was the Decedent's 50% interest in two pieces of real property in Mount Pleasant, SC. Specifically, 213 King Street and 215 King Street (collectively, the "Mt. Pleasant Property").

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

See **Exhibit 5**.

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

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

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

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

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

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

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

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

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

23. Respondent has:

- a. exhibited a persistent neglect of fiduciary duties, leading to the Court’s prior Rule 4 closing of this Estate;
- b. misappropriated, and at a minimum, negligently administered, over \$1.76 mm in cash and over \$100,000 worth of personal property that rightfully belongs to this Estate and its devisees; and
- c. repeatedly refused to provide information or documentation to Devisees despite many requests for the same.

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

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

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

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

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

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

[SIGNATURE ON FOLLOWING PAGE]

SAXTON & STUMP

/s/ Elizabeth J. Palmer

Elizabeth J. Palmer, Esquire

151 Meeting Street, Suite 400

Charleston, South Carolina 29401

(843) 414-5080

ep@saxtonstump.com

Attorney for Laura V. Jones,

Individually and as Trustee of the Laura

V. Jones Trust and the Kathleen E.

Anderson Trust, both as established

under the Will of Veronique H.W.

Pickett dated March 31, 1999

Charleston, South Carolina

June 26, 2023

EXHIBIT 1

STATE OF SOUTH CAROLINA)
)
) LAST WILL AND TESTAMENT
) OF
) VERONIQUE H. W. PICKETT
COUNTY OF CHARLESTON)

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

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

ARTICLE 1

Appointment of Fiduciaries

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

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

ARTICLE 2

Payment of Enforceable Claims

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

ARTICLE 3

Gift of Personal Property

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

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

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

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

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

ARTICLE 4

Exercise of Powers of Appointment

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

ARTICLE 5

Gift of Credit Shelter Amount in Trust

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

Handwritten signature

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

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

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

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

ARTICLE 6

Residuary Estate

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

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

ARTICLE 7

Issue Trust

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

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

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

[Handwritten signature]

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

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

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

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

7.5.2 Power of Appointment not Exercised. Divided among the Primary

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

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

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

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

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

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

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

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

ARTICLE 8

Disabled Persons and Their Property

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

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

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

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

ARTICLE 9

Payment of Transfer and Death Taxes

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

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

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

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

ARTICLE 10

Removal, Appointment and Succession of Fiduciaries

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

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

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

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

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

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

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

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

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

Fiduciary or to such Fiduciary's legal representative).

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

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

ARTICLE 11

Fiduciary Provisions

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

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

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

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

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

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

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

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

ARTICLE 12

Fiduciary Powers

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

- 12.1 **Determinations.** To determine what property is covered by general descriptions in this Will.
- 12.2 **Payment of Expenses.** To pay all debts and funeral and burial expenses (including the expenses of my last illness, which I direct shall be paid out of my estate) as soon as the convenience of my estate will permit and without regard to any limitation in applicable laws as to the amount of such expenses, and to pay or deliver any legacy without waiting the time prescribed by law.
- 12.3 **Investments and Reinvestments.** To invest or reinvest in such securities or other property, real or personal (whether within or without the United States), and to retain any property received by them for such periods as they determine, including specifically retention of, or investment in, assets which may be for the use of the beneficiary or beneficiaries of any such Trust, even though such asset or assets may not be of a character, or of such a percentage of the total Trust, as would otherwise be deemed proper Trust investments. I request that my Trustee honor the wishes of the Trust beneficiaries as to the disposition or retention of any

1119

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

- 12.4 Management and Holding of Assets.** To invest and reinvest all or part of the assets of my estate or of any Trust created hereunder in any common trust fund of any corporate Fiduciary; to employ a bank, trust company, or securities brokerage firm located anywhere within the United States, at the discretion of my Personal Representative or the Trustee, as the case may be, but at the expense of my estate or the Trust, as custodian or agent; to have stock and securities registered in the name of such agent or custodian or nominee thereof without designation of fiduciary capacity; and to appoint such bank, trust company, or securities brokerage firm to perform such other ministerial functions as my Fiduciary(ies) may direct. While such stock or securities are in the custody of any such bank, trust company, or securities brokerage firm, my Fiduciary(ies) shall be under no obligation to inspect or verify such stock or securities nor shall my Fiduciary(ies) be responsible for any loss by such bank, trust company, or securities brokerage firm.
- 12.5 Consolidation and Division of Assets.** To hold and administer the assets of my estate or the Trusts created hereby in one or more consolidated funds, in whole or in part, in which any separate Trusts shall have undivided interests. Generally, and subject only to the provisions of this Will, my Fiduciary(ies) shall hold, manage, control, use, invest, reinvest and dispose of trust properties to the same extent as may a fee simple owner of such properties.
- 12.6 Life Insurance.** To invest Trust assets in any life insurance policy or policies (including term insurance) on the life of one or more of the beneficiaries of the Trusts, or on the life of any person or persons in whom one or more of the beneficiaries of the Trusts have an insurable interest and to exercise any and all rights, powers, options and elections relating to any such policies; provided, however, that under no circumstances shall any person who is the insured under any policy of insurance owned by any Trust participate in any determination concerning the policy or its proceeds or in any manner or fashion exercise any incident of ownership (as that term is defined in Treasury Regulation §20.2042-1(c)(2)) over such policy.
- 12.7 Borrowing.** To borrow such sums, on a secured or unsecured basis, from any source (including themselves), for such period and upon such terms as they deem necessary or convenient in the administration of my estate or of such Trust, and to secure any such loan by mortgage or pledge. No lender shall be bound to see to

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

- 12.8 Lending.** To lend all or any portion of the funds of any Trust created hereunder to any beneficiary, with or without security and with or without interest, to make any Trust property available as security for a loan obligation or undertaking made or to be made by any beneficiary, or to guarantee a loan to be made to, or any obligation to be assumed by, any beneficiary (notwithstanding in each case that the beneficiary may also be a Trustee), subject to those terms and conditions as the Trustee may in his discretion impose.
- 12.9 Receipts, Disbursements and Allocations.** To allocate receipts and disbursements between income and principal in such manner as my Trustee (other than any beneficiary) determines, even though a particular allocation may be inconsistent with otherwise applicable state law; provided, however, that this power shall not apply to permit any allocation to income of administrative expenses to the extent that such allocation would result in a "material limitation" (as that term is used in the Federal Estate Tax Regulations under Internal Revenue Code §2055 and/or §2056) on the rights of any charitable beneficiary or of my husband with respect to any gift or Trust which qualifies for the estate tax charitable deduction or marital deduction, as the case may be; and provided further, that this power shall not apply with respect to any Trust which qualifies for the marital deduction during the life of my husband as to any allocation which would cause the trust not to qualify for the estate tax marital deduction. Upon the sale or other disposition of property which has been unproductive or underproductive of income, no part of the proceeds received shall be allocated to income, except (i) in the case of property qualifying for the marital deduction, in which case such allocation shall follow state law, and (ii) in the discretion of the Trustee (other than any beneficiary).
- 12.10 Distributions.** Without the consent of any beneficiary, to make distributions (including the satisfaction of any pecuniary bequest) in cash or in specific property, real or personal, or an undivided interest, or partly in cash and partly in such property, and to do so without regard to the income tax basis of specific property allocated to any beneficiary (including any Trust) and without making pro-rata distributions of specific assets. In addition, my Personal Representative is authorized to select specific assets in funding fractional share devises and is not required to select a percentage of each specific asset.
- 12.11 Occupancy and Use.** Except as may be otherwise specified elsewhere in this Will as to any specific property, my Trustee shall have the power to permit any

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

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

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

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

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

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

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

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

ARTICLE 13

Definitions

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

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

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

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

(10)

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

ARTICLE 14

Spendthrift Provisions

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

ARTICLE 15

Termination of Trusts

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

ARTICLE 16

Fiduciary Limitations

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

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

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

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

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

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

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

ARTICLE 17

Spouse Deemed to Survive

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

ARTICLE 18

Jurisdiction, Governing Law and Trust Removal

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

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

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

ARTICLE 19

Headings

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

EXECUTION

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

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

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

Ed G. Bennett
Brenda F. Nelson

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

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

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

EXHIBIT 2

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



BP0920070

PGS:

6

STATE OF SOUTH CAROLINA

) IN THE PROBATE COURT

COUNTY OF CHARLESTON

) DEED OF DISTRIBUTION

) (Real Property Only)

IN THE MATTER OF: VERONIQUE W.
PICKETT

) EZ FILING

) PROBATE COURT

) NOT A
WARRANTY DEED

(Decedent) CHARLESTON COUNTY, SOUTH CAROLINA

) (Deed Drawn, Title Not Examined)

2019ES1000394

6/26/2023 2:09PM

CASE #: 2019-ES-1000394

The undersigned states as follows:

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

I was appointed Personal Representative on March 11, 2019.

Decedent owned real property described as follows:

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

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

Legal Description: See attached Exhibit "A"

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

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

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

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

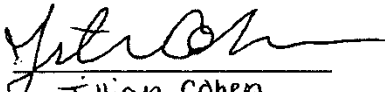
FILED
20 NOV -2 PM 12:08
PROBATE COURT
CHARLESTON COUNTY

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

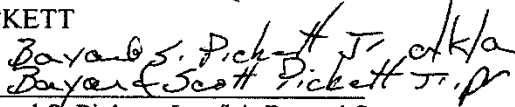
IN WITNESS WHEREOF the undersigned, as Personal Representative(s) of the above
Estate, has executed this Deed of Distribution, on this 14th day of September, 2020.

SIGNED, SEALED, AND DELIVERED IN THE PRESENCE OF:


Witness #1 Paul B. Ferrara, III


Jillian Cohen

ESTATE OF VERONIQUE W.
PICKETT

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

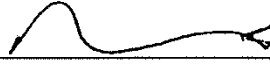
STATE OF SOUTH CAROLINA)

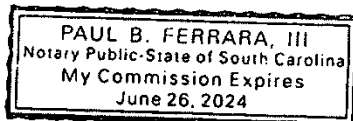
COUTNY OF CHARLESTON)

ACKNOWLEDGMENT

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

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


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



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

EXHIBIT "A"

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

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

TMS: 532-05-00-002

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

ALSO

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

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

TMS: 532-05-00-200

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

After Recording, Please Return to:

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

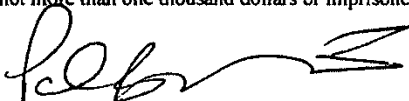
and recorded September 7, 1976 in Book H-116 at Page 229; also being the same property conveyed to Bayard S. Pickett and Veronique S. Pickett by Quit Claim Deed of Helen Matthews Wildhagen dated March 16, 1995 and recorded March 22, 1995 at Book R-253 at Page 123 in the Charleston County RMC Office;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

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLETON)

AFFIDAVIT OF CONSIDERATION

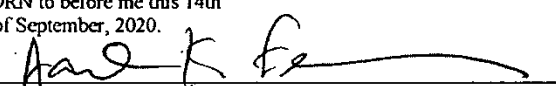
PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit and I understand such information.
2. The property is being transferred by the Estate of Veronique W. Pickett by Bayard S. Pickett, Jr. a/k/a Bayard Scott Pickett, Jr., as Personal Representative, to Bayard S. Pickett, Jr. a/k/a Bayard Scott Pickett, Jr., as Trustee of the Bayard Scott Pickett, Jr. Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999; Laura V. Jones, as Trustee of the Laura V. Jones Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999; Laura V. Jones, as Trustee of the Kathleen Elizabeth Anderson Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999 by deed dated September 14, 2020.
3. Check one of the following:
(a) ☐ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
(b) ☐ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
(c) ☒ EXEMPT from the deed recording fee because (exemptions #1-12) (If exempt, please skip Items 4-6, and go to Item 7 of this affidavit.) (Explanation if required) I DOD
4. Check one of the following if either item 3(a) or item 3(b) above has been checked.
(a) ☐ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of.
(b) ☐ The fee is computed on the fair market value of the realty, which is \$ _____.
(c) ☐ The fee is computed on the fair market value of the realty as established for property tax purposes, which is \$ _____.
5. Check YES ☐ or NO ☐ to the following: A lien or encumbrance existed on the land, tenement or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "YES", the amount of the outstanding balance of this lien or encumbrance is \$ _____.
6. The DEED Recording Fee is computed as follows:
(a) \$ _____ the amount listed in item 4 above;
(b) \$ _____ the amount listed in item 5 above (no amount place zero);
(c) \$ _____ Subtract Line 6(b) from 6(a) and place the result.
7. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Legal Representative.
8. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

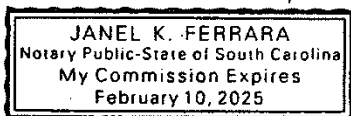


Paul B. Ferrara *PS*
Grantor, Grantee or Legal Representative connected with Transaction

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



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



RECORDER'S PAGE

NOTE: This page MUST remain
with the original document

**Filed By:**

HELLMAN YATES & TISDALE

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

MAKER:

PICKETT VERONIQUE W EST

RECIPIENT:

PICKETT BAYARD S JR TR AL

Original Book:**Original Page:****AUDITOR STAMP HERE**

RECEIVED From ROD

Oct 06, 2020

Peter J. Tecklenburg

Charleston County Auditor

PID VERIFIED BY ASSESSOR

RJB

REP

10/07/2020

DATE

35

RECORDED

Date: September 29, 2020

Time: 1:58:16 PM

Book

Page

DocType

0920

070

Deed/Dist

Michael Miller, Register
Charleston County, SC

of Pages: 6

Recording Fee \$ 15.00

State Fee <EXEMPT>

County Fee <EXEMPT>

Extra Pages \$ -

Postage \$ -

Chattel \$ -

TOTAL \$ 15.00

DRAWER
CLERK

Drawer 4
SLW



0920

Book



070

Page



09/29/2020

Recorded Date



6

Pgs



Original Book



Original Page



D

Doc Type



13:58:16

Recorded Time



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

August 12, 2020

Mr. Paul Ferrara, Esq.

Ferrara Law

8887 Old University Blvd.

North Charleston, SC 29406

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

Dear Mr. Ferrara,

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

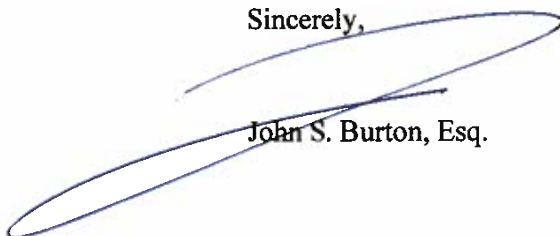
1. An accurate inventory of all estate assets from the date of death of the decedent;
2. A complete accounting of all assets for the months your client became Personal Representative on the Pickett estate to present, including but not limited to the following
 - a. All bills, debts and charges paid from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

4. In it known to my clients that the tenants at 213 King property are moving out upon lease expiration end of this month. Since their departure will effect income generated by the estate, what is your client's plan to replace it?
5. The status of a lawsuit which was claimed to be filed by your client concerning former tenants who lived in one of the estate held properties.

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

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

Sincerely,



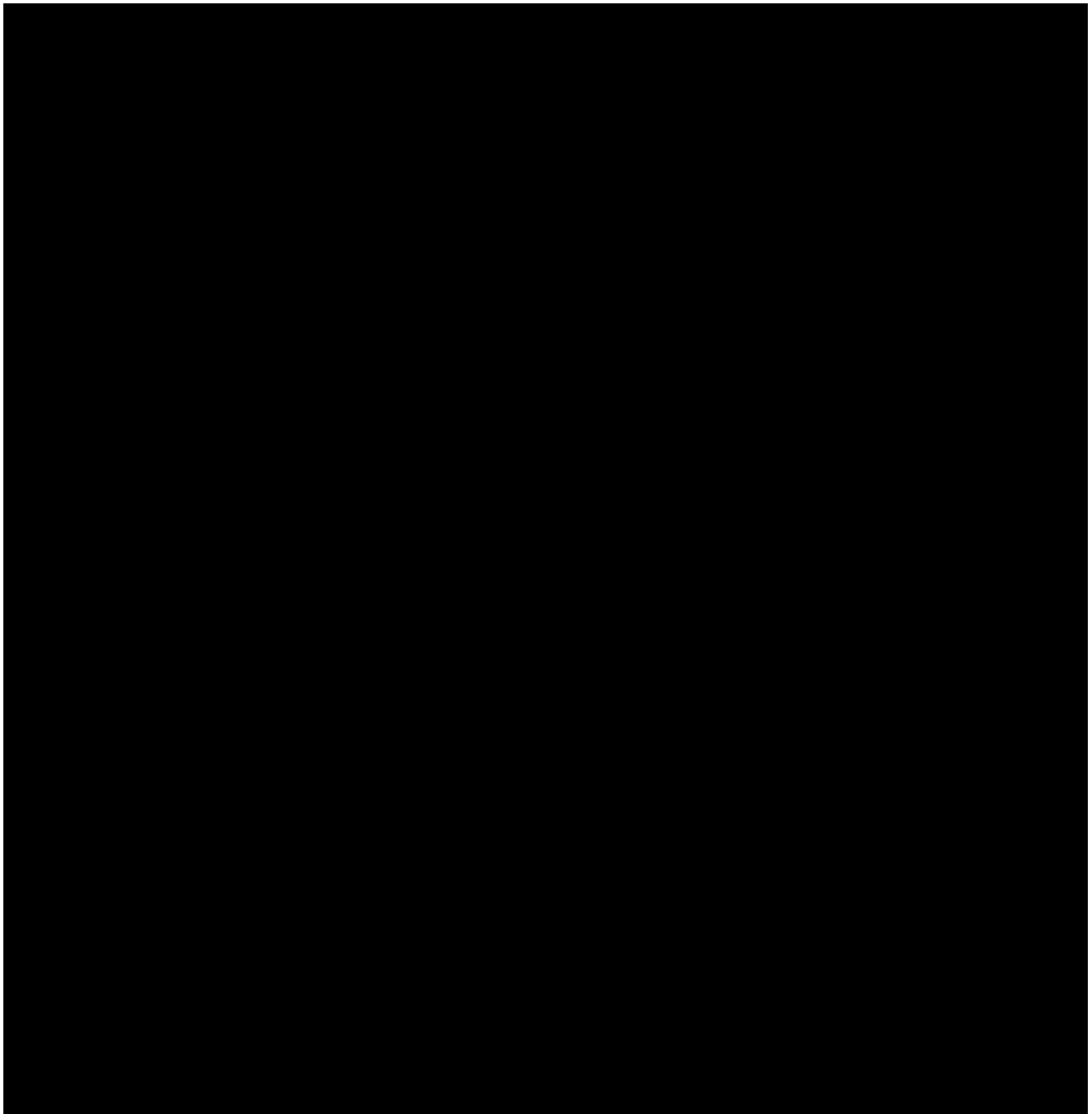
John S. Burton, Esq.

JB/mlm

CC: File

Laura Jones

EXHIBIT 4



EZ FILING

From: John Burton <jburton@jsburton.org>

Sent: Thursday, September 17, 2020 2:26 PM

To: Kelly Bailey <keb@hellmanyates.com>

Cc: Jill Cohen <jill@ferraralawfirm.net>; Brian Hellman <bh@hellmanyates.com>; Paul Ferrara <paul@ferraralawfirm.net>; Janel Ferrara <janel@ferraralawfirm.net>

Subject: Re: 20-092 Pickett

PROBATE COURT

CHARLESTON COUNTY, SOUTH CAROLINA

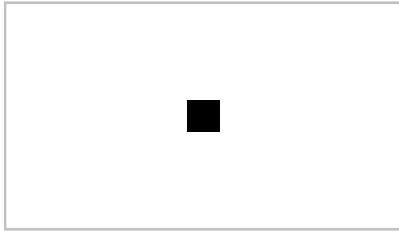
2019ES1000394

6/26/2023 2:09PM

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

clients for months up until this point. Please advise.

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



www.jsburton.org

Tele: (757) 301-9500

Fax: (757) 301-9523

477 Viking Drive, Suite 410
Virginia Beach, Virginia 23452

5425 Discovery Park Blvd, Suite 101
Williamsburg, Virginia 23188

IRS CIRCULAR 230 DISCLOSURE:

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

CONFIDENTIALITY NOTICE: This message originates from the law firm of J.S. Burton, P.L.C. The message and any file transmitted with it may contain confidential information which may be subject to the attorney-client privilege, or otherwise protected against unauthorized use. The information contained in this message and any file transmitted with it is transmitted in this form based on a reasonable expectation of privacy consistent with ABA Formal Opinion No. 99-413. Any disclosure, distribution, copying or use of the information by anyone other than the intended recipient, regardless of address or routing, is strictly prohibited. Please notify the sender immediately by replying to this e-mail if you have received this e-mail by mistake and delete this e-mail as well as the original email from your system.

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

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

Good Afternoon,

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

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

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

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

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

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

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

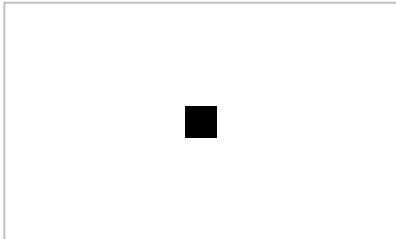
Thank you,
Kelly

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

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

All Word Versions

Sincerely,
Jill Cohen
Paralegal

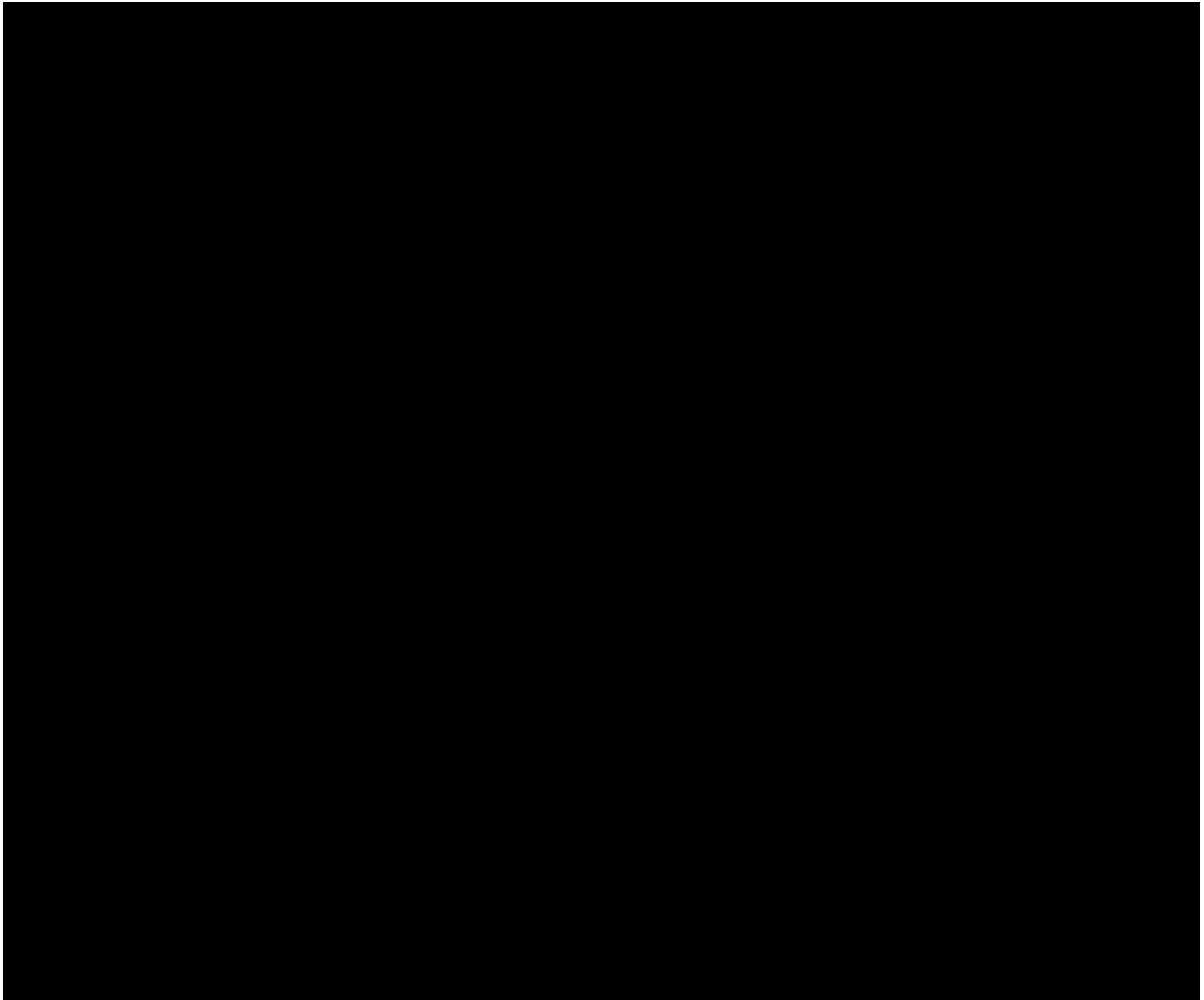


8887 Old University Blvd., Ste. 201
N. Charleston, SC 29406
(843) 569-5511 (office)
(843) 569-5411 (fax)

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

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

EXHIBIT 5



From: John Burton <jburton@jsburton.org>

Sent: Thursday, September 17, 2020 9:26:27 AM

To: Paul Ferrara <paul@ferraralawfirm.net>

Cc: Laura Jones <ljones@cardinalbaytitlellc.com>; Jill Cohen <jill@ferraralawfirm.net>;
bh@hellmanyates.com <bh@hellmanyates.com>; keb@hellmanyates.com <keb@hellmanyates.com>

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

PROBATE COURT
CHARLESTON COUNTY, SOUTH CAROLINA

2019ES1000394

6/26/2023 2:09PM

Paul.

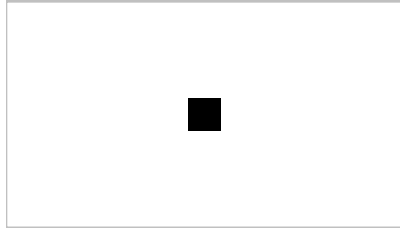
My clients request that all sale proceeds remain in escrow until we can work through both the tax and estate issues before any funds are automatically distributed. We have grave concerns that the documents you have quickly forced down my client's backs reflect grave errors in how the sale proceeds are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

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

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

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

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



www.jsburton.org

Tele: (757) 301-9500

Fax: (757) 301-9523

477 Viking Drive, Suite 410
Virginia Beach, Virginia 23452

5425 Discovery Park Blvd, Suite 101
Williamsburg, Virginia 23188

IRS CIRCULAR 230 DISCLOSURE:

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

CONFIDENTIALITY NOTICE: This message originates from the law firm of J.S. Burton, P.L.C. The message and any file transmitted with it may contain confidential information which may be subject to the attorney-client privilege, or otherwise protected against unauthorized use. The information contained in this message and any file transmitted with it is transmitted in this form based on a reasonable expectation of privacy consistent with ABA Formal Opinion No. 99-413. Any disclosure, distribution, copying or use of the information by anyone other than the intended recipient, regardless of address or routing, is strictly prohibited. Please notify the sender immediately by replying to this e-mail if you have received this e-mail by mistake and delete this e-mail as well as the original email from your system.

From: Paul Ferrara <paul@ferraralawfirm.net>

Sent: Thursday, September 17, 2020 2:40 PM

To: John Burton <jburton@jsburton.org>

Cc: Laura Jones <ljones@CardinalBayTitleLLC.com>; Jill Cohen <jill@ferraralawfirm.net>;

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

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

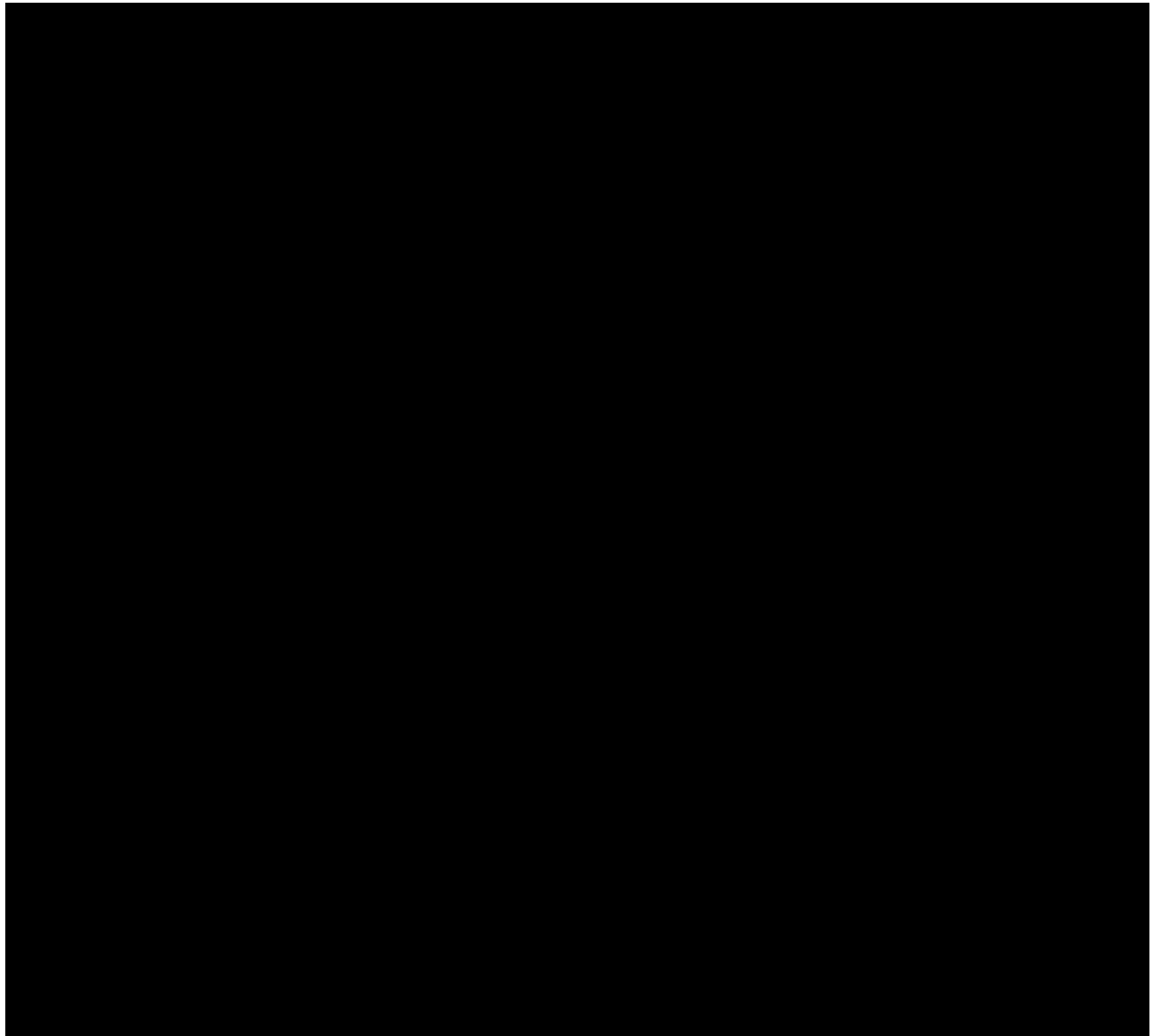
John,

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

Sincerely,
Paul B. Ferrara, III
FERRARA LAW FIRM, PLLC
2300 Otranto Road
North Charleston, South Carolina 29406
(843) 569-5511 Office
(843) 569-5411 Fax

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

EXHIBIT 6



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

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

Hi Tina,

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

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

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

Thank you again very much for your time and assistance!



Laura V. Jones

Managing Director & Underwriter

4642 Haygood Road, Virginia Beach, VA 23455

(757) 500-7800 (p) (757) 500-7801 (f)

ljones@cardinalbaytitlellc.com



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

EXHIBIT 7

IRVIN G. CONDON
Judge of Probate

TAMARA C. CURRY
Associate Judge of Probate

LENNA S. KIRCHNER
Associate Judge of Probate

PETER A. KOUTEN
Associate Judge of Probate



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

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

January 19, 2022

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

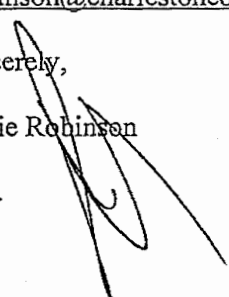
Dear Sir or Madam:

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

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

Sincerely,

Jamie Robinson



STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

THE ESTATE OF
VERONIQUE W. PICKETT

EX PARTE:

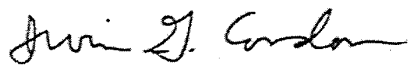
IRVIN G. CONDON
JUDGE OF PROBATE

IN THE PROBATE COURT
CASE #2019ES1000394

ORDER

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

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



(SEAL)

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

SAXTON & STUMP
LAWYERS AND CONSULTANTS

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

Direct Dial: 843.277.8034
Email: ep@saxtonstump.com

March 23, 2023

VIA EMAIL AND U.S. MAIL

Paul B. Ferrara, III, Esquire
8887 Old University Blvd. Ste 201
N. Charleston, SC 29406-9603
paul@ferraralawfirm.net

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

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

Dear Paul:

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

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

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

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

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

Upon information and belief, the annual report of trust property has not been sent since the BSP Trust was created at BSP's death on December 21, 2009.¹ Moreover, your client was required to distribute the corpus of the BSP Trust upon VHWP's death on December 18, 2018, but this was not done until years later, with no accounting for the income realized by the BSP Trust's 50% ownership interest in the Property.² While the BSP Trust's interest in the Property was finally conveyed to my client's trust and that of her sister immediately prior to the sale of the Property, and those proceeds were distributed accordingly, the same cannot be said for the proceeds of the other 50% ownership of the Property (approx. \$1.7mm), which had been distributed from VHWP's Estate to Laura's, Katy's, and your client's trusts, established under VHWP's Will (dated 3/31/99), prior to the sale. This is concerning for many reasons. As closing attorney and apparently the preparer of the deeds, you must be aware that two of the sellers of the Property, Laura's and Katy's Trusts (established under VHWP's Will), received none of the proceeds from that 2020 sale. They don't even know where those funds are located because all requests for information have been refused.

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

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

1. Full and formal accounting for the BSP Trust from 12/21/09 to present³ showing, at a minimum, all assets, all income, and all disbursements (including any trustee fees taken);
2. Copies of all financial statements(s) and/or banking statement(s) pertaining to the BSP Trust from 12/21/09 to present;
3. Full and formal accounting for the Estate of VHWP showing, at a minimum, all assets, all income, and all disbursements (including any personal representative fees taken);
4. Copies of all financial statements(s) and/or banking statement(s) pertaining to the Estate of VHWP;

¹ §62-7-813(c)(1)(B) requires trustee to send annual a written report of trust property, may include a copy of the fiduciary income tax return, copies of bank or brokerage statements, a list of assets and if feasible, the market values of those assets, liabilities, receipts and the disbursements, including the source and amount of the trustee's compensation.

² Absolute liability arises when the trustee fails to do some mandatory act required by the express terms of the trust instrument. *Cartee v Lesley*, 290 S.C. 333, 350 S.E.2d 388 (1986).

³ Article 11.1 of the BSP Trust requires "Trustee... shall make available a statement of receipts and disbursements and an investment review of the assets of the... Trust at least annually".

SAXTON & STUMP

LAWYERS AND CONSULTANTS

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

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

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

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

Sincerely,



Elizabeth J. Palmer

EP/cb

ANDREW E. RHEA

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

EDUCATION

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

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

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

**LEGAL
EXPERIENCE**

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

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

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

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

BAR ADMISSION South Carolina, 2014

**PROFESSIONAL
ASSOCIATIONS
AND
LEADERSHIP**

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

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)
IN THE MATTER OF:)
VERONIQUE W. PICKETT)
BAYARD SCOTT PICKETT, JR.)
APPELLANT,

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

vs.

**NOTICE OF INTENT TO APPEAL
TO CIRCUIT COURT**

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

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

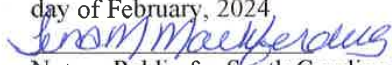
RESPONDENTS.

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

FERRARA LAW FIRM, PLLC


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

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


Notary Public for South Carolina

My Commission Expires: 12-30-29

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

) IN THE PROBATE COURT
) CASE NO: 2019-ES-10-0394

2

5

3

ORDER FOR APPOINTMENT OF SPECIAL ADMINISTRATOR

5

3

5

5

September 22, 2023

David L. Michel, Associate Probate Judge

Laura V. Jones (not in attendance)

Elizabeth J. Palmer, Esquire

Bayard Scott Pickett, Jr.

Paul B. Ferrara, III, Esquire

Kathleen Anderson (not in attendance)

Eric B. Laquiere, Esquire

Abby Bishop, Clark Bolen

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

1 of 5

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

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

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

FINDINGS OF FACT AND PROCEDURAL HISTORY

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

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

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

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

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

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

2 of 5
DLM

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

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

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

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

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

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

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

CONCLUSIONS OF LAW

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

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

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

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

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

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

4 of 5
DLM

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

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

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

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

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

IT IS SO ORDERED.


DAVID MICHEL
Associate Judge of Probate
Charleston County

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

) IN THE PROBATE COURT
) CASE NO: 2019-ES-10-00394

2

1

)
)
)
)
)
)

2)

3

)
)
)
)
)

)

5

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

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

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

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

Background

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

2 of 8
DLM

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

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

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

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

Arguments of Respondents

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

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

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

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

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

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

5 of 8
DLM

(A) Within ninety days after his appointment, a personal representative, who is not a special administrator or a successor to another representative who has previously discharged this duty, shall:

- (1) prepare an inventory and appraisal of probate property owned by the decedent at the time of his death, listing it with reasonable detail, and indicating as to each listed item, its fair market value as of the date of the decedent's death, and the type and amount of any encumbrance that may exist with reference to any item;
- (2) file the original of the inventory and appraisal with the court; and
- (3) mail a copy of the filed inventory and appraisal to interested persons who have filed a demand for notice of the filing of the inventory pursuant to Section 62-3-204.

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

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

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

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

6 of 8
DLM

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

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

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

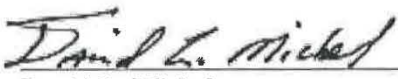
The Court would also reference Item 1 of Petitioner Jones' Memorandum in Opposition to Motions to Reconsider that was filed on October 23, 2023. As addressed earlier, Respondents failed to properly serve the Motions for Reconsideration as required by the South Carolina Rules of Civil Procedure. As a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

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

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

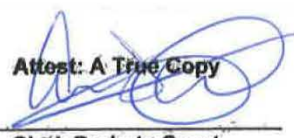
ORDERED, ADJUDGED, AND DECREED that Respondents' Motions to Reconsider Order dated September 27, 2023 are respectfully **DENIED**.

IT IS SO ORDERED.



David L. Michel
Associate Judge of Probate

This 24 day of January, 2024
Charleston, South Carolina



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

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)
IN THE MATTER OF VERONIQUE W.)
PICKETT)
LAURA V. JONES, as Trustee of the Laura)
V. Jones Trust as established by the Will)
of Veronique H.W. Pickett dated March)
31, 1999, and as Trustee of the)
Kathleen E. Anderson Trust as established)
by the Will of Veronique H.W. Pickett dated)
March 31, 1999,)
Petitioners,)
-versus-)
BAYARD SCOTT PICKETT, JR.,)
Respondent.)

IN THE PROBATE COURT
CASE NO.: 2019-ES-10-00394

**ORDER TO COMPEL TRANSFER OF
ESTATE FUNDS**

Date of Hearing:	January 16, 2024
Presiding Judge:	David L. Michel
Petitioner:	Laura Jones
Petitioner's Attorney:	Elizabeth Palmer, Esquire
Respondent:	Bayard Scott Pickett, Jr.
Respondent's Attorney:	Paul B. Ferrara, III, Esquire
Respondent:	Kathleen Anderson
Respondent's Attorney:	Eric B. Laquiere, Esquire
Special Administrator:	C. Mac Gibson, Jr., Esquire

THIS MATTER comes before this Court on January 16, 2024, upon the court appointed Special Administrator's Motion to Compel dated November 10, 2023. On November 14, 2023, a Notice of Hearing was issued to the parties' attorneys and Special Administrator.

Present at the virtual hearing were Elizabeth J. Palmer, Esq., attorney for Petitioner Laura V. Jones; Respondent Bayard Scott Pickett, Jr. and his attorney, Paul B. Ferrara, III, Esq.; Eric B.

DLm^{1 of 4}

Laquiere, Esq., attorney for Katherine E. Anderson; and C. Mac Gibson, Jr., Esq., Special Administrator for the Estate of Veronique W. Pickett.

Based upon the review of record in this matter, the argument of the attorneys, and the laws of the State of South Carolina, this Court finds and concludes as follows:

1. Respondent, as the then Personal Representative for the Estate of Veronique W. Pickett, obtained net proceeds from the sale of 213 and 215 King St., Mount Pleasant SC. Respondent deposited a certain amount of the net proceeds into several bank accounts. Some of the bank accounts are in the name of Respondent.

2. The Special Administrator for the Estate of Veronique W. Pickett filed a Motion to Compel dated November 10, 2023, against Respondent Bayard Scott Pickett, Jr. The Special Administrator sought information from Respondent concerning various bank accounts in which Respondent has deposited funds belonging to the Estate of Veronique W. Pickett.

3. The Special Administrator sent a letter dated October 26, 2023 to Respondent's attorney, Paul B. Ferrara, III, Esq., regarding the bank accounts. Attorney Ferrara did not respond to the Special Administrator's letter; therefore, the Special Administrator filed a Motion to Compel. Just prior to today's hearing, Mr. Ferrara responded to the Special Administrator's referenced letter. The Special Administrator did not have a chance to review Mr. Ferrara's correspondence at the time of this hearing.

4. The Special Administrator has not been able to gain access to the bank accounts that Respondent opened because most of the accounts are not in the name of the Estate of Veronique W. Pickett. Respondent, as then Personal Representative, had a fiduciary duty to place any and all such funds into an Estate checking account, which was not done. The Special Administrator is entitled to receive from Respondent the funds from all bank accounts that contain funds

2 of 4
DLM

belonging to the Estate, whether those accounts be in the name of the Estate or Respondent's individual name; it is therefore

ORDERED, ADJUDGED, AND DECREED that within thirty (30) days from the date of this Order, Respondent shall transfer, via wire or certified checks, all funds belonging to the Estate, whether located in accounts in the name of the Estate or in Respondent's individual name to the Estate account that the Special Administrator has established; it is further

ORDERED, ADJUDGED, AND DECREED that within thirty (30) days from the date of this Order, Respondent shall provide all documentation to the Special Administrator regarding the sale of 213 and 215 King Street, Mount Pleasant including the closing statement and deed; it is further

ORDERED, ADJUDGED, AND DECREED that within sixty (60) days from the date of this Order, Respondent shall provide the most recent bank statement for each account, including the original Estate account, in which Estate funds were being held, along with a detailed accounting of each account from beginning balance to ending balance so the Special Administrator can verify the amount of the check/wire funds from each account to the new Estate checking account controlled by the Special Administrator. (For example, if there are six accounts, there should be six detailed accountings provided with a closing statement for each); it is further

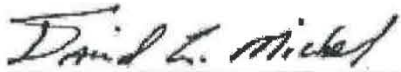
ORDERED, ADJUDGED, AND DECREED that Respondent's attorney shall resend within sixty (60) days all past and current statements for each bank account that held or holds any funds belonging to the Estate, whether Respondent opened the account as then Personal Representative for the Estate of Veronique W. Pickett or in his individual capacity, to the Special Administrator and such bank statements shall be in chronological order; it is further

3 of 4
DLM

ORDERED, ADJUDGED, AND DECREED that the Special Administrator shall open an Estate account in the name of the Special Administrator and the Estate of Veronique W. Pickett. At the time the Special Administrator opens such Estate account, the Special Administrator shall notify such financial institution that no funds in the amount of Five Thousand (\$5,000) or more shall be withdrawn from the Estate account without confirming authorization of the Special Administrator; it is further

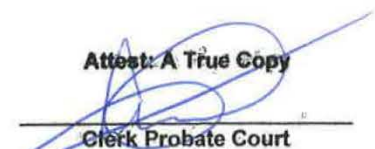
ORDERED, ADJUDGED, AND DECREED that the Special Administrator shall be permitted to speak, via Zoom, in person, or telephone, to Respondent, with his attorney present, concerning the assets of the Estate of Veronique W. Pickett.

AND IT IS SO ORDERED.



DAVID B. MICHEL,
Associate Judge of Probate
Charleston County, South Carolina

January 24, 2024

Attest: A True Copy

Clerk Probate Court
Charleston County, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE MATTER OF:
VERONIQUE W. PICKETT

BAYARD SCOTT PICKETT, JR.

APPELLANT,

vs.

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

AFFIDAVIT OF SERVICE

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

RESPONDENTS.

PERSONALLY appeared before me the undersigned who, being duly sworn, on oath says:

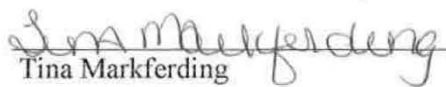
1. That she is an employee in the office of Ferrara Law Firm, PLLC, attorneys for the plaintiffs herein;
2. That on the 2nd day of February, 2024 she did serve via Electronic Mail and USPS a true and correct copy of the Respondent's Notice of Intent to Appeal to Circuit Court to the following:

ep@saxtonstump.com
Elizabeth J. Palmer
Saxton & Stump, LLC
151 Meeting Street, Suite 400
Charleston, SC 29401

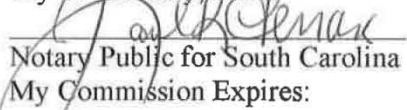
eric@laqlaw.com
Eric B. Laquiere
Laquiere Legal Services, LLC
3674 Old Charleston Hwy
Johns Island, SC 29455

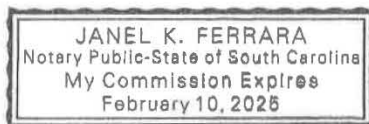
cmacgibson@yahoo.com
C. Mac Gibson, Jr.
Attorney at Law
21 Gamecock Ave., Ste. A
Charleston, SC 29407

3. That she is not a party to this action.


Tina Markferding

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


Notary Public for South Carolina
My Commission Expires:



STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE MATTER OF:

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

PETITIONERS,

V.

BAYARD SCOTT PICKETT, JR.

RESPONDENT.

IN THE PROBATE COURT

CASE NO.:2019-ES-10-0394

AFFIDAVIT OF SERVICE

EZ FILING
PROBATE COURT
CHARLESTON COUNTY, SOUTH CAROLINA
2019ES1000394
2/21/2024 8:34AM

PERSONALLY appeared before me the undersigned who, being duly sworn, on oath says:

1. That she is an employee in the office of Ferrara Law Firm, PLLC, attorneys for the defendant herein;
2. That on the 20th day of February, 2024 she did serve via U.S mail a true and correct copy of the Notice of Intent to appeal to:

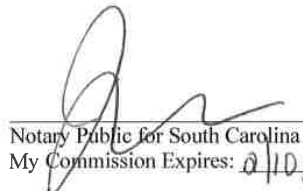
ep@saxtonstump.com
Elizabeth J. Palmer, Esq
Saxton & Stump, LLC
151 Meeting Street
Charleston, SC 29417

eric@laqlaw.com
Eric B. LaQuiere, Esq.
LaQuiere Legal Services, LLC
3674 Old Charleston Hwy
Johns Island, SC 29445

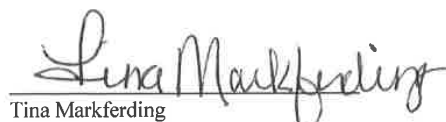
mac@cmacgibson.net
Law Office of Mac Gibson
C. Mac Gibson, Esq.
21 Gamecock Ave., Suite A
Charleston, SC 29407

Rslikker@charlestoncounty.org
Charleston County Probate Court
Attn: Don Michel
84 Broad St.
Charleston, SC 29401

3. That she is not a party to this action.


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

(L.S.)


Tina Markferding

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE MATTER OF:
VERONIQUE W. PICKETT

BAYARD SCOTT PICKETT, JR.

APPELLANT,

vs.

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

RESPONDENTS.

IN THE CIRCUIT COURT
Appeal from Probate Court for Charleston County
CASE NO.:2019-ES-10-00394

**NOTICE OF INTENT TO APPEAL
TO CIRCUIT COURT**

EZ FILING
PROBATE COURT
CHARLESTON COUNTY, SOUTH CAROLINA
2019ES1000394
2/21/2024 8:34AM

Pursuant to SCPC 62-1-308, Appellant hereby submits his Notice of Intent to Appeal the Probate Court Order for Appointment of Special Administrator dated February 8, 2023. The Order was received by the Appellant's Counsel on February 8, 2024. A copy of the Order is attached.

FERRARA LAW FIRM, PLLC

s /Paul B. Ferrara, III

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

SWORN to before me this 19th
day of February, 2024

Tina M. Markferding
Notary Public for South Carolina

My Commission Expires: 12-30-29

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

STATE OF SOUTH CAROLINA) IN THE PROBATE COURT
COUNTY OF CHARLESTON) CASE NO: 2019-ES-10-0394

IN THE MATTER OF:)
VERONIQUE W. PICKETT)

ORDER FOR APPOINTMENT OF
TEMPORARY SPECIAL ADMINISTRATOR

LAURA V. JONES, AS TRUSTEE OF THE)
LAURA V. JONES TRUST AS)
ESTABLISHED BY THE WILL OF)
VERONIQUE H.W. PICKETT DATED)
MARCH 31, 1999,)
Applicant,)
v.)
BAYARD SCOTT PICKETT, JR.,)
INDIVIDUALLY AND AS TRUSTEE OF)
THE BAYARD SCOTT PICKETT, JR.)
TRUST AS ESTABLISHED BY THE WILL)
OF VERONIQUE H.W. PICKETT DATED)
MARCH 31, 1999, LAURA V. JONES, AS)
TRUSTEE OF THE KATHLEEN E.)
ANDERSON TRUST AS ESTABLISHED)
UNDER THE WILL OF VERONIQUE)
H.W. PICKETT DATED MARCH 31, 1999,)
AND KATHLEEN E. ANDERSON,)
Respondents.)

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

DLM
1 of 8

PROCEDURAL HISTORY

1. The Decedent, Veronique W. Pickett, died on December 18, 2018. At the time of her death, she was a resident of Virginia Beach, Virginia, but owned real property in Charleston County, South Carolina.
2. At the time of her death, the Decedent was survived by her son, Respondent Bayard Scott Pickett, Jr., and her two granddaughters, Applicant Laura V. Jones and Kathleen E. Anderson.
3. On March 1, 2019, Respondent Bayard Scott Pickett, Jr. (hereinafter, "Respondent Pickett"), son of the Decedent, filed an Application for Informal Appointment of Personal Representative.
4. On March 11, 2019, Respondent Pickett was appointed as Personal Representative of the Estate and the Decedent's Will, dated March 31, 1999, was admitted to probate.
5. Pursuant to the Will, the devisees of the Estate are as follows with their respected shares as indicated:
 - 50%: Bayard Scott Pickett, Jr., Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999
 - 25%: Laura V. Jones Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999
 - 25%: Kathleen E. Anderson Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999
6. Due to Respondent Pickett's failure to file required documents after multiple demands by the Court dating back to June 21, 2019, the Court ultimately closed the Estate by Order dated January 19, 2022, pursuant to Rule 4, which Order terminated Respondent Pickett as Personal Representative.

DLM
2 of 8

7. On May 19, 2023, Respondent Pickett filed an Application for Subsequent Administration, seeking to reopen the Estate and to be reappointed as Personal Representative.
8. On June 27, 2023, Mrs. Jones filed a Verified Petition for Appointment of Special Administrator and on September 20, 2023, she filed a Memorandum in Support of Petition for Appointment of Special Administrator.
9. Following a properly noticed hearing at which all interested parties were present and/or represented by counsel, the Court, by Order executed September 27, 2023, granted the Petition and appointed C. Mac Gibson, Jr., Esquire, as Special Administrator with all the powers of a general personal representative. In the Order, the Court found that Mr. Gibson's appointment "is necessary to preserve the estate and to secure its proper administration." The Court further ordered that "all parties shall fully cooperate with Special Administrator".
10. At no point has Respondent Pickett been reappointed as Personal Representative.
11. On October 9, 2023, Respondent Pickett filed a Motion to Reconsider, asking the Court to reconsider the appointment of a special administrator. Mrs. Jones filed a Memorandum in Opposition to Motions to Reconsider on October 23, 2023, arguing, in part, that the Motion to Reconsider was untimely as it was not served on all parties within 10 days as required by Rule 59(e), SCRCP. On January 16, 2024, Mrs. Jones filed a Supplemental Memorandum in Opposition to Motions to Reconsider.
12. After being unable to obtain Respondent Pickett's cooperation in obtaining information about the Estate's assets or the location of those assets, Mr. Gibson filed a Motion to Compel on November 11, 2023, asking the Court to order Respondent Pickett to provide an accounting and other documentation concerning the amount and location of the Estate's assets.

DLM
3 of 8

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

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

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

APPLICABLE LAW

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

A special administrator may be appointed:

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

(a) to protect the estate of a decedent prior to the appointment of a general personal representative or if a prior appointment has been terminated as provided in

Section 62-3-609;

DLM
4 of 8

(b) for a creditor of the decedent's estate to institute any proceeding under Section

62-3-803; or

(c) to take appropriate actions involving estate assets;

S.C. Code Ann. § 62-3-614.

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

FINDINGS OF FACT & CONCLUSIONS OF LAW

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

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

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

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

DLM
5 of 8

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

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

IT IS FURTHER ORDERED that:

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

that the Special Administrator has established;

DLM

6 of 8

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

Administrator;

DLM

7 of 8

9. That the Special Administrator shall be permitted to speak, via Zoom, in person, or telephone, to the Respondent Pickett with his attorney present, concerning the assets of the Estate of Veronique W. Pickett; and
10. Pursuant to S.C. Code Ann. § 62-3-616, and other relevant statutory provisions of the South Carolina Probate Code, C. Mac Gibson, Jr., Esquire, as Temporary Special Administrator, shall have all the powers of a Personal Representative as applied under Article III, Part 7 (S.C. Code Ann. §§ 62-3-701 through 62-3-721) of the South Carolina Probate Code necessary to perform his duties, and such powers are incorporated herein by specific reference thereto.

AND IT IS SO ORDERED.



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

This 8 day of February, 2024
Charleston, South Carolina

THE STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS

Appeal from Charleston County
Probate Court

David L. Michel, Associate Judge of Probate

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

In re: Veronique W. Pickett

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

v.

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

RESPONDENT LAURA V. JONES'S MOTION TO DISMISS APPEAL

TO: APPELLANT AND HIS LEGAL COUNSEL:

PLEASE TAKE NOTICE that the undersigned attorneys for Respondent Laura V. Jones, as Trustee of the Laura V. Jones Trust as Established by the Will of Veronique H.W. Pickett dated March 31, 1999, will move before the Presiding Judge of the Ninth Judicial Circuit at the Charleston County Courthouse, or at such other office as the Court may direct, after ten (10) days from the date of service hereof or at such time and place as the Court may direct, for an Order dismissing Appellant Bayard Scott Pickett, Jr.'s Notice of Appeal, filed on February 20, 2024, and served on Respondent Jones on or about February 20, 2024. As set forth below, the Order

Appointing Temporary Special Administrator is not a final order, is not appealable, and, therefore, this Court lacks subject matter jurisdiction of Appellant's appeal of the same.

Appeals from orders of the probate court are governed exclusively by S.C. Code Ann. § 62-1-308. Dorn v. Cohen, 421 S.C. 53, 809 S.E.2d 53 (2017) (finding the lower court erred in applying S.C. Code Ann. § 14-3-330 to determine whether an order of the probate court was immediately appealable because appeals from probate court are governed by § 62-1-308); Fulmer v. Cain, 380 S.C. 466, 670 S.E.2d 652 (2008) ("Appeals from the probate court are governed by S.C. Code Ann. § 62-1-308.").

Only final orders from the probate court are appealable under S.C. Code Ann. § 62-1-308. See S.C. Code Ann. § 62-1-803(a) ("A person interested in a **final** order, sentence, or decree of a probate court may appeal to the circuit court...") (emphasis added); Dorn, 421 S.C. at 520, 809 S.E.2d at 54 ("Because the probate court's order adding a party to the action was not a final order, the order was not immediately appealable pursuant to section 62-1-308."); Fulmer, 380 S.C. at 469, 670 S.E.2d at 654 (holding that only final orders are reviewable under S.C. Code Ann. § 62-1-308); Estate of Boyce v. Work, 305 S.C. 43, 44, 406 S.E.2d 184, 185 (Ct. App. 1991) (S.C. Code Ann. § 62-1-308(a) provides that only final orders of the probate court may be appealed, a probate court order that is clearly temporary cannot be appealed, circuit court lacks subject matter jurisdiction to entertain appeal of probate court's temporary order).

On February 8, 2024, the Charleston County Probate Court entered an Order for Appointment of Temporary Special Administrator in the Estate of Veronique W. Pickett. On February 20, 2024, Appellant Pickett filed his Notice of Appeal of this Order. However, it is firmly established that this Order, appointing a temporary special administrator, is not a final order and not appealable. This was squarely addressed in the Estate of Boyce matter, in which the appellant

appealed the probate court's appointment of a temporary special administrator to the circuit court. The circuit court entertained the appeal and disqualified the special administrator. Id. at 45, 406 S.E.2d at 185. The South Carolina Court of appeals vacated the circuit court's order and remanded the matter to the probate court for further proceedings, finding that the circuit court lacked subject matter jurisdiction of the order appointing a temporary special administrator because it was not a final order, and therefore was not appealable. Id.

Based on the S.C. Probate Code and the established law of this State, this Court lacks subject matter over Appellant Pickett's appeal and Respondent Jones respectfully requests that the appeal be dismissed.

WHEREFORE, Respondent Jones prays that the Court dismiss this Appeal in its entirety, award attorney's fees and costs incurred in bringing this Motion pursuant to Rule 222(b), SCACR, and grant such further relief as the Court deems appropriate.

SAXTON & STUMP, LLC

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

Attorneys for Respondent Laura V. Jones

February 27, 2024
Charleston, SC

THE STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS

Appeal from Charleston County
Probate Court

David L. Michel, Associate Judge of Probate

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

In re: Veronique W. Pickett

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

v.

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

RESPONDENT LAURA V. JONES'S AMENDED MOTION TO DISMISS APPEAL

TO: APPELLANT AND HIS LEGAL COUNSEL:

PLEASE TAKE NOTICE that the undersigned attorneys for Respondent Laura V. Jones, as Trustee of the Laura V. Jones Trust as Established by the Will of Veronique H.W. Pickett dated March 31, 1999, will move before the Presiding Judge of the Ninth Judicial Circuit at the Charleston County Courthouse, or at such other office as the Court may direct, after ten (10) days from the date of service hereof or at such time and place as the Court may direct, for an Order dismissing Appellant Bayard Scott Pickett, Jr.'s Notice of Appeal, filed on February 20, 2024, and served on Respondent Jones on or about February 20, 2024. As set forth below, the appeal must

be dismissed because: 1) it was not timely filed in the probate court; and 2) the Order for Appointment of Temporary Special Administrator is not a final order, is not appealable, and, therefore, this Court lacks subject matter jurisdiction of Appellant's appeal of the same.

I. Appellant's Notice of Intent to Appeal was not timely filed.

As noted by Appellant in his Notice of Intent to Appeal, he received notice of the Order for Appointment of Temporary Special Administrator on February 8, 2024. See Notice of Intent to Appeal, attached as **Exhibit 1**. As such, with the President's Day holiday on February 19, 2024, the Notice of Intent to Appeal was required to be filed in both the circuit court and probate court and served on Respondent by February 20, 2024. See S.C. Code Ann. § 62-1-308(a) ("The notice of intention to appeal to the circuit court must be filed in the office of the circuit court **and in the office of the probate court** and a copy served on all parties not in default within ten days after receipt of written notice of the appealed from order, sentence, or decree of the probate court.") (emphasis added); see also Witzig v. Witzig, 325 S.C. 363, 479 S.E.2d 297 (Ct. App. 1996) (holding that the specific ten-day period provided by S.C. Code Ann. § 62-1-308(a) controls over the general provisions of Rule 74, SCRPC ("Procedure on Appeal to the Circuit Court"), which allows a thirty-day period only "when no time is fixed by statute").

The Notice of Intent to Appeal was timely filed in the circuit court on February 20, 2024. However, it was not filed in the probate court until February 21, 2024. See Ex. 1. Therefore, it is untimely and must be dismissed because this Court lacks subject matter jurisdiction to entertain the appeal. See Gallagher v. Evert, 353 S.C. 59, 68, 577 S.E.2d 217, 221 (Ct. App. 2002) (because appellant did not timely file and serve his appeal from the probate court, the circuit court lacked subject matter jurisdiction to address the merits of the appeal); see also Witzig, 325 S.C. at 366-67, 479 S.E.2d at 298 (finding appeal from the probate court to the circuit court not timely filed,

thus, reinstatement of the probate court's order was required).

II. The Order for Appointment of Temporary Special Administrator is not a final order and is not immediately appealable.

Appeals from orders of the probate court are governed exclusively by S.C. Code Ann. § 62-1-308. Dorn v. Cohen, 421 S.C. 53, 809 S.E.2d 53 (2017) (finding the lower court erred in applying S.C. Code Ann. § 14-3-330 to determine whether an order of the probate court was immediately appealable because appeals from probate court are governed by § 62-1-308); Fulmer v. Cain, 380 S.C. 466, 670 S.E.2d 652 (2008) ("Appeals from the probate court are governed by S.C. Code Ann. § 62-1-308.").

Only final orders from the probate court are appealable. See S.C. Code Ann. § 62-1-803(a) ("A person interested in a **final** order, sentence, or decree of a probate court may appeal to the circuit court...") (emphasis added); Dorn, 421 S.C. at 520, 809 S.E.2d at 54 ("Because the probate court's order adding a party to the action was not a final order, the order was not immediately appealable pursuant to section 62-1-308."); Fulmer, 380 S.C. at 469, 670 S.E.2d at 654 (holding that only final orders are reviewable under S.C. Code Ann. § 62-1-308); Estate of Boyce v. Work, 305 S.C. 43, 44, 406 S.E.2d 184, 185 (Ct. App. 1991) (S.C. Code Ann. § 62-1-308(a) provides that only final orders of the probate court may be appealed, a probate court order that is clearly temporary cannot be appealed, circuit court lacks subject matter jurisdiction to entertain appeal of probate court's temporary order).

In this matter, Appellant Pickett has attempted to appeal the Charleston County Probate Court's Order for Appointment of Temporary Special Administrator. However, it is firmly established that this Order, appointing a temporary special administrator, is not a final order and not appealable. This was squarely addressed in the Estate of Boyce matter, in which the appellant appealed the probate court's appointment of a temporary special administrator to the circuit court.

The circuit court entertained the appeal and disqualified the special administrator. Id. at 45, 406 S.E.2d at 185. The South Carolina Court of Appeals vacated the circuit court's order and remanded the matter to the probate court for further proceedings, finding that the circuit court lacked subject matter jurisdiction over the appeal because the order appointing a temporary special administrator was not a final order, and therefore was not appealable. Id.

Based on the S.C. Probate Code and the established law of this State, this Court lacks subject matter over Appellant Pickett's appeal and Respondent Jones respectfully requests that the appeal be dismissed.

WHEREFORE, Respondent Jones prays that the Court dismiss this Appeal in its entirety, award attorney's fees and costs incurred in bringing this Motion and grant such further relief as the Court deems appropriate.

SAXTON & STUMP, LLC

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

Attorneys for Respondent Laura V. Jones

March 6, 2024
Charleston, SC

EXHIBIT 1

ELECTRONICALLY FILED - 2024 Feb 20 11:19 AM - CHARLESTON - COMMON PLEAS - CASE#2024CP1000921

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE MATTER OF:
VERONIQUE W. PICKETT

BAYARD SCOTT PICKETT, JR.

APPELLANT,

vs.

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

RESPONDENTS.

IN THE CIRCUIT COURT
Appeal from Probate Court for Charleston County
CASE NO.:2019-ES-10-00394

**NOTICE OF INTENT TO APPEAL
TO CIRCUIT COURT**

EZ FILING
PROBATE COURT
CHARLESTON COUNTY, SOUTH CAROLINA
2019ES1000394
2/21/2024 8:34AM

Pursuant to SCPC 62-1-308, Appellant hereby submits his Notice of Intent to Appeal the Probate Court Order for Appointment of Special Administrator dated February 8, 2023. The Order was received by the Appellant's Counsel on February 8, 2024. A copy of the Order is attached.

FERRARA LAW FIRM, PLLC

s /Paul B. Ferrara, III

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

SWORN to before me this 19th
day of February, 2024

Tina M. Markferding
Notary Public for South Carolina

My Commission Expires: 12-30-29

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

STATE OF SOUTH CAROLINA) IN THE PROBATE COURT
COUNTY OF CHARLESTON) CASE NO: 2019-ES-10-0394

IN THE MATTER OF:)
VERONIQUE W. PICKETT)

ORDER FOR APPOINTMENT OF
TEMPORARY SPECIAL ADMINISTRATOR

LAURA V. JONES, AS TRUSTEE OF THE)
LAURA V. JONES TRUST AS)
ESTABLISHED BY THE WILL OF)
VERONIQUE H.W. PICKETT DATED)
MARCH 31, 1999,)
Applicant,)
v.)
BAYARD SCOTT PICKETT, JR.,)
INDIVIDUALLY AND AS TRUSTEE OF)
THE BAYARD SCOTT PICKETT, JR.)
TRUST AS ESTABLISHED BY THE WILL)
OF VERONIQUE H.W. PICKETT DATED)
MARCH 31, 1999, LAURA V. JONES, AS)
TRUSTEE OF THE KATHLEEN E.)
ANDERSON TRUST AS ESTABLISHED)
UNDER THE WILL OF VERONIQUE)
H.W. PICKETT DATED MARCH 31, 1999,)
AND KATHLEEN E. ANDERSON,)
Respondents.)

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

DLM
1 of 8

PROCEDURAL HISTORY

1. The Decedent, Veronique W. Pickett, died on December 18, 2018. At the time of her death, she was a resident of Virginia Beach, Virginia, but owned real property in Charleston County, South Carolina.
2. At the time of her death, the Decedent was survived by her son, Respondent Bayard Scott Pickett, Jr., and her two granddaughters, Applicant Laura V. Jones and Kathleen E. Anderson.
3. On March 1, 2019, Respondent Bayard Scott Pickett, Jr. (hereinafter, "Respondent Pickett"), son of the Decedent, filed an Application for Informal Appointment of Personal Representative.
4. On March 11, 2019, Respondent Pickett was appointed as Personal Representative of the Estate and the Decedent's Will, dated March 31, 1999, was admitted to probate.
5. Pursuant to the Will, the devisees of the Estate are as follows with their respected shares as indicated:
 - 50%: Bayard Scott Pickett, Jr., Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999
 - 25%: Laura V. Jones Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999
 - 25%: Kathleen E. Anderson Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999
6. Due to Respondent Pickett's failure to file required documents after multiple demands by the Court dating back to June 21, 2019, the Court ultimately closed the Estate by Order dated January 19, 2022, pursuant to Rule 4, which Order terminated Respondent Pickett as Personal Representative.

DLM

2 of 8

7. On May 19, 2023, Respondent Pickett filed an Application for Subsequent Administration, seeking to reopen the Estate and to be reappointed as Personal Representative.
8. On June 27, 2023, Mrs. Jones filed a Verified Petition for Appointment of Special Administrator and on September 20, 2023, she filed a Memorandum in Support of Petition for Appointment of Special Administrator.
9. Following a properly noticed hearing at which all interested parties were present and/or represented by counsel, the Court, by Order executed September 27, 2023, granted the Petition and appointed C. Mac Gibson, Jr., Esquire, as Special Administrator with all the powers of a general personal representative. In the Order, the Court found that Mr. Gibson's appointment "is necessary to preserve the estate and to secure its proper administration." The Court further ordered that "all parties shall fully cooperate with Special Administrator".
10. At no point has Respondent Pickett been reappointed as Personal Representative.
11. On October 9, 2023, Respondent Pickett filed a Motion to Reconsider, asking the Court to reconsider the appointment of a special administrator. Mrs. Jones filed a Memorandum in Opposition to Motions to Reconsider on October 23, 2023, arguing, in part, that the Motion to Reconsider was untimely as it was not served on all parties within 10 days as required by Rule 59(e), SCRCP. On January 16, 2024, Mrs. Jones filed a Supplemental Memorandum in Opposition to Motions to Reconsider.
12. After being unable to obtain Respondent Pickett's cooperation in obtaining information about the Estate's assets or the location of those assets, Mr. Gibson filed a Motion to Compel on November 11, 2023, asking the Court to order Respondent Pickett to provide an accounting and other documentation concerning the amount and location of the Estate's assets.

DLM
3 of 8

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

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

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

APPLICABLE LAW

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

A special administrator may be appointed:

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

(a) to protect the estate of a decedent prior to the appointment of a general personal representative or if a prior appointment has been terminated as provided in

Section 62-3-609;

DLM
4 of 8

(b) for a creditor of the decedent's estate to institute any proceeding under Section

62-3-803; or

(c) to take appropriate actions involving estate assets;

S.C. Code Ann. § 62-3-614.

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

FINDINGS OF FACT & CONCLUSIONS OF LAW

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

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

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

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

DLM
5 of 8

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

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

IT IS FURTHER ORDERED that:

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

that the Special Administrator has established;

DLM

6 of 8

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

Administrator;

DLM
7 of 8

9. That the Special Administrator shall be permitted to speak, via Zoom, in person, or telephone, to the Respondent Pickett with his attorney present, concerning the assets of the Estate of Veronique W. Pickett; and
10. Pursuant to S.C. Code Ann. § 62-3-616, and other relevant statutory provisions of the South Carolina Probate Code, C. Mac Gibson, Jr., Esquire, as Temporary Special Administrator, shall have all the powers of a Personal Representative as applied under Article III, Part 7 (S.C. Code Ann. §§ 62-3-701 through 62-3-721) of the South Carolina Probate Code necessary to perform his duties, and such powers are incorporated herein by specific reference thereto.

AND IT IS SO ORDERED.


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

This 8 day of February, 2024
Charleston, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE MATTER OF:

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

PETITIONERS,

V.

BAYARD SCOTT PICKETT, JR.

RESPONDENT.

IN THE PROBATE COURT

CASE NO.:2019-ES-10-0394

AFFIDAVIT OF SERVICE

EZ FILING
PROBATE COURT
CHARLESTON COUNTY, SOUTH CAROLINA
2019ES1000394
2/21/2024 8:34AM

PERSONALLY appeared before me the undersigned who, being duly sworn, on oath says:

1. That she is an employee in the office of Ferrara Law Firm, PLLC, attorneys for the defendant herein;
2. That on the 20th day of February, 2024 she did serve via U.S mail a true and correct copy of the Notice of Intent to appeal to:

ep@saxtonstump.com
Elizabeth J. Palmer, Esq
Saxton & Stump, LLC
151 Meeting Street
Charleston, SC 29417

eric@laqlaw.com
Eric B. LaQuiere, Esq.
LaQuiere Legal Services, LLC
3674 Old Charleston Hwy
Johns Island, SC 29445

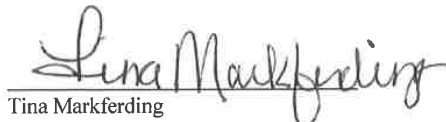
mac@cmacgibson.net
Law Office of Mac Gibson
C. Mac Gibson, Esq.
21 Gamecock Ave., Suite A
Charleston, SC 29407

Rslikker@charlestoncounty.org
Charleston County Probate Court
Attn: Don Michel
84 Broad St.
Charleston, SC 29401

3. That she is not a party to this action.


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

(L.S.)


Tina Markferding

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
PROBATE COURT

Probate Case No. 2019-ES-10-00394
Appellate Case No.: 2024-CP-10-00598

In re: Veronique W. Pickett
Bayard Scott Pickett, Jr.

Appellant,

v.

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

Respondents.

APPELLANT'S FINAL BRIEF

June 20, 2024

Paul B. Ferrara, III
S.C. Bar No. 70511
8887 Old University Blvd. Ste. 200
North Charleston, SC 29406
(843) 569-5511
Attorney for Appellant

TABLE OF CONTENTS

Table of Cases and Authorities	ii, iii
Statement of Issues on Appeal	iv
Statement of Case	1
Statement of Facts	3
Standard of Review	6
Argument	6

TABLE OF CASES AND AUTHORITIES

Statutes

S.C. Code Ann. §62-1-102 (a).....	1,2,3
S.C. Code Ann. §62-1-201 (44).....	1,2,3
S.C. Code Ann. §62-1-302 (d)(1).....	1,2,3
S.C. Code Ann. §62-1-302 (6)(d)(1).....	1,2,3
S.C. Code Ann. §62-1-302 (f).....	1,2,3S.C.
S.C. Code Ann. §62-3-203(e)(2).....	1,2,3
S.C. Code Ann. §62-3-414.....	1,2,3
S.C. Code Ann. §62-3-611(b).....	1,2,3
S.C. Code Ann. §62-3-614(2).....	1,2,3
S.C. Code Ann. §62-3-615(a).....	1,2,3
S.C. Code Ann. §62-3-618.....	1,2,3

Rules

Rule 8 (f) of the South Carolina Rules of Civil Procedure.....	2,3,4,5

Cases

Blackmon v. Weaver, 366 S.C. 245, 621 S.E.2d 42 (2005).....	1,2,3
Church v. McGee, 391 S.C. 334, 705 S.E.2d 481(2011).....	1,2,3
Cotty v. Yartzeff, 309 S.C. 259, 422 S.E.2d 100 (1992).....	1,2,3
Johnson v. Thornton, 264 S.C. 252, 214 S.E.2d 124 (1975).....	1,2,3
Justice v. The Pantry, 335 S.C. 572, 518 S.E.2d 40 (1999).....	1,2
Limehouse v. Limehouse, 256 S.C. 255, 182 S.E.2d 58 (1971).....	1,2,3

Russell v. Carolina Nat'l Bank, 293 S.C. 357, 360 S.E.2d 527 (1987).....	1,2,3
Smith v. Heyward, 115 S.C. 145, 104 S.E. 473 (1990).....	1,2,3
Wilson v. Dallas, 403 S.C. 411, 743 S.E.2d 746 (2013).....	1,2,3

Other Authority

Harry M. Lightsey, Jr. & James F. Flanagan, South Carolina Civil Procedure 93, 2 nd . Ed. 1996).....	3

STATEMENT OF ISSUES ON APPEAL

- I. **THE PROBATE COURT FAILED TO REMOVE THE MATTER TO THE CIRCUIT COURT PURSUANT TO S.C. CODE ANN. 62-1-302(d)(1).**
- II. **THE PROBATE COURT ERRED IN FAILING TO FIND THAT THE NAMED PERSONAL REPRESENTATIVE WOULD NOT ACT, OR COULD NOT ACT, PRIOR TO THE APPOINTMENT OF A SPECIAL ADMINISTRATOR.**
- III. **DID THE PROBATE COURT ERR IN FAILING TO FIND THAT THE NAMED PERSONAL REPRESENTATIVE, BAYARD SCOTT PICKETT, JR. WAS UNFIT TO SERVE AS THE PERSONAL REPRESENTATIVE?**

STATEMENT OF CASE

On February 21, 2019, the family had a meeting and agreed that Bayard Scott Pickett, Jr. would be the sole personal representative and executed a family settlement agreement. (R. at 414) On March 1, 2019, Bayard Scott Pickett, Jr., filed an application for Informal Appointment of Personal Representative (R. at 28) On March 11, 2019, the Will was admitted to probate in Charleston and Bayard Scott Pickett, Jr. was appointed Personal Representative of the Estate by Order of Judge Curry/Condon. (R. at 1) The will also appoints Bayard Scott Pickett as Trustee of the trusts created under his mother's will. (R. at 386) The probated will devised the Estate as follows: Fifty (50%) percent to the Bayard Scott Pickett, Jr. Trust; Twenty-Five (25%) percent to the Laura V. Jones Trust; and Twenty-Five (25%) percent to the Kathleen E. Anderson Trust. (R. at 390) Mr. Shawn Flannagan, Esq. of Buist, Moore, Smythe & McGee entered an appearance (R. at 418) On June 21, 2019 the Probate Court notified Bayard Scott Pickett, Jr., by letter that the Inventory and Appraisement was overdue and needed to be filed within 20 days. (R. at 420) On December 26, 2019, a lawsuit was filed by Duke Highfield, Esq., case number 2019-CP-10-06634, concerning property owned by the estate and located at 213/215 King Street, Mount Pleasant, South Carolina. Highfield asserted damages because of alleged mold exposure and named the Bayard Scott Pickett Trust as a party. (R at 38) On November 24, 2020, Mr. Ferrara filed a motion to substitute counsel. (R. at 53) The Probate Court sent another letter on September 21, 2020, notifying of the requirement to file within 20 days. The last letter was sent on March 25, 2021, to file the documentation. On April 13, 2021, the Court Ordered the substitution of counsel. (R. at 10). On June 14, 2021, Bayard Scott Pickett, Jr. learned that the potential required filings may be due for the estate and immediately directed counsel to request an extension to file the documents because of the pending litigation affecting the estate and the questions raised, by

Bayard Scott Pickett, Jr.'s certified Public Accountant, about what property passed through the estate. (R. at 55). Judge Condon granted an extension until August 15, 2021, to file the required filings. (R. at 11) On August 16, 2021, Bayard Scott Pickett, Jr. directed an additional extension because of the pending litigation and outstanding taxable estate issues and Judge Condon, on August 17, 2021, granted an additional extension to September 17, 2021, for the filing of inventory and appraisal and October 15, 2021, for the closing documents. (R. at 12) On September 17, 2021, Bayard Scott Pickett, Jr. directed counsel to file an additional extension for the required filings. (R. at 13). The Probate Court requested counsel file proof of litigation with the probate Court. (R. at 13) Judge Condon then issued a new order allowing a five-day extension until October 20, 2021, to file the accounting and March 18, 2022, to close the estate. (R. at 13) The Probate Court closed the Estate by Order dated January 19, 2022, granting leave to refile. (R. at 14) On May 19, 2023, the Highfield case was finally settled (R. at 62) On May 18, 2023, Bayard Scott Pickett filed a motion for subsequent administration and appointment of Bayard Scott Pickett, Jr. as the subsequent personal representative and it was clocked in on May 19, 2023. (R. at 57) On May 31, 2023, Laura Jones filed an objection to the motion for subsequent personal representative (R. at 63). Thereafter, Jones filed a formal petition to appoint a special administrator on June 26, 2023. (R. at 71). Appellant answered the formal petition and requested removal. (R. at 83) On September 21, 2023, the inventory and appraisal were submitted for filing to the probate Court (R. at 137). On September 22, 2023, a hearing was held on the informal motion for subsequent administration and appointment of Bayard Scott Pickett, Jr. and the formal petition for appointment of a special administrator. (R. at 337). On September 22, 2023 at 10:15 a.m., the inventory and appraisal was accepted by the probate Court and formally filed. On September 27, 2023, at 5:12 pm, the probate court accepted and filed the final accounting in this estate matter. (R. at 143)

On September 27, 2023, the Probate Court emailed a signed and unfiled Order for Appointment of Special Administrator, naming C. Mac Gibson Esq. as Special Administrator at 2:07 p.m. (R. at 15). On October 9, 2023, Appellant filed a motion to reconsider the Order appointing the Special Administrator. (R. at 155). On January 16, 2024, the Probate Court denied Appellants motion to reconsider and filed the Order with the Court on February 2, 2024. (R. at 20) On February 2, 2024, Appellant filed this appeal. (R. at 282)

STATEMENT OF FACTS

Veronique H. W. Pickett, a resident of Virginia Beach, Virginia, died on December 18, 2018. Mrs. Pickett named her child, Bayard Scott Pickett, Jr. and Veronique W.P. Anderson as co-personal representatives and trustees in her will. Veronique W. P. Anderson predeceased her mother. She was survived by her two daughters Laura V. Jones and Kathleen E. Anderson.

Shortly after the death of Veronique H.W. Pickett, the family met and executed a family settlement agreement and all parties agreed that Bayard Scott Pickett Jr. would serve as sole personal representative. The agreement was filed with the Court and Judge Condon accepted the family settlement agreement which ordered that Mr. Pickett serve as personal representative.

The Pickett estate was comprised of a residence in the old village in Mount Pleasant known as 213/215 King Street, which later sold for \$4,000,000 and \$89,854.48 in cash that was in a checking account at the time of Veronique's passing in December 2019. The will devised the Estate as follows: Fifty (50%) percent to Bayard Scott Pickett, Jr. Trust; Twenty-Five (25%) percent to Laura V. Jones Trust; and Twenty-Five (25%) percent to the Kathleen E. Anderson Trust.

At the real estate closing of 213/215 King Street, it was agreed that fifty percent of the net proceeds were disbursed to the beneficiaries and the remaining 50% be held by the estate for expenses of administration and the pending lawsuit. Each beneficiary received their share of the \$1,760,425.15. No further estate disbursements have been made to Bayard Scott Pickett, Jr. However, Laura Jones has received \$139,510¹ and Kathleen Jones received \$35,000².

In the Summer of 2019, Bayard Scott Pickett, Jr. met with a Certified Public Accountant, Shirley Decker, and Mr. Shawn Flannagan of Buist, Moore, Smythe & McGee to ascertain what assets were probate and non-probate. At that time, he believed that all required filings were made with the probate court. The Probate Court notified Bayard Scott Pickett, Jr., on June 21, 2019 by letter that the Estate's Inventory and Appraisement was overdue and needed to be filed within 20 days. Thereafter on December 26, 2019, a lawsuit was filed by Duke Highfield, Esq., case number 2019-CP-10-06634, concerning the property located at 213/215 King Street, Mount Pleasant, South Carolina. Highfield filed a lawsuit and asserted damages because of alleged mold exposure. (R. at 38) Mr. Highfield was initially claiming damages of \$100,000 but increased to \$268,520 at mediation. Mr. Paul Ferrara and Mr. Shawn Bevans were hired to represent the Trust of Bayard Scott Pickett, Sr.; however, the real party in interest was the Estate of Veronique H.W. Pickett. In the late summer/early fall of 2020, Bayard Scott Pickett, Jr. received word that Mr. Flannagan was leaving the firm of Womble Carlisle, and hired Paul B. Ferrara, III to assist him on his mother's estate. The Probate Court sent another letter, presumably to Mr. Pickett's then counsel, on September 21, 2020, notifying of the requirement to file within 20 days. The last letter was sent on March 25, 2021, to file the documentation. On April 13, 2021, the Court Ordered the substitution of counsel of Mr. Ferrara for Mr. Flannagan. Exhibit 2 of Affidavit. On June 14, 2021,

¹ \$500 on 12/27/18; \$4,000 on 1/18/19; \$35,000 12/21/20; \$50,010 on 3/11/22; and \$50,010 on 6/17/22.

² \$10,000 on 8/9/23 and \$25,000 on 10/26/2023.

Bayard Scott Pickett, Jr. learned for the first time that the potential required filings may be due for the estate and immediately directed counsel to request an extension to file the documents because of the pending Highfield litigation affecting the estate and the questioned status, by Bayard Scott Pickett, Jr.'s certified Public Accountant, about what property passed through the estate. After several extensions On September 17, 2021, Bayard Scott Pickett, Jr. directed counsel to file an additional extension because of the litigation of Mr. Highfield, and the CPA advised him that she was delayed and backed up with returns from the COVID pandemic. Counsel was requested to file proof of litigation with the probate Court and did so. Judge Condon then issued a new order allowing a five-day extension until October 20, 2021, to file the accounting and March 18, 2022, to close the estate. Exhibit 7 of affidavit. The Probate Court closed the Estate by the Order dated January 19, 2022, but granted leave to refile/reopen the estate. (R. at 14) Appellant was under the belief that the Court would grant a motion for subsequent administration once the litigation was settled, and the estate was ready to be closed. The Duke Highfield litigation concerning the estate settled on May 18, 2023, as evidenced by the attached filed stipulation of dismissal. (R. at 61) The same day, Mr. Pickett promptly filed a motion to reopen Veronique H.W. Pickett estate on May 18, 2023, and requested that he be named as personal representative. (R. at 57) The estate documentation evidencing the funds on deposit for the benefit of the estate and trusts was accurate at the time of filing. Every single item of income and expense is detailed in the court filings. (R. at 138) The total estate proceeds, as result of interest, have increased to One Million Four Hundred Thirty Thousand Four Hundred Forty-Seven and 39/100ths (\$1,430,447.39) Dollars. Mr. Pickett, if allowed to serve as personal representative and sign a tax return, expects the estate to receive a refund received from the U.S. Department of Treasury and South Carolina Department of Revenue for Three Hundred Fifty-Seven Thousand Five Hundred Twenty (\$357,520) Dollars in tax

overpayments. Mr. Pickett is ready, willing, and able to complete my job as personal representative and make all disbursements once approved by Court order.

At the time of this brief, all estate and trust proceeds are secured and insured in banks as directed by Veronique H. W. Pickett 's will. Not one red cent has been spent by Mr. Pickett as personal representative, which was not for the benefit of the estate of Veronique H.W. Pickett.

STANDARD OF REVIEW

This matter concerns the appointment of a special administrator which is akin to removal of a personal representative. *See Fisher v. Huckabee*, Appellate Case No. 2014-002020, Opinion No. 2016-UP-528 (S.C. App. Dec 21, 2016). If the probate proceeding is equitable in nature, the circuit court, on appeal, may make factual findings according to its own view of the preponderance of the evidence. *Ex parte Small*, 69 S.C. 43, 48 S.E. 40 (1904); *Eagles v. South Carolina National Bank*, 301 S.C. 402, 392 S.E.2d 187(Ct.App.1990). (footnotes omitted). *See also Dean v. Kilgore*, 313 S.C. 257, 437 S.E.2d 154 (Ct.App. 1993) (stating determination of the standard of review turns on whether the cause of action is equitable or legal and holding an action to appoint a special administrator and remove a personal representative appointed pursuant to the terms of a will is equitable in character; thus, the circuit court could make findings in accordance with its own view of the preponderance of the evidence).

ARGUMENT

I. THE PROBATE COURT FAILED TO REMOVE THIS MATTER TO THE CIRCUIT COURT PURSUANT TO S.C. CODE ANN. 62-1-302(d)(1).

The South Carolina Probate Court has exclusive jurisdiction over estate matters; however, this jurisdiction is subject to timely requests for removal to the circuit court as stated in S.C. Code Ann. 62-1-302. S.C. Code 62-1-302(6)(d) mandates removal, if timely requested and orders that

the proceeding or action “must be removed to the circuit court. . .” It was an error for the probate court to fail to remove this proceeding to the Circuit Court.

In general, the Probate Court retains jurisdiction to resolve estate matters unless removal is requested by a party. S.C. Code Ann. 62-1-302(f) states that:

“[n]otwithstanding the exclusive jurisdiction of the probate court . . . if an action described in subsection (d) is removed to the circuit court by motion of a party, or by the probate court on its own motion, the probate court may, in its discretion, remove any other related matter or matters which are before the probate court to the circuit court if the probate court finds that the removal of such related matter or matters would be in the best interest of the estate or in the interest of judicial economy. For any matter removed by the probate court to the circuit court pursuant to this subsection, the circuit court shall proceed upon the matter de novo.

South Carolina Code Ann. 62-1-302(d)(1) allows a formal proceeding concerning the appointment of general personal representatives to be removed to circuit court if requested within ten (10) days after all responsive pleadings are due. This right of removal exists because there was a “formal proceeding” before the probate court. This case surrounds the issue of whether to appoint a special administrator or the successor personal representative to administer the estate. South Carolina Code Ann. 62-1-201(44) states “special administrator” means a personal representative as described by Sections 62-3-614 through 62-3-618.

In this case, there was a formal request to remove this matter to the circuit court. Paragraph 30 of the timely filed answer of Bayard Scott Pickett requested to remove the matter to Circuit Court. The request for removal needs to be made by motion pursuant to S.C. Code Ann. 62-1-302(f). Paragraphs 23 through 26 of the filed answer contained the motion. Paragraph 23 reiterated the allegations in the preceding paragraphs of the answer, including the 12(B)(6) motion contained in paragraph 15. These paragraphs, read in conjunction, met the minimum requirements, pursuant to the probate code and pleading requirements to provide notice of the request for removal

inside of the 12 (b)(6) motion. S.C. 62-1-102(a) states that “[t]his Code shall be liberally construed and applied to promote its underlying purposes and policies.” Further, although our Courts have held that Rule 12(b)(6) of the South Carolina Rules “retains the Code Pleading standard . . . rather than the more lenient notice pleading standard found in the federal rules.” Harry M. Lightsey, Jr. & James F. Flanagan, *South Carolina Civil Procedure* 93, 2nd ed. (1996); *see also Justice v. The Pantry*, 335 S.C. 572, 518 S.E.2d 40 (1999) (citing *South Carolina Civil Procedure*). However, “technical, restrictive or outmoded requirements of Code Pleading are not necessarily required.” Lightsey, Jr. & Flanagan at 93-94. Furthermore, Rule 8(f), SCRCP, states that all pleadings are to be construed to do substantial justice to all parties. To ensure substantial justice to the parties, the pleadings must be liberally construed. *Russell v. City of Columbia*, 305 S.C. 86, 406 S.E.2d 338 (1991). Given that the request for removal was timely made, coupled with the substantial justice to the parties’ standard, the probate court should have removed this matter to the circuit court.

Moreover, it was clear that the Court had reviewed the filed answer and the demands contained therein. The Court noted that “there was a request for a jury trial. Let the record reflect that you can have a jury trial on numerous issues. One of them is not for the appointment of a special administrator or a PR, but I believe there was other stuff alleged in that answer that you can have a jury trial on . . .” (R. at 338) The Court finally noted the end of the hearing that it was aware of the filing and thanked all parties for the “detailed filings.” (R. at 339) Judge Michel stated “And let the record reflect the filings. The Court appreciates the detailed filings. There have been very detailed filings in this case. It’s been very helpful for the Court the way the lawyers have pled their -- both of their parties’ positions.” (R. at 339).

Our Supreme Court has held that the failure to remove a matter is reversible error and an abuse of discretion. The South Carolina Supreme Court in *Cotty v. Yartzeff*, 309 S.C. 259, 262, 422

S.E.2d 100, 102 (1992) has held that provided the motion for removal is timely, removal to the circuit court is not a matter of discretion for the probate court; rather, it must occur if the causes of action requested for removal relate to certain subject matters, among them formal proceedings for the probate of wills and the appointment of personal representatives. Moreover, it is clear that the probate court cannot hear the matter once removal has been requested.

In conclusion, it is clear from the record, that the probate court erred in taking any action other than removal to the circuit court. As such, the probate Orders of September 27, 2023, and January 16, 2024, must be vacated any such rulings as matter should have been transferred to the Circuit Court and proceeded *de novo*.

II. THE PROBATE COURT ERRED IN FAILING TO FIND THAT THE NAMED PERSONAL REPRESENTATIVE WOULD NOT ACT, OR COULD NOT ACT, PRIOR TO THE APPOINTMENT OF A SPECIAL ADMINISTRATOR.

Special administrators are used in times of need when an estate needs to be preserved and protected before a personal representative can be found and appointed. The Probate Court committed an error of law, by not applying S.C. Code Ann. 62-3-614 and 62-3-615, and by applying erroneous findings of fact that the named personal representative in the will would not, or could, act as special administrator as more fully discussed below.

The distinction between the informal and formal appointment of a special administrator is dispositive in this case. S.C. Code 62-3-614 explains the role of special administrator in an informal estate proceeding as compared to a formal estate proceeding and states that in an informal matter, “A special administrator may be appointed . . . (a) to protect the estate of a decedent prior to the appointment of a general personal representative or if a prior appointment has been terminated as provided in Section 62-3-609 . . . or (c) to take appropriate actions involving estate assets.” However, in a formal proceeding, the 62-3-614 (2) requires a “finding,

after notice and hearing, that appointment is necessary to preserve the estate or to secure its proper administration including its administration in circumstances where a general personal representative cannot or should not act. . .” Importantly, 62-3-615(a) states “If a special administrator is to be appointed pending the probate of a will which is the subject of a pending application or petition for probate, the person named executor in the will shall be appointed if available and qualified.” The role of special administrator usually ends when a personal representative is appointed. S.C. Code Ann. 62-3-618.

Here, the evidence of the required findings pursuant to S.C. Code Ann. 62-3-614(2) have not been met. In this case, the Appellant applied to serve as successor personal representative before the appointment of a special administrator. (R. at 57) Further, the undisputed facts, as established at the hearing, were that Mr. Pickett filed his petition for appointment, signed the qualification and appointment statement, and was able to serve as personal representative. (R. at 60) There was no evidence in the appealed Order, or in the hearing transcript, that supports that Appellant could not or should not act. In fact, the transcript of the record and testimony at the hearing evidence that the Court stated that “I want you to know, sir, I don’t think that the testimony here today has shown — and it may change, but nothing has shown that you’ve done anything improper.” (R. at 60) The Court went further and expressed its concern that although the inventory and accountings filings were not timely filed, the Court stated “**I don’t think there was anything done improperly. It just wasn’t done.**” (R. at 353)(emphasis added). However, the inventory and appraisal were signed the day before the hearing and electronically filed at the start of the hearing via EZ filing. (R. at 138) Moreover, the proposal for distribution was filed with the Court prior to a final decision on the merits. (R. at 153) Therefore, all documents requested by the Court, prior to Mr. Pickett’s filing his petition for

appointment, were a matter of record in the Probate Court.

In any event, the lack of filing required forms alone is not enough, does not rise to the level of malfeasance as stated *infra*, and is not a sufficient basis to not appoint a personal representative in an estate.³ Here, the uncontroverted hearing testimony was that Mr. Pickett stated that he was ready to wrap up the estate now that the Duke Highfield litigation matter had been settled and the final amended estate return was ready to be filed. (R. at 344) Additionally, he had filed the inventory and appraisal, along with the proposal for distribution with the probate court prior to the final Order appointing the special administrator.

Moreover, the evidence at the hearing and, in the court filings, does not demonstrate the need for a special administrator to preserve the estate. Once Laura Jones filed the formal petition for special administrator and served Mr. Pickett, he was automatically enjoined from taking any further action without court approval until the hearing took place. S.C. Code Ann. 62-3-414 automatically stays any informal proceedings and the law states “the previously appointed personal representative, after receipt of notice thereof, shall refrain from exercising any power of administration except as necessary to preserve the estate or unless the court orders otherwise.” Thus, as the laws of this state and various provisions of the probate code required Mr. Pickett to refrain from disbursing any proceeds until a hearing on the informal appointment of Mr. Pickett as a personal representative or a special administrator, there was no need to appoint a special administrator to preserve the estate. In fact, there was no evidence that the estate was subject to losing any money. As such, it was erroneous to find that the estate needed a special

³ S.C. Code 62-3-1001 (b) states “If the personal representative does not timely perform his duties pursuant to subsection (a), and all interested persons have not waived the requirement pursuant to subsection (e), an interested person may petition for an order compelling the personal representative to perform his duties pursuant to subsection (a). After notice and hearing in accordance with Section 62-1-401, the court may issue an order requiring the personal representative to perform his duties pursuant to subsection (a).”

administrator, other than the Appellant personal representative.

In addressing the failure to act element under S.C. Code 62-3-614 (2) it appears, that the probate court, in its rulings, held that because there was no personal representative appointed at the time of this September 22, 2023 hearing, it did not have to find that the named personal representative was unwilling or unable to serve. However, this was an error of law. Prior to the Court appointing a special administrator, the Motion to Appoint Bayard Scott Pickett, Jr. as a Subsequent Personal Representative was filed (R. at 57). The probate court, in its motion to reconsider, held that it did not rule upon Appellant's informal motion to appoint Bayard Scott Pickett, Jr. as personal representative. However, the practical effect of the Court appointing a special administrator, and deliberately not hearing the Motion to Appoint Bayard Scott Pickett as personal representative, was to covertly find that Appellant was unfit and unable to serve. This is an error of law. Our Supreme Court in *Church v. McGee* has stated that removal of a personal representative is disfavored and cautioned against.

Further, in this formal proceeding, the Probate Court's failure to rule on the Appellant's motion to appoint Bayard Scott Pickett as successor personal representative was an error of law. The lack of a current personal representative provided the apparent basis for the appointment of a special administrator. The Court in the motion to reconsider Order stated that it was not ruling on the motion. (R. at 20) Failure to rule on the motion and thereby finding that there was no personal representative to act was improper, violated the directive of the probate code, and should not provide a basis for appointment of the special administrator. S.C. Code. Ann. 62-3-615 states that the "the person named executor in the will shall be appointed if available and qualified" to be special administrator. 62-3-615 speaks to the appointment of a special administrator in the setting prior to the appointment of the personal representative; however,

here as there was no current active personal representative, 62-3-615 was still applicable and commanded the probate court to appoint the person named in the will, so long as the named personal representative was available and qualified.

The above demonstrates that the Probate Court erred as a matter of law and in its finding of facts. The appointment of a special administrator, without sufficient evidence that a personal representative cannot or should not act was an error.

III. DID THE PROBATE COURT ERR IN FAILING TO FIND THAT THE NAMED PERSONAL REPRESENTATIVE, BAYARD SCOTT PICKETT, JR. WAS UNFIT TO SERVE AS THE PERSONAL REPRESENTATIVE?

The effect of the Court's order appointing someone other than the name representative in the will effectively declared that Bayard Scott Pickett, Jr. was unfit to serve as special administrator without the requisite findings of fact to support such a finding. The practical effect of the Court's ruling has removed the right of Bayard Scott Pickett, Jr. to serve as personal representative. By doing so, the probate Court has ruled, without sufficient legal or factual basis, that Mr. Pickett should not be allowed to serve as personal representative. The aforementioned was both an error of law and fact.

It is clear in South Carolina that a named personal representative shall be allowed to serve as a fiduciary to the estate so long as they are fit. Under the South Carolina Probate Code, S.C. Code Ann. § 62-3-203(e)(2) states that "No person is qualified to serve as a personal representative who is: (2) a person whom the Court finds unsuitable in formal proceedings; ...". The cardinal rule in South Carolina estates is dispositive on the prima facie determination of appointing a personal representative/special administrator. Here, Bayard Scott Pickett, Jr. is presumptively fit to serve as he was the named personal representative in the will. When a testator names a personal representative in her will, that person is presumed to be fit unless

evidence demonstrated otherwise. See *Johnson v. Thornton*, 264 S.C. 252, 257, 214 S.E.2d 124, 127 (1975) (“In determining this question we are guided by the rule that in construing the provisions of a will the intention of the testator is the primary inquiry of the court.”); *Limehouse v. Limehouse*, 256 S.C. 255, 257, 182 S.E.2d 58, 59 (1971) (“The court's aim in construing a Will is to discover and effectuate the expressed intention of the testator.”) *Wilson v. Dallas*, 403 S.C. 411, 453 (S.C. 2013). Here, Mrs. Veronique H.W. Pickett named her son as a personal representative of her last will and testament. (R. at 426) The Court of Appeals has consistently held that “there is a strong deference shown to the personal representative chosen by the testator.” *Chruch v. McGee*, 391 S.C. 334, 705 S.E.2d 481 (Ct. App. 2011).

In this case, while the Court ruled that Mr. Pickett did not do anything wrong and therefore was presumably fit to serve, it still appointed someone other than the named personal representative. (R. at 15) The Court misapplied the law and lacked the appropriate findings of fact that necessitate deviation from S.C. Code Ann. 62-3-615 and precedent of this state. This was an error of law, and the Order must be vacated.

Moreover, Mrs. Veronique H.W. Pickett, in her last will and testament asserted that if her son Bayard Scott Pickett, Jr. could not serve, that he be allowed to appoint a suitable successor. Clearly, the Probate Court committed error in failing to follow the cardinal rule and further in failing to apply the testator’s wishes in allowing her son to select the successor personal representative if he was deemed unfit or was unwilling to serve.

The Family Settlement Agreement dated February 21, 2019, provides additional grounds to allow Mr. Pickett to serve as a special administrator/personal representative. In this case, the family, Kathleen Anderson, Laura Jones and Bayard Scott Pickett, Jr, agreed that Mr. Bayard Scott Pickett would serve as personal representative. This agreement was adopted by the Court and

provides an independent basis to cancel any argument that Bayard Scott Pickett Jr. was unfit to serve, absent fraud or malfeasance. (R. at 414) Again, deviation from the family settlement agreement violated S.C. Code Ann. 62-3-1102. The plain reading of the statute is that “Upon the making of the order and the execution of the agreement, all further disposition of the estate is in accordance with the terms of the agreement.” *Id.* Here, the agreement was signed by all parties and is binding on all parties and the court per S.C. Code Ann. 62-3-1103.

The Court’s Order’s being appealed, if allowed to stand, will take management of this estate and place it with someone other than who the testator commanded. The Orders of the Court have unlawfully removed the named personal representative without cause. “The Courts have ever been reluctant to take the management of an estate from those to whom it has been confided by the testator, for to that extent the intention expressed in his will would be defeated.” *Smith v. Heyward*, 115 S.C. 145, 164, 105 S.E. 275, 282 (1920). The power to remove a personal representative “should be executed with great caution, **and not at all**, unless it is made to appear to be necessary for the protection of the estate, to prevent loss or injury to it from misappropriation, maladministration or fraud.” *Id.* at 164-65, 105 S.E. at 282. (emphasis added)

The Orders of the probate Court effect a permanent bar on Mr. Pickett’s ability to serve as a personal representative in this estate. The Court of Appeal has held in *McGee v. Churchill*, that “[t]he power to remove a personal representative should be [exercised] with great caution, and not at all, unless it is made to appear to be necessary for the protection of the estate, to prevent loss or injury to it from misappropriation, maladministration or fraud.” Here, there was no evidence that the estate of Veronique H.W. Pickett needed to be protected. In fact, the undisputed testimony was that the estate/trust funds were in separate banking accounts so that the federal depository insurance corporation would insure the estate funds.

Finally, the Court cannot remove a personal representative simply because of a disagreement or hostility between the parties. A conflict between the personal representative and beneficiaries is not a valid reason to remove a personal representative by appointing a special administrator. In *Blackmon v. Weaver*⁴ a personal representative was removed because she asked the court to construe a will and she advocated a position that favored her interests. Upon granting the removal of the personal representative, the lower court specifically discussed Blackmon's hostility between her and other Estate beneficiaries. On appeal, the South Carolina Court of Appeals reversed, and held that "the mere existence of conflict between a personal representative and a beneficiary is an inadequate reason for removal of the personal representative. Without a showing of fault, the court will not remove a personal representative simply because the parties do not get along."

Here, the fact that one niece is unhappy with the timing of disbursements in this estate is not a valid legal reason to prevent Bayard Scott Pickett, Jr. from serving. As such, and without evidence of malfeasance, Mr. Pickett should have been qualified to serve as special administrator/personal representative.

CONCLUSION

For the foregoing reasons, Appellant respectfully requests that Judge Michel's Order of September 27, 2023, and January 16, 2024, should be vacated and remand the matter back to the probate court with an Order to remove the special administrator proceeding to the Circuit Court.

⁴ 366 S.C. 245, 621 S.E.2d 42, 45 (S.C. App. 2005) (citing *Reed v. South Carolina Nat'l Bank*, 293 S.C. 357, 360 S.E.2d 527 (S.C. App. 1987)),

June 20, 2024

/s Paul B. Ferrara, III

Paul B. Ferrara, III
SC Bar No. 70511
8887 Old University Blvd., Ste 201
North Charleston, SC 29406
(843) 569-5511/ (843) 569-5411 fax
paul@ferraralawfirm.net
Attorney for Appellant Bayard Scott Pickett, Jr.

THE STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS

Appeal from Charleston County
Probate Court

David L. Michel, Associate Judge of Probate

Probate Case No. 2019-ES-10-00394
Appellate Case No.: 2024-CP-10-00598

In re: Veronique W. Pickett

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

v.

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

RESPONDENT LAURA V. JONES'S MOTION FOR RECONSIDERATION

TO: APPELLANT AND HIS LEGAL COUNSEL:

PLEASE TAKE NOTICE that the undersigned attorneys for Respondent Laura V. Jones, as Trustee of the Laura V. Jones Trust as Established by the Will of Veronique H.W. Pickett dated March 31, 1999, will move before the Presiding Judge of the Ninth Judicial Circuit at the Charleston County Courthouse, or at such other office as the Court may direct, after ten (10) days from the date of service hereof or at such time and place as the Court may direct, for an Order reconsidering the Form 4 Order entered in this matter on September 16, 2024 (a copy is attached as **Exhibit 1**).

The matter before this Court was Appellant's appeal of the Charleston County Probate Court's Order for Appointment of Special Administrator. (ROA, pp. 15-19)¹ On appeal, Appellant argued, in part, that the Probate Court erred by not making specific findings as to why it was not reappointing Appellant to serve as personal representative before appointing a special administrator. In its September 16, 2024, Order, this Court indicated that it was not inclined to find error in the Probate Court's appointment of a special administrator but that it was remanding the matter "for clarification as to whether the reasons stated for needing a Special Administrator are the same reasons for not appointing the former Personal Representative."

By way of brief background, Appellant previously served as the personal representative of this Estate, being appointed in 2019. After Appellant refused to heed the Probate Court's directives to undertake certain acts of administration (specifically, filing the required documents), the Probate Court administratively closed the Estate in 2022, terminating Appellant's appointment as personal representative. (ROA, p. 14)

On May 19, 2023, Appellant filed his Application for Subsequent Administration, an informal action, requesting to be reappointed as personal representative. (ROA, pp. 57-64) On May 31, 2023, Respondent Jones filed an Objection to Appellant's Application. (ROA, pp. 63-70) As such, the Probate Court was actually *required* to deny Appellant's Application pursuant to S.C. Code Ann. § 62-3-310.

The applicant must give notice of his intention to seek an appointment informally to any person having equal right to appointment not waived in writing and filed with the court. The notice shall state that, if no objection or nomination of another or no competing application or petition for appointment is filed with the court within thirty days from mailing of the application and notice, the applicant may be appointed informally as the personal representative. **If an objection, nomination, application, or petition is filed within the thirty day period, the court shall decline the initial application pursuant to Section 62-3-309.** The court may require a formal proceeding to appoint someone of equal or lesser priority.

¹ References are made to the Record on Appeal, filed by Appellant on June 20, 2024.

See S.C. Code Ann. § 62-3-310 (emphasis added). Turning to § 62-3-309, that section gives the Probate Court the discretion to refuse an informal application seeking appointment on any grounds and does not require any specific findings:

If the court is not satisfied that a requested informal appointment of a personal representative should be made because of failure to meet the requirements of Sections 62-3-307 and 62-3-308 or, **for any other reason**, he may decline the application. A declination of informal appointment is not an adjudication and does not preclude appointment in formal proceedings.

See S.C. Code Ann. § 62-3-309 (emphasis added). The Reporter's Comment to this code section is particularly relevant here:

Because the appointment of a personal representative confers broad powers over the assets of the decedent's estate, the authority granted the court to deny the appointment for unclassified reasons is an important safeguard.

See S.C. Code Ann. § 62-3-309, Reporter's Comment. Importantly, this matter, and Appellant's argument regarding the same, was specifically addressed by the Probate Court in its Order Denying Motions for Reconsideration for Appointment of Special Administrator. (ROA, pp. 20-27, see ¶ 4 at p. 26)

In short, proceedings to remove a personal representative and those to appoint a special administrator (or a personal representative) are entirely distinct. Here, there was no removal action before the Probate Court. Rather, before the Probate Court was Appellant's informal Application for Subsequent Administration (seeking (re)appointment as personal representative), Respondent Jones' objection to the same, and Respondent Jones' formal Petition for Appointment of Special Administrator. Moreover, the Probate Code's section concerning applications for subsequent administration does not require any specific findings where, as here, the Probate Court declines to reappoint a previously appointed personal representative and it specifically envisions that someone else may be appointed:

If other property of the estate is discovered after an estate has been settled and the personal representative discharged or for other good cause, the court upon application of any interested person and upon notice as it directs may appoint the same or a successor personal representative to administer the subsequently opened estate. If a new appointment is made, unless the court orders otherwise, the provisions of this Code apply as appropriate; but no claim previously barred may be asserted in the subsequent administration.

S.C. Code Ann. § 62-3-1008; see also S.C. Code Ann. § 62-1-201(33) (“‘Personal representative’ includes executor, administrator, successor personal representative, special administrator, and persons who perform substantially the same function under the law governing their status.”).

The Probate Court’s Order is fully compliant with the S.C. Probate Code which, as cited above, specifically gives the Probate Court the power to deny informal applications for appointment for “unclassified reasons”.

WHEREFORE, Respondent Jones prays that this Court reconsider its September 16, 2024, Order, that it enter an Order Affirming the Probate Court’s Order Appointing Special Administrator, and that it grant such further relief as the Court deems appropriate.

SAXTON & STUMP, LLC

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

Attorneys for Respondent Laura V. Jones, as
Trustee of the Laura V. Jones Trust as Established
by the Will of Veronique H.W. Pickett dated March
31, 1999

September 16, 2024
Charleston, SC

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

FORM 4

EXHIBIT 1
JUDGMENT IN A CIVIL CASE

CASE NO. 2024CP100598

Laura V Jones

Bayard Scott Pickett Jr.
PLAINTIFF(S)

The Kathleen E Anderson Trust, et al
DEFENDANT(S)

Submitted by:

Attorney for : ☐ Plaintiff ☐ Defendant
or
☐ Self-Represented Litigant

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. ☒ See Page 2 for additional information.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ **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:

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

Additional Information for the Clerk : See page 2 for additional information. Formal Order to follow.

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
N/A		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest
SCRCP Form 4C (03/2013)

or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.
Note: Title abstractors and researchers should refer to the official court order for judgment details.

	2132	
Circuit Court Judge	Judge Code	Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

_____ _____ _____ ATTORNEY(S) FOR THE PLAINTIFF(S)	_____ _____ _____ ATTORNEY(S) FOR THE DEFENDANT(S) _____ CLERK OF COURT

Court Reporter:

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This matter came before the Court as an appeal from an order appointing a Special Administrator of an estate. The appointment of the Special Administrator was challenged claiming that the Probate Judge erred in making the appointment because he should have appointed the person originally appointed to serve as the personal representative who had been designated in the deceased's will. After considering the arguments presented, this Court is not inclined to rule the probate judge erred in making the appointment. In reviewing the Order making the appointment of the Special Administrator, the judge provided factual findings that justified the need of the appointment of a special administrator. The order was challenged because it did not state a reason to disregard the personal representative. In reading the order, the factual basis for needing the special administrator can be read as the same reasons for not appointing the person named in the will. The order stops short, however, of making a finding that the person named in the will should not be appointed as the new personal representative. Appellant claims without such a finding, the order is defective as a matter of law, the respondent disagrees and asserts that such a finding is not necessary.

After considering the arguments presented, this Court decision is to remand this matter to the Probate Court for clarification as to whether the reasons stated for needing a Special Administrator are the same reasons for not appointing the former Personal Representative.



Charleston Common Pleas

Case Caption: Bayard Scott Pickett Jr VS Laura V Jones , defendant, et al
Case Number: 2024CP1000598
Type: Order/Form 4

IT IS SO ORDERED

s/ J. Mark Hayes, II #2132

Electronically signed on 2024-09-13 15:59:20 page 3 of 3

Page 1

Page 3

IN THE PROBATE COURT
FOR THE STATE OF SOUTH CAROLINA
CHARLESTON COUNTY
TRANSCRIPT OF HEARING PROCEEDINGS:
SEPTEMBER 22, 2023

IN RE: THE ESTATE OF
VERONIQUE W. PICKETT

CASE NO. 2019-ES-10-00394

DATE: SEPTEMBER 22, 2024

TIME: 9:00 A.M.

LOCATION: CHARLESTON COUNTY PROBATE COURT
84 Broad Street, 2nd Floor
Charleston, SC 29401

REPORTED BY: ABBY BISHOP
CLARK BOLEN
P.O. Box 73129
Charleston, SC 29415
843-762-6294
WWW.CLARKBOLEN.COM

Page 2

A P P E A R A N C E S

BEFORE THE HONORABLE DAVID MICHEL

ON BEHALF OF LAURA JONES:

SAXTON & STUMP
BY: ELIZABETH J. PALMER
151 Meeting Street, Ste. 400
Charleston, SC 29401

ON BEHALF OF BAYARD SCOTT PICKETT, JR.:

FERRARA LAW FIRM
BY: PAUL FERRARA
8887 Old University Blvd.
North Charleston, SC 29406

ON BEHALF OF KATHLEEN ANDERSON:

LAQUIERE LAW FIRM
BY: ERIC LAQUIERE
3674 Old Charleston Hwy.
Johns Island, SC 29455

I N D E X

BAYARD SCOTT PICKETT	PAGE
DIRECT BY MR. FERRERA	10
CROSS BY MR. LAQUIERE	36
CERTIFICATE OF REPORTER	73

E X H I B I T S

Ex. 1	Statement of closing costs	19
Ex. 2	Inventory and appraisal	31

Page 2

Page 4

JUDGE MICHEL: Good morning, everyone.

I'm Associate Judge David Michel with Charleston

County Probate Court. Today is September 22nd,

2023. This is the Estate of Pickett. Case

number 2019-ES-10-00394.

We are here today on a hearing for an

amended petition for the appointment of a special

administrator. The petitioner is Laura Jones,

who I understand is not here today.

MS. PALMER: Correct.

JUDGE MICHEL: Okay. And Elizabeth

Palmer --

MS. PALMER: Yes, Your Honor, that's me.

JUDGE MICHEL: -- represents Ms. Jones.

MS. PALMER: Yes, Ms. Jones.

JUDGE MICHEL: Okay. And then I have

respondent, Bayard Scott Pickett, Jr., and he's

represented by Attorney Paul Ferrara.

MR. FERRERA: Good morning, Your Honor.

JUDGE MICHEL: Good morning. And I have

Kathleen Anderson, respondent, who is not here

today; is that correct?

MR. LAQUIERE: Yes, Your Honor. She's

still in Virginia.

JUDGE MICHEL: Okay. And she is

1 represented by Eric -- 2 MR. LAQUIERE: Laquiere. 3 JUDGE MICHEL: Laquiere? 4 MR. LAQUIERE: Yes, Your Honor. 5 JUDGE MICHEL: Good to see you again, 6 Mr. Laquiere. 7 MR. LAQUIERE: It has been a while. 8 JUDGE MICHEL: Yes. Good to see you. 9 And are you Mr. Pickett? 10 MR. PICKETT: Yes, sir. 11 JUDGE MICHEL: Thank you for being here 12 today. Good to see you. I understand that we 13 also have here today the proposed special 14 administrator, Mr. Ray. Good to see you. 15 MR. RAY: Good morning, Your Honor. 16 JUDGE MICHEL: Good morning. And then 17 we have a potential witness also, correct? 18 MR. FERRERA: Yes. 19 JUDGE MICHEL: Great. Thank you so 20 much. Good to see everybody here today. Let me 21 just go through the procedural history so that we 22 are all on the same page and y'all can chime in. 23 The attorneys can chime in if something is 24 different or inaccurate. 25 It appears that on May 19th, 2023,	Page 5 1 have a jury trial on. So that's why we're just 2 hearing this portion today in front of a judge. 3 Then on August 18th, Ms. Kathleen 4 Anderson filed a motion to intervene. We have 5 her attorney here today. That motion was 6 granted. I'm not sure if an order was signed or 7 not. I cannot remember. Was there an order 8 signed? 9 MR. LAQUIERE: There was confirmation of 10 some sort. 11 JUDGE MICHEL: Yes, there was 12 confirmation, but I don't know if there's an 13 actual order out there. But we did allow 14 Ms. Anderson to intervene. 15 On August 18th, 2023, Ms. Anderson also 16 filed for removal and replacement of trustee for 17 Kathleen Elizabeth Anderson. It was removing 18 Ms. Jones as trustee and replacing her with 19 Mr. Pickett. 20 Then on August 21st, 2023, Ms. Anderson 21 filed an answer, counterclaim, and cross-claim. 22 On September 5th, Ms. Jones filed a motion to 23 dismiss Ms. Anderson's counterclaims. 24 Those are not being heard here today. 25 Those are items that can be heard later on once
1 Mr. Pickett -- and correct me if I'm saying the 2 name wrong. 3 MR. PICKETT: That's correct. 4 JUDGE MICHEL: And how do you say your 5 mother's name? 6 MR. PICKETT: Veronique. 7 JUDGE MICHEL: Veronique -- filed a 8 petition for subsequent administration. He was 9 the prior PR and filed what is called an informal 10 application for subsequent administration. 11 On May 31st, petitioner -- we're going 12 to call Ms. Jones the petitioner. That's easier 13 because of the proceeding we're here today on. 14 Ms. Jones filed an objection to this appointment 15 as subsequent PR. 16 Then on June 27th, Ms. Jones filed a 17 petition -- a formal petition for appointment of 18 a special administrator. Mr. Pickett filed an 19 answer with a demand for a jury trial on 20 August 4th, 2023. 21 Let the record reflect that you can have 22 a jury trial on numerous issues. One of them is 23 not for the appointment of a special 24 administrator or a PR, but I believe there was 25 other stuff alleged in that answer that you can	Page 6 1 we have either appointment of a PR or a special 2 administrator. 3 On September 20th, Ms. Jones filed 4 through her attorney a memorandum in support of 5 petition for appointment of SA. Okay. Does that 6 seem to be where we are? 7 MS. PALMER: Your Honor, I wasn't aware 8 that the motion to intervene had been granted. I 9 don't think I was given an answer to that, but -- 10 just for the record. 11 JUDGE MICHEL: Okay. 12 MS. PALMER: I'm sure I can get that 13 afterwards. 14 JUDGE MICHEL: Okay. Thank you so much. 15 And then proof of delivery was provided. There 16 is no one objecting to proof of delivery or 17 notice, correct? We're all ready to proceed? 18 Okay. All right. 19 Since this is an amended petition for 20 appointment of special administrator, I guess my 21 first question -- I know there's an objection 22 going back to the original informal appointment 23 of subsequent PR that then got us to this amended 24 summons and complaint. So do you want to start 25 with petitioner?

Page 7

Page 8

Page 9 1 Ms. Jones will start as petitioner; is 2 that correct? 3 MS. PALMER: Yes, Your Honor. 4 JUDGE MICHEL: Okay. I just want to 5 make sure we're all on the same page, you know, 6 because your client started as petitioner. Then 7 it went to formal and she became the petitioner. 8 So is that agreeable to the lawyers? 9 MR. FERRERA: I mean, Your Honor, 10 actually, when I think about it, we filed a 11 motion for subsequent administration, but I 12 understand it's before the Court, correct, Your 13 Honor? 14 JUDGE MICHEL: Yes. 15 MR. FERRERA: Okay. And so in that 16 regard, I want to go first and have Mr. Pickett 17 testify about that. 18 JUDGE MICHEL: Okay. And that is 19 procedurally what happened first. Is that 20 agreeable? 21 MS. PALMER: That is -- was the first. 22 JUDGE MICHEL: Okay. Thank you so much. 23 And let the record reflect the filings. The 24 Court appreciates the detailed filings. There 25 has been very detailed filings in this case.	Page 11 1 We are talking about the petition for subsequent 2 administration regarding your mother's estate, 3 Veronique Pickett. 4 And if you could briefly just tell the 5 Court -- I guess we'll start with, your mother 6 passed on December 18th, 2018? 7 A. Correct. 8 Q. Okay. If you could tell the Court, in 9 general, what steps you took after your mother's 10 passing with respect to this estate, and then 11 we'll go through specifics -- as best as you can 12 recall. And we can start with maybe meeting with 13 Mr. Flanagan, Sean Flanagan. 14 A. Yeah, Sean was the attorney for my 15 accountant, Shirley Decker. 16 Q. I guess chronologically let's start -- 17 you met with Mr. Flanagan in January of 2019? 18 A. Yes. 19 Q. Okay. And did you -- you retained 20 Mr. Flanagan to handle the estate; is that 21 correct? 22 A. That's correct. 23 Q. We're just giving background to the 24 Court. In general, can you tell the Court what 25 your understanding was of your mother's wishes
Page 10 1 It's been very helpful for the Court the way the 2 lawyers have pled their -- both of their parties' 3 positions. So if you want to call Mr. Pickett. 4 MR. FERRERA: Yes, Your Honor. May I 5 please the Court? 6 JUDGE MICHEL: Yes. 7 MR. FERRERA: I will call Bayard Scott 8 Pickett to the stand. 9 JUDGE MICHEL: Okay. And, sir, watch 10 your head. That light fixture hangs over. And 11 before you sit down, if you will place your left 12 hand on that Bible and raise your right hand. 13 BAYARD SCOTT PICKETT, 14 having been first duly sworn, was examined and 15 testified as follows: 16 DIRECT EXAMINATION 17 BY MR. FERRERA: 18 Q. Mr. Pickett, can you tell the Court 19 where you currently reside? 20 A. Virginia Beach, Virginia. 21 Q. Okay. And you made the trip from 22 Virginia Beach down to Charleston to be here to 23 testify, obviously? 24 A. Yes. 25 Q. And Judge Michel is hearing this matter.	Page 12 1 regarding her estate? And if you'd like to 2 briefly just go back to your father when your 3 father was alive and how we got to your mother's 4 estate because it's important -- in general. I 5 mean, your father passed away in -- 6 A. 2009. 7 Q. -- 2009. Okay. And in his estate, you 8 were appointed as trustee and -- 9 A. Yes. 10 Q. -- handled his affairs -- personal 11 representative and trustee? 12 A. Right. 13 Q. Okay. And you handled that properly, 14 and Judge Curry signed an order and your father's 15 -- your father's estate was opened in Charleston, 16 correct? 17 A. Correct. 18 Q. Okay. And the reason it's opened here 19 in Charleston is because your parents owned 20 property over in Old Town, Mount Pleasant, 21 correct? 22 A. Correct. 23 Q. And your father passed away and you 24 handled his affairs? 25 A. Yeah, I took care of my mother with

1 Alzheimer's for ten years. I moved her to
2 Virginia Beach. We rented the property and used
3 the money to take care of my mom.
4 Q. Just so the Court understands, your
5 mother lived at 213 King Street in Mount Pleasant
6 after your father's passing for a short period of
7 time?
8 A. Yes.
9 Q. And then it became clear that your
10 mother needed more daily assistance?
11 A. Yes.
12 Q. And so you provided for your mother's
13 care and moved her from Mount Pleasant to
14 Virginia Beach with you and your wife?
15 A. Yes.
16 Q. Okay. And during that time, you were
17 the trustee of a trust that was created from your
18 father's Will, and you were also the personal
19 representative of your father's estate?
20 A. Yes.
21 Q. Okay. And then when your mom ultimately
22 passed -- and I'm sorry about that -- in
23 December of 2018, you were saying you met with
24 Mr. Flanagan.
25 Did you talk with Mr. Flanagan about

1 A. Correct.
2 Q. Okay. And if you can tell the Court, in
3 general, what your recollection was about how it
4 came to be that you no longer had Mr. Flanagan --
5 or what happened next as you got a call regarding
6 the trust and the property on King Street.
7 A. Yeah, it got complicated there. Sean
8 left the law firm down the street. I think he
9 moved to Summerville somewhere.
10 At the same time, we had the accountant
11 doing things -- lawsuit came about from a renter
12 on mold.
13 Q. And that was Duke Highfield?
14 A. Duke Highfield.
15 Q. Who's also a member of the bar here. He
16 filed the lawsuit against --
17 A. Yes.
18 Q. -- you and your mother's estate?
19 A. I believe it was.
20 Q. Or your father's estate rather?
21 A. My father's. Yes.
22 Q. He filed suit against your father's
23 estate and claimed damages?
24 A. Yes.
25 Q. Do you recall when approximately that

1 what your mother's wishes were regarding the
2 estate and what your responsibilities would be
3 concerning her estate?
4 A. Exactly.
5 Q. Can you tell the Court, in general, what
6 your understanding was of your role in your
7 mother's estate?
8 A. It was to continue what I was doing to
9 hold it in trust.
10 Q. Okay. And your mother -- so you
11 ultimately hired Mr. Flanagan to open a probate
12 estate for your mother in Charleston County,
13 correct?
14 A. (Witness nodded head).
15 Q. Okay. And were there any questions at
16 the time that you hired Mr. Flanagan about what
17 filings were needed to be completed with the
18 Court and how the interplay between the probate
19 and nonprobate assets of the trusts were going to
20 be handled?
21 A. I was relying on him to handle that.
22 Q. So you retained Mr. Flanagan, paid a
23 retainer, he opened the estate, and you were
24 appointed the personal representative of your
25 mother's estate?

1 was -- the lawsuit was filed?
2 A. September.
3 Q. About three years ago?
4 A. About three years. Yeah.
5 Q. Okay. So it was 2023. So this lawsuit,
6 we're talking back to September of '20?
7 A. Yeah, it was three years ago.
8 MS. PALMER: December of '19.
9 MR. FERRERA: December of '19? Okay.
10 Q. (MR. FERRERA) And so the lawsuit was
11 filed. Tell the Court what happened next.
12 A. I hired you --
13 Q. Okay.
14 A. -- and I put the house for sale. Both
15 houses. And it sold --
16 Q. Okay.
17 A. -- about a year later.
18 Q. Will you tell the Court how much -- do
19 you know how much money your mother had in her
20 trust and your father's trust for that matter at
21 the time that your mother passed in December of
22 2018?
23 A. I believe it was around \$80,000 --
24 somewhere in there.
25 Q. Okay. And that money was held by you as

Page 17

1 trustee in what bank?

2 A. Bank of America.

3 Q. Bank of America? Okay. And from that

4 time, what did you do with the proceeds out of

5 Bank of America, if anything?

6 A. I paid funeral costs, tax bills.

7 Q. The expenses of the --

8 A. A lot of expenses.

9 JUDGE MICHEL: Let me interrupt here and

10 ask a question. This may move this along. It

11 appears that the estate was open, and there was a

12 deed done on September 2020. The deeds -- the

13 decedent's interest half. But I'm not aware of

14 an inventory that was ever filed.

15 Are you aware of an inventory that was

16 ever filed?

17 MR. FERRERA: No, I'm not aware of an

18 inventory that was filed.

19 JUDGE MICHEL: Okay. Are you aware of

20 an interim accounting that was ever filed?

21 MR. FERRERA: No.

22 JUDGE MICHEL: Okay. Thank you.

23 MR. FERRERA: Thank you.

24 Q. (MR. FERRERA) So, Mr. Pickett, the

25 conversations you had with Mr. Flanagan about

Page 18

1 your responsibilities as personal representative

2 and trustee of the Veronique Pickett trust, do

3 you recall speaking with Mr. Flanagan about what

4 you were required to do in this action?

5 A. Fulfill my obligations.

6 Q. Okay. Your obligations you said to pay

7 bills?

8 A. Pay the bills, take care of the

9 property.

10 Q. Okay. Ultimately, did the assets --

11 well, let's go back. Let's start with -- so you

12 met with the attorney and were advised to pay

13 bills. You mentioned you met with a CPA.

14 A. Yes.

15 Q. Okay. What was the name of the CPA?

16 A. At that time, Shirley Decker.

17 Q. Shirley Decker? Okay. Shirley Decker

18 advised you on how to distribute trust proceeds?

19 Or what did Shirley Decker do for you so you can

20 tell the Court?

21 A. The trust proceeds were spent. The only

22 money was to sell the house and the house was

23 sold.

24 Q. Okay.

25 A. So before that, the \$80,000, that went

Page 19

1 quick.

2 Q. Okay. And moving along in saying that

3 you sold the house. Can you tell the Court how

4 much you sold the house for?

5 A. \$4 million.

6 Q. \$4 million? Okay. And the proceeds

7 from the sale of the house, can you tell the

8 Court --

9 MR. FERRERA: Your Honor, I'd like to

10 mark this document -- closing statement, I guess

11 as -- what were you saying, Your Honor, we'd be

12 the, I guess --

13 JUDGE MICHEL: You want to just call you

14 --

15 MR. FERRERA: -- petitioner?

16 JUDGE MICHEL: I think we ought to call

17 you respondent because you filed an informal and

18 then there was a formal action, so let's call you

19 respondent.

20 MS. PALMER: I believe so in the

21 application and petition for (inaudible).

22 JUDGE MICHEL: Yes. So is that correct

23 for you? This is respondent?

24 (Exhibit No. 1 was marked for

25 identification.)

Page 20

1 MR. FERRERA: Your Honor, I've marked

2 Respondent's 1, and I understand there's no

3 admissibility. It's a settlement statement from

4 213 and 215 King Street dated September 29th,

5 2020. I understand I'll have to move that into

6 evidence, Your Honor.

7 Q. (MR. FERRERA) Mr. Pickett, I'm handing

8 you Respondent's Number 1. It's in evidence.

9 That's the settlement statement from the

10 property?

11 A. Yes.

12 Q. Okay. Can you tell the Court looking at

13 that settlement statement what happened to the

14 proceeds from 213 and 215 King Street?

15 A. Half of it was split up and half was

16 left in the trust.

17 Q. Okay. And with respect to Laura Jones

18 who filed a petition, was Laura Jones provided

19 disbursement from that sale?

20 A. Yes.

21 Q. And the remaining portion that went into

22 the estate, totaled how much money?

23 A. It was 15.

24 Q. Take a look at that settlement statement

25 and if you would let the Court know.

Page 21 1 A. \$1,760,423.15. 2 JUDGE MICHEL: Say that again, please. 3 MR. PICKETT: \$1,760,423.15. 4 JUDGE MICHEL: Went to the estate? Is 5 that what you're testifying to? 6 MR. PICKETT: To the estate of Veronique 7 Pickett. 8 JUDGE MICHEL: And what was the date of 9 that transaction -- that settlement statement? 10 MR. PICKETT: March 31st, '99. 11 MR. FERRERA: No, it's (inaudible). 12 MR. PICKETT: Okay. There it is. 13 September 29th of 2020. 14 Q. (MR. FERRERA) And so tell the Court 15 what -- where did the \$1.76 million dollars -- 16 where did those proceeds get wired to? 17 A. The Bank of Hampton Roads, which is now 18 Union Bank. 19 Q. And that money was held in that account 20 for the benefit of the estate and the 21 beneficiaries? 22 A. I held it in trust. Yes. 23 Q. Okay. Can you tell the Court what you 24 did next with respect to disbursing those funds 25 or what happened next?	Page 23 1 JUDGE MICHEL: So the other half was 2 split between you getting 50 percent of the other 3 half and them each getting 25 percent, them being 4 the granddaughters? 5 MR. PICKETT: That's correct. Yes, sir. 6 JUDGE MICHEL: Okay. Did that go to a 7 trust that you were trustee of? 8 MR. PICKETT: Yes. 9 JUDGE MICHEL: Okay. And Laura Jones 10 would have received hers in trust and for 11 Kathleen, correct? 12 MR. FERRERA: Yes, Your Honor. 13 MR. PICKETT: Yes. 14 MR. FERRERA: And just to speed things 15 along, Your Honor, from what I understand, I 16 think there will be a stipulation to this. The 17 440 went to Laura Jones, individually. And 440 18 went to Kathleen as -- Laura Jones as trustee for 19 Kathleen Jones. 20 And the reason, Your Honor -- just by 21 way of background -- it happened this way, so 22 whenever we did the closing with Hellman Yates, 23 they took the position that the property, the 24 status of the title was such that 50 percent went 25 through the Bayard Scott Pickett trust, which is
Page 22 1 A. The lawsuit, we left it in there to see 2 what happens. I guess it was almost three years. 3 Q. When you say the lawsuit, do you mean 4 the Duke -- 5 A. From Duke Highfield. 6 Q. So the Duke Highfield lawsuit that was 7 pending, that lawsuit concerned this property? 8 A. Yes. 9 Q. Okay. And the estate of Bayard Scott 10 Pickett was a named defendant in that lawsuit? 11 A. Yes. 12 Q. Okay. 13 JUDGE MICHEL: All right. Can we back 14 up a second for my clarification? You said half 15 of the proceeds were split. Half went in trust. 16 Okay? You testified that \$1,760,000 and change 17 went to the estate account or the trust account? 18 MR. FERRERA: It went to the trust. Can 19 I look at the account, Your Honor? 20 JUDGE MICHEL: Trust for his mother? 21 MR. FERRERA: Yes. 22 JUDGE MICHEL: Okay. Where did the 23 other half of the money go? 24 MR. PICKETT: 440 to Laura Jones. 440 25 to Kathleen Anderson. Closing costs, taxes.	Page 24 1 the prior estate, and 50 percent is in Veronique 2 Pickett trust. 3 I respectfully disagreed with them, but 4 it didn't matter anyway because the money was 5 flowing. And so we signed the deed of 6 distributions pursuant to their request to 7 basically do a belts-and-suspenders approach, and 8 that's how the deed of distribution came about in 9 this case. 10 But there is no dispute, Your Honor, 11 that the property was sold for \$4,000,000, and 12 50 percent of the proceeds is for the benefit of 13 the Veronique Pickett trust. 14 MS. PALMER: There's a dispute. 15 MR. FERRERA: Okay. There is? Okay. 16 And then -- but if there's a dispute on that, I 17 guess we can't stipulate to that. But I can have 18 my client testify to where the proceeds went. 19 JUDGE MICHEL: Okay. Just cleaning up. 20 Okay. Great. And let the record reflect, I'm 21 looking at that now so keep going. 22 Q. (MR. FERRERA) So, Mr. Pickett, if you 23 can tell the Court -- the judge asked you 24 specifically -- and I want to be clear about 25 Laura Jones' proceeds. To your understanding,

Page 25

Page 27

1 the proceeds -- the \$440,000 was wired directly
2 to Laura Jones and she has received that money?
3 A. Correct.
4 Q. Okay. And with respect to Kathleen
5 Jones, the \$440,000 reflected on the settlement
6 statement that's Respondent's **Exhibit 1**, those
7 proceeds were wired to Laura Jones as trustee for
8 the benefit of Kathleen Jones?
9 A. Correct.
10 Q. And the \$880,000 on the settlement
11 statement was wired to you individually?
12 A. Correct.
13 Q. And the \$1.76 million dollars that you
14 testified to, that was wired into an account for
15 the benefit of the trusts that were created under
16 your mother's Will?
17 A. Yes.
18 Q. Is that your understanding?
19 A. That's my understanding.
20 Q. Now the money -- if you'll tell the
21 Court about the money, that's what we're here
22 about. The money that was wired, the \$1.76
23 million, which account was that money wired to or
24 which bank?
25 A. Union Bank.

Page 26

Page 28

1 Q. Union Bank? Okay. And then I asked you
2 earlier about the disbursement of those proceeds.
3 What did you do next with respect to the
4 disbursement of those proceeds? And if you'll
5 tell the Court what you did next with that money.
6 A. Well, we had attorney's fees. We had
7 CPAs, tax. There were some going to tax. I gave
8 Laura Jones close to \$150,000 -- close. And it's
9 still there. The money is still -- I moved the
10 money when the banks were failing for the 250
11 each bank. So I started moving money thinking
12 that my bank was going to fail to protect the
13 interest of everyone.
14 Q. Okay. And I'm going to jump around.
15 JUDGE MICHEL: Mr. Ferrera, I just kind
16 of want to get to the point here. The point of
17 this action is to either appoint him as a PR or
18 have a special administrator and I think we're
19 getting a little in the weeds.
20 You know, my main concern is there's
21 never been an inventory filed with the Court
22 regarding estate assets. There's never been an
23 interim accounting filed with the Court.
24 And I understand what you're saying,
25 that he had legal advice, that he had this, that,

1 and the other, but there's nothing in here to
2 track where -- when I say here, I'm pointing to
3 my computer screen because we have electronic
4 filings. There's nothing in here to track what
5 has been done, so go ahead.
6 MR. FERRERA: Thank you, Your Honor.
7 I'm pleased to address that. I'll stay focused
8 on this, and then we'll get back into the weeds
9 on the second part.
10 Q. (MR. FERRERA) Let's just briefly give
11 the court some procedural history. During this
12 time in the Duke Highfield litigation with
13 respect to your mother's estate, did you direct
14 my office to file a motion for extension to file
15 the required documents that the court is asking
16 about today?
17 A. Yes.
18 Q. Okay. And was that done to your
19 knowledge?
20 A. Yes.
21 Q. Multiple times, correct?
22 A. Correct.
23 Q. And at some point in time, Judge Condon
24 issued an order to your understanding in this
25 case? See if this refreshes your recollection.

1 MR. FERRERA: Your Honor, may I
2 approach?
3 JUDGE MICHEL: Yes, of course.
4 Q. (MR. FERRERA) And on January 19th,
5 Judge Condon issued an order administratively
6 closing the estate for failure to file documents.
7 A. I believe Sean Flanagan did file that
8 inventory that we were just talking about.
9 Q. Okay. Well, okay.
10 A. The law firm down the street.
11 Q. Okay. He did not file just so you know.
12 He didn't file, but that's okay.
13 During this time, the Court was aware
14 and granted two extensions to file paperwork for
15 the accounting, the inventory, and appraisal.
16 You can tell the Court what your
17 reasoning and methodology was for not filing an
18 inventory and appraisal or directing your
19 attorney to file anything conditional after
20 Judge Condon filed an order administratively
21 closing the estate granting leave to re-file.
22 A. The inventory --
23 Q. The total value of the estate. I'm
24 talking about the filings that were required to
25 tell -- to report to the public what the value of

Page 29 1 your mother's estate was. 2 A. It was the cash from selling the home. 3 Q. I'm asking questions that -- was there a 4 calculated decision that you can explain to the 5 Court about why you didn't file the inventory and 6 appraisalment? 7 A. I don't think so. 8 Q. Was it because you didn't want 9 Mr. Highfield to know? 10 A. Oh, yeah. Yeah, we were having a 11 lawsuit. 12 Q. Okay. Now the property that was the 13 subject of the lawsuit was the property -- the 14 sole property of this estate. 15 A. Duke Highfield (inaudible). 16 Q. Okay. Ultimately, the estate or the 17 lawsuit was settled? 18 A. Yes. 19 Q. Okay. And the best that you recall, the 20 May 23rd, 2021 the stipulation of dismissal was 21 settled? 22 A. Yes. 23 Q. Okay. And if you could tell the Court 24 that you recall that on that same day that the 25 stipulation of dismissal was filed, there was a	Page 31 1 A. In general. Yes. 2 Q. Who is your CPA? 3 A. The new one? 4 Q. Yes. 5 A. He's sitting right here. 6 Q. Mr. Humphries? 7 A. Mr. Humphries. 8 Q. And you filed -- you have an inventory 9 and appraisalment filed with the Court that you 10 signed yesterday? 11 A. Correct. 12 MR. FERRERA: Your Honor, I'm showing 13 you what's been marked as Respondent's Number 2. 14 (Exhibit No. 2 was marked for 15 identification.) 16 JUDGE MICHEL: You can take this back. 17 Thank you. 18 Q. (MR. FERRERA) Mr. Pickett, I'm handing 19 you what has been marked as Respondent's 20 Number 2. 21 Can you tell the Court what that is if 22 you recognize it? 23 A. The gross value of the probate estate. 24 Q. Okay. And is that signed by you? 25 A. Yes.
Page 30 1 motion that's before the Court today to reopen 2 the estate? 3 A. The day after. Right now. 4 Q. Now, are you familiar with the Will, 5 your mother's Will, that's been probated in this 6 case, in general? 7 A. In general. 8 Q. Okay. Were you named as a personal 9 representative in that Will? 10 A. Yes. 11 Q. And have you fulfilled your obligations 12 with respect to preserving your mother's estate 13 and these trusts? 14 A. Absolutely. 15 Q. Okay. And all of the proceeds that are 16 at issue in this case, are they still in all of 17 the banks? 18 A. They're all there. 19 Q. Okay. Have you ever made any 20 disbursements to yourself or to anyone other than 21 Laura or Kathleen? 22 A. No. 23 Q. Okay. Have you met with your CPA 24 regarding the inventory and appraisalment of this 25 estate, in general?	Page 32 1 Q. Okay. And when did you sign that? 2 A. The date? September 21st. 3 Q. Yesterday? 4 A. Yes. 5 Q. And what is the value of the estate of 6 Veronique Pickett that you have on the document? 7 A. \$4,089,963.38. 8 Q. \$4,089,963.38? Okay. If you can tell 9 the Court what is comprised with that. How do 10 you reach that total? 11 JUDGE MICHEL: I don't want him 12 testifying about something that hasn't been filed 13 yet with the Court. This is what's been filed 14 with the Court? 15 MS. JONES: I haven't even seen it. 16 MR. FERRERA: Your Honor, I don't know 17 if it's been accepted by the Court, but as I 18 understand, my office was sending it in for 19 e-file. 20 JUDGE MICHEL: Okay. 21 MR. FERRERA: But I think he can testify 22 about what he is -- what he's doing pursuant to 23 his obligation to adhere to the probate rules and 24 filings. 25 JUDGE MICHEL: Well, I mean, the Court

0303

0344

1 is not aware of it. I mean, he can testify to 2 it, but it's not part of the records. It hasn't 3 come in. He can testify to it. Go ahead. 4 MS. PALMER: I'd also object on the 5 basis that he hasn't been appointed as PR. He 6 can't file something as the personal 7 representative. 8 JUDGE MICHEL: Yeah. 9 MR. LAQUIERE: Your Honor, may I be 10 heard on this admissibility issue? 11 JUDGE MICHEL: Sure. 12 MR. LAQUIERE: From Kathleen's 13 perspective, the dilemma here is that if you file 14 for subsequent administration in order to close 15 out the estate and propose the distribution, 16 which is what my client wants and her sister is 17 objecting to the appointment of the PR and 18 thereby preventing him from filing the very 19 documents that provide the inventory that we want 20 to see. 21 And so I would ask the Court to look at 22 this from an equitable perspective and allow the 23 admissibility of the document or the testimony 24 about the document because my client very much 25 would like to know what the inventory and the	Page 33	1 you may not know what the documents were. Are 2 you referring to not knowing what was in the 3 estate and what's in the trust? You mean what's 4 in the estate and what's in the trust? 5 A. Yes. 6 Q. Okay. And you met with Shirley Decker 7 to review that? 8 A. Yes, and she took forever. 9 Q. Okay. And are you -- 10 MR. FERRERA: I think those are all the 11 questions I have, Your Honor. 12 JUDGE MICHEL: Okay. Thank you so much. 13 MS. PALMER: I don't have any questions 14 for Mr. Pickett. 15 JUDGE MICHEL: Okay. You can step down. 16 Thank you so much. And again, I'm sorry about -- 17 okay. I'm sorry. 18 MR. LAQUIERE: I just have one or two 19 questions. 20 JUDGE MICHEL: Keep your seat. Keep 21 your seat. 22 MR. LAQUIERE: I'm sorry. 23 JUDGE MICHEL: No, no, no. That's 24 helpful. And I'm just looking table to table. I 25 apologize.	Page 35
1 proposed distribution is. That's all she wants 2 out of this case. And it seems that the 3 combativeness between her sister and her uncle is 4 preventing her uncle from giving everybody the 5 information and the money that they are entitled 6 to. 7 And so I think it's -- for them to be 8 combative about the admissibility of evidence, 9 which is the very purpose of the whole estate 10 process, seems irrational to me. That's all I 11 have to say. 12 JUDGE MICHEL: Thank you. I will just 13 say that, you know, these documents were due and 14 they were never filed in a three-plus year 15 period. And that's the responsibility of the PR. 16 Keep going. 17 MR. FERRERA: Sure. 18 Q. (MR. FERRERA) Mr. Pickett, can you tell 19 the Court why the delay in filing documents with 20 the probate court? 21 A. Well, it had a lot to do with not 22 knowing what the accounting was. The IRS 23 apparently got overpaid. And the Duke Highfield 24 also -- 25 Q. Explain to the Court what you mean that	Page 34	1 MR. LAQUIERE: Yes, sir. Thank you, 2 Your Honor. Please sit down, Mr. Bayard Pickett. 3 MR. LAQUIERE: I won't be long. 4 JUDGE MICHEL: Take your time. 5 CROSS-EXAMINATION 6 BY MR. LAQUIERE: 7 Q. When you filed the petition for 8 subsequent administration, was it your intention 9 to provide the inventory and then propose a 10 distribution of all of the estate assets -- 11 A. Yes. 12 Q. -- or the trust assets? Is that the one 13 remaining task that you intended to do in the 14 context of this case? 15 A. Yes. 16 Q. Has that inventory been prepared, but 17 not filed at this point? Is that what my 18 understanding is? 19 A. Yes. 20 Q. Okay. Do you have a proposed 21 distribution? 22 A. Yes. 23 Q. Is it ready to be filed? 24 A. Yes. 25 Q. Okay. If the Court were to set a date	Page 36

Page 37 1 for determination of whether or not the 2 distribution is appropriate, are you ready to 3 distribute the assets as soon as the Court issues 4 it's okay? 5 A. Yes. 6 Q. Okay. Are there any other legal 7 concerns, lawsuits, any other stuff out there 8 other than the potential tax refund that has not 9 yet been accounted for in this? 10 A. And attorney fees. We've got -- 11 Q. Which the Court can approve or deny, 12 based upon the report. Okay. 13 MR. LAQUIERE: That's all the questions 14 I have. 15 JUDGE MICHEL: Thank you. Again, I 16 appreciate that. Now you can sit down. Please 17 watch your head. 18 MR. PICKETT: Okay. Thank you. 19 JUDGE MICHEL: Anything additional, 20 Mr. Laquiere? 21 MR. LAQUIERE: Oh, Your Honor -- 22 JUDGE MICHEL: Yes. 23 MR. LAQUIERE: No, Your Honor. That's 24 all I have. Thank you, sir. 25 JUDGE MICHEL: Okay. Mr. Ferrera,	Page 39 1 and her Will directed that her estate be 2 distributed to these three testamentary trusts. 3 The two for her granddaughters and the one for 4 Mr. Pickett. 5 Ms. Jones retained me really just 6 wanting to get information. I was the second 7 attorney that she has had to hire. She has been 8 requesting information just wanting to know where 9 is this money since 2020. 10 We've covered the fact that Scott was 11 appointed as the personal representative of 12 Mrs. Pickett's estate in March of 2019. There 13 was never anything done. The only thing done was 14 the deed of distribution. 15 That property was owned 50 percent by 16 Mr. Pickett and 50 percent by Mrs. Pickett. So 17 the 50 percent that was distributed at the time 18 of the sale, that was the 50 percent that was 19 going -- and owned by Mr. Pickett's estate. 20 If you look at this closing statement, 21 it's pretty clear (inaudible). What you don't 22 see on here as a seller is the estate of 23 Veronique Pickett or a trust for Veronique 24 Pickett. 25 However, the sale took place. And
Page 38 1 anything additional? 2 MR. FERRERA: No, Your Honor. 3 JUDGE MICHEL: Okay. 4 MS. PALMER: Thank you, Your Honor. 5 Would it be okay with the Court if I address -- 6 just go straight to my petition because that will 7 include all of the arguments -- 8 JUDGE MICHEL: Yes, absolutely. 9 MS. PALMER: -- my objection? Okay. 10 Thank you very much, Your Honor. May it please 11 the Court? 12 I represent Laura Jones as trustee of 13 both of her trusts and -- her trust and her 14 sister's trust. They're both testamentary trusts 15 under her grandmother's Will. 16 In the previous presentation, there were 17 many references made to the Veronique trust. 18 There is no Veronique trust. The Wills were 19 reciprocal. 20 So because, you know, Mr. Pickett passed 21 away, his property was put in trust for his wife. 22 But the Wills provide, you know, if my wife 23 predeceases me; if my husband predeceases me. 24 At the time that Veronique passed away, 25 her husband was dead. There was no trust set up	Page 40 1 Mr. Ferrera prepared that deed of distribution to 2 the three testamentary trusts. They were the 3 sellers. Yet that 1.76 was wired to an account 4 that's in the name of the estate of Veronique 5 Pickett. 6 That is a non-interest-bearing account. 7 That 1.76 million sat for two-and-a-half years in 8 a non-interest-bearing account. My math is 9 probably not exactly on, but I believe that for 10 two-and-a-half years of interest earning 3 11 percent, that's \$135,000. 12 And on March of this year, I sent a 13 letter to Mr. Ferrera asking again for 14 information. Where is this money? It should've 15 been distributed at the time of the closing. 16 There's really no justification. I 17 understand that some could have been held back 18 for estate expenses and that would've been 19 appropriate, but to hold the entire amount back 20 is not appropriate. 21 References were made to this lawsuit 22 that was brought. I've got a copy of both the 23 complaint and the stipulation of dismissal. The 24 estate of Veronique Pickett is not a party. 25 These testamentary trusts are not a party.

1 JUDGE MICHEL: What was the date of the
2 dismissal?

3 MS. PALMER: May 19th of this year, Your
4 Honor. And I will note, it's my understanding
5 that there was insurance coverage for the defense
6 of this, which further makes me question why it's
7 being used as an excuse for not properly
8 distributing the money to the testamentary
9 trusts.

10 On May 18th, I called Mr. Ferrera or he
11 called me. We spoke and I said, Just please send
12 me a bank statement showing this money is still
13 there. Just something to assuage the fears of my
14 client.

15 JUDGE MICHEL: Let her finish. You can
16 make your objection.

17 MS. PALMER: I told him at that time
18 that I was going to have to get the Court
19 involved, seek court intervention just to get
20 basic information about this money in
21 two-and-a-half years.

22 The very next day, this application for
23 subsequent administration was filed. No notice
24 was given to us. My client just happened to be
25 on the clerk's website and saw it. So we filed

1 \$10,000 from that Bank of America account was
2 wired to hire Mr. Laquiere.

3 Now I don't know if they would take the
4 position that that was a distribution to Katie's
5 trust, but it wasn't. A distribution to a trust
6 goes to a trustee. So that's one thing -- I
7 mean, we don't -- as far as I'm concerned, that
8 was a gift to Katie, and that sum is going to
9 have to come out of his share.

10 Another one of those checks, he opened
11 up another individual account at Tell Bank. His
12 wife is named as the beneficiary. And then there
13 are two other \$250,000 checks, and we don't have
14 the records from those banks yet.

15 And then on May 24th, \$450,000 was
16 withdrawn. It was just a counter withdrawal so
17 we don't know where that went. The Bank of
18 America account, we've also received documents
19 showing that he'd opened an estate account there
20 in 2019. We only have the records for the past
21 six months so far, but there was a \$16,000
22 balance in February. \$10,000 has been spent on
23 that account since then.

24 Most recently, a \$3,500 check to Katie
25 Anderson, which is Mr. Laquiere's client. But it

1 an objection, and we've also filed a petition for
2 special administrator.

3 And I'll tell you why we need a special
4 administrator here. The documents I've obtained
5 via subpoena since filing our petition, it's very
6 concerning. The account balance -- the proceeds
7 from the sale of that property was \$1.45 million
8 on March 1st of this year. As of May 31st, it's
9 \$472-.

10 On March 13th, Mr. Pickett wrote himself
11 four \$250,000 checks, but one was made out to a
12 bank in (inaudible). The other three made out to
13 him individually. We've received -- from the
14 backs of the checks, we could tell where they
15 were deposited.

16 So I domesticated subpoenas and served
17 them. We've gotten records back from two. One
18 of these \$250,000 checks was deposited into an
19 account that he opened that same day at Bank of
20 America. It's an individual account, you know.
21 The box has individual ownership. Not an estate.
22 Not a trust account. Individual.

23 And he just testified that none of this
24 money has been distributed except the amount that
25 was distributed to Laura previously. Well,

1 was in (inaudible) Bank, which Ferrera Law Firm
2 had deposited into their account, which I don't
3 understand that.

4 And it also appears that Mr. Pickett has
5 been paying life insurance premiums through that
6 account, the estate account. I don't know why an
7 estate would need insurance. All of that is
8 outlined in our memo.

9 No personal property has ever been
10 accounted for. None of the bank accounts. The
11 rental income from the house when it was still
12 owned by the estate and the trust. We don't know
13 anything about taxes.

14 We just heard Mr. Pickett testify that
15 apparently the IRS got overpaid. I don't know
16 what that means. I can understand a layperson
17 not really understanding the process of
18 administering an estate, but Mr. Pickett was
19 represented by two different attorneys and had
20 two different accountants.

21 Your Honor, Mr. Pickett is not fit to
22 serve as the personal representative. We don't
23 know what all has gone on in this estate. We
24 need somebody who's qualified to administer it.

25 And that is why we've proposed Mr. Reid.

Page 45 1 He has a lot of experience with estates. And he 2 has a tax specialty, which I think is important 3 here. 4 And that's all I have, Your Honor. And 5 in closing I would also ask that the Court award 6 Ms. Jones her fees and costs from having to 7 (inaudible) this action. She's been begging for 8 information for two-and-a-half years and we had 9 to get here today for them to do anything. 10 JUDGE MICHEL: Okay. Thank you. Who 11 wants to go first? 12 MR. LAQUIERE: Your Honor, I'd like to 13 object and ask the Court to strike a 100 percent 14 of her testimony. Number one, it's hearsay. 15 Number two, she hasn't been sworn in. And she's 16 testifying to supposed evidence that's not in the 17 record on the majority of this. 18 Now, in addition, if she wants to start 19 raising improprieties about my fee, I would like 20 to take the stand, be sworn in, and give 21 testimony to this Court myself on that subject 22 matter. 23 JUDGE MICHEL: I don't think it was 24 impropriety. I think it was the fact that how 25 the PR testified that there'd been no	Page 47 1 took it that way. 2 MR. LAQUIERE: So she's 3 mischaracterizing his testimony when she makes 4 that point. I don't want to get into the weeds 5 on that, but -- 6 JUDGE MICHEL: Nobody is questioning -- 7 let the record reflect no one's questioning her 8 right to hire an attorney and have the funds paid 9 for. It was the way that the testimony came out, 10 and I understand. 11 MR. LAQUIERE: Do you see what I'm 12 saying? She's eliciting that as though -- 13 representing that as him being dishonest when he 14 wasn't being dishonest. He was honoring a 15 request by the person whose benefit he was 16 holding money. So just like when he distributed 17 funds to Laura in excess of \$100,000 -- 18 JUDGE MICHEL: I think her point -- not 19 to interrupt you. I think her point is, she 20 doesn't know anything because there's never been 21 an accounting provided of where the money is. 22 That's the point that I took from petitioner's 23 legal counsel. 24 MR. LAQUIERE: I understand. Thank you, 25 Your Honor.
Page 46 1 distributions from the money. I think that was 2 her point. 3 MS. PALMER: That's correct, Your Honor. 4 I'm not questioning your -- 5 JUDGE MICHEL: Not questioning your fee. 6 So we'll clarify that. 7 MR. LAQUIERE: The fee request was paid 8 because Kathleen asked him to distribute the 9 funds for my fee. 10 JUDGE MICHEL: I don't think that the -- 11 the point that Counselor made, the way I took it 12 was, the PR testified that none of that money has 13 been spent or disbursed to any person -- 14 MR. LAQUIERE: I see. 15 JUDGE MICHEL: -- other than these two 16 individuals, these two individuals being the 17 daughters. In other words, he hasn't spent any 18 of the money. If there's been a disbursement, 19 it's gone to either Kathleen or to Laura. He 20 hasn't disbursed any money to himself personally. 21 MR. LAQUIERE: That is a 22 mischaracterization of his testimony. We all 23 know that he says, "no money was distributed 24 except to them." He meant except for them. 25 JUDGE MICHEL: That's what I took. I	Page 48 1 JUDGE MICHEL: Go ahead. 2 MR. FERRERA: Your Honor, as I 3 understand that's the entirety of the 4 petitioner's request regarding -- petitioner's 5 case regarding the motion to appoint a special 6 administrator? 7 JUDGE MICHEL: Yes. 8 MR. FERRERA: Okay. In that regard, 9 Your Honor, I move to dismiss that motion. 10 There's been no testimony. Counsel testifying 11 about what they think is not testimony. That's 12 clear in South Carolina. There's been no 13 testimony. You have no discretion but to dismiss 14 the matter because there's been no testimony 15 other than Mr. Pickett in my motion. 16 So this motion that's before Your Honor, 17 you must dismiss. It hasn't properly been 18 brought. Laura Jones needs to come here, Your 19 Honor, and testify about what the problems are. 20 Counsel cannot testify as to what she 21 thinks or what she knows no more than I can. The 22 only testimony that we've had in this matter is 23 from my client on the motion to appoint him as PR 24 in the matter to reopen the estate petition for 25 subsequent administration.

Page 49 1 And, respectfully, Your Honor, you must 2 dismiss the formal motion to appoint a special 3 administrator because there's been no testimony 4 before the Court. 5 JUDGE MICHEL: I'm going to ask all of 6 you to take a minute and read 62-3-614. Just 7 take a minute. I don't know if you have your 8 code books with you, but you can pull it up. Use 9 your phones and take a minute. It's 62-3-614. 10 62-3-614. 11 Just take a minute and read that. I 12 know it might take a minute for everybody to get 13 their -- I have the luxury of only having to 14 bring my book one flight of stairs. 15 MR. FERRERA: Your Honor, I understand 16 that the Court informally can appoint an 17 application, but this is a formal petition. 18 MS. PALMER: Your Honor, (inaudible) the 19 petition was verified. 20 MR. LAQUIERE: I'm ready to be heard 21 whenever Your Honor is ready. 22 JUDGE MICHEL: Please. Go ahead. 23 MR. LAQUIERE: Under paragraph 2, it 24 says, In a formal proceeding by order of the 25 Court on the petition of any interested person	Page 51 1 fighting and let's finish the process -- is that 2 the inventory be presented and then the proposed 3 distribution be presented in a very short 4 timeframe. And if anyone has an objection to it, 5 we voice those objections. 6 What my client is not interested in is 7 bringing in third parties at very significant 8 cost to the estate to do the work again, which 9 has already been done by accountants and CPAs 10 already. 11 There's no allegation that the money has 12 disappeared. The allegation is the money hasn't 13 been moved through the process fast enough, and I 14 totally agree. So let's move the money. 15 Mr. Pickett says the potato is hot and he's ready 16 to get it out of his hands. 17 So, Judge, please, let's let them get it 18 out of his hand. Let's not go through 19 duplicating the substantive work that he spent 20 the last 30 or 40 days accelerating the process 21 to get done for Your Honor today. 22 I'd say, look. You might have been 23 lagging on it, but now you're doing it. Let's 24 push this thing to the finish line. And that's 25 what's in, I think, the interest of everybody.
Page 50 1 and finding, after notice and hearing, that 2 appointment is necessary to preserve the estate 3 or secure its proper administration. 4 The only evidence I've seen here today 5 is that the assets of the estate have been 6 preserved and are ready to be presented to the 7 Court for disbursement to the various parties. 8 Now, if there had been an affidavit 9 presented today or a record presented today that 10 showed that the money was gone, then absolutely 11 special administrator. I'm here on behalf of 12 Kathleen Anderson, and I can tell you, Your 13 Honor, she is very angry with both her sister and 14 her uncle. Okay? 15 I cannot express to you in polite words 16 the conversations that I've had with her for 17 hours over the course of this week. And all she 18 wants is for whatever she's entitled to to be 19 shown to her and for her to have an opportunity 20 to have access to it in a timely manner. 21 I've explained to her there's a process. 22 And we will go about establishing what that 23 process going forward will be today. Now, the 24 best thing for my client -- who doesn't have a 25 bone to pick with anybody except y'all stop	Page 52 1 It saves attorney's fees. It saves 2 special administrator fees. It saves months and 3 months of time. I don't know how busy this 4 gentleman is, but he isn't going to turn this 5 thing around in two weeks. Right? He's going to 6 have to subpoena records on a list of stuff. 7 Let's just set some realistic deadlines 8 by the Court for the various finalizing processes 9 to be done and let everyone do them in good 10 faith. And if there are objections, there are 11 objections. But if she doesn't like some of the 12 fees that have been charged, let her object it 13 and say that's a contingency fund and the rest is 14 distributed, Your Honor. 15 But we're talking about \$1.5 million 16 dollars. I've got a client -- and I have a 17 subsequent motion that I hope everyone will 18 consent to following this long speech I'm giving 19 here. 20 I have a client who's in a residence 21 that needs \$10- or \$20,000 of work done to make 22 it habitable, and she can't get access to it. 23 Not because her uncle doesn't want to distribute 24 her an advance like he did for her sister, 25 Ms. Jones, but because if he does, it's going to

Page 53

1 be objected to by her sister and her lawyer
2 saying it's an improper use of the funds.
3 This is an absurdity. The money is
4 there. Let's just put it where it needs to go,
5 Your Honor.
6 JUDGE MICHEL: Okay. Thank you.
7 MR. FERRERA: Very briefly, Your Honor.
8 The overriding question that hasn't been
9 properly, I guess, brought up yet is that whether
10 -- I know Ms. Palmer gave her recitation of what
11 she thinks that the Will states. But the counter
12 argument, Your Honor, is that the Will is written
13 in such a way that it provides the intestate, the
14 personal representative, and/or trustee the
15 option to handle the affairs of the estate, if
16 you will, in general for what's in the best
17 interest of all of the beneficiaries. That's
18 what Mr. Pickett has done.
19 Mr. Pickett can testify if the Court
20 wants further testimony about what his
21 communications were with the beneficiaries along
22 the whole process for the last three years and
23 how they have been aware of exactly what has been
24 happening along and along.
25 Additionally, Your Honor, the proceeds

Page 54

1 have not been squandered. And pursuant to -- as
2 Your Honor mentioned -- 62-3-614, the special
3 administrator should only be appointed if the
4 personal representative cannot or should not act.
5 That is not what is happening here, Your Honor.
6 Mr. Pickett testified that he is ready,
7 willing, and able to act. The only reason why
8 filings weren't done with respect to the estate
9 was because he was trying to ascertain what was
10 in the estate and what's in trusts.
11 In the end, it's still getting to the
12 right beneficiaries. But the tax treatment,
13 which is blocking out the CPA to testify, is the
14 important portion. That's the important concern
15 for the Court.
16 The tax treatment that the Will of
17 Veronique Pickett, the Will in trust, Your Honor,
18 allow the personal representative and fiduciary,
19 that Mr. Pickett was, the option to do what is
20 best to preserve the estate, the estate through
21 the probate court and the trust estate that we've
22 been talking about.
23 And we're prepared if the court wants to
24 hear testimony -- limited testimony from the CPA
25 about his review of the tax filings. And I'll

Page 55

1 just say this, Your Honor. We intend on
2 presenting testimony that the trust estate and --
3 or the estate of Veronique Pickett is going to
4 benefit several hundreds of thousands of dollars
5 because of the tax treatment on how these
6 proceeds are allocated.
7 They're still going to -- ultimately,
8 Kathleen and Laura, who is the petitioner, is
9 going to receive those proceeds. She's going to
10 receive more proceeds because of the work
11 Mr. Pickett -- with meeting with the CPA and
12 handling the tax ramifications.
13 JUDGE MICHEL: Let me tell you my
14 concern as the judge. 62-3-614 allows for broad
15 discretion by the Court. Okay? And the concerns
16 here -- and nobody is saying that Mr. Bayard is a
17 bad person. Nobody is saying that, you know.
18 The Court is not trying to insinuate that he was
19 doing anything that was deceitful or anything
20 like that. I think the concern for the Court is
21 the fact that no inventory was filed. Okay?
22 This estate was opened on March 1st,
23 2019. Okay? And I know he had legal counsel,
24 but to the best of my knowledge, that's
25 four-and-a-half years. Am I doing the math

Page 56

1 correct? Four-and-a-half years that this estate
2 has been open? Is that correct everybody?
3 MR. FERRERA: Yes.
4 JUDGE MICHEL: Okay. That no inventory
5 was filed. There's never been one interim
6 accounting during that time period for
7 four-and-a-half years. Now there's testimony by
8 the PR that was elicited that the funds are
9 there, but I moved the funds to various banks
10 because -- hold on a second. Let me finish.
11 This is the way I thought the testimony went.
12 That I moved them to various banks because I was
13 worried about bank failure so I put them in
14 separate accounts.
15 And I don't know if they're in separate
16 accounts now or if they are back to one bank, but
17 there was testimony from the PR, if I understood
18 it correctly, that the money from the sale was
19 put in various banks because of his concern over
20 the banks failing. Okay?
21 In the petition, which is verified from
22 the petitioner, they've said, Hey, we've
23 subpoenaed these banks and these accounts have
24 been set up, and we have a concern that they were
25 in an individual name. That might not have been

1 his intent, but it appears that some of them or
2 one of them is an individual name and not an
3 estate name. Okay? And that's a verified
4 petition that has been filed with the Court.
5 Now, there's testimony from your client
6 that he has submitted for e-filing an inventory,
7 which shows \$4 million coming through the estate;
8 is that correct?
9 MR. FERRERA: Yes, Your Honor.
10 JUDGE MICHEL: Okay. That's in direct
11 contradiction to what the Court was told back in
12 May, that there was only \$5,000 assets coming
13 through the estate in an e-mail, when there was
14 time for subsequent administration.
15 Now, obviously, that comes from the
16 change in the work he's been doing. That's the
17 way I inferred it for the tax benefit of meeting
18 with the CPA and how to handle these funds and
19 what to do. Okay? I don't say that the money is
20 missing or wasn't accounted for. It's just the
21 Court reads that to say that now there has been
22 some adjustment based on the CPA.
23 Your client is frustrated because it's
24 four-and-a-half years later. They don't have any
25 money, and they don't know where this money is.

1 I assume there's never been an accounting to them
2 because nothing has been filed. Maybe an
3 accounting has been given to them, but it hasn't
4 been filed. Go ahead.
5 MR. LAQUIERE: Your Honor, an accounting
6 has been given to us, and we've verified the
7 funds -- the total funds are there. So we don't
8 have any concern about the funds. We have a
9 concern about the timing.
10 JUDGE MICHEL: Timing. Okay. And has
11 your client received the same verified
12 accounting?
13 MS. PALMER: No, Your Honor.
14 JUDGE MICHEL: She's saying no. Do you
15 have any knowledge to that?
16 MR. FERRERA: I have personal knowledge
17 that the -- to be clear with the Court, the
18 accounting to -- the issue, Your Honor --
19 JUDGE MICHEL: No, no, no. Just answer
20 my question. Are you aware that her client or
21 she has received what his client has received?
22 MR. FERRERA: No, I'm not. I'm not
23 aware of that, but I presume that the bank
24 statements that were provided to counsel were
25 provided to Laura, but I don't know that to be

1 the case.
2 JUDGE MICHEL: Was your client provided
3 bank statements?
4 MS. PALMER: No, Your Honor. The only
5 information we've ever gotten are by virtue of
6 the subpoenas that I domesticated.
7 JUDGE MICHEL: Okay. Do you have any
8 reference that you sent this lawyer the last
9 three months any documents?
10 MR. FERRERA: I need to double-check my
11 e-mail, Your Honor, but as I recall, at the very
12 beginning of the -- when Ms. Palmer called me, I
13 sent her the bank statement that showed the \$1.76
14 million dollars that the -- because she had a
15 question about where are the proceeds from the
16 closing.
17 MS. PALMER: Your Honor, that's
18 impossible. I sent the initial letter to
19 Mr. Ferrera on March 23rd. On May 13th, ten days
20 before was when Mr. Pickett wrote the million
21 dollars in checks to himself, so there's no way
22 he could've shown me a bank statement for \$1.76
23 million.
24 MR. FERRERA: Your Honor, I'll check my
25 e-mail, but I'll represent to you as an officer

1 of the Court that I advised Ms. Palmer before all
2 of this started that the \$1.76 million dollars --
3 JUDGE MICHEL: No, I'm just asking you
4 as an officer of the Court, did you send her the
5 documents that were requested that this lawyer
6 spoke about? That Kathleen's lawyer says, Hey,
7 I've seen the statements. I've see the
8 accounting.
9 MR. LAQUIERE: I have not seen the
10 statements. I've seen the ledger of the amounts
11 in each account.
12 JUDGE MICHEL: So you haven't seen an
13 account? You haven't seen bank statements?
14 MR. LAQUIERE: I don't have physical
15 statements. I have a ledger of the itemization.
16 I do not have the statements.
17 JUDGE MICHEL: Okay. All right. Sorry.
18 I thought you testified you had seen the
19 statements. I'm sorry.
20 MR. LAQUIERE: That's why I'm
21 clarifying, Your Honor.
22 JUDGE MICHEL: Thank you.
23 MR. LAQUIERE: I don't want there to be
24 any other miscommunication.
25 MR. FERRERA: Your Honor, if the goal is

1 to provide justice and truth, then I have all of
2 the bank statements that show the amounts that I
3 can enter into evidence with the Court. The
4 issue --
5 JUDGE MICHEL: And was that turned over
6 -- I guess my question is, has that ever been
7 turned over before today?
8 MR. FERRERA: No, these are just updated
9 statements that I just received yesterday from my
10 client. This wasn't turned over before today.
11 Your Honor, the issue is not that Ms. Jones does
12 not know how much money there is or where it is
13 or any of that.
14 JUDGE MICHEL: Well, how -- I hear what
15 you're saying --
16 MR. FERRERA: I hear what you're saying,
17 but she's -- that's not accurate, Your Honor.
18 JUDGE MICHEL: Okay. Then the Court
19 doesn't know where the money is.
20 MR. FERRERA: Well, Your Honor, if you'd
21 like, I'll present testimony so that the Court
22 can get to the truth of it through Mr. Pickett.
23 That's what I was trying to -- earlier when he
24 was testifying regarding the motion for
25 subsequent administration, Your Honor stopped me

1 inventory is done based upon date of death.
2 Okay? I don't think there's any dispute that she
3 owned an individual interest -- 50 percent -- at
4 the date of her death, correct? Did she not?
5 MR. FERRERA: She did, Your Honor.
6 JUDGE MICHEL: Okay. So if she owned a
7 50 percent interest at the date of her death, it
8 can roll over to the trust, right? But it has to
9 flow through the estate. It's in her personal
10 name. It wasn't already in the trust, correct?
11 MR. FERRERA: Yes, Your Honor.
12 JUDGE MICHEL: So doesn't that have to
13 be on the inventory for the estate?
14 MR. FERRERA: Well, as I understand it,
15 Your Honor, the intent of the Will and the trust
16 --
17 JUDGE MICHEL: It doesn't matter what
18 that intent is. It's either in a trust when she
19 dies or it's not in a trust. So if it's not in a
20 trust, it has to pour over, correct?
21 MR. FERRERA: Part of the property was
22 in trust.
23 JUDGE MICHEL: It wasn't the part of the
24 property, but her 50 -- I'm only talking about
25 her estate and her 50 percent. Her 50 percent

1 and said, No, no, no. Don't get into the weeds
2 with that. Let's just move on.
3 JUDGE MICHEL: And I guess what I'm
4 saying is, you want to now put in evidence that
5 there was four-and-a-half years to put in that
6 never came in.
7 MR. FERRERA: Respectfully, Your Honor.
8 The Will provides wide latitude. And the Will
9 creates the trust and/or an estate depending on
10 what's the best for the estate. The probated
11 Will. And so that's the issue that's before the
12 Court.
13 The paramount rule in the estate and
14 trust work is to preserve the estate. My client
15 has preserved the estate. He's followed the
16 advice of counsel, the advice of CPAs, done
17 everything he's supposed to do.
18 The issue, Your Honor, is if \$4 million
19 is going through the estate, then the \$4 million
20 needs to be filed with the estate. If there's
21 not \$4 million in the estate, then other than the
22 sale of the property and what was -- other than
23 -- there was a question about whether and how
24 much money passes through the estate.
25 JUDGE MICHEL: This is the thing. The

1 was owned based on the testimony and, what I'm
2 hearing from everybody here today, was owned in
3 her individual name, correct, or was it all in
4 trust from her husband?
5 MR. FERRERA: Well, and that's what I
6 was trying to figure out, Your Honor. With
7 respect, I didn't file the original petition to
8 open the estate. I was trying to ascertain that
9 and figure out the ramifications.
10 Your Honor, what I'm representing to the
11 Court was that what's best for the testator's
12 estate is that the property is flowing through
13 the estate.
14 JUDGE MICHEL: And what I'm saying is, I
15 don't think you get to say it doesn't come
16 through the estate or not. There's a deed of
17 distribution here that says that she owned an
18 interest in this property in her name at her date
19 of death. Okay? And then as PR, he then
20 releases it belts-and-suspenders, like you said.
21 So regardless of who he titles the
22 property to, it still flows through her estate.
23 I think you're missing what I'm saying here.
24 There's no way that the inventory doesn't list
25 her one-half interest.

Page 65

Page 67

1 MR. FERRERA: I agree with that, Your
2 Honor.
3 JUDGE MICHEL: Okay. So we can all
4 agree that at the date of her death the value is
5 different than the date of the sale. And there's
6 a tax ramification there, and you have a
7 stepped-up basis for her 50 percent at her date
8 of death. But there's still her date of death
9 value, which was probably close to a million and
10 a half -- at least that was in her own name, if
11 the property was worth \$3 million at the date of
12 her death versus \$4 million. Do you see what I'm
13 saying?
14 MR. FERRERA: Yes.
15 JUDGE MICHEL: And so if that inventory
16 was never done, there was \$80,000 that he
17 testifies to in cash. There's never an interim
18 accounting done that shows, Hey. Here's \$80,000.
19 This is what I'm doing with it. Okay?
20 I'm not saying he did -- and maybe he
21 was following his lawyer's advice. But
22 four-and-a-half years later, we still don't have
23 any of that and you have until May to do it or to
24 when that order closed it out, and it was never
25 done.

Page 66

Page 68

1 And so I'm going to appoint a special
2 administrator. I'm going to take it under
3 advisement on if it's Mr. Ray or not. But again,
4 this thing needs to be cleaned up. It needs to
5 have full disclosure. There needs to be a
6 neutral party where people can ask for documents
7 and get those documents. I think once they do
8 that, it will clear up that there was nothing
9 done improperly. That's my indication. I don't
10 think there was anything done improperly. It
11 just wasn't done.
12 There wasn't an inventory filed. There
13 wasn't an interim inventory filed. There hasn't
14 been an exchange of documents over the last
15 three-and-a-half years it appears. And that's
16 --- you know, that's caused where we are today.
17 Okay?
18 And again, I'm not finding -- at this
19 time, I'm just restraining. He's not the PR
20 right now. It's been closed. So he's restrained
21 from acting as PR. Okay? I haven't removed him.
22 It was closed. He hasn't been reappointed, so
23 there's no removal here. Okay? I'm only
24 appointing a special administrator. I'm going to
25 take it under advisement on who to appoint. And

1 Mr. Ray is extremely qualified, but there needs
2 to be an administration.
3 We can all agree that this is over an a
4 million dollar estate. Okay? This has never
5 been less than a million dollars because her half
6 interest flows through the estate to get to the
7 trust. When she died, it was not in the trust
8 name. Okay? Because if it was in the trust
9 name, there would never be the reason to open
10 this estate and do deeds and everything else.
11 Okay?
12 MR. LAQUIERE: Your Honor, this is a --
13 I would like to make a motion in consideration of
14 the order. My client -- I have photographs and I
15 can show everybody if they want to see them --
16 has got bursted pipes, water damage from the HVAC
17 system, and a burst pipe going to the toilet and
18 the wall, damaged floors that were ripped out.
19 She's in the process of replacing
20 (inaudible). I had discussed with counsel
21 whether they would be agreeable to this assuming
22 your ruling was different today. So seeing as it
23 is what it is, I need to get the Court's
24 approval. I am asking -- I'm moving that my
25 client be given a prepaid debit card in the
1 amount of \$25,000 attributable against her share
2 of the proceeds of the estate to be accounted for
3 in the final distribution so that she may buy
4 things from Lowe's and hire some contractors in
5 order to get her house back into a livable state.
6 JUDGE MICHEL: If all of y'all are
7 agreeable to a \$25,000 distribution, you can do a
8 consent order and we'll instruct that \$25,000 be
9 disbursed and the special administrator can
10 approve that in disbursing.
11 MR. LAQUIERE: Are there any objections?
12 MS. PALMER: Your Honor, Ms. Anderson is
13 not a devisee. Her trust is --
14 JUDGE MICHEL: It would have to be
15 according to whatever the --
16 MR. LAQUIERE: Your Honor, she's being
17 disingenuous. Her sister has been removed
18 without any trustee authority by virtue of the
19 fact that Kathleen Anderson is over 35 years old
20 in the terms of this Will. And she continued to
21 operate as though she is a trustee contrary to
22 her sister's authority with impunity. That also
23 needs to stop.
24 JUDGE MICHEL: Okay. I'm going to let
25 y'all file whatever motions -- if y'all can

Page 69 1 agree, you can file that motion. I'm not going 2 to rule on that today, but if y'all can get a 3 consent, I'm happy to do it. Okay? File a 4 motion for us for a distribution. 5 MR. LAQUIERE: I will, Your Honor. 6 JUDGE MICHEL: Thank you. 7 MR. LAQUIERE: One more item as well. 8 If we're going to have a special administrator 9 going through and re-accounting for all of the 10 accounting that has been done, can we please put 11 in line a scheduling order for some deadlines, 12 Your Honor? Thank you. 13 JUDGE MICHEL: You can absolutely send 14 me a scheduling order and I'll look at it. 15 MR. FERRERA: Additionally, Your Honor. 16 I did want the record to be clear that my client 17 did file as fast as he could hold a motion to 18 reopen the estate once those impediments from the 19 lawsuit were filed. I just wanted that to be 20 clear. 21 JUDGE MICHEL: Absolutely. No problem. 22 Got it. Okay. That's Exhibit 1. 23 MR. LAQUIERE: One more item, Your 24 Honor. 25 JUDGE MICHEL: Sure.	Page 71 1 And again, I want to thank the lawyers 2 for their professionalism and their thoroughness. 3 These are tough cases. These are serious cases. 4 And I appreciate everybody's passion for being a 5 good advocate for their client. When the Court 6 sees both sides so well represented with good 7 lawyers, at the end of the day, I know that 8 everybody is protected and that's terrific. 9 Again, I know these are hard situations. 10 Anytime you're dealing with family, it's darned 11 if you do; darned if you don't. There's a saying 12 that goes around that no good deed goes 13 unpunished. And sometimes that's the case when 14 you get involved in these estates and you're 15 trying to do the right thing. 16 I want you to know, sir, I don't think 17 that the testimony here today has shown -- and it 18 may change, but nothing has shown that you've 19 done anything improper. I'm not sure if you were 20 advised or things were done in a timely manner 21 like they should've been. And so I appreciate 22 you being here today. 23 MR. PICKETT: 12 years I took care of 24 her -- my mother. 25 JUDGE MICHEL: And I know you're trying
Page 70 1 MR. LAQUIERE: What is the process for 2 filing an affidavit that's under seal in this 3 Court? 4 JUDGE MICHEL: I can't advise you of 5 that. 6 MR. LAQUIERE: I notice they have 7 electronic filing now. If I hand-deliver it -- 8 JUDGE MICHEL: You can hand-deliver it. 9 I would speak with Ms. Atwood. She's out today, 10 but she'll know. 11 MR. LAQUIERE: Very good. Thank you, 12 Your Honor. 13 JUDGE MICHEL: Do we know who the estate 14 clerk is on this? Is it Telisha? Okay. It's 15 Ms. Williams. Lindsay Williams is the estate 16 clerk on this. She's terrific about responding 17 to e-mails. So if you have questions like that, 18 she can definitely send that to Ms. Atwood and 19 she'll know. 20 So Ms. Lindsay Williams is the estate 21 clerk you'll e-mail and talk to directly. 22 Ms. Slicker is the law clerk assigned. She's the 23 lawyer assigned to this case. That's who you'll 24 send proposed orders to and that type of 25 information.	Page 72 1 to get it right and do the right thing. 2 MR. PICKETT: And those two nieces since 3 my sister passed -- 4 JUDGE MICHEL: I know. Again, I can 5 just tell from your disposition and who you are 6 that you're just trying to get it right and move 7 it along, and I appreciate that. And so I just 8 want you to know that based on my ruling, that's 9 not to say anything about you. It's just saying 10 we need to have a fresh set of looking. 11 Sometimes when you're a little too close to it 12 you need an independent person to take a look. 13 You've done a lot for your family. I'm 14 sorry about your mother and father passing. I 15 know it's been some time, but it's never easy to 16 lose a parent, especially one that you took care 17 of for so long. The end of life can be brutal. 18 I know that for a fact. 19 And so, you know, to have your mother 20 and the time you were able to spend with her and 21 care for her, I'm sure you wouldn't trade it. So 22 thank you for what you did there. Good luck to 23 you, sir. Again, thanks to all of the lawyers. 24 That will conclude this hearing. 25 (Hearing concluded at 10:28 A.M.)

CERTIFICATE

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

I, Abby Bishop, Notary Public for the State of South Carolina at Large, do hereby certify that the witness in the foregoing deposition was by me duly sworn to testify to the truth, the whole truth and nothing but the truth in the within-entitled cause; that said deposition was taken at the time and location therein stated; that the testimony of the witness and all objections made at the time of the examination were recorded by voice writing by me and were thereafter transcribed by computer-aided transcription; that the foregoing is a full, complete and true record of the testimony of the witness and of all objections made at the time of the examination; and that the witness was given an opportunity to read and correct said deposition and to subscribe the same.

Should the signature of the witness not be affixed to the deposition, the witness shall not have availed himself/herself of the opportunity to sign or the signature has been waived.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal on February 15th, 2024 at Charleston, Charleston County, South Carolina.

ABBY BISHOP
Notary Public for
South Carolina
My Commission expires
December 7, 2028

WORD INDEX

< \$ >

\$1,760,000 22:16
\$1,760,423.15 21:1, 3
\$1.45 42:7
\$1.5 52:15
\$1.76 21:15 25:13,
 22 59:13, 22 60:2
\$10 52:21
\$10,000 43:1, 22
\$100,000 47:17
\$135,000 40:11
\$150,000 26:8
\$16,000 43:21
\$20,000 52:21
\$25,000 68:1, 7, 8
\$250,000 42:11, 18
 43:13
\$3 65:11
\$3,500 43:24
\$4 19:5, 6 57:7
 62:18, 19, 21 65:12
\$4,000,000 24:11
\$4,089,963.38 32:7, 8
\$440,000 25:1, 5
\$450,000 43:15
\$472 42:9
\$5,000 57:12
\$80,000 16:23
 18:25 65:16, 18
\$880,000 25:10

< 1 >

1 3:8 19:24 20:2,
 8 25:6 69:22
1.76 40:3, 7
10 3:1
10:28 72:25
100 45:13
12 71:23
13th 42:10 59:19
15 20:23
151 2:6
15th 73:17
18th 7:3, 15 11:6
 41:10
19 3:8 16:8, 9
19th 5:25 28:4

41:3

1st 42:8 55:22
 < 2 >
2 3:9 31:13, 14, 20
 49:23
20 16:6
2009 12:6, 7
2018 11:6 13:23
 16:22
2019 11:17 39:12
 43:20 55:23
2019-ES-10-00394
 1:5 4:5
2020 17:12 20:5
 21:13 39:9
2021 29:20
2023 1:3 4:4 5:25
 6:20 7:15, 20 16:5
2024 1:7 73:17
2028 73:22
20th 8:3
213 13:5 20:4, 14
215 20:4, 14
21st 7:20 32:2
22 1:3, 7
22nd 4:3
23rd 29:20 59:19
24th 43:15
25 23:3
250 26:10
27th 6:16
29401 1:11 2:6
29406 2:10
29415 1:21
29455 2:14
29th 20:4 21:13
2nd 1:11

< 3 >

3 40:10
30 51:20
31 3:9
31st 6:11 21:10
 42:8
35 68:19
36 3:4
3674 2:14

< 4 >

40 51:20
400 2:6
440 22:24 23:17
4th 6:20
 < 5 >
50 23:2, 24 24:1, 12
 39:15, 16, 17, 18
 63:3, 7, 24, 25 65:7
5th 7:22

< 6 >

62-3-614 49:6, 9, 10
 54:2 55:14
 < 7 >
7 73:22
73 3:5
73129 1:20

< 8 >

84 1:11
843-762-6294 1:21
8887 2:10

< 9 >

9:00 1:7
99 21:10

< A >

A.M 1:7 72:25
ABBY 1:11 73:4,
 20
able 54:7 72:20
Absolutely 30:14
 38:8 50:10 69:13,
 21
absurdity 53:3
accelerating 51:20
accepted 32:17
access 50:20 52:22
account 21:19
 22:17, 19 25:14, 23
 40:3, 6, 8 42:6, 19,
 20, 22 43:1, 11, 18,
 19, 23 44:2, 6 60:11,
 13
accountant 11:15
 15:10

accountants 44:20
 51:9
accounted 37:9
 44:10 57:20 68:2
accounting 17:20
 26:23 28:15 34:22
 47:21 56:6 58:1, 3,
 5, 12, 18 60:8 65:18
 69:10
accounts 44:10
 56:14, 16, 23
accurate 61:17
act 54:4, 7
acting 66:21
action 18:4 19:18
 26:17 45:7
actual 7:13
addition 45:18
additional 37:19
 38:1
Additionally 53:25
 69:15
address 27:7 38:5
adhere 32:23
adjustment 57:22
administer 44:24
administering 44:18
administration 6:8,
 10 9:11 11:2
 33:14 36:8 41:23
 48:25 50:3 57:14
 61:25 67:2
administratively
 28:5, 20
administrator 4:8
 5:14 6:18, 24 8:2,
 20 26:18 42:2, 4
 48:6 49:3 50:11
 52:2 54:3 66:2, 24
 68:9 69:8
admissibility 20:3
 33:10, 23 34:8
advance 52:24
advice 26:25 62:16
 65:21
advise 70:4
advised 18:12, 18
 60:1 71:20
advisement 66:3, 25
advocate 71:5

affairs 12:10, 24
53:15
affidavit 50:8 70:2
affixed 73:13, 17
ago 16:3, 7
agree 51:14 65:1, 4
67:3 69:1
agreeable 9:8, 20
67:21 68:7
ahead 27:5 33:3
48:1 49:22 58:4
alive 12:3
allegation 51:11, 12
alleged 6:25
allocated 55:6
allow 7:13 33:22
54:18
allows 55:14
Alzheimer's 13:1
amended 4:7 8:19, 23
America 17:2, 3, 5
42:20 43:1, 18
amount 40:19
42:24 68:1
amounts 60:10 61:2
and/or 53:14 62:9
ANDERSON 2:12
4:21 7:4, 14, 15, 17, 20 22:25 43:25
50:12 68:12, 19
Anderson's 7:23
angry 50:13
answer 6:19, 25
7:21 8:9 58:19
anybody 50:25
Anytime 71:10
anyway 24:4
apologize 35:25
apparently 34:23
44:15
appears 5:25 17:11
44:4 57:1 66:15
application 6:10
19:21 41:22 49:17
appoint 26:17 48:5, 23 49:2, 16 66:1, 25
appointed 12:8
14:24 33:5 39:11

54:3
appointing 66:24
appointment 4:7
6:14, 17, 23 8:1, 5, 20, 22 33:17 50:2
appraisal 3:9
28:15, 18 29:6
30:24 31:9
appreciate 37:16
71:4, 21 72:7
appreciates 9:24
approach 24:7 28:2
appropriate 37:2
40:19, 20
approval 67:24
approve 37:11
68:10
approximately 15:25
argument 53:12
arguments 38:7
ascertain 54:9 64:8
asked 24:23 26:1
46:8
asking 27:15 29:3
40:13 60:3 67:24
assets 14:19 18:10
26:22 36:10, 12
37:3 50:5 57:12
assigned 70:22, 23
assistance 13:10
Associate 4:2
assuage 41:13
assume 58:1
assuming 67:21
Attorney 4:18 7:5
8:4 11:14 18:12
28:19 37:10 39:7
47:8
attorneys 5:23
44:19
attorney's 26:6
52:1
attributable 68:1
Atwood 70:9, 18
August 6:20 7:3, 15, 20
authority 68:18, 22
availed 73:13
award 45:5

aware 8:7 17:13, 15, 17, 19 28:13
33:1 53:23 58:20, 23

< B >
back 8:22 12:2
16:6 18:11 22:13
27:8 31:16 40:17, 19 42:17 56:16
57:11 68:5
background 11:23
23:21
backs 42:14
bad 55:17
balance 42:6 43:22
bank 17:1, 2, 3, 5
21:17, 18 25:24, 25
26:1, 11, 12 41:12
42:12, 19 43:1, 11, 17 44:1, 10 56:13, 16 58:23 59:3, 13, 22 60:13 61:2
banks 26:10 30:17
43:14 56:9, 12, 19, 20, 23
bar 15:15
based 37:12 57:22
63:1 64:1 72:8
basic 41:20
basically 24:7
basis 33:5 65:7
BAYARD 2:8 3:1
4:17 10:7, 13 22:9
23:25 36:2 55:16
Beach 10:20, 22
13:2, 14
begging 45:7
beginning 59:12
BEHALF 2:4, 8, 12
50:11
believe 6:24 15:19
16:23 19:20 28:7
40:9
belts-and-suspenders 24:7 64:20
beneficiaries 21:21
53:17, 21 54:12
beneficiary 43:12

benefit 21:20 24:12
25:8, 15 47:15
55:4 57:17
best 11:11 29:19
50:24 53:16 54:20
55:24 62:10 64:11
Bible 10:12
bills 17:6 18:7, 8, 13
BISHOP 1:11 73:4, 20
blocking 54:13
Blvd 2:10
BOLEN 1:20
bone 50:25
book 49:14
books 49:8
Box 1:20 42:21
briefly 11:4 12:2
27:10 53:7
bring 49:14
bringing 51:7
Broad 1:11 55:14
brought 40:22
48:18 53:9
brutal 72:17
burst 67:17
bursting 67:16
busy 52:3
buy 68:3

< C >
calculated 29:4
call 6:12 10:3, 7
15:5 19:13, 16, 18
called 6:9 41:10, 11
59:12
card 67:25
care 12:25 13:3, 13
18:8 71:23 72:16, 21
CAROLINA 1:1
48:12 73:2, 4, 17, 21
CASE 1:5 4:4
9:25 24:9 27:25
30:6, 16 34:2
36:14 48:5 59:1
70:23 71:13
cases 71:3

cash 29:2 65:17
 cause 73:6, 15
 caused 66:16
CERTIFICATE 3:5 73:1
 certify 73:5, 15
 change 22:16 57:16 71:18
 charged 52:12
CHARLESTON 1:2, 7, 11, 21 2:6, 10, 14 4:2 10:22 12:15, 19 14:12 73:2, 17
 check 43:24 59:24
 checks 42:11, 14, 18 43:10, 13 59:21
 chime 5:22, 23
 chronologically 11:16
 claimed 15:23
 clarification 22:14
 clarify 46:6
 clarifying 60:21
CLARK 1:20
 cleaned 66:4
 cleaning 24:19
 clear 13:9 24:24 39:21 48:12 58:17 66:8 69:16, 20
 clerk 70:14, 16, 21, 22
 clerk's 41:25
 client 9:6 24:18 33:16, 24 41:14, 24 43:25 48:23 50:24 51:6 52:16, 20 57:5, 23 58:11, 20, 21 59:2 61:10 62:14 67:14, 25 69:16 71:5
 close 26:8 33:14 65:9 72:11
 closed 65:24 66:20, 22
 closing 3:8 19:10 22:25 23:22 28:6, 21 39:20 40:15 45:5 59:16
 code 49:8

combative 34:8
 combativeness 34:3
 come 33:3 43:9 48:18 64:15
 comes 57:15
 coming 57:7, 12
Commission 73:21
 communications 53:21
 complaint 8:24 40:23
 complete 73:10
 completed 14:17
 complicated 15:7
 comprised 32:9
 computer 27:3
 computer-aided 73:9
 concern 26:20 54:14 55:14, 20 56:19, 24 58:8, 9
 concerned 22:7 43:7
 concerning 14:3 42:6
 concerns 37:7 55:15
 conclude 72:24
 concluded 72:25
 conditional 28:19
Condon 27:23 28:5, 20
 confirmation 7:9, 12
 consent 52:18 68:8 69:3
 consideration 67:13
 context 36:14
 contingency 52:13
 continue 14:8
 continued 68:20
 contractors 68:4
 contradiction 57:11
 contrary 68:21
 conversations 17:25 50:16
 copy 40:22
Correct 4:10, 22 5:17 6:1, 3 8:17 9:2, 12 11:7, 21, 22 12:16, 17, 21, 22 14:13 15:1 19:22

23:5, 11 25:3, 9, 12 27:21, 22 31:11 46:3 56:1, 2 57:8 63:4, 10, 20 64:3 73:11
 correctly 56:18
 cost 51:8
 costs 3:8 17:6 22:25 45:6
 could've 59:22
 counsel 47:23 48:10, 20 55:23 58:24 62:16 67:20 73:15
Counselor 46:11
 counter 43:16 53:11
 counterclaim 7:21
 counterclaims 7:23
COUNTY 1:2, 7 4:3 14:12 73:2, 17
 course 28:3 50:17
COURT 1:1, 7 4:3 9:12, 24 10:1, 5, 18 11:5, 8, 24 13:4 14:5, 18 15:2 16:11, 18 18:20 19:3, 8 20:12, 25 21:14, 23 24:23 25:21 26:5, 21, 23 27:11, 15 28:13, 16 29:5, 23 30:1 31:9, 21 32:9, 13, 14, 17, 25 33:21 34:19, 20, 25 36:25 37:3, 11 38:5, 11 41:18, 19 45:5, 13, 21 49:4, 16, 25 50:7 52:8 53:19 54:15, 21, 23 55:15, 18, 20 57:4, 11, 21 58:17 60:1, 4 61:3, 18, 21 62:12 64:11 70:3 71:5
Court's 67:23
 coverage 41:5
 covered 39:10
CPA 18:13, 15 30:23 31:2 54:13, 24 55:11 57:18, 22

CPAs 26:7 51:9 62:16
 created 13:17 25:15
 creates 62:9
CROSS 3:4
 cross-claim 7:21
CROSS-EXAMINATION 36:5
 currently 10:19
 Curry 12:14

 < D >
 daily 13:10
 damage 67:16
 damaged 67:18
 damages 15:23
 darned 71:10, 11
DATE 1:7 21:8 32:2 36:25 41:1 63:1, 4, 7 64:18 65:4, 5, 7, 8, 11
 dated 20:4
 daughters 46:17
DAVID 2:1 4:2
 day 29:24 30:3 41:22 42:19 71:7
 days 51:20 59:19
 dead 38:25
 deadlines 52:7 69:11
 dealing 71:10
 death 63:1, 4, 7 64:19 65:4, 8, 12
 debit 67:25
 decedent's 17:13
 deceitful 55:19
December 11:6 13:23 16:8, 9, 21 73:22
 decision 29:4
Decker 11:15 18:16, 17, 19 35:6
 deed 17:12 24:5, 8 39:14 40:1 64:16 71:12
 deeds 17:12 67:10
 defendant 22:10
 defense 41:5

definitely 70:18
delay 34:19
delivery 8:15, 16
demand 6:19
deny 37:11
depending 62:9
deposited 42:15, 18
 44:2
deposition 73:5, 7,
 12, 13
detailed 9:24, 25
determination 37:1
devisee 68:13
died 67:7
dies 63:19
different 5:24
 44:19, 20 65:5
 67:22
dilemma 33:13
DIRECT 3:1 10:16
 27:13 57:10
directed 39:1
directing 28:18
directly 25:1 70:21
disagreed 24:3
disappeared 51:12
disbursed 46:13, 20
 68:9
disbursement 20:19
 26:2, 4 46:18 50:7
disbursements 30:20
disbursing 21:24
 68:10
disclosure 66:5
discretion 48:13
 55:15
discussed 67:20
dishonest 47:13, 14
disingenuous 68:17
dismiss 7:23 48:9,
 13, 17 49:2
dismissal 29:20, 25
 40:23 41:2
disposition 72:5
dispute 24:10, 14,
 16 63:2
distribute 18:18
 37:3 46:8 52:23

distributed 39:2, 17
 40:15 42:24, 25
 46:23 47:16 52:14
distributing 41:8
distribution 24:8
 33:15 34:1 36:10,
 21 37:2 39:14
 40:1 43:4, 5 51:3
 64:17 68:3, 7 69:4
distributions 24:6
 46:1
document 19:10
 32:6 33:23, 24
documents 27:15
 28:6 33:19 34:13,
 19 35:1 42:4
 43:18 59:9 60:5
 66:6, 7, 14
doing 14:8 15:11
 32:22 51:23 55:19,
 25 57:16 65:19
dollar 67:4
dollars 21:15 25:13
 52:16 55:4 59:14,
 21 60:2 67:5
domesticated 42:16
 59:6
double-check 59:10
due 34:13
Duke 15:13, 14
 22:4, 5, 6 27:12
 29:15 34:23
duly 10:14 73:5
duplicating 51:19

 < E >
earlier 26:2 61:23
earning 40:10
easier 6:12
easy 72:15
e-file 32:19
e-filing 57:6
either 8:1 26:17
 46:19 63:18
electronic 27:3 70:7
elicited 56:8
eliciting 47:12
ELIZABETH 2:5
 4:11 7:17

e-mail 57:13 59:11,
 25 70:21
e-mails 70:17
enter 61:3
entire 40:19
entirety 48:3
entitled 34:5 50:18
equitable 33:22
ERIC 2:13 5:1
especially 72:16
establishing 50:22
ESTATE 1:5 4:4
 11:2, 10, 20 12:1, 4,
 7, 15 13:19 14:2, 3,
 7, 12, 23, 25 15:18,
 20, 23 17:11 20:22
 21:4, 6, 20 22:9, 17
 24:1 26:22 27:13
 28:6, 21, 23 29:1, 14,
 16 30:2, 12, 25
 31:23 32:5 33:15
 34:9 35:3, 4 36:10
 39:1, 12, 19, 22 40:4,
 18, 24 42:21 43:19
 44:6, 7, 12, 18, 23
 48:24 50:2, 5 51:8
 53:15 54:8, 10, 20,
 21 55:2, 3, 22 56:1
 57:3, 7, 13 62:9, 10,
 13, 14, 15, 19, 20, 21,
 24 63:9, 13, 25 64:8,
 12, 13, 16, 22 67:4, 6,
 10 68:2 69:18
 70:13, 15, 20
estates 45:1 71:14
events 73:16
everybody 5:20
 34:4 49:12 51:25
 56:2 64:2 67:15
 71:8
everybody's 71:4
evidence 20:6, 8
 34:8 45:16 50:4
 61:3 62:4
Ex 3:8, 9
Exactly 14:4 40:9
 53:23
EXAMINATION
 10:16 73:8, 11

examined 10:14
excess 47:17
exchange 66:14
excuse 41:7
Exhibit 19:24 25:6
 31:14 69:22
expenses 17:7, 8
 40:18
experience 45:1
expires 73:21
explain 29:4 34:25
explained 50:21
express 50:15
extension 27:14
extensions 28:14
extremely 67:1

 < F >
fact 39:10 45:24
 55:21 68:19 72:18
fail 26:12
failing 26:10 56:20
failure 28:6 56:13
faith 52:10
familiar 30:4
family 71:10 72:13
far 43:7, 21
fast 51:13 69:17
father 12:2, 3, 5, 23
 72:14
father's 12:14, 15
 13:6, 18, 19 15:20,
 21, 22 16:20
fears 41:13
February 43:22
 73:17
fee 45:19 46:5, 7, 9
fees 26:6 37:10
 45:6 52:1, 2, 12
FERRARA 2:9
FERRERA 3:1
 4:18, 19 5:18 9:9,
 15 10:4, 7, 17 16:9,
 10 17:17, 21, 23, 24
 19:9, 15 20:1, 7
 21:11, 14 22:18, 21
 23:12, 14 24:15, 22
 26:15 27:6, 10
 28:1, 4 31:12, 18
 32:16, 21 34:17, 18

35:10 37:25 38:2
40:1, 13 41:10
44:1 48:2, 8 49:15
53:7 56:3 57:9
58:16, 22 59:10, 19,
24 60:25 61:8, 16,
20 62:7 63:5, 11, 14,
21 64:5 65:1, 14
69:15
fiduciary 54:18
fighting 51:1
figure 64:6, 9
file 27:14 28:6, 7,
11, 12, 14, 19 29:5
33:6, 13 64:7
68:25 69:1, 3, 17
filed 6:7, 9, 14, 16,
18 7:4, 16, 21, 22
8:3 9:10 15:16, 22
16:1, 11 17:14, 16,
18, 20 19:17 20:18
26:21, 23 28:20
29:25 31:8, 9
32:12, 13 34:14
36:7, 17, 23 41:23,
25 42:1 55:21
56:5 57:4 58:2, 4
62:20 66:12, 13
69:19
filing 28:17 33:18
34:19 42:5 70:2, 7
filings 9:23, 24, 25
14:17 27:4 28:24
32:24 54:8, 25
final 68:3
finalizing 52:8
finding 50:1 66:18
finish 41:15 51:1,
24 56:10
FIRM 2:9, 13 15:8
28:10 44:1
first 8:21 9:16, 19,
21 10:14 45:11
fit 44:21
fixture 10:10
Flanagan 11:13, 17,
20 13:24, 25 14:11,
16, 22 15:4 17:25
18:3 28:7

flight 49:14
Floor 1:11
floors 67:18
flow 63:9
flowing 24:5 64:12
flows 64:22 67:6
focused 27:7
followed 62:15
following 52:18
65:21
follows 10:15
foregoing 73:5, 9
forever 35:8
formal 6:17 9:7
19:18 49:2, 17, 24
forward 50:23
four 42:11
four-and-a-half
55:25 56:1, 7
57:24 62:5 65:22
fresh 72:10
front 7:2
frustrated 57:23
Fulfill 18:5
fulfilled 30:11
full 66:5 73:9
fund 52:13
funds 21:24 46:9
47:8, 17 53:2 56:8,
9 57:18 58:7, 8
funeral 17:6
further 41:6 53:20
73:15

< G >
general 11:9, 24
12:4 14:5 15:3
30:6, 7, 25 31:1
53:16
gentleman 52:4
getting 23:2, 3
26:19 54:11
gift 43:8
give 27:10 45:20
given 8:9 41:24
58:3, 6 67:25 73:11
giving 11:23 34:4
52:18
go 5:21 9:16
11:11 12:2 18:11

22:23 23:6 27:5
33:3 38:6 45:11
48:1 49:22 50:22
51:18 53:4 58:4
goal 60:25
goes 43:6 71:12
going 6:11 8:22
14:19 24:21 26:7,
12, 14 34:16 39:19
41:18 43:8 49:5
50:23 52:4, 5, 25
55:3, 7, 9 62:19
66:1, 2, 24 67:17
68:24 69:1, 8, 9
Good 4:1, 19, 20
5:5, 8, 12, 14, 15, 16,
20 52:9 70:11
71:5, 6, 12 72:22
gotten 42:17 59:5
granddaughters
23:4 39:3
grandmother's
38:15
granted 7:6 8:8
28:14
granting 28:21
Great 5:19 24:20
gross 31:23
guess 8:20 11:5, 16
19:10, 12 22:2
24:17 53:9 61:6
62:3

< H >
habitable 52:22
half 17:13 20:15
22:14, 15, 23 23:1, 3
65:10 67:5
Hampton 21:17
hand 10:12 51:18
73:16
hand-deliver 70:7, 8
handing 20:7 31:18
handle 11:20 14:21
53:15 57:18
handled 12:10, 13,
24 14:20
handling 55:12
hands 51:16
hangs 10:10

happened 9:19
15:5 16:11 20:13
21:25 23:21 41:24
happening 53:24
54:5
happens 22:2
happy 69:3
hard 71:9
head 10:10 14:14
37:17
hear 54:24 61:14,
16
heard 7:24, 25
33:10 44:14 49:20
HEARING 1:3 4:6
7:2 10:25 50:1
64:2 72:24, 25
hearsay 45:14
he'd 43:19
held 16:25 21:19,
22 40:17
Hellman 23:22
helpful 10:1 35:24
hereunto 73:16
Hey 56:22 60:6
65:18
Highfield 15:13, 14
22:5, 6 27:12 29:9,
15 34:23
himself/herself 73:13
hire 39:7 43:2
47:8 68:4
hired 14:11, 16
16:12
history 5:21 27:11
hold 14:9 40:19
56:10 69:17
holding 47:16
home 29:2
Honor 4:13, 19, 23
5:4, 15 8:7 9:3, 9,
13 10:4 19:9, 11
20:1, 6 22:19
23:12, 15, 20 24:10
27:6 28:1 31:12
32:16 33:9 35:11
36:2 37:21, 23
38:2, 4, 10 41:4
44:21 45:4, 12
46:3 47:25 48:2, 9,

16, 19 49:1, 15, 18,
21 50:13 51:21
52:14 53:5, 7, 12, 25
54:2, 5, 17 55:1
57:9 58:5, 13, 18
59:4, 11, 17, 24
60:21, 25 61:11, 17,
20, 25 62:7, 18 63:5,
11, 15 64:6, 10 65:2
67:12 68:12, 16
69:5, 12, 15, 24
70:12
HONORABLE 2:1
honoring 47:14
hope 52:17
hot 51:15
hours 50:17
house 16:14 18:22
19:3, 4, 7 44:11
68:5
houses 16:15
Humphries 31:6, 7
hundreds 55:4
husband 38:23, 25
64:4
HVAC 67:16
Hwy 2:14

< I >
identification 19:25
31:15
impediments 69:18
important 12:4
45:2 54:14
impossible 59:18
improper 53:2
71:19
improperly 66:9, 10
improprieties 45:19
impropriety 45:24
impunity 68:22
inaccurate 5:24
inaudible 19:21
21:11 29:15 39:21
42:12 44:1 45:7
49:18 67:20
include 38:7
income 44:11
independent 72:12
indication 66:9

individual 42:20, 21,
22 43:11 56:25
57:2 63:3 64:3
individually 23:17
25:11 42:13
individuals 46:16
inferred 57:17
informal 6:9 8:22
19:17
informally 49:16
information 34:5
39:6, 8 40:14
41:20 45:8 59:5
70:25
initial 59:18
insinuate 55:18
instruct 68:8
insurance 41:5
44:5, 7
intend 55:1
intended 36:13
intent 57:1 63:15,
18
intention 36:8
interest 17:13
26:13 40:10 51:25
53:17 63:3, 7
64:18, 25 67:6
interested 49:25
51:6 73:16
interim 17:20
26:23 56:5 65:17
66:13
interplay 14:18
interrupt 17:9
47:19
intervene 7:4, 14
8:8
intervention 41:19
intestate 53:13
Inventory 3:9
17:14, 15, 18 26:21
28:8, 15, 18, 22 29:5
30:24 31:8 33:19,
25 36:9, 16 51:2
55:21 56:4 57:6
63:1, 13 64:24
65:15 66:12, 13
involved 41:19

71:14
irrational 34:10
IRS 34:22 44:15
Island 2:14
issue 30:16 33:10
58:18 61:4, 11
62:11, 18
issued 27:24 28:5
issues 6:22 37:3
item 69:7, 23
itemization 60:15
items 7:25
its 50:3

< J >
January 11:17 28:4
Johns 2:14
JONES 2:4 4:8, 14,
15 6:12, 14, 16 7:18,
22 8:3 9:1 20:17,
18 22:24 23:9, 17,
18, 19 24:25 25:2, 5,
7, 8 26:8 32:15
38:12 39:5 45:6
48:18 52:25 61:11
JR 2:8 4:17
JUDGE 4:1, 2, 11,
14, 16, 20, 25 5:3, 5,
8, 11, 16, 19 6:4, 7
7:2, 11 8:11, 14
9:4, 14, 18, 22 10:6,
9, 25 12:14 17:9, 19,
22 19:13, 16, 22
21:2, 4, 8 22:13, 20,
22 23:1, 6, 9 24:19,
23 26:15 27:23
28:3, 5, 20 31:16
32:11, 20, 25 33:8,
11 34:12 35:12, 15,
20, 23 36:4 37:15,
19, 22, 25 38:3, 8
41:1, 15 45:10, 23
46:5, 10, 15, 25 47:6,
18 48:1, 7 49:5, 22
51:17 53:6 55:13,
14 56:4 57:10
58:10, 14, 19 59:2, 7
60:3, 12, 17, 22 61:5,
14, 18 62:3, 25 63:6,
12, 17, 23 64:14

65:3, 15 68:6, 14, 24
69:6, 13, 21, 25 70:4,
8, 13 71:25 72:4
jump 26:14
June 6:16
jury 6:19, 22 7:1
justice 61:1
justification 40:16

< K >
KATHLEEN 2:12
4:21 7:3, 17 22:25
23:11, 18, 19 25:4, 8
30:21 46:8, 19
50:12 55:8 68:19
Kathleen's 33:12
60:6
Katie 43:8, 24
Katie's 43:4
keep 24:21 34:16
35:20
kind 26:15
King 13:5 15:6
20:4, 14
know 7:12 8:21
9:5 16:19 20:25
26:20 28:11 29:9
32:16 33:25 34:13
35:1 38:20, 22
39:8 42:20 43:3,
17 44:6, 12, 15, 23
46:23 47:20 49:7,
12 52:3 53:10
55:17, 23 56:15
57:25 58:25 61:12,
19 66:16 70:10, 13,
19 71:7, 9, 16, 25
72:4, 8, 15, 18, 19
knowing 34:22 35:2
knowledge 27:19
55:24 58:15, 16
knows 48:21

< L >
lagging 51:23
LAQUIERE 2:13
3:4 4:23 5:2, 3, 4,
6, 7 7:9 33:9, 12
35:18, 22 36:1, 3, 6
37:13, 20, 21, 23

43:2 45:12 46:7,
14, 21 47:2, 11, 24
49:20, 23 58:5
60:9, 14, 20, 23
67:12 68:11, 16
69:5, 7, 23 70:1, 6,
11
Laquiere's 43:25
Large 73:4
latitude 62:8
LAURA 2:4 4:8
20:17, 18 22:24
23:9, 17, 18 24:25
25:2, 7 26:8 30:21
38:12 42:25 46:19
47:17 48:18 55:8
58:25
LAW 2:9, 13 15:8
28:10 44:1 70:22
lawsuit 15:11, 16
16:1, 5, 10 22:1, 3, 6,
7, 10 29:11, 13, 17
40:21 69:19
lawsuits 37:7
lawyer 53:1 59:8
60:5, 6 70:23
lawyers 9:8 10:2
71:1, 7 72:23
lawyer's 65:21
layperson 44:16
leave 28:21
ledger 60:10, 15
left 10:11 15:8
20:16 22:1
legal 26:25 37:6
47:23 55:23
letter 40:13 59:18
life 44:5 72:17
light 10:10
limited 54:24
Lindsay 70:15, 20
line 51:24 69:11
list 52:6 64:24
litigation 27:12
little 26:19 72:11
livable 68:5
lived 13:5
LOCATION 1:7
73:7

long 36:3 52:18
72:17
longer 15:4
look 20:24 22:19
33:21 39:20 51:22
69:14 72:12
looking 20:12
24:21 35:24 72:10
lose 72:16
lot 17:8 34:21
45:1 72:13
Lowe's 68:4
luck 72:22
luxury 49:13

< M >
main 26:20
majority 45:17
manner 50:20
71:20
March 21:10 39:12
40:12 42:8, 10
55:22 59:19
mark 19:10
marked 19:24 20:1
31:13, 14, 19
math 40:8 55:25
matter 10:25 16:20
24:4 45:22 48:14,
22, 24 63:17
mean 9:9 12:5
22:3 32:25 33:1
34:25 35:3 43:7
means 44:16
meant 46:24
Meeting 2:6 11:12
55:11 57:17
member 15:15
memo 44:8
memorandum 8:4
mentioned 18:13
54:2
met 11:17 13:23
18:12, 13 30:23
35:6
methodology 28:17
MICHEL 2:1 4:1,
2, 11, 14, 16, 20, 25
5:3, 5, 8, 11, 16, 19
6:4, 7 7:11 8:11,

14 9:4, 14, 18, 22
10:6, 9, 25 17:9, 19,
22 19:13, 16, 22
21:2, 4, 8 22:13, 20,
22 23:1, 6, 9 24:19
26:15 28:3 31:16
32:11, 20, 25 33:8,
11 34:12 35:12, 15,
20, 23 36:4 37:15,
19, 22, 25 38:3, 8
41:1, 15 45:10, 23
46:5, 10, 15, 25 47:6,
18 48:1, 7 49:5, 22
53:6 55:13 56:4
57:10 58:10, 14, 19
59:2, 7 60:3, 12, 17,
22 61:5, 14, 18 62:3,
25 63:6, 12, 17, 23
64:14 65:3, 15
68:6, 14, 24 69:6, 13,
21, 25 70:4, 8, 13
71:25 72:4
million 19:5, 6
21:15 25:13, 23
40:7 42:7 52:15
57:7 59:14, 20, 23
60:2 62:18, 19, 21
65:9, 11, 12 67:4, 5
minute 49:6, 7, 9, 11,
12
mischaracterization
46:22
mischaracterizing
47:3
miscommunication
60:24
missing 57:20 64:23
mold 15:12
mom 13:3, 21
money 13:3 16:19,
25 18:22 20:22
21:19 22:23 24:4
25:2, 20, 21, 22, 23
26:5, 9, 10, 11 34:5
39:9 40:14 41:8,
12, 20 42:24 46:1,
12, 18, 20, 23 47:16,
21 50:10 51:11, 12,
14 53:3 56:18

57:19, 25 61:12, 19
62:24
months 43:21 52:2,
3 59:9
morning 4:1, 19, 20
5:15, 16
mother 11:5 12:25
13:5, 10 14:10, 12
16:19, 21 22:20
71:24 72:14, 19
mother's 6:5 11:2,
9, 25 12:3 13:12
14:1, 7, 25 15:18
25:16 27:13 29:1
30:5, 12
motion 7:4, 5, 22
8:8 9:11 27:14
30:1 48:5, 9, 15, 16,
23 49:2 52:17
61:24 67:13 69:1,
4, 17
motions 68:25
Mount 12:20 13:5,
13
move 17:10 20:5
48:9 51:14 62:2
72:6
moved 13:1, 13
15:9 26:9 51:13
56:9, 12
moving 19:2 26:11
67:24
Multiple 27:21

< N >
name 6:2, 5 18:15
40:4 56:25 57:2, 3
63:10 64:3, 18
65:10 67:8, 9
named 22:10 30:8
43:12
necessary 50:2
need 42:3 44:7, 24
59:10 67:23 72:10,
12
needed 13:10 14:17
needs 48:18 52:21
53:4 62:20 66:4, 5
67:1 68:23

neither 73:15
neutral 66:6
never 26:21, 22
 34:14 39:13 47:20
 56:5 58:1 62:6
 65:16, 17, 24 67:4, 9
 72:15
new 31:3
nieces 72:2
nodded 14:14
non-interest-bearing
 40:6, 8
nonprobate 14:19
North 2:10
Notary 73:4, 20
note 41:4
notice 8:17 41:23
 50:1 70:6
number 4:5 20:8
 31:13, 20 45:14, 15
numerous 6:22

< O >

object 33:4 45:13
 52:12
objected 53:1
objecting 8:16
 33:17
objection 6:14 8:21
 38:9 41:16 42:1
 51:4
objections 51:5
 52:10, 11 68:11
 73:8, 10
obligation 32:23
obligations 18:5, 6
 30:11
obtained 42:4
obviously 10:23
 57:15
office 27:14 32:18
officer 59:25 60:4
official 73:17
Oh 29:10 37:21
Okay 4:11, 16, 25
 8:5, 11, 14, 18 9:4,
 15, 18, 22 10:9, 21
 11:8, 19 12:7, 13, 18
 13:16, 21 14:10, 15
 15:2 16:5, 9, 13, 16,

25 17:3, 19, 22 18:6,
 10, 15, 17, 24 19:2, 6
 20:12, 17 21:12, 23
 22:9, 12, 16, 22 23:6,
 9 24:15, 19, 20 25:4
 26:1, 14 27:18
 28:9, 11, 12 29:12,
 16, 19, 23 30:8, 15,
 19, 23 31:24 32:1, 8,
 20 35:6, 9, 12, 15, 17
 36:20, 25 37:4, 6, 12,
 18, 25 38:3, 5, 9
 45:10 48:8 50:14
 53:6 55:15, 21, 23
 56:4, 20 57:3, 10, 19
 58:10 59:7 60:17
 61:18 63:2, 6
 64:19 65:3, 19
 66:17, 21, 23 67:4, 8,
 11 68:24 69:3, 22
 70:14
Old 2:10, 14 12:20
 68:19
once 7:25 66:7
 69:18
one-half 64:25
one's 47:7
open 14:11 17:11
 56:2 64:8 67:9
opened 12:15, 18
 14:23 42:19 43:10,
 19 55:22
operate 68:21
opportunity 50:19
 73:11, 14
option 53:15 54:19
order 7:6, 7, 13
 12:14 27:24 28:5,
 20 33:14 49:24
 65:24 67:14 68:5,
 8 69:11, 14
orders 70:24
original 8:22 64:7
ought 19:16
outlined 44:8
overpaid 34:23
 44:15
overriding 53:8

owned 12:19 39:15,
 19 44:12 63:3, 6
 64:1, 2, 17
ownership 42:21

 < P >
P.O 1:20
PAGE 3:1 5:22
 9:5
paid 14:22 17:6
 46:7 47:8
PALMER 2:5 4:10,
 12, 13, 15 8:7, 12
 9:3, 21 16:8 19:20
 24:14 33:4 35:13
 38:4, 9 41:3, 17
 46:3 49:18 53:10
 58:13 59:4, 12, 17
 60:1 68:12
paperwork 28:14
paragraph 49:23
paramount 62:13
parent 72:16
parents 12:19
part 27:9 33:2
 63:21, 23
parties 10:2 50:7
 51:7
party 40:24, 25
 66:6 73:15
passed 11:6 12:5,
 23 13:22 16:21
 38:20, 24 72:3
passes 62:24
passing 11:10 13:6
 72:14
passion 71:4
PAUL 2:9 4:18
pay 18:6, 8, 12
paying 44:5
pending 22:7 73:16
people 66:6
percent 23:2, 3, 24
 24:1, 12 39:15, 16,
 17, 18 40:11 45:13
 63:3, 7, 25 65:7
period 13:6 34:15
 56:6
person 46:13 47:15
 49:25 55:17 72:12

personal 12:10
 13:18 14:24 18:1
 30:8 33:6 39:11
 44:9, 22 53:14
 54:4, 18 58:16 63:9
personally 46:20
perspective 33:13,
 22
petition 4:7 6:8, 17
 8:5, 19 11:1 19:21
 20:18 36:7 38:6
 42:1, 5 48:24
 49:17, 19, 25 56:21
 57:4 64:7
petitioner 4:8 6:11,
 12 8:25 9:1, 6, 7
 19:15 55:8 56:22
petitioner's 47:22
 48:4
phones 49:9
photographs 67:14
physical 60:14
pick 50:25
PICKETT 1:5 2:8
 3:1 4:4, 17 5:9, 10
 6:1, 3, 6, 18 7:19
 9:16 10:3, 8, 13, 18
 11:3 17:24 18:2
 20:7 21:3, 6, 7, 10,
 12 22:10, 24 23:5, 8,
 13, 25 24:2, 13, 22
 31:18 32:6 34:18
 35:14 36:2 37:18
 38:20 39:4, 16, 23,
 24 40:5, 24 42:10
 44:4, 14, 18, 21
 48:15 51:15 53:18,
 19 54:6, 17, 19 55:3,
 11 59:20 61:22
 71:23 72:2
Pickett's 39:12, 19
pipe 67:17
pipes 67:16
place 10:11 39:25
Pleasant 12:20
 13:5, 13
please 10:5 21:2
 36:2 37:16 38:10
 41:11 49:22 51:17

69:10
pleased 27:7
pled 10:2
point 26:16 27:23
 36:17 46:2, 11
 47:4, 18, 19, 22
pointing 27:2
polite 50:15
portion 7:2 20:21
 54:14
position 23:23 43:4
positions 10:3
potato 51:15
potential 5:17 37:8
pour 63:20
PR 6:9, 15, 24 8:1,
 23 26:17 33:5, 17
 34:15 45:25 46:12
 48:23 56:8, 17
 64:19 66:19, 21
predeceases 38:23
premiums 44:5
prepaid 67:25
prepared 36:16
 40:1 54:23
present 61:21
presentation 38:16
presented 50:6, 9
 51:2, 3
presenting 55:2
preserve 50:2
 54:20 62:14
preserved 50:6
 62:15
preserving 30:12
presume 58:23
pretty 39:21
preventing 33:18
 34:4
previous 38:16
previously 42:25
prior 6:9 24:1
probably 40:9 65:9
PROBATE 1:1, 7
 4:3 14:11, 18
 31:23 32:23 34:20
 54:21
probated 30:5
 62:10

problem 69:21
problems 48:19
procedural 5:21
 27:11
procedurally 9:19
proceed 8:17
proceeding 6:13
 49:24
PROCEEDINGS
 1:3
proceeds 17:4
 18:18, 21 19:6
 20:14 21:16 22:15
 24:12, 18, 25 25:1, 7
 26:2, 4 30:15 42:6
 53:25 55:6, 9, 10
 59:15 68:2
process 34:10
 44:17 50:21, 23
 51:1, 13, 20 53:22
 67:19 70:1
processes 52:8
professionalism 71:2
proof 8:15, 16
proper 50:3
properly 12:13
 41:7 48:17 53:9
property 12:20
 13:2 15:6 18:9
 20:10 22:7 23:23
 24:11 29:12, 13, 14
 38:21 39:15 42:7
 44:9 62:22 63:21,
 24 64:12, 18, 22
 65:11
propose 33:15 36:9
proposed 5:13 34:1
 36:20 44:25 51:2
 70:24
protect 26:12
protected 71:8
provide 33:19 36:9
 38:22 61:1
provided 8:15
 13:12 20:18 47:21
 58:24, 25 59:2
provides 53:13 62:8
public 28:25 73:4,
 20

pull 49:8
purpose 34:9
pursuant 24:6
 32:22 54:1
push 51:24
put 16:14 38:21
 53:4 56:13, 19
 62:4, 5 69:10
 < Q >
qualified 44:24
 67:1
question 8:21
 17:10 41:6 53:8
 58:20 59:15 61:6
 62:23
questioning 46:4, 5
 47:6, 7
questions 14:15
 29:3 35:11, 13, 19
 37:13 70:17
quick 19:1
 < R >
raise 10:12
raising 45:19
ramification 65:6
ramifications 55:12
 64:9
Ray 5:14, 15 66:3
 67:1
re-accounting 69:9
reach 32:10
read 49:6, 11 73:11
reads 57:21
ready 8:17 36:23
 37:2 49:20, 21
 50:6 51:15 54:6
realistic 52:7
really 39:5 40:16
 44:17
reappointed 66:22
reason 12:18 23:20
 54:7 67:9
reasoning 28:17
recall 11:12 15:25
 18:3 29:19, 24
 59:11
receive 55:9, 10

received 23:10
 25:2 42:13 43:18
 58:11, 21 61:9
reciprocal 38:19
recitation 53:10
recognize 31:22
recollection 15:3
 27:25
record 6:21 8:10
 9:23 24:20 45:17
 47:7 50:9 69:16
 73:10
recorded 73:8
records 33:2 42:17
 43:14, 20 52:6
reference 59:8
references 38:17
 40:21
referring 35:2
re-file 28:21
reflect 6:21 9:23
 24:20 47:7
reflected 25:5
refreshes 27:25
refund 37:8
regard 9:16 48:8
regarding 11:2
 12:1 14:1 15:5
 26:22 30:24 48:4,
 5 61:24
regardless 64:21
Reid 44:25
related 73:15
releases 64:20
relying 14:21
remaining 20:21
 36:13
remember 7:7
removal 7:16 66:23
removed 66:21
 68:17
removing 7:17
rental 44:11
rented 13:2
renter 15:11
reopen 30:1 48:24
 69:18
replacement 7:16
replacing 7:18

67:19
report 28:25 37:12
REPORTED 1:11
REPORTER 3:5
represent 38:12
 59:25
representative
 12:11 13:19 14:24
 18:1 30:9 33:7
 39:11 44:22 53:14
 54:4, 18
represented 4:18
 5:1 44:19 71:6
representing 47:13
 64:10
represents 4:14
request 24:6 46:7
 47:15 48:4
requested 60:5
requesting 39:8
required 18:4
 27:15 28:24
reside 10:19
residence 52:20
respect 11:10
 20:17 21:24 25:4
 26:3 27:13 30:12
 54:8 64:7
respectfully 24:3
 49:1 62:7
respondent 4:17, 21
 19:17, 19, 23
Respondent's 20:2,
 8 25:6 31:13, 19
responding 70:16
responsibilities 14:2
 18:1
responsibility 34:15
rest 52:13
restrained 66:20
restraining 66:19
retained 11:19
 14:22 39:5
retainer 14:23
review 35:7 54:25
right 8:18 10:12
 12:12 22:13 30:3
 31:5 47:8 52:5
 54:12 60:17 63:8

66:20 71:15 72:1, 6
ripped 67:18
Roads 21:17
role 14:6
roll 63:8
rule 62:13 69:2
rules 32:23
ruling 67:22 72:8

 < S >
SA 8:5
sale 16:14 19:7
 20:19 39:18, 25
 42:7 56:18 62:22
 65:5
sat 40:7
saves 52:1, 2
saw 41:25
SAXTON 2:5
saying 6:1 13:23
 19:2, 11 26:24
 47:12 53:2 55:16,
 17 58:14 61:15, 16
 62:4 64:14, 23
 65:13, 20 71:11
 72:9
says 46:23 49:24
 51:15 60:6 64:17
SC 1:11, 21 2:6, 10,
 14
scheduling 69:11, 14
SCOTT 2:8 3:1
 4:17 10:7, 13 22:9
 23:25 39:10
screen 27:3
seal 70:2 73:17
Sean 11:13, 14
 15:7 28:7
seat 35:20, 21
second 22:14 27:9
 39:6 56:10
secure 50:3
see 5:5, 8, 12, 14, 20
 22:1 27:25 33:20
 39:22 46:14 47:11
 60:7 65:12 67:15
seeing 67:22
seek 41:19
seen 32:15 50:4

60:7, 9, 10, 12, 13, 18
sees 71:6
sell 18:22
seller 39:22
sellers 40:3
selling 29:2
send 41:11 60:4
 69:13 70:18, 24
sending 32:18
sent 40:12 59:8, 13,
 18
separate 56:14, 15
SEPTEMBER 1:3,
 7 4:3 7:22 8:3
 16:2, 6 17:12 20:4
 21:13 32:2
serious 71:3
serve 44:22
served 42:16
set 36:25 38:25
 52:7 56:24 72:10
settled 29:17, 21
settlement 20:3, 9,
 13, 24 21:9 25:5, 10
share 43:9 68:1
she'll 70:10, 19
Shirley 11:15
 18:16, 17, 19 35:6
short 13:6 51:3
should've 40:14
 71:21
show 61:2 67:15
showed 50:10 59:13
showing 31:12
 41:12 43:19
shown 50:19 59:22
 71:17, 18
shows 57:7 65:18
sides 71:6
sign 32:1 73:14
signature 73:12, 14
signed 7:6, 8 12:14
 24:5 31:10, 24
significant 51:7
sir 5:10 10:9 23:5
 36:1 37:24 71:16
 72:23
sister 33:16 34:3
 50:13 52:24 53:1

68:17 72:3
sister's 38:14 68:22
sit 10:11 36:2
 37:16
sitting 31:5
situations 71:9
six 43:21
Slicker 70:22
sold 16:15 18:23
 19:3, 4 24:11
sole 29:14
somebody 44:24
soon 37:3
sorry 13:22 35:16,
 17, 22 60:17, 19
 72:14
sort 7:10
SOUTH 1:1 48:12
 73:2, 4, 17, 21
speak 70:9
speaking 18:3
special 4:7 5:13
 6:18, 23 8:1, 20
 26:18 42:2, 3 48:5
 49:2 50:11 52:2
 54:2 66:1, 24 68:9
 69:8
specialty 45:2
specifically 24:24
specifics 11:11
speech 52:18
speed 23:14
spend 72:20
spent 18:21 43:22
 46:13, 17 51:19
split 20:15 22:15
 23:2
spoke 41:11 60:6
squandered 54:1
stairs 49:14
stand 10:8 45:20
start 8:24 9:1
 11:5, 12, 16 18:11
 45:18
started 9:6 26:11
 60:2
STATE 1:1 68:5
 73:2, 4
stated 73:7

Statement 3:8
19:10 20:3, 9, 13, 24
21:9 25:6, 11
39:20 41:12 59:13,
22
statements 58:24
59:3 60:7, 10, 13, 15,
16, 19 61:2, 9
states 53:11
status 23:24
stay 27:7
Ste 2:6
step 35:15
stepped-up 65:7
steps 11:9
stipulate 24:17
stipulation 23:16
29:20, 25 40:23
stop 50:25 68:23
stopped 61:25
straight 38:6
Street 1:11 2:6
13:5 15:6, 8 20:4,
14 28:10
strike 45:13
stuff 6:25 37:7
52:6
STUMP 2:5
subject 29:13 45:21
submitted 57:6
subpoena 42:5 52:6
subpoenaed 56:23
subpoenas 42:16
59:6
subscribe 73:12
subsequent 6:8, 10,
15 8:23 9:11 11:1
33:14 36:8 41:23
48:25 52:17 57:14
61:25
substantive 51:19
suit 15:22
sum 43:8
Summerville 15:9
summons 8:24
support 8:4
supposed 45:16
62:17

sure 7:6 8:12 9:5
33:11 34:17 69:25
71:19 72:21
sworn 10:14 45:15,
20 73:5
system 67:17

< T >
table 35:24
take 13:3 18:8
20:24 31:16 36:4
43:3 45:20 49:6, 7,
9, 11, 12 66:2, 25
72:12
taken 73:7
talk 13:25 70:21
talking 11:1 16:6
28:8, 24 52:15
54:22 63:24
task 36:13
tax 17:6 26:7 37:8
45:2 54:12, 16, 25
55:5, 12 57:17 65:6
taxes 22:25 44:13
Telisha 70:14
tell 10:18 11:4, 8,
24 14:5 15:2
16:11, 18 18:20
19:3, 7 20:12
21:14, 23 24:23
25:20 26:5 28:16,
25 29:23 31:21
32:8 34:18 42:3,
14 43:11 50:12
55:13 72:5
ten 13:1 59:19
terms 68:20
terrific 70:16 71:8
testamentary 38:14
39:2 40:2, 25 41:8
testator's 64:11
testified 10:15
22:16 25:14 42:23
45:25 46:12 54:6
60:18
testifies 65:17
testify 9:17 10:23
24:18 32:21 33:1,
3 44:14 48:19, 20
53:19 54:13 73:5

testifying 21:5
32:12 45:16 48:10
61:24
testimony 33:23
45:14, 21 46:22
47:3, 9 48:10, 11, 13,
14, 22 49:3 53:20
54:24 55:2 56:7,
11, 17 57:5 61:21
64:1 71:17 73:7, 10
Thank 5:11, 19
8:14 9:22 17:22,
23 27:6 31:17
34:12 35:12, 16
36:1 37:15, 18, 24
38:4, 10 45:10
47:24 53:6 60:22
69:6, 12 70:11
71:1 72:22
thanks 72:23
thereof 73:16
thing 39:13 43:6
50:24 51:24 52:5
62:25 66:4 71:15
72:1
things 15:11 23:14
68:4 71:20
think 8:9 9:10
15:8 19:16 23:16
26:18 29:7 32:21
34:7 35:10 45:2,
23, 24 46:1, 10
47:18, 19 48:11
51:25 55:20 63:2
64:15, 23 66:7, 10
71:16
thinking 26:11
thinks 48:21 53:11
third 51:7
thoroughness 71:2
thought 56:11
60:18
thousands 55:4
three 16:3, 4, 7
22:2 39:2 40:2
42:12 53:22 59:9
three-and-a-half
66:15
three-plus 34:14

TIME 1:7 13:7, 16
14:16 15:10 16:21
17:4 18:16 27:12,
23 28:13 36:4
38:24 39:17 40:15
41:17 52:3 56:6
57:14 66:19 72:15,
20 73:7, 8, 10
timeframe 51:4
timely 50:20 71:20
times 27:21
timing 58:9, 10
title 23:24
titles 64:21
Today 4:3, 6, 9, 22
5:12, 13, 20 6:13
7:2, 5, 24 27:16
30:1 45:9 50:4, 9,
23 51:21 61:7, 10
64:2 66:16 67:22
69:2 70:9 71:17, 22
toilet 67:17
told 41:17 57:11
total 28:23 32:10
58:7
totaled 20:22
totally 51:14
tough 71:3
Town 12:20
track 27:2, 4
trade 72:21
transaction 21:9
transcribed 73:9
TRANSCRIPT 1:3
transcription 73:9
treatment 54:12, 16
55:5
trial 6:19, 22 7:1
trip 10:21
true 73:10
trust 13:17 14:9
15:6 16:20 18:2,
18, 21 20:16 21:22
22:15, 17, 18, 20
23:7, 10, 25 24:2, 13
35:3, 4 36:12
38:13, 14, 17, 18, 21,
25 39:23 42:22
43:5 44:12 54:17,
21 55:2 62:9, 14

63:8, 10, 15, 18, 19,
20, 22 64:4 67:7, 8
68:13
trustee 7:16, 18
12:8, 11 13:17
17:1 18:2 23:7, 18
25:7 38:12 43:6
53:14 68:18, 21
trusts 14:19 25:15
30:13 38:13, 14
39:2 40:2, 25 41:9
54:10
truth 61:1, 22 73:6
trying 54:9 55:18
61:23 64:6, 8
71:15, 25 72:6
turn 52:4
turned 61:5, 7, 10
two 28:14 35:18
39:3 42:17 43:13
44:19, 20 45:15
46:15, 16 52:5 72:2
two-and-a-half 40:7,
10 41:21 45:8
type 70:24

< U >
ultimately 13:21
14:11 18:10 29:16
55:7
uncle 34:3, 4 50:14
52:23
understand 4:9
5:12 9:12 20:2, 5
23:15 26:24 32:18
40:17 44:3, 16
47:10, 24 48:3
49:15 63:14
understanding
11:25 14:6 24:25
25:18, 19 27:24
36:18 41:4 44:17
understands 13:4
understood 56:17
Union 21:18 25:25
26:1
University 2:10
unpunished 71:13
updated 61:8

Use 49:8 53:2

< V >
value 28:23, 25
31:23 32:5 65:4, 9
various 50:7 52:8
56:9, 12, 19
verified 49:19
56:21 57:3 58:6, 11
VERONIQUE 1:5
6:6, 7 11:3 18:2
21:6 24:1, 13 32:6
38:17, 18, 24 39:23
40:4, 24 54:17 55:3
versus 65:12
Virginia 4:24
10:20, 22 13:2, 14
virtue 59:5 68:18
voice 51:5 73:8

< W >
waived 73:14
wall 67:18
want 8:24 9:4, 16
10:3 19:13 24:24
26:16 29:8 32:11
33:19 47:4 52:23
60:23 62:4 67:15
69:16 71:1, 16 72:8
wanted 69:19
wanting 39:6, 8
wants 33:16 34:1
45:11, 18 50:18
53:20 54:23
watch 10:9 37:17
water 67:16
way 10:1 23:21
46:11 47:1, 9
53:13 56:11 57:17
59:21 64:24
website 41:25
weeds 26:19 27:8
47:4 62:1
week 50:17
weeks 52:5
well 18:11 26:6
28:9 32:25 34:21
42:25 61:14, 20
63:14 64:5 69:7
71:6

went 9:7 18:25
20:21 21:4 22:15,
17, 18 23:17, 18, 24
24:18 43:17 56:11
we're 6:11, 13 7:1
8:17 9:5 11:23
16:6 25:21 26:18
52:15 54:23 69:8
We've 37:10 39:10
42:1, 13, 17 43:18
44:25 48:22 54:21
56:22 58:6 59:5
wide 62:8
wife 13:14 38:21,
22 43:12
Williams 70:15, 20
willing 54:7
Wills 38:18, 22
wired 21:16 25:1, 7,
11, 14, 22, 23 40:3
43:2
wishes 11:25 14:1
withdrawal 43:16
withdrawn 43:16
within-entitled 73:6
witness 5:17 14:14
73:5, 7, 10, 11, 12, 13,
16
words 46:17 50:15
work 51:8, 19
52:21 55:10 57:16
62:14
worried 56:13
worth 65:11
would've 40:18
writing 73:8
written 53:12
wrong 6:2
wrote 42:10 59:20
**WWW.CLARKBOL
EN.COM** 1:22

< Y >
y'all 5:22 50:25
68:6, 25 69:2
Yates 23:22
Yeah 11:14 12:25
15:7 16:4, 7 29:10
33:8

year 16:17 34:14
40:12 41:3 42:8
years 13:1 16:3, 4,
7 22:2 40:7, 10
41:21 45:8 53:22
55:25 56:1, 7
57:24 62:5 65:22
66:15 68:19 71:23
yesterday 31:10
32:3 61:9

STATE OF SOUTH CAROLINA) IN THE PROBATE COURT
 :
 COUNTY OF CHARLESTON) Case No.: 2019-ES10-00394

ESTATE OF VERONIQUE W. PICKETT

Given before Molly C. Powell, Court Reporter and
 Notary Public, via video conference, on Tuesday, January
 16th, 2024, commencing at 2:00 o'clock, p.m.

RAY SWARTZ &- ASSOCIATES OF SOUTH CAROLINA

-Professional Court Reporters-

Serving the Legal Community Since 1957

843-593-4662

Beaufort	Camden	Charleston	Columbia
Florence	Greenville	Greenwood	Hilton Head
Lexington	Myrtle Beach	Newberry	Orangeburg
Spartanburg	Summerville	Sumter	West Columbia

1

2

A P P E A R A N C E S

3

4

5

6 For the Petitioner(s): Ferrara Law Firm, PLLC

7

By: Paul Ferrara, Esquire

8

8887 Old University Boulevard

9

Suite 200

10

North Charleston, SC 29406

11

12

13 For the Respondent(s): Laquiere Law Firm

14

By: Erik Laquiere, Esquire

15

3674 Old Charleston Highway

16

Johns Island, SC 29455

17

18 For Laura Jones: Saxton & Stump, LLC

19

By: Elizabeth Palmer, Esquire

20

151 Meeting Street, Suite 400

21

Charleston, SC 29401

22

23 Guardian Ad Litem: Charles Mac Gibson, Esquire

24

21 Gamecock Avenue, Suite A

25

Charleston, Sc 29407

1 THE COURT: This is the Estate of, is it Veronique?

2 MS. PALMER: Veronique.

3 THE COURT: Veronique W. Pickett, case number
4 2019ES1000394, before The Court today is a motion to
5 reconsider that was filed by Respondent Bayard Scott
6 Pickett, Junior, that was filed on 10-9-2023, subsequent
7 to that on the same day, uh, the same time, excuse me,
8 they were both filed, Kathleen Elizabeth Anderson's
9 motion, she was originally listed as a petitioner but is
10 correctly listed now as a Respondent counterpart. She
11 has now been added. Those were added then. Then the next
12 item on the addendum is special administrator of a
13 notice of motion and motion to compel by C. Mac Gibson,
14 Junior, the court appointed special administrator. Those
15 are the items we are going to hear today. Mr. Gibson, I
16 understand you're in a deposition; is that correct?

17 MR. GIBSON: I was, Your Honor, and I
18 fortunately we have completed our deposition so I'm
19 clear for the rest of the afternoon. I certainly
20 appreciate The Court's accommodation.

21 THE COURT: Well, I was going to take your
22 matter first but let's go in the order we have if that's
23 agreeable to everybody.

24 MR. GIBSON: Thank you.

25 THE COURT: Okay. Uh, all right. So with that

1 being said, um, what Respondent wants to go first? They
2 were both filed on the same day; I'm happy to hear from
3 whoever wants to go first.

4 MR. FERRARA: Good afternoon, Your Honor. Paul
5 Ferrara, I'll be happy to go first.

6 THE COURT: Okay.

7 MR. FERRARA: Yes, Your Honor, I know in The
8 Court's file you've got the motion to reconsider and
9 you've reviewed that, Your Honor; um, essentially there
10 are three main points regarding the order appointed
11 special administrator but before I get to that, Your
12 Honor, I did want to just, I guess, reiterate to The
13 Court, I know The Court's aware but the will in this
14 particular matter of Veronique Pickett is in The Court's
15 file and the probated copy of the will is in The Court's
16 file and that will is super important, Your Honor,
17 because that will directs that the personal
18 representative and or trustee as the case may be has the
19 authority to act, um, beyond that of our statutes in
20 South Carolina, and so I'm just making reference to
21 that, Your Honor, and I'll cite to that when I get to
22 the argument, but the first point, Your Honor, is that
23 Church versus McGee which is 391-SC-334, the Court of
24 Appeals -

25 THE COURT: I'm going to cut you off real quick;

1 please distinguish that; citing 623611 which is the
2 removal statute, that's not the stature that the special
3 administer was appointed under.

4 MR. FERRARA: Okay.

5 THE COURT: So please distinguish how that is
6 relevant to what we're doing on the application for
7 subsequent administration. I did not remove the special
8 administrator; the special administrator was not acting
9 in the administratively closed by Rule Four.

10 MR. FERRARA: Sure, Your Honor, but under Church
11 versus McGee, nonetheless the Court of Appeals
12 acknowledges that, well, let's back up, Your Honor. The
13 general law of South Carolina is that The Court cannot
14 create a will and testament for a testator. The Court
15 has to follow, and I'm citing in general, Your Honor,
16 Blackman versus Wheeler; The Court has to follow, um,
17 the decedent's wishes, right? And I think specifically,
18 Your Honor, Guarantee Bank and Trust versus Byrd states
19 that a Court cannot by judicial construction make a will
20 for the decedent that they have not made for themselves.
21 The reason that is important, Your Honor, is because
22 when we look at the posture of this case I agree with
23 Your Honor that the case was stricken per Form Four,
24 however what was before The Court was a motion for
25 subsequent administration that The Court granted and in

1 granting that -

2 THE COURT: The Court did not grant subsequent
3 administration. Your client was not reappointed. It was
4 not reopened.

5 MR. FERRARA: Your Honor, The Court, without
6 that motion for subsequent administration, and maybe I'm
7 incorrect, Your Honor; is there another motion before
8 The Court that allows Your Honor to appoint a special
9 administrator that was not included in the motion for
10 subsequent administration?

11 THE COURT: June 26th, 2023 there was a summons,
12 a lawsuit, a summons and petition, filed by Laura B.
13 Jones, and that was served on you and that was part of
14 the hearing that was before The Court, and in that there
15 is a petition, a lawsuit, to reopen the estate and
16 appoint a special administrator.

17 MR. FERRARA: Okay. Well, your Honor, as I was
18 stating

19 THE COURT: There was a pending lawsuit before
20 The Court.

21 MR. FERRARA: Well, then I guess to be clear
22 then, I understand Your Honor's ruling now, that the
23 appointment for subsequent administration was not
24 granted

25 THE COURT: On your client's application. It was

1 granted on the application for appointment for a special
2 administrator that was filed formally

3 MR. FERRARA: I misunderstood The Court's ruling
4 because I received a copy from your law clerk that has
5 directed Mrs. Palmer to grant the petition for
6 subsequent administration but maybe I misread that, Your
7 Honor, and that was my understanding. One moment, Your
8 Honor, I'm just looking up the order to make sure I'm
9 not incorrect here.

10 THE COURT: What's the first part of my order,
11 page one? This matter comes before The Court upon a
12 petition for formal appointment of a special
13 administrator filed on June 27th, 2023 by Laura B. Jones.

14 MR. FERRARA: Also before The Court, and Your
15 Honor, what I'm referring to is The Court's next
16 sentence, Your Honor; also before The Court is an
17 application for subsequent administration and
18 appointment of a personal representative. That's what
19 specifically this motion to reconsider is about, Your
20 Honor, the second sentence of your order.

21 THE COURT: And I appointed a special
22 administrator in lieu of a personal representative. The
23 Court doesn't have to appoint a personal representative.

24 MR. FERRARA: Right, Your Honor, that's why I
25 filed this motion to reconsider because as I understand,

1 law of South Carolina is while The Court can't appoint a
2 special administrator, if the testator, if there is a
3 dually admitted will before The Court, as there was in
4 this case, The Court, pursuant to Blackman, has got to
5 follow the testator's wishes prior to, um, you know,
6 that's paramount. I mean, our juris prudence in this
7 state is clear, clear.

8 THE COURT: We're not rewriting their wishes.

9 MR. FERRARA: Okay. And respectfully, Your
10 Honor -

11 THE COURT: - with distributions.

12 MR. FERRARA: Sure. And what I'm talking about,
13 Your Honor, is if we go back and look at the will and
14 testament the will says that in the event that my
15 personal representative trustee cannot act that I direct
16 my personal representative or trustee, in this case that
17 was Scott Pickett, um, I direct that person, which would
18 be Mr. Pickett, shall have the authority, and I'm
19 talking about, Your Honor, one point one shall have the
20 authority to select the individual to serve in their
21 capacity. Now, I guess I'm understanding, Your Honor,
22 you did not appoint a personal representative or did
23 not, there is no personal representative in this case,
24 there is just a special administrator?

25 THE COURT: Correct. If you look at 62-3-614, to

1 protect the estate of a decedent prior to the
2 appointment of a general personal representative, or if
3 the prior appointment has been terminated as provided by
4 62-3-609. He hasn't been terminated by 62-3-609, it's
5 just to protect.

6 MR. FERRARA: Right. And respectfully, Your
7 Honor, that's what I'm asking The Court to reconsider.
8 If we look at Blackman and we look at -

9 THE COURT: Hold on a second, hold on a second.
10 If you're asking me to reconsider the appointment of a
11 general personal representative, I don't understand what
12 you want me to reconsider.

13 MR. FERRARA: Well, Your Honor, in South
14 Carolina, as I understand it, if a personal
15 representative has been appointed as it was in this
16 case, The Court absent maleficent conduct by that
17 personal representative, has got to, um, The Court has
18 to follow the testator's wishes prior to appointing a
19 special administrator as was done in this case and we
20 have a will that is properly probated that specifies the
21 personal representative, and I understand what Your
22 Honor is stating but appointing a special administrator
23 in lieu of personal representative is akin to removal of
24 a personal representative and The Court, you know, Your
25 Honor is -

1 THE COURT: I haven't had a removal action yet.
2 I haven't heard a removal action yet.

3 MR. FERRARA: I understand but the Supreme Court
4 has stated, and I can email a copy of that case that I'm
5 referring to, Your Honor, that appointment of a special
6 administrator is akin to removal of personal
7 representative, and I understand what Your Honor is
8 saying and I'm saying the practical effect of what has
9 happened in this case, Your Honor, is for The Court to
10 disregard the testator's intent and appoint a special
11 administrator in lieu of the personal representative,
12 and that's what I'm asking The Court to reconsider.

13 THE COURT: Okay. And I'm advising you, what
14 you're stating as the law is not correct. With all due
15 respect you keep stating that it's akin to removal, it's
16 not a removal action, it is the appointment of a special
17 administrator. Again, I would reference you to 62-3-
18 614, it's very specific to this, then it goes on to 62-
19 3-617, special administrator formal proceedings. We're
20 not removing anyone. When your client received the
21 notice, just for the record and I'm not sure how
22 involved you are, who was involved, I can't remember all
23 that, but on November 24th of 2021 your client was sent a
24 notice of overdue filings, okay? It says, You are
25 responsible for rule to show cause, it had to be done by

1 December 29th, 2021. It says on here that you were given
2 notice, that he was given notice. Then a letter was sent
3 out January 19th, 2022, notice of non-filings in rule
4 four order enclosed, a copy of the rule four order is
5 enclosed, non-compliance with regards to the directives
6 issued by The Court. We've been instructed to close the
7 file. A copy of that order was given to you, your
8 client, closed the estate. Your client was not acting as
9 PR at that time. Your client brought an application for
10 subsequent administration. When they notified the other
11 individuals one of those parties came forward and filed
12 a formal hearing, that's why we had a formal hearing. If
13 there's never been a removal action, I think you are
14 confusing the two

15 MR. FERRARA: Respectfully, Your Honor, if there
16 is a defect in the order it is that The Court still has
17 not ruled on the appointment for subsequent
18 administration that I filed on behalf of my client then.
19 I understand, Your Honor, that you're telling me you
20 never ruled upon that. You've only ruled upon the
21 petition that was filed by Mrs. Palmer and her client?

22 THE COURT: Yes. You filed an informal
23 application without a hearing. It was responded to with
24 a summons and petition, a formal hearing. At the formal
25 hearing you requested that your client be appointed as

1 personal representative. I have ruled on that and I have
2 not reappointed your client. I have appointed a special
3 administrator.

4 MR. FERRARA: That's specifically what I'm
5 talking about, Your Honor. Before The Court can appoint
6 a special administrator, I know Your Honor is stating
7 you haven't removed him, and respectfully, Your Honor,
8 I'm not trying to be argumentative. There's a case, it
9 was before the United States Supreme Court. It was
10 Fisher versus Huckabee that Your Honor might be aware
11 of, and I was referring to a finding that The Court
12 stated in Fisher versus Huckabee citing to Dean Kilgore,
13 they say, The underlying nature of matter before the
14 probate court is the appointment of a special fiduciary
15 to manage the assets or the estate assets which we find
16 akin to the removal of a personal representative.
17 That's, Your Honor, what I'm referring to.

18 THE COURT: In your brief what page is that on?

19 MR. FERRARA: I don't know that it's necessarily
20 in the brief, Your Honor but I was just bringing that up
21 because you asked me if I was referring to the
22 appointment of the special administrator, that I was
23 confusing issues.

24 THE COURT: And I appreciate that but I will
25 just remind you that South Carolina law is very clear,

1 you can have both a personal representative along with a
2 special administrator or you can have, which has limited
3 duties, the personal representative can have limited
4 duties and the special administrator can have special
5 duties or limited duties. They're not exclusive of each
6 other.

7 MR. FERRARA: I understand that, Your Honor, and
8 that's what I'm getting to. The first point in my
9 motion, Your Honor, is that appointing a special
10 administrator to handle all of the duties of a personal
11 representative, respectfully I would insert under the
12 Fisher versus Huckabee and the Dean versus Kilgore case

13

14 THE COURT: And those are South Carolina cases?

15 MR. FERRARA: Yes, Your Honor.

16 THE COURT: Okay. I'm just looking. I don't see
17 where you've listed them. I could be wrong.

18 MR. FERRARA: So, that's my first point. I know
19 Your Honor disagrees with me but I am just making the
20 record, Your Honor.

21 THE COURT: Okay.

22 MR. FERRARA: And I don't disagree with Your
23 Honor in that there can be a personal representative and
24 a special administrator and at the end of the day, Your
25 Honor, my client wants to have justice and get relief

1 through The Court but in this particular situation we
2 felt compelled to file a motion to reconsider because
3 Mr. Pickett, as I understand Your Honor's ruling and you
4 further clarified that Mr. Pickett is not the personal
5 representative and his informal relief was not granted
6 so that's what we're asking, if Your Honor is ruling
7 that Mr. Pickett is the personal representative pursuant
8 to this application for subsequent administration that
9 would provide some relief.

10 THE COURT: That was not my ruling at all.

11 MR. FERRARA: Okay.

12 THE COURT: He does not have a valid certificate
13 of appointment at this time.

14 MR. FERRARA: Sure. And then secondarily, Your
15 Honor, um, I understand but I'm making a record, Your
16 Honor, the will doesn't authorize the probate court to
17 appoint a special administrator without the consent of
18 the personal representative, and I understand the
19 practical effect of that, Your Honor. How could a
20 testator tell The Court what to do, but that, in fact,
21 is what can occur in South Carolina because the
22 testator's intent is paramount to what The Court may or
23 may not want to do subject to limitations and I refer
24 specifically, Your Honor, to Article One, section one,
25 of the will states that the trustee, in this case, Mr.

1 Pickett, would have a say in who would serve in his
2 capacity but I understand Your Honor is saying no one is
3 serving in the personal representative's capacity but
4 Mr. Gibson is just appointed a special administrator,
5 but respectfully, Your Honor, I think section one point
6 one is the testator's intent to have a say in that
7 regard and I was just bringing that up to The Court.

8 THE COURT: Just for your clarification, um, I
9 would cite you so you can check this out, Wilson V.
10 Dallas, 743 Southeastern Second, 746.

11 MR. FERRARA: Yes, Your Honor. Going back to
12 Guaranteed Bank, the paramount rule as illicited by the
13 Court of Appeals and even the Supreme Court in Blackman
14 is that The Court is really to try to follow the
15 decedent's wishes so long as, you know, there's not
16 going to be any harm so respectfully we cite those two
17 cases. And thirdly, Your Honor, to the extent that Mr.
18 Pickett's informal petition to appoint himself personal
19 representative and his opposition to do a special
20 administrator being appointed, the will again authorized
21 Mr. Pickett to hold proceeds in his name or in the name
22 of the trust as it may be, and so I know that Laura
23 Jones and her counsel made issue that Mr. Pickett had
24 checking accounts in his individual name, by the way, as
25 an aside, Your Honor, all those funds are still

1 accounted for and protected to the state's benefit. In
2 any event, Mr. Pickett was authorized to hold funds in
3 his own name. I raise that point because I know that it
4 was raised and cited in the order that Mr. Pickett had
5 funds moved from one account to another and while in a
6 vacuum that might seem improper, in this particular case
7 when we consider the language of the testator it's
8 absolutely proper and furthermore no beneficiary was
9 harmed by that conduct. Finally, Your Honor, um, in this
10 case my client has been consistently meeting with the
11 CPA and has been advised to amend the state return as to
12 receive an account closing letter from the -

13 THE COURT: Your client should not be dealing
14 with the CPA. That is very clear by my order. They are
15 not the current PR. Your client knows that and I have no
16 idea why they are doing that.

17 MR. FERRARA: My client is also acting in the
18 capacity of the trustee for the Bayard Scott Pickett,
19 Senior Trust.

20 THE COURT: I understand.

21 MR. FERRARA: And as a trustee under any trust
22 created under the Veronique Pickett estate -

23 THE COURT: But not as the personal
24 representative.

25 MR. FERRARA: Yes, Your Honor. He wasn't acting,

1 he wasn't taking any conduct as personal representative,
2 okay?

3 THE COURT: Okay.

4 MR. FERRARA: In his capacity as trustee, Your
5 Honor, um, he cannot fulfill his fiduciary obligations
6 with respect to getting the tax return amended for the
7 state and -

8 THE COURT: That needs to be done by the special
9 administrator.

10 MR. FERRARA: Right. And the reason why I raised
11 that, Your Honor, is section 62 dash 1001 that Your
12 Honor is aware of, it states that these filings that
13 were held against my client which resulted in the Form
14 Four, and you know, this order of The Court, I believe
15 failed to appreciate there is still not an account
16 closing letter from the Department of Revenue or IRS and
17 the statute is clear that those filings that The Court
18 stated that my client, um, did not file, that those
19 filings were not required to file until we received an
20 account closing letter from the IRS or the Department of
21 Revenue and that still has not been received. So for
22 those reasons, Your Honor, we respectfully request that
23 Your Honor would reconsider the order. It's interesting
24 that The Court and the order has addressed the
25 appointment of a special administrator but it's silent

1 on the issue of who the personal representative is.

2 THE COURT: There is no personal representative.

3 MR. FERRARA: Right.

4 THE COURT: It's not silent. There is none.

5 MR. FERRARA: So I guess Your Honor has
6 additional basis or clarification that the appointment
7 or the application for subsequent administration, um,
8 filed by Bayard Scott Pickett was denied but now I
9 understanding that The Court is saying that the formal
10 petition or appointment of a special administrator is
11 granted and that was unclear in the order or not
12 addressed. I understand what The Court has advised
13 everyone here about but I didn't understand that because
14 it wasn't addressed in the order and we respectfully
15 request that The Court would reconsider it's findings in
16 that regard.

17 THE COURT: Okay. Reconsider addressing the rule
18 on the formal petition only? I don't understand what
19 you're asking me to reconsider.

20 MR. FERRARA: Yes, Your Honor, reconsider and
21 make it clear that Mr. Pickett's petition for subsequent
22 administration is denied and what the basis of that
23 would be.

24 THE COURT: There was a summons and petition
25 that was filed in regards to that as an answer.

1 MR. FERRARA: It was and I apologize, Your
2 Honor, I recall Your Honor before you said, Okay, well,
3 I've got a couple of different things here, we've got
4 the petition for subsequent administration filed by Mr.
5 Ferrara and his client and we've got the formal
6 petition, how do we want to handle it? And I said, Your
7 Honor, I'll go first and so what I'm asking Your Honor
8 to rule on is to make it clear that Mr. Pickett's
9 petition for subsequent administration and the
10 appointment of personal representative is denied.

11 THE COURT: Denied his informal application for
12 subsequent administration?

13 MR. FERRARA: Yes, Your Honor. And what the
14 findings would be for that. I know Your Honor addressed
15 the findings for the appointment of Mr. Gibson as
16 special administrator but

17 THE COURT: Did you put that in - I don't see
18 that in your motion to reconsider.

19 MR. FERRARA: No. I didn't, Your Honor, but my
20 point, Your Honor, is if Your Honor was telling me that
21 the order, um, did not address the subsequent
22 administration motion that was before The Court so
23 pursuant to Rule 59E I'm bringing that up to The Court.
24 The way that the order is written, Your Honor, I was
25 under the mistaken belief that Your Honor had granted

1 the petition for subsequent administration, however,
2 denied Mr. Pickett's application for personal
3 representative then appointed Mr. Gibson as special
4 administrator in lieu of personal representative.

5 THE COURT: I hear your request. Thank you. All
6 right. Mr. Laquiere?

7 MR. LAQUIERE: Hello, Judge, how are you?

8 THE COURT: Good.

9 MR. LAQUIERE: Can you hear me okay?

10 THE COURT: Yes. If you'll just state who you
11 represent we'll go forward.

12 MR. LAQUIERE: Yes, sir. This is Erik LAQUIERE;
13 I'm here on behalf of Kathleen Anderson. She is a party
14 and interest under the funds currently held in this case
15 and I'll just say the funds so I don't get into a
16 discrepancy of trust versus estate so we'll just leave
17 it at that.

18 THE COURT: I think what should be made
19 abundantly clear is that this, and I'll let Ms. Palmer
20 get into more detail on this, I think there's a real
21 issue that needs to be addressed regarding the sale of
22 the house, who owns what, and those proceeds so I
23 appreciate you pointing that out about the funds because
24 not all the funds are trust assets of the decedent. They
25 have to go to the estate first, then pass to the trust.

1 So go ahead.

2 MR. LAQUIERE: I don't want to get too much into
3 the weeds on this. I recognize that there's a disputed
4 issue between the parties as to the treatment of those
5 funds but that's not relevant to my client's position
6 today. My client's position is that the course that this
7 case is taking is detrimental to the estate itself and
8 when I say the estate I mean the estate and or the trust
9 so we'll just call it detrimental to the funds in
10 escrow. And the problem that we have is that the funds
11 are relatively easy to account for because there were
12 not that many transactions by Mr. Pickett on behalf of
13 these funds over the years. Primarily the funds were in
14 hock because of a pending lawsuit for a period of time
15 and it's pretty easy to look at the accounting and see
16 what these funds were used for. Now, I disagree with The
17 Court appointing a special administrator staring from
18 scratch re-analyzing everything that was out there and
19 creating a situation where we are going to have extended
20 litigation between Laura and her uncle, Scott, and
21 during the pendency of this litigation and the appeals
22 that will follow, because both of these things are going
23 to happen if this continues on in the direction it's
24 going, my client is going to be injured while sitting on
25 the sidelines in several forms, Your Honor: number one,

1 the cost of the special administrator, for instance, and
2 his role in this is going to be paid for out of the
3 common fund before the allocation is made and that
4 causes injury to my client, and my client doesn't have a
5 dog in this fight; there's another problem and that is
6 my client's access to the funds that her ancestor
7 intended for her to have access to is being delayed
8 while two people are fussing and fighting with each
9 other over things, both of which everything in this case
10 is injuring my client. My client, at no point in time
11 has been in control of funds and at no point in time has
12 my client ever interfered with the activities of her
13 sister or her uncle and yet she's the only one who
14 hasn't received the benefit. If you look at the
15 accounting which has been filed, Your Honor, you will
16 see that prior to the filing of this case, this formal
17 petition, her uncle gratuitously advanced her hundreds
18 of thousands of dollars against her share in advance
19 voluntarily because he thought there was enough money
20 still to pay the upcoming expenses. My client didn't
21 receive hundreds of thousands of dollars as her sister
22 did. Meanwhile, while all this is going on, Laura is in
23 charge of the trust funds that were previously
24 distributed for the benefit of my client and she
25 continued to control those funds long past my client's

1 turning the age of 35 at which under the plain language
2 of Article Seven of the will, my client, with no further
3 action, immediately becomes her own trustee at the age
4 of 35 on her birthday and Laura's authority ceases. So
5 then she comes along and files an action in this court
6 to get control not only of the money that hasn't been
7 advanced to her but to interfere with her uncle and his
8 administration and to take control and seize control
9 over my client's funds although my client is well past
10 the age of 35 and in the plain language of the will
11 there is no more trust.

12 THE COURT: I hear what you're saying but if you
13 will focus on why the appointment of a special
14 administrator -

15 MR. LAQUIERE: Yes, Your Honor. I am kind of
16 setting a base line for this.

17 THE COURT: Okay.

18 MR. LAQUIERE: It is, in essence, appointing the
19 special administrator is an equitable decision and it is
20 one that Your Honor has to weigh the equities of doing
21 it versus not doing it and what the end result of that
22 action is going to have on the estate at large and the
23 beneficiaries of the estate. That's my argument to you,
24 Your Honor, not that you can't do it, because you
25 shouldn't do it, and it's a discretionary thing because

1 when you do it we're creating an environment that is
2 litigious when it doesn't need to be. Now, yes, I have
3 no problem if Laura and her attorney want to say, Hey,
4 there was \$35,000 spent out of the common funds to Scott
5 Pickett's construction company for that residence in
6 advance of the sale. I don't like that \$35,000 and it's
7 very easy for The Court to say, Let's set that \$35,000
8 aside and let the two of y'all argue whether it was
9 appropriated or not under his discretion under the
10 situation but let's not take and see this whole one
11 point four million dollars and lock this whole thing up
12 for litigation where only the lawyers win. The
13 direction we're going right now, I'm going to make
14 \$50,000, Paul's going to make \$50,000, Beth is going to
15 make \$50,000, and I don't know what Mr. Gibson is going
16 to make but it's going to be between 50 and \$100,000
17 apiece for us and that is just going to dilute the value
18 of the common fund that needs to be going to the persons
19 receiving the inheritance. Why don't we say, Let's do
20 away with the special administrator concept temporarily
21 and let's say let's have 30 days for every party to file
22 objections to the accounting and let's see if we can
23 limit the role that someone needs to be appointed to if
24 someone does need to be appointed or if it's just a
25 couple of items that can be dealt with let's deal with

1 those couple of items. I don't want to see this turn
2 into a multi-year litigation over a tax issue. Let's
3 talk about this tax issue for a second, I've seen the
4 proposal. The proposal is that by filing an amendment to
5 the tax returns the common fund can save over \$100,000
6 in taxes. My understanding by speaking to Mr. Gibson is
7 he's opposed to over some technicalities. So from my
8 perspective not only does the appointment of Mr. Gibson
9 cause unnecessary litigation and appeals and deplete the
10 common fund but he's taking a position that is injurious
11 to the common estate contrary to the opinion of a CPA
12 who says it's a legitimate filing. Now, both of these
13 things are very troubling to me but especially when you
14 take into account that this is an equitable relief being
15 requested and Laura, she doesn't have clean hands. I
16 mean, her past performance in relation with her sister's
17 trust money, I'm not going to get into it, but there's
18 issues there.

19 THE COURT: That is not before The Court at this
20 time.

21 MR. LAQUIERE: Correct, correct. But I have
22 filed some documents which shows some of the accounting
23 where she has taken money out for personal use but what
24 I'm saying, Judge, is I ask you to use your discretion
25 and let's not put this thing in a state of perpetual

1 litigation but let's narrow these issues if there are
2 some issues. I think there are some ways that can be
3 done. My last point is that if you're going to appoint a
4 special administrator with whatever powers you choose to
5 bring I would ask that Your Honor specifically
6 designates the scope of powers that are being granted so
7 that there is not confusion there, and also if you look
8 at paragraph 121 of the will it does say that if the
9 intended personal representative is not permitted to act
10 as personal representative, which that appears to be the
11 case based upon Your Honor's ruling, then they shall
12 select an individual to serve in their capacity
13 obviously subject to the approval of The Court but the
14 one thing I can say is I think it's fair to say Mr.
15 Pickett would not have chosen Mr. Gibson to be his
16 successor subject to the approval of The Court
17 especially considering the differences in opinions they
18 have on some of the administration and tax matters.
19 That's all I have, Your Honor. I don't want to beat a
20 dead horse on this but I think this is a situation where
21 there is a better method to accomplish what everyone
22 wants which is to get the money distributed quickly and
23 cheaply and that's what I want, as quickly and cheaply.
24 Thank you.

25

1 THE COURT: As you know I appreciate your
2 concern. In appointing a special administrator The Court
3 does take into affect the cost; with that being said Mr.
4 Pickett will be paying, since this case was closed back
5 in 2020 he's responsible for his own legal fees. He's no
6 longer serving in the capacity as personal
7 representative. Ms. Palmer is being paid by her client,
8 that is abundantly clear by the case law and statute so
9 if they want to fight between each other nonstop and
10 that's up to them. It's not going to deplete your
11 client's money. It will deplete their money but it won't
12 deplete your client's money.

13 MR. LAQUIERE: I appreciate that, Your Honor. It
14 will deplete my client's time of access though.

15 THE COURT: Well, if we get a special
16 administrator and he gets control of the money that's
17 not going to tie up your money. There will be money
18 there. I hear what you're saying but as you know the
19 administration of the estate goes on even if my
20 appointment gets appealed. If it's changed to a
21 temporary appointment, non-appealable event. With all
22 that being said I'll make sure The Court is very aware
23 of your concerns and I will make sure we try to protect
24 the estate so the benefit of the beneficiaries is
25 maximized. Thank you so much for that.

1 MR. LAQUIERE: Thank you, Judge.

2 THE COURT: Attorney Palmer?

3 MS. PALMER: Thank you, Your Honor. Initially an
4 observation here. You always have the question when
5 someone is so against having a neutral third party come
6 in and review what's been done. There's a lot in this
7 accounting that has been filed after Your Honor told us
8 in open court that it could not be filed because he was
9 not personal representative and he filed it anyways,
10 there is just blatantly wrong in a lot of ways. It shows
11 a PR fee to Mr. Pickett for 180,000 and I feel pretty
12 confident Mr. Gibson is going to charge less than
13 180,000 to get this estate wrapped up. We've heard a lot
14 about how a special administrator is going to cause a
15 lot of delay and we've got to respect the decedent's
16 wishes. Well, that is exactly why we are here, is
17 because of the delay. Mrs. Pickett died in 2018. The
18 delay is why we're here. My client's request for
19 records, just to confirm the money was still there, they
20 refused. That's why we are here. The testator's wishes
21 were that this money go to her (inaudible), which are
22 three trusts and that hasn't happened. Said money that
23 should have gone immediately to the trust was put in the
24 estate and as Your Honor referenced earlier, that's an
25 issue that is going to have to be reckoned with.

1 Essentially, with the special administrator, our goal is
2 to have the decedent's wishes followed finally after all
3 this time. There's a lot said, a lot was

4 THE COURT: Where are you seeing a PR fee?

5 MS. PALMER: It was in the accounting that was
6 filed. I don't believe it has been taken based on the
7 bank records we subpoenaed. Proposed, and that of course
8 would have been based on an estate value of three point
9 eight million. That's only if you combine - so that in
10 and of itself is problematic that the accounting was
11 done like that. The only reason we've even gotten any
12 records is because my paralegal has spent a lot of time
13 and money domesticating subpoenas in Virginia so we can
14 get these records. They certainly haven't been provided
15 by Mr. Pickett. Your Honor, it think you're absolutely
16 right. There is no grey area here at all. It is 62 dash
17 three dash 614 that gives Your Honor the power to
18 appoint the special administrator which is exactly what
19 you did. There is not a removal. The cases cited do not
20 change that and with all due respect a will can't change
21 what the South Carolina probate code says either. But
22 there is a jurisdictional issue here to back it all up.
23 These motions for reconsideration were never served on
24 me. Rule 5090 requires they be filed and served within
25 10 days of receiving written notice of the order. The

1 order was emailed on September 27th of last year, of 23,
2 so that means they were required to be served no later
3 than October 9th. I just happened to be on the easy
4 filing site on the 17th and saw them then but they were
5 never served on me. These motions were untimely and I
6 believe need to be denied solely on that basis. But
7 again, even if they - Sorry, Your Honor.

8 THE COURT: Have these ever been served, have
9 you filed a proof of delivery?

10 MR. LAQUIERE: I'll go first, Your Honor,
11 because I've looked into this particular situation. Um,
12 when I filed this one on the 9th it was electronically
13 filed pursuant to the administrative quarter 2022,
14 October 28th, order number one, which says that in
15 subpart C under Rule Two, electronic filing system, a
16 system approved by the State of South Carolina's Supreme
17 Court for filing and servicing motions and other
18 documents and it goes on to discuss the electronic
19 service and other things. Um, so I relied upon the
20 filing to serve the three of us who were registered,
21 subsequent to that, having a conversation with Ms.
22 Palmer, I came to realize this system at the probate
23 court, for some reason, unlike the system at the circuit
24 court, is not serving those copies of those filings on
25 us contemporaneously with the approvals and so in this

1 one instance no, I did not serve her with it on October
2 9th. I believed that the electronic filing system did
3 that automatically as it says that it does but I have
4 learned that it does not do that, Judge, so anything
5 since that date I have been making a point of serving
6 directly as well but that is the situation and that is
7 why it occurred.

8 THE COURT: And I will just tell you that we are
9 not part of the common pleas filing system. We are the
10 pilot system for the state of South Carolina. We're the
11 first program to have e-filing. Mr. Ferrara, have you
12 served yours?

13 MR. FERRARA: Your Honor, similar to Mr.
14 Laquiere, I filed a motion and I received confirmation
15 from The Court. I filed a motion timely, I received
16 confirmation from The Court on October 10th, 2023 at 8:41
17 a.m. that the motion was accepted by The Court, and
18 pursuant to Chief Justice Beatty's administrative order
19 of October 28th, 2020 it states that if you're a
20 registered filer with the probate court in the pilot
21 program that when I read the rules as a whole, Your
22 Honor, it appears that The Court is to select a provider
23 and I was under the apparent mistaken belief that all
24 parties had received notice of that filing once it was
25 accepted by The Court but I spoke with Ms. Palmer and I

1 understand she did not receive it so I relied upon Chief
2 Justice Beatty's order that the probate court shall
3 select a provider to provide service to registered
4 filers.

5 THE COURT: Yes. So that they can file it.

6 MR. FERRARA: No. So that it can be served upon
7 - As I read this order -

8 THE COURT: I'm not going to rule that we had
9 this hearing I'm going to take it under consideration.
10 Just know that it's to be served accordingly. I want to
11 make clear, Mr. Ferrara, and I think you think I'm
12 picking on your client and I'm not; my job as a judge is
13 to administer the probate law and probate has it's own
14 set of rules and we follow them. For example, your
15 client filed an inventory and appraisal on 9-27-2023,
16 after the hearing, listing a beginning balance of four
17 million dollars plus, also filed an inventory with 100
18 percent of the house listed and we know that's
19 incorrect. There is no dispute about that, correct?

20 MR. FERRARA: No. I mean, Your Honor, I don't
21 know how Your Honor would be aware of other than what
22 has been argued in front of you -

23 THE COURT: I thought it was common knowledge
24 that y'all presented that the deed was 50 percent in the
25 husband; is that not the case?

1 MR. FERRARA: No, Your Honor. What we were
2 trying to do before Your Honor last time but you told me
3 to wrap it up so you could rule upon the petition that
4 was before you, I tried to get into the background and
5 explain the interplay between the trust and the estate
6 and these two complex trust that were created but Your
7 Honor not to move forward with that so respectfully,
8 Your Honor, there is a dispute, I guess, now, I didn't
9 understand that, from Mrs. Palmer and her client about
10 the value of the estate, about what is in the estate and
11 what is not in the estate.

12 THE COURT: Yes.

13 MR. FERRARA: I mean, Your Honor, has never had
14 a hearing on this and that's what is inappropriate. All
15 of these arguments that are presented to The Court are
16 really not before The Court on this but they are being
17 held against my client but respectfully, Your Honor, I
18 guess to answer your question, there is a dispute
19 apparently about the value of the estate.

20 THE COURT: I think the dispute comes from the
21 fact that this is a 2017 estate, correct?

22 MR. FERRARA: It is, Your Honor.

23 THE COURT: And I think the dispute comes in at
24 the time of the hearing there was never an inventory
25 filed.

1 MR. FERRARA: There wasn't, Your Honor, but just

2 -

3 THE COURT: I want to be clear about that. I've
4 got a PR that's been appointed for six years almost and
5 there is no inventory that has ever been filed.

6 MR. FERRARA: There wasn't, Your Honor, but the
7 statute that I referenced, 62 three dash 1001 states
8 that the filings are not required to be filed until the
9 later, the later, of 90 days of an account closing
10 letter so respectfully, Your Honor, that's why I
11 mentioned that and so -

12 THE COURT: With all due respect those are the
13 closing documents you are referencing, at any time after
14 90 days you could have easily listed what the assets
15 were and then turned around and listed to be determined
16 because how is any beneficiary supposed to know what is
17 in the estate if an inventory has never been provided?
18 That's the whole point of what I'm getting at that I
19 think everybody is missing. Whether it's a four million
20 dollar estate or a two million dollar estate, the fact
21 of the matter is there was never a filing that showed
22 what was in the estate for these beneficiaries.

23 MR. FERRARA: Respectfully, Your Honor, I was in
24 constant communication with the beneficiaries and their
25 counsel during this period of time and there was a

1 strategic reason for not filing documents with the
2 probate court that would have a four million dollar
3 valuation on the top line because we were in litigation.

4 THE COURT: I understand but it's just like I
5 tell folks, you can't limit what you put on your tax
6 returns because you don't want to pay taxes. You have to
7 put down what the value is as a fiduciary, what he
8 believes the value of the estate is worth. You can't
9 hide behind it, okay, and I hear that it is (inaudible)
10 because you didn't want to have a lot of value in the
11 estate because there was a lawsuit but that isn't how it
12 works. Creditors have the right to know what is in an
13 estate.

14 MR. FERRARA: Additionally, Your Honor, I know
15 it's not before you but in way of background, Your
16 Honor, my client was also at that time trying to
17 ascertain what was to be included in the estate because
18 these are complex trusts, the documents. That is what I
19 was trying to get into but we had a very limited time to
20 hear the petition that was before Your Honor and the
21 motion for subsequent administration so we moved beyond
22 that. But when we have a final hearing I'll be happy to
23 bring all that information out before Your Honor.

24 THE COURT: The Court can only look at the fact
25 that there was a will filed and it's been six years and

1 there hasn't been one accounting or one inventory that
2 shows what is in the estate. Even if the inventory
3 didn't have values it has to show what is potentially in
4 the estate because the beneficiaries have a right to
5 know that and the creditors have a right to know that.
6 You're talking to the beneficiaries but so many can
7 bring a creditor claim and they have the right to do
8 that. You have a right to disallow those creditor's
9 claims and that was never done.

10 MR. FERRARA: Your Honor, I understand and
11 respect everything Your Honor is stating but I was just
12 trying to simply address the reason as Your Honor
13 mentioned about the filings. We were beyond the one year
14 creditor claim period so that is not an issue and when
15 we have a trial on it, Your Honor, you'll be able to
16 hear all the information from both sides, not just the
17 attorney arguing, you'll be able to hear the truth of
18 who knew what and when and what was filed. That's what
19 happening here, Your Honor. You're making conclusions
20 before we've even had a trial on the -

21 THE COURT: I think what you're misunderstanding
22 is the inventory should have been filed within the first
23 year listing what assets, even if they don't have a
24 value. That's the whole point of the creditor's claim
25 period. I'm not trying to be argumentative with you; I'm

1 just trying to tell you if you read the code it says an
2 inventory and appraisalment should be filed within 90
3 days of appointment. It was never done. There's a box on
4 there that says amended. You can go back. You can get an
5 appraisal of what the property is, you can get
6 appraisals of the personal, you can get appraisals of
7 the house because you have to have that when you go to
8 sell it. It needs to be there so if the house does come
9 into the estate, some portion there of, 100 percent. I
10 hear what you're saying but I think you're missing out
11 on the big thing which is we have to get something to
12 follow what the rules are. Then again, we're going to
13 get Mr. Gibson to marshal these assets, then you can
14 come back and y'all can litigate whatever you want to
15 litigate. I don't have any problems with that. I haven't
16 ruled that your client did anything wrong, other than he
17 didn't file within that time period. That's the only
18 thing I've ruled on and I have great discretion in
19 appointing a special administrator, okay? So we're going
20 to move on, and I'll take that under advisement, and
21 I'll issue an order. Now we're going to move on to Mr.
22 Gibson's motion that was filed. We've not heard
23 affidavit of attorney fees yet; I haven't gotten into
24 any of that, the objection to attorney fees, notice of
25 motion and motion to compel by Mac Gibson, November 10th,

1 2023; Mr. Gibson?

2 MR. GIBSON: Thank you, Your Honor, may it
3 please The Court; Your Honor, the reason for the motion
4 by special administrator for the estate is I have just
5 hit roadblocks after roadblocks in trying to figure out
6 what the assets are, what's going on with the assets.
7 Anytime I ask for information about bank accounts what
8 Mr. Ferrara simply does is tell me to refer to Beth
9 Palmer's paralegal to the bank records. It seems to me
10 if his client opened up these various bank accounts he
11 should be getting bank statements. He should be getting
12 copies of cancelled checks. I'm not getting them. I'm
13 getting them from Beth Palmer, not from the attorney or
14 the former representative. Furthermore, I put in my
15 letter to Mr. Ferrara, October 26th, 2023, I asked
16 information about the various bank accounts. Why were -

17 THE COURT: Before you get into that, Mr.
18 Gibson, let me have Mr. Ferrara respond to that and
19 we'll go to the next issue.

20 MR. FERRARA: Yes, Your Honor, may it please The
21 Court; at the outset Mr. Gibson hasn't served any formal
22 discovery upon me. He wrote a letter. I acknowledged
23 that letter. I spoke with him shortly after court and I
24 was under the mistaken belief that Mr. Gibson was going
25 to review the filings with the probate court that have

1 every debit and every credit that went through this
2 estate that's filed with The Court. Now, Mr. Gibson told
3 me a few weeks later, when he filed a motion to compel I
4 called him and he said, Paul, I didn't get that, and I
5 said, Let me send you the links for the subpoenas that
6 Mrs. Palmer's office sent out because that has complete
7 information and I didn't know what questions Mr. Gibson
8 had specifically about the charges because my
9 accounting, Your Honor, has every single line item,
10 debit and credit, that is filed with The Court, and so I
11 sent those links from Ms. Palmer's office over to Mr.
12 Gibson and then just as a follow up because I was
13 shocked to see that he communicated with The Court today
14 and said that he was still moving forward with his
15 motion to compel so I re-established a shared drive and
16 I didn't get a chance to speak with Mr. Gibson to see,
17 maybe he didn't get it, maybe he didn't receive it or
18 maybe he didn't look at the email yet but he has a link
19 to every bank account that my client had control of with
20 the folder, with the account, with the statements, and I
21 also provided a breakdown as of 1-24-2024, not 24, as of
22 today, as of yesterday, Your Honor, what the balances
23 were in every single account. I provided that to Mr.
24 Gibson via a link and it has all the documents and I
25 apologize if Mr. Gibson didn't receive that but he

1 should have received that.

2 THE COURT: Do you have an accounting, Mr.
3 Ferrara? The only accounting I have is the one and it
4 may have just printed off that way but it's in
5 alphabetical order; did you provide him with an
6 accounting that is in chronological order; I don't know
7 why mine is in alphabetical order?

8 MR. FERRARA: Uh, I think that's the way it
9 printed out on our side, Your Honor, but I'll be happy
10 to resort that in date order.

11 THE COURT: I'm sure the wrong button was pushed
12 or whatever but if you can, unless you gave them a
13 digital copy and they can sort it that way, I don't
14 know.

15 MR. FERRARA: I would be happy, Your Honor, to
16 send that Excel file out.

17 THE COURT: Attorney Gibson, what additional
18 documents do you need?

19 MR. GIBSON: Your Honor, I need to make sure, to
20 talk to Ms. Palmer because she was waiting for some
21 additional copies of cancelled checks. I don't know if
22 everything that has been produced by - We're talking
23 about two different banks and I know Ms. Palmer has
24 engaged in diligent effort to try to get a copy of every
25 single check. Today I don't know if Ms. Palmer has

1 received all this yet. But more to the point, Your
2 Honor, in my letter to Mr. Ferrara I made reference to
3 various bank accounts and I specifically questioned
4 about the various bank accounts so I could do my job,
5 figure out exactly what is going on and create a
6 foundation to build on to get the information I need,
7 get the money so I could do my job. Your Honor, that was
8 back in October 26, 2023. As we have this hearing today
9 I have yet to receive any information on his client.
10 Furthermore I made reference in the letters that I'd
11 like to speak to his client so I can get more
12 information. I can't do my job. I have not gotten any
13 information or any cooperation as to the various bank
14 accounts. There are a lot of questions, not saying
15 they're wrong, but I can't do my job and I'm kind of put
16 in a corner.

17 THE COURT: Mr. Ferrara, any reason why you
18 didn't respond to his email specifically or his letter?

19 MR. FERRARA: I did. Your Honor, let's do this,
20 because Your Honor wants to get to the truth of the
21 matter, right? If Madame Court Reporter can help me
22 share my screen where I responded to Mr. Gibson and the
23 email or will Your Honor accept my representation as an
24 office of The Court that I did respond? I sent Mr.
25 Gibson a letter today because I saw he communicated with

1 The Court and said he was moving forward with the
2 motion.

3 MR. GIBSON: Your Honor, I'd like to see those
4 emails. I would not be perusing this motion to compel if
5 I had all this information.

6 THE COURT: And I think this goes back to
7 Attorney Laquiere's concern that if Mr. Gibson has to go
8 do every single thing without you pointing him in the
9 right direction and it appears you did point him in the
10 right direction so we'll take a minute and try to get
11 that up on screen.

12 MS. PALMER: Your Honor, may I add something in
13 the interim?

14 THE COURT: Wait a minute, Madame Court
15 Reporter, do you need to do something?

16 COURT REPORTER: I'm not sure. I'm going to have
17 to figure it out.

18 MR. GIBSON: Your Honor, can we take a two
19 minute break.

20 THE COURT: We can take a break and that will
21 give Madame Court Reporter a chance to work with Mr.
22 Ferrara to get that up on screen. I don't know how to do
23 that so let's just take a break for a minute.

24 (Deposition went off the record for a brief period.)

25 THE COURT: Attorney Ferrara, were you able to

1 pull that up on the screen?

2 MR. FERRARA: I'm not sure how to get the
3 preferences set up but I'll just make a record, I guess,
4 Your Honor; I can send screen shots to The Court if you
5 want. I've sent Mr. Gibson an email this morning at
6 11:58 with a letter that addressed - because I
7 realized, to answer Your Honor's question on the motion
8 to compel, I said, okay, Dear Mac, this is a formal
9 response to your letter October 26th; you and I spoke on
10 November 7, 2023 and I advised you there was filed
11 accounting and inventory appraisalment for Your review;
12 I've again enclosed a copy of the filed inventory
13 appraisalment along with the filed accounting for your
14 review; I will address each one of your questions in
15 your letter below, you asked Your Honor about proceeds
16 about 214 and 215 King Street --

17 THE COURT: The letter will speak for itself.
18 You'll just add that as an exhibit to this hearing. It
19 speaks for itself.

20 MR. FERRARA: Okay. And I'll tell you, Your
21 Honor, as an officer of The COURT, just so Your Honor is
22 clear, I forwarded Mr. Gibson the subpoena links I had
23 that were the most complete banking information that I
24 have, even more complete than what my client provided to
25 me. Now, because they go for many years, even before the

1 estate was opened, when I realized Mr. Gibson still had
2 questions this morning they copied me on an email with
3 the clerk that he was moving forward I went ahead and
4 did the letter. It's important, and I stated this
5 earlier, that, you know, the funds at issue in this case
6 are all in the bank that are specified in that letter by
7 account number, amount as of now and I wanted to be
8 clear the estate and trust funds are on the deposit and
9 there has not been anything done improper by my client
10 to convert any money. We did file the accountings, as
11 Your Honor mentioned, pursuant to the authority
12 established in the probate code that allows a personal
13 representative, even though relieved, to make filings
14 and account for proceeds under their control while they
15 were in control. That's why we filed that, Your Honor,
16 and just for clarity we filed a proposal for
17 distribution but have not disbursed any funds and
18 followed Your Honor's directives not to disperse any
19 proceeds without an order of The Court. We're trying to
20 cooperate with Mr. Gibson. He said he's got some
21 questions and interestingly, and you heard him testify
22 about this, he said, Well, Ms. Palmer still has
23 questions, and that is one of the issues for the
24 underlying motion is that we're now getting a motion -

25 THE COURT: I'm going to stop you real quick and

1 then I'll let you come back to that and if it's totally
2 different than what you're going down that road; my
3 concern, and I want each lawyer to weigh in on this, my
4 thought is when I appoint a special administrator, he
5 should be added onto those accounts. As special
6 administrator he should be added on anything that is an
7 estate asset. If it's a trust asset he doesn't have -
8 in other words, and I want to make sure I'm clear on
9 this, and Mr. Ferrara, I think you think I'm picking at
10 your guy and I'm not. This is a complex estate plan.
11 It's The Court's duty to make sure the administration is
12 done to protect everyone. This is a protection. I'm
13 throwing fault at anyone at this time. The only fault I
14 said is if you didn't file those papers in a timely
15 manner so notice wasn't given and we're passed that. I
16 haven't found that he was maleficent or used money for
17 his own personal good, okay? Having said that we have a
18 special administrator in place. That special
19 administrator steps in and takes control of estate
20 funds. Those funds should not have been transferred, and
21 this is my understanding, that the funds don't get
22 transferred to those three estates. If I'm correct
23 didn't the decedent leave everything to her son and her
24 two granddaughters in trust; so there are three separate
25 trusts, correct?

1 MS. PALMER: Correct.

2 THE COURT: Those shouldn't be funded with her
3 money until they go through the estate, okay. Those are
4 all subject to estate administration. Her funds,
5 whenever she died, whatever was in her name, it's a pour
6 over, it pours over into this trust and it creates these
7 three trusts, and I see what you're saying, Attorney
8 Ferrara, about the will gives him the right to put
9 things in his own name but technically as the fiduciary
10 when he grabs that money as PR it should be in an estate
11 account and it doesn't transfer to the trust until all
12 the closing documents and the proposal for distribution
13 comes over; are we all on the same page with that?

14 MR. FERRARA: Yes, Your Honor.

15 THE COURT: So at this time I kind of thought my
16 expectation would be by now, Mr. Gibson, and it may just
17 be confusion on my part, wouldn't it be better to add
18 Mr. Gibson, he should be added as special administrator
19 on all these accounts so that he has access and he can
20 combine them, okay. There was some testimony that your
21 client, who had a legitimate worry during Covid and
22 everything else about the insurance so he split them up.
23 There was never an allocation that he was using those
24 funds at this time that I'm aware of. He did it to keep
25 the insurance, FDIC insurance. That was the testimony,

1 correct?

2 MR. FERRARA: Yes, Your Honor.

3 THE COURT: Shouldn't those be consolidated and
4 if they're not consolidated, if we're worried about
5 insurance, I'm not telling you to consolidate them, but
6 shouldn't they all be estate accounts with Mr. Gibson as
7 special administrator and him doing the accounting from
8 this point forward?

9 MR. FERRARA: Well, if Your Honor is -

10 THE COURT: My point is that should have been
11 happening regardless because your motion to reconsider
12 does not stay his ability to act; in other words you
13 don't have a PR right now that is acting; do you see
14 what I'm saying?

15 MR. FERRARA: Yes, Your Honor.

16 THE COURT: He's holding funds as PR that he's
17 not an active PR so Mr. Gibson needs to go to every
18 financial institution with this order and this
19 certificate of appointment and those funds need to be
20 under his control and I think that will help everybody,
21 it will help Mr. Ferrara because Mr. Gibson then will
22 have authority to get whatever he needs from that bank
23 and then he can send you specific follow up question
24 that you will cooperate with. Now you know don't send
25 him just the link, respond to each one within 15 to 30

1 days which is more than fair.

2 MR. FERRARA: Your Honor, just so Your Honor is
3 clear I did respond to every single question he had.

4 THE COURT: I understand that you've done that
5 on this by now, here are the links, but to be clear
6 going forward page five of my order under the second
7 paragraph where it says all parties shall fully
8 cooperate with the special administrators to ensure
9 efficient and effective administration, meaning I don't
10 want him to have to go through 1,000 documents if it's
11 something that either party can hand him quickly so just
12 everybody take that under advisement, okay?

13 MR. GIBSON: Your Honor, if I could speak to
14 that; my concern is several of the accounts are in Mr.
15 Pickett's name, personal name; the problem I have is he
16 account is in Virginia. You and I both know, we've done
17 this a long time, the legal representative for a bank
18 would say, We don't have to comply with this, this is
19 not in the estate's name and it's from South Carolina. I
20 need to get something. I have offered to have Mr.
21 Pickett get a check, close out every check, provide an
22 accounting for each account, send the check to me,
23 certified check, and at that point once I get all the
24 checks I will open an estate account and provide an
25 accounting.

1 THE COURT: Mr. Gibson, you should get the EIN
2 number. He should have an EIN number, correct, Mr.
3 Ferrara?

4 MR. FERRARA: He does, Your Honor.

5 THE COURT: That EIN number needs to go to Mr.
6 Gibson, okay? Mr. Gibson, you need to go to a local
7 bank, have that paperwork ready and like you said, if
8 y'all want to open - I mean, I don't know what to tell
9 you about this FDIC insurance. I'm not going to tell you
10 what to do on that but in my experience I'd have it all
11 put it in an interest bearing account non-investment.
12 When I served as a special administrator I never
13 invested the money because we don't want it to go down.
14 Now if the banking system crashes we all got a lot more
15 problems. Okay. But at least I do not want Mr. Gibson
16 investing this money other than any basic interest
17 bearing account. I don't care if it's point one percent
18 but I don't want it invested, okay? So Mr. Ferrara, Mr.
19 Gibson is going to follow up with a letter or an email
20 to you saying, Please have your client close out all
21 those accounts, okay, each account with a check payable
22 to the estate. Mr. Gibson, are you taking note of this?

23 MR. GIBSON: I am now.

24 THE COURT: He's going to close out any
25 accounts, check payable to the estate and that's why I

1 want you to open an estate checking account with the EIN
2 number because they may want to wire it. It may be
3 easier to do the wire based on his instruction.

4 MR. GIBSON: Your Honor, will you instruct Mr.
5 Pickett to wire the funds?

6 THE COURT: Whatever is easiest, whatever that
7 bank would do. Wiring would be better but you obviously
8 have to have a bank open to catch it.

9 MR. GIBSON: Your Honor, I would add for my
10 protection as well, at the time the funds are wired I
11 would like to have a copy of the last bank statement so
12 I can match up the bank statement with the of the
13 proceeds.

14 THE COURT: Well, he's going to close out each
15 account with a copy of the statement, last statement,
16 and an accounting of each one. Okay. Do that within 30
17 days and that should eliminate a lot of problems. When
18 Mr. Gibson has that and Mr. Ferrara is going to resend
19 that accounting in chronological order. Anything
20 additional on the motion to compel?

21 MR. GIBSON: No. I appreciate it, Your Honor.

22 THE COURT: Attorney Ferrara?

23 MR. FERRARA: Yes, Your Honor. I don't want to
24 waste The Court's time but just for clarification, I
25 shared with Mr. Gibson every single banking record I had

1 from all the institutions so if he wants to reconcile
2 those bank statements against the proceeds he can. I
3 have all that that I provided to him via the link. How
4 about I do this, Your Honor, I just resent an email and
5 attach each document? Some of the documents are large
6 but I'll just reattach those so it will be easier for
7 him to just look at those and compare.

8 THE COURT: This is very easy. This is very
9 easy. Your client has all these. Your client has all
10 the bank statements and he's on every one of the
11 accounts. He's going to close them out. He's going to
12 take the last statement along with, whenever he opened
13 it, if he opened it eight months ago, eight months ago
14 the starting balance was \$250,000 or 300,000, we've
15 gotten this much in interest, here's the balance minus
16 any wire fee or anything like that to get it wired or a
17 check. Whatever the bank will do. Some banks don't like
18 wires because they worry about it so I'm not going to
19 impose a wire. If it's easier to wire it great. I don't
20 do real estate but I know wires are a tendency to fraud.
21 And then Mr. Gibson, I would ask whatever bank you put
22 this in to get authorization for any distribution more
23 than five or 10 thousand. For example, if you're making
24 a 10,000 distribution you can all and say, Hey, I sent
25 out these three checks; that way if you've got 500,000

1 or two million dollars sitting in an account, I always
2 did that. The bank can do that before they clear a
3 check or withdrawal, they can do that, make sure they
4 have approval from you, that they communicate with you
5 prior to that.

6 MR. GIBSON: Thank you.

7 THE COURT: Want to make sure we do everything
8 to protect his money.

9 MR. FERRARA: And respectfully, Your Honor, uh,
10 I think the banks now have where they can turn on
11 positive pay. I know for our IOLTA accounts it doesn't
12 cost attorneys but if it's a non IOLTA account it will
13 probably cost but that does also protect against The
14 Court's concern and no check would be able to clear
15 unless Mac actually personally approved it even though
16 it may have been personally presented the night before.

17 THE COURT: Something like that is great. Again,
18 I don't do settlements. I know you do a lot of civil
19 litigation so any technique that y'all know of please
20 pass along. I just want to funds protected for any
21 beneficiaries. Anything additional on this motion? I'm
22 not going to award fees at this time. I don't think it
23 was anything blamed. I think it was a miscommunication.
24 This is a very contested case. It's very serious. The
25 attorneys are very good. Everybody is trying to

1 represent their client as best they can. Anything
2 additional on that motion?

3 MR. GIBSON: No, Your Honor.

4 MR. FERRARA: No, Your Honor.

5 THE COURT: I want to thank the lawyers. I know
6 these cases are tough and again I see everyone on this
7 call as a peer and I like that we talk through the
8 issues. I'm just trying to get it right. I'm not
9 personal to anybody. I'm not playing favorites, I'm not
10 picking on anybody. I just want to get it right. If I
11 don't get it right, I'm going to issue an order quickly
12 so you can make any appeals or motions for
13 consideration. I just want to make sure each person has
14 their day in court. That's the main thing, that each
15 beneficiary has their day in court, that they get what
16 they deserve. After I get this order out, okay, I'm
17 happy to grant the order to mediate but the problem is
18 I'm not sure the parties are ready yet until Mr. Gibson
19 gets control of the money and figures everything out,
20 but I will say I want to grant that motion to mediate
21 but I'm not going to put a date yet on that to mediate
22 by such and such. I'll let y'all do some discovery, get
23 some information. Hopefully you won't need a lot of
24 formal discovery, get what you need. Mr. Gibson, as you
25 know, you're the fiduciary. You don't have a side,

1 you're just there to collect everything and disperse it
2 out to everybody. You have an open file. These are three
3 good lawyers. They can advocate for their clients. We
4 don't need the special administrator being a prosecutor
5 or defense. Anything additional?

6 MR. GIBSON: Your Honor, the only thing I would
7 add, if I need to speak to Mr. Ferrara's client, whether
8 it would be by Zoom because I understand he's in
9 Virginia, that he would grant that to me in case I have
10 questions to each account?

11 THE COURT: Yes. As long as you go through him.
12 Unless he waives that right but he's got a right to be
13 on those calls.

14 MR. GIBSON: Absolutely.

15 THE COURT: That may be easier if you set up
16 times with he and his client to do a Zoom to say I
17 received this, I have this, what am I looking for, so
18 you don't just spin your wheels.

19 MR. FERRARA: Your Honor, very briefly, just for
20 housekeeping, the most recent order, were you going to
21 clarify the appointment of special administrator and
22 limit his role as Your Honor, I think just ruled or did
23 I mis-hear you or is this a separate independent order
24 that Your Honor just made regarding the transfer of the
25 assets?

1 THE COURT: No, no. That was what I was talking
2 in the rule, motion to compel; motion to compel is
3 separate from the motion to reconsider.

4 MR. FERRARA: Okay.

5 THE COURT: So I think we ought to do two
6 orders, one on the motion to reconsider and one on the
7 motion to compel.

8 MR. FERRARA: Attorney Gibson, would you send
9 one in on the motion to compel?

10 MR. GIBSON: Yes, Your Honor.

11 THE COURT: It could be a short order, that we
12 had the hearing, this is how is we are going to proceed
13 moving forward, and my other order, if I uphold it,
14 unless I change the powers in there it will have the
15 same one but that's a separate order. Let's stick to
16 this on the motion to compel and I'll try to get those
17 out within two weeks or the motion to reconsider within
18 two weeks. Anything additional?

19 MR. GIBSON: Your Honor, let me ask you this
20 question along that line, you have a motion to
21 reconsider if you were to grant the motion then there is
22 no point in my involvement.

23 THE COURT: Absolutely. But at this time, at
24 least on the motion to compel, if you would send me that
25 order and I won't sign that order until I rule on the

1 other.

2 Again, I want to thank the lawyers. I know this was
3 a long afternoon and I have a tendency to cut people off
4 and it's because I move my train of thought so don't
5 take that personally. I like to resolve that issue and
6 move on and again I appreciate everybody's
7 professionalism because I know your clients get
8 emotional, been there, done that, and I really
9 appreciate everybody's professionalism. Thank you all.
10 Everyone have a great day.

11

12 (Hearing concluded at 3:46 o'clock, p.m.)

13

14

15

16

17

18

19

20

21

22

23

24

25

1 STATE OF SOUTH CAROLINA)
2 : CERTIFICATE
3 COUNTY OF BERKELEY)

4
5
6
7 I, Molly C. Powell, Court Reporter and Notary
8 Public, certify that I did have the aforementioned
9 parties to appear before me at 2:00 o'clock, p.m., via
10 video conference; that the witness was sworn and
11 cautioned to tell the truth, the pages constitute a true
12 and accurate transcript of the testimony given at that
13 time and place.

14 I further certify that I am not of counsel or kin to
15 any of the parties to this cause of action, nor am I
16 interested in any manner in its outcome.

17 IN WITNESS WHEREOF, I have hereunto set my hand and
18 seal this 13th day of February, 2024.

19
20
21
22
23
24
25

Notary Public for South Carolina
My Commission Expires: March 4, 2029

STATE OF SOUTH CAROLINA **TRANSCRIPT OF RECORD**

COUNTY OF CHARLESTON CASE NO.:2024-CP-10-00598

****TRANSCRIPTION OF WEBEX VIDEO/AUDIO****

September 13, 2024

BEFORE: The Honorable J. Mark Hayes, II

BAYNARD SCOTT PICKETT, JR.,

Plaintiff,

vs.

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

Defendants.

APPEARANCES:

Paul B. Ferrara, III, Esq.
Appearing for the Plaintiff.

Elizabeth Palmer, Esq.
Appearing for Defendant Laura Jones.

Eric B. Lequiere, Esq.
Appearing for Beneficiaries

Recorded by: WebEx Video Courtroom

Transcriber: Natalie Dahl, RPR
SC Official Court Reporter

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 a copy of the enclosed transcript shall be sent to: Natalie Dahl, RPR, P.O. Box 762, Conway, SC 29526

INDEX

Description	Page

(NONE)

EXHIBITS

(NONE)

Transcript Legend

Dash (--)	Indicates an interruption in speech
Ellipses (...)	Indicates trailing off in speech
Phonetic (ph)	Indicates a phonetic word
(Inaudible)	Indicates word(s) are not discernable due to audio recording quality

P R O C E E D I N G S

THE COURT: I've got the next matter is going to be the Pickett versus Jones.

MR. FERRARA: Good morning, Your Honor.

THE COURT: Good morning. Have you heard anything from Ms. Jones?

MR. FERRARA: Yes. We had a hearing yesterday, and I think Beth Palmer is definitely aware of today's -- today's hearing. And I'm -- I'm not sure why she's not here. I think Mr. Lequiere as well, who represents one of the beneficiaries -- oh, there is Ms. Palmer right there.

MS. PALMER: I'm here.

THE COURT: I got a letter from -- an e-mail letter from -- there he is, okay.

Well, let me get my screen back.

Okay. I've got this as Case No. 2024-CP-10-0598. Okay. This is a motion and an appeal. So I've got -- Mr. Ferrara, I have that you are the appellant; is that correct?

MR. FERRARA: Yes, Your Honor, and I represent Bayard Scott Pickett, Junior.

THE COURT: Okay. Be more than happy to hear from you.

1 MR. FERRARA: Yes, Your Honor. You just
2 referenced the motion, and you may recall -- before
3 I start, I wanted to just get some clarification
4 from Your Honor. I had sent over to your law clerk
5 and copied counsel a request for a motion to
6 supplement the record, which I think you reviewed
7 the memorandum from in opposition to that. I
8 received an e-mail from your law clerk, I believe,
9 that said that you were inclined not to grant that
10 motion, and I didn't know if you had made a formal
11 ruling on that or if you would rather me -- or if
12 that's not before you. Either way, you know, I
13 just needed to make sure I understood because I
14 didn't want to cite to something if Your Honor had
15 already said that that wasn't before the Court.

16 THE COURT: It was not officially on my
17 docket. I was not going to approve it to be on my
18 docket given the number of cases that we have that
19 are probably scheduled doubled the amount of time
20 that we are actually allotted to do these hearings.
21 I was given no reason in the motion that was filed
22 as to why I should make an exception and allow a
23 late filing of that information.

24 I was given reasons why I had the ability to
25 do it and the authority to do it, but was given no

1 reason why I should exercise my discretion to do
2 it. So I was trying to make the record clear that
3 it was not on my docket. I was not going to make a
4 decision, but if it was on my docket, I would not
5 grant it. Okay?

6 MR. FERRARA: Okay. Thank you, Your Honor.
7 Thank you, Your Honor. And I won't cite to any of
8 those materials.

9 But, Your Honor, this is a \$4 million estate
10 matter where my client is the named personal
11 representative and a 50 percent beneficiary.
12 Ms. Palmer's client is a 25 percent beneficiary,
13 and Mr. Lequiere's client is a 25 percent
14 beneficiary.

15 Your Honor, this appeal is based mostly, in
16 part, on subject matter jurisdiction and -- and
17 also violation of statutes. But the subject matter
18 jurisdiction, Your Honor, statute that I wanted to
19 hone in on was 62-1-302(d)(1)D1, that Your Honor
20 may be familiar with. But, respectfully, Your
21 Honor, the statute limits the probate court's
22 authority to hear certain matters, and those
23 matters should be transferred to the circuit court.

24 In this case, Your Honor, the probate court
25 did not transfer the matter that it should have to

1 the circuit court, and then improperly retained
2 jurisdiction over the formal proceedings, and
3 issued an order, which we're appealing. That was a
4 violation of the statutory limits and undermined,
5 you know, our judicial process.

6 As the second basis for the appeal, Your
7 Honor, moving beyond that, is that there was an
8 improper removal of my client, who was the named
9 personal representative and the prior personal
10 representative.

11 Now, the estate was closed before this
12 hearing via Form 4, and I had filed a motion to
13 reopen the estate for subsequent administration and
14 asked that my client be appointed the PR.

15 At the hearing, Your Honor, I was under the
16 belief that that issue was going to be addressed by
17 the probate court, and a careful review of the
18 record evidences that it was not addressed. And on
19 the motion to reconsider, I asked Judge Michelle
20 (phonetic), Did you consider that or is it before
21 the Court, and he said yes, but he never ruled on
22 that; rather, he just went ahead and appointed a
23 special administrator.

24 Respectfully, Your Honor, 62-3-614, 615, and
25 even 618 talks about the guidelines for appointing

1 a special administrator. And I know Your Honor is
2 probably familiar with those, and I cited all of
3 that in my brief, and I want to incorporate, you
4 know, my final brief and my reply brief for today's
5 arguments. But, in short, Your Honor, the probate
6 court failed to follow those statutes. And,
7 specifically, the probate court, rather than
8 appointing my client who is the named personal
9 representative in his mother's will, the Court
10 skipped over him and appointed someone else without
11 any findings of fact that would justify such an
12 appointment.

13 And I'll be happy to answer any questions
14 Your Honor might have specific to those issues, but
15 those are the two main issues for appeal that I
16 wanted to focus on and the -- and incorporate the
17 other arguments in the briefs.

18 THE COURT: Okay. Thank you very much.

19 Ms. Palmer, are you going to make an
20 argument?

21 MS. PALMER: Yes, Your Honor. May it please
22 the Court. Good morning.

23 I represent Laura Jones, who, as Mr. Ferrara
24 said, is a designee of this estate. In this case,
25 the Appellant, Bayard Pickett, had his opportunity

1 to serve as the personal representative. He was
2 appointed when it was initially opened in 2019.

3 Over the course of three years, he refused --
4 after being given many second chances -- to comply
5 with the duties of a personal representative, and
6 with the probate court's directives to make
7 appropriate filings and accountings and such.

8 The probate court ended up issuing a rule to
9 show cause and, ultimately, closed the estate and
10 discharged Appellant as the personal representative
11 in January of '22. The cover letter from the Court
12 accompanying this order explains that the judge
13 issued it as a, quote, "result of noncompliance,
14 slash, inactivity with regards to the directives
15 issued by this Court." That order was not
16 appealed.

17 A little over a year later, my client became
18 concerned about appellant's continued retention of
19 approximately 1.4 million in estate funds, and she
20 was getting no information from the Appellant or
21 his counsel. She retained me to help her with
22 that.

23 In March of '23, I sent appellant's counsel a
24 letter just requesting documentation as to the
25 amount and location of these funds. Nothing was

1 provided.

2 On May 18 of '23, I spoke with appellant's
3 counsel and indicated that I would be taking legal
4 action if they continued to refuse to provide just
5 something to show where this money was and how much
6 there was. And, instead, the very next day, the
7 Appellant filed his application to reopen the
8 estate and be reappointed as the personal
9 representative.

10 In response, we filed a petition of formal
11 action for the appointment of a special
12 administrator. The Court held a hearing, granted
13 our petition appointing the special administrator,
14 and that's the order from which Appellant has
15 appealed.

16 The grounds of the appeal, as Mr. Ferrara
17 stated, his first is that the Court failed to
18 remove the petition for appointment to circuit
19 court. Your Honor, no such motion was ever made.
20 This issue was neither raised nor ruled upon by the
21 lower court. I re-read both of the transcripts
22 today from the initial hearing and the hearing on
23 the motion for reconsideration just to be sure.
24 This issue was not raised. It was not ruled upon.
25 62-1-302(d), that's the removal statute, it

1 requires that a request for removal be made by
2 motion. The Appellant claims he made a motion to
3 remove this matter in his answer to the petition
4 that I filed. This is not true. The answer has a
5 breach of contract claim against Respondent,
6 claiming that my client failed to repay him over
7 some personal loan. I don't think anything related
8 to this actual estate.

9 It is only this counterclaim that Appellant
10 seeks -- and, again, not by motion, just in his
11 answer -- to be removed. Specifically, he has
12 searched removal as an affirmative defense, and
13 specifically asks that the breach of contract claim
14 be removed, not the petition for appointment of
15 special administrator.

16 Then, in his prayer for relief, he requests
17 that the probate court grant its motion to transfer
18 the breach of contract matter to the circuit court
19 for a trial by jury; alternatively, dismiss the
20 petition to appoint a special administrator, and
21 transfer the legal counterclaim to circuit court.

22 So he specifies it is the breach of contract
23 claim he wants removed, and he affirmatively asks
24 the probate court to rule on the petition for
25 appointment of special administrator. But, again,

1 he never raised these issues to the probate court.
2 The probate court did not rule on them.

3 His second assignment of error is that the
4 Court failed -- the Court erred in failing to find
5 that Appellant would not or could not act. Your
6 Honor, that is not -- the Court had no requirement
7 to find that in order to appoint a special
8 administrator.

9 Our petition was made under Section 62-3-614,
10 Subsection 2, which states that a special
11 administrator may be appointed in a formal
12 proceeding, which this was, if the Court finds that
13 appointment is necessary to preserve the estate or
14 to secure its proper administration, including its
15 administration and circumstances where a general
16 personal representative cannot or should not act.

17 First of all, the Appellant was not serving
18 as the personal representative. That is something
19 that has just continued to come up. This concept
20 that the appointment of a special administrator is
21 akin to the removal of a personal representative,
22 they are two completely separate proceedings.

23 Appellant was not acting as a personal
24 representative. There was no requirement that the
25 Court find that he could or couldn't -- would or

1 could not act.

2 The Court can appoint a special administrator
3 based on this section fully upon a finding that it
4 was necessary to preserve the estate, and that is
5 precisely what the probate court did here.

6 The third assignment of error was that the
7 probate court failed to find that Appellant was
8 unfit to serve. Again, there is no requirement
9 that the Court find Appellant unfit to serve as the
10 personal representative or the special
11 administrator or anything else. No finding as to
12 the Appellant was required at all.

13 Now, a finding that a personal representative
14 is unfit to serve is required in a proceeding for
15 the removal of a personal representative. But,
16 again, he wasn't the personal representative. This
17 was not a removal of personal representative issue.
18 He was discharged in 2022 and never appealed that
19 order. Even the Court states during this argument:
20 "And I'm advising you, what you are stating as the
21 law is not correct. With all due respect, you keep
22 stating that it is akin to removal. It's not a
23 removal action. It's the appointment of a special
24 administrator."

25 So I'm not sure why this argument keeps

1 coming up, but the removal of the PR could not have
2 been at issue here because there was not a PR
3 appointed. The Court elected not to appoint a
4 personal representative, and instead to appoint a
5 special administrator.

6 And, Your Honor, I'll gladly answer any
7 questions you might have.

8 THE COURT: All right. Thank you.

9 Mr. Lequiere, do you have any input you would
10 like to make to this argument?

11 MR. LEQUIERE: Yes, Your Honor. May it
12 please the Court. I would like to comment on one
13 issue only; that is, the continued confusion by Ms.
14 Palmer as to the probate court and her belief that
15 probate court has an absolute right in its absolute
16 discretion to appoint a special administrator for
17 any reason or no reason at all. That is absolute
18 insanity. There are two things that stand in the
19 way of that.

20 Number one, the testator designates a
21 personal representative in their will that creates
22 a vested right in the name of the recipient of that
23 right.

24 Secondly, there is statutory priority in the
25 probate court which establishes a hierarchy for a

1 personal representative.

2 You have to -- a court has to follow the
3 testator's intent according to the statutory
4 priority. If they just say any time some
5 beneficiary disagrees with the testator's intent,
6 We're going to appoint a special administrator
7 without wrongdoing by that designated
8 representative, it would render two different
9 sections of the probate code irrelevant.

10 And as Your Honor knows, in the terms of
11 statutory construction, we presume the legislature
12 does not pass sections of code for no purpose,
13 whatsoever. And we presume they intend those
14 sections of code not to be rendered irrelevant by
15 another section of the same code.

16 So you have a code section that is clearly
17 established as statutory priority, the number one
18 priority being that the person designated by the
19 testator to serve as PR will serve as PR. And then
20 you have a second statutory code section that says
21 the PR may only be removed by this process and for
22 these reasons if you make these findings. And then
23 you have a third section of the code that says that
24 you may appoint a special administrator in the
25 interest of the -- of the estate. When you read

1 the three together, the only rational conclusion
2 and rational interpretation is that the appointment
3 of a special administrator, as a general special
4 administrator, is a replacement and constitutes the
5 removal of the PR, whether or not that PR has
6 actually been appointed or not appointed, because
7 the statute says you must appoint according to
8 priority.

9 So if the Court determines it is going to
10 ignore that priority and go to someone lower on the
11 list -- and a special administrator is definitely
12 lower on the list -- then they must make those
13 findings of fact required by the code, and they
14 must follow the process provided by the code, not
15 if you fail to do so. Your Honor, that is clear
16 error. That is the only thing I have to add today,
17 other than the fact that my client supports the
18 appeal and the overturning of this appointment of a
19 special administrator.

20 Thank you, Judge.

21 THE COURT: Anything in closing, Mr. Ferrara?

22 MR. FERRARA: Yes, Your Honor. Can you hear
23 me, Your Honor? I'm sorry.

24 THE COURT: I can.

25 MR. FERRARA: Okay. Yes, sir. Yes, Your

1 Honor. I wanted to address Ms. Palmer's points in
2 turn.

3 The first thing is subject matter
4 jurisdiction, which is what 62-1-302 is, can be
5 raised for the first time on appeal. However, we
6 didn't raise it the first time on appeal. We
7 asserted the removal action as a defense, and
8 additionally -- and this is outlined, Your Honor,
9 in my reply brief on Page 2, but we asserted the
10 removal action in the answer, and then also
11 asserted a 12(b)(6) motion, specifically Page 83 to
12 91 in the record. So we did do it by motion.

13 Now, just to -- I know Your Honor wasn't
14 there, and it's hard to tell from the record, but
15 the confusing part for me was my client and I
16 appeared at the hearing to present testimony about
17 my client's, you know, motion to reopen the estate,
18 and for him to be appointed informally or -- you
19 know, be appointed as special administrator. Those
20 were the only -- that was the only witness, Your
21 Honor. Ms. Palmer's client was not present and
22 provided no testimony.

23 Now, she asserted at the hearing that -- she
24 said that she's relying upon her client's averments
25 in the verified complaint, but what's interesting

1 is that we went forward with the hearing, and we
2 were under the impression that we were going
3 forward on the hearing to reopen the estate. We
4 understood that they had a motion to appoint a
5 special administrator, but we objected to that. I
6 didn't object on the record, but I asserted the
7 defense of removal and the answer by way of motion
8 of 12(b)(6), which is Paragraph 30 of the answer,
9 Your Honor. And Pages 83 to 91 are the complete
10 answer of the record, and so that was asserted.

11 Now, additionally, I have other -- I have
12 another citation, Your Honor. 62-1-102 states that
13 the probate code should be construed liberally to
14 promote its underlying purpose, and I agree with
15 everything that Mr. Lequiere said with respect to
16 the special administrator.

17 And so just going back -- I'm sorry, let me
18 jump back to the jurisdiction. Jurisdiction can be
19 raised at any time. That is in my brief, and I
20 know Your Honor is very well aware of that. And
21 the probate code -- probate court, rather, should
22 not have issued an order in this formal proceeding,
23 which they should not have done, and they should
24 have transferred the matter to circuit court.

25 I told Judge Michelle, as I recall, at the

1 motion to reconsider, that we were -- we were
2 asking him to change the order because it was
3 improper, and that -- but, in any event, moving on
4 to the special administrator.

5 The special administrator order -- the
6 special administrator appointment order is void ab
7 initio because of the point I just made. But
8 even -- let's just say that Your Honor says, Well,
9 maybe you waive that. If you read -- I agree with
10 Mr. Lequiere. If you read 62-3-614, 15 and 18, it
11 essentially says that a special administrator is
12 only appointed when a personal representative is
13 not willing, ready, and able to serve.

14 Now, what's important, Your Honor, is when
15 you look at the record, the judge cites nowhere
16 that my client was not ready, willing, and able to
17 serve. The judge just skipped over my client and
18 just ignored -- which is the basis of the appeal --
19 ignored 62-3-615, I recall, that basically says
20 that the probate court is supposed to look to the
21 personal -- the named personal representative.

22 Now, of course if there were findings of fact
23 -- which there were none -- that my client was
24 unfit or unwilling to serve or unable to serve, he
25 would have been right, but there were no such

1 findings. In fact, there were actually two
2 contrary findings, and I cite those in my brief,
3 Your Honor. I want to refer you to those just so
4 you can see it. The judge said at Page 60 -- and
5 I'm paraphrasing -- Mr. Pickett, I'm not saying you
6 did anything improper. And then also on Page 353
7 of the record, he also says that I'm not saying you
8 did anything wrong, I'm saying you just didn't do
9 the filings.

10 Now, Ms. Palmer said that my client made no
11 filings, and that was really -- no filings of the
12 accounting, and the proposal for distribution,
13 right, or the inventory and appraisalment. But, in
14 fact, Your Honor, before the hearing started, my
15 client did file that paperwork. You know, in
16 candor to the Court, those filings were late, but
17 just having late filings is not -- doesn't meet the
18 standard for removal.

19 Let me move on. The court of appeals in
20 South Carolina in Fisher v. Huckabee -- and this is
21 on, I think, Page 6 of my brief, and I can yell out
22 the cite if Your Honor wants me to -- but,
23 essentially, the court of appeals says that when
24 you appoint a special administrator -- and this is
25 similar to what Mr. Lequiere said -- it is akin to

1 removal of a personal representative. That is a
2 direct quote. And that is because what
3 Mr. Lequiere said is exactly right. You don't need
4 a special administrator if you have a personal
5 representative, right? You don't need it. And the
6 court of appeals has acknowledged that.

7 And so, finally, Your Honor, just to complete
8 the story, if in a situation of appointment of a
9 special administrator the probate court finds that
10 there is a need for one, and that there is no
11 personal representative to be serve -- to serve,
12 then they can appoint one. But if there is a
13 personal representative, like there was in this
14 case, the next step, Your Honor, is to make
15 findings of fact and say Mr. Pickett not only is
16 not unqualified or unfit -- and that is not even
17 the standard. The standard under Church v. McGee,
18 and this is in my brief, Your Honor, is
19 maleficence. And that is because, as Your Honor is
20 very well aware, basically it starts with due
21 process. The testator has the right -- and this is
22 cited in my brief -- the testator has a right to
23 select their personal representative, and that is
24 Dean v. Kilgore.

25 Now, the courts even went further, Your

1 Honor, in this area and said we caution the Court
2 from trying to change the testator's intent and
3 appoint someone else. Now, of course, the probate
4 court does have the authority to do that if the
5 circumstances of malfeasance are met.

6 Respectfully, Your Honor, when you look
7 through the transcript, you'll find no evidence
8 that my client stole one penny, misappropriated any
9 money, did anything wrong. The only thing he did
10 wrong, Your Honor, was failed to file accounting
11 paperwork timely. The reason was -- just for Your
12 Honor's edification -- is that there was a lawsuit
13 that was in the middle of this estate, which we
14 ended up resolving. There was also a CPA question
15 about the tax return and how to handle these
16 assets. So those were the two reasons for the
17 delay.

18 Judge Condon (phonetic), importantly -- and
19 this goes back to Ms. Palmer's point -- she stated
20 that I didn't appeal an order. Well, I didn't need
21 to appeal an order because Judge Condon, by Rule
22 Form 4, on Page 14, of the record said, "I'm not
23 going to grant any more extensions," because the
24 Court, Your Honor, had granted four or five
25 extensions, and they didn't know how long the

1 lawsuit was going to last. They said I'm not going
2 to grant any more extensions, but what I'm going to
3 do is close the estate via Form 4, and I'm going to
4 allow you leave to reopen, which is what we did,
5 which is what the record establishes. We did that.

6 What really happened here, Your Honor, is
7 that we went back to the probate court, and the
8 judge just skipped over my client and appointed
9 someone else without making any findings under the
10 statute.

11 And so I think that those are the arguments
12 and reply, and those have been briefed, Your Honor.
13 But subject matter jurisdiction is the argument
14 that wins the day. It can be raised at any time.
15 And the way I understand the general assembly in
16 62-3 -- or the removal statute, Your Honor, if the
17 motion to remove is made -- which it was -- within
18 ten days of the formal complaint -- which it was --
19 then the probate court really has -- they could, if
20 they articulated some extraordinary right to keep
21 the case there, they could keep it there I think.
22 But, in general, the probate court must -- and I'm
23 quoting the language, Your Honor, of
24 62-1-302(d)(1), it says: "Must be removed to the
25 circuit court, and the circuit court shall proceed

1 upon the matter de novo." So that's really the
2 quintessential issue on this appeal. The probate
3 court should have taken this formal matter and
4 referred it over to the circuit court because it's
5 a formal matter. It's a complex matter, and the
6 parties requested it.

7 And, so, for those reasons, Your Honor, we
8 respectively request that you grant the appeal,
9 vacate the judge's order, and transfer the probate
10 matter to the circuit court for proceeding.

11 THE COURT: Briefly, Ms. Palmer, anything in
12 response?

13 MS. PALMER: Yes, Your Honor. The problem
14 with this subject matter jurisdiction argument is
15 that even if Mr. Ferrara had made a timely motion,
16 and even if he had raised it to the probate court,
17 and even if it had been ruled upon, this is not a
18 removable motion. The appointment of a special
19 administrator is not one of the matters that people
20 have a right to remove.

21 The statute allows, as a matter of right, to
22 remove formal proceedings for the probate of wills
23 and for the appointment of a general personal
24 representative. The definition of general -- let's
25 see -- personal representative states general

1 personal representative excludes special
2 administrator. When the probate code was adopted
3 and amended, that was done specifically for this
4 purpose. I don't know where we're going with the
5 subject matter jurisdiction. If the probate court
6 doesn't have subject matter jurisdiction over a
7 petition to appoint a special administrator to an
8 estate, I don't know who would.

9 And, then, as to all of this issue of
10 removal, not making the initial personal
11 representative, not appointing him, skipping over
12 him -- that's not a matter of skipping over. To
13 accept their argument would require you to just
14 flat out ignore Section 62-3-614, which
15 unequivocally gives the probate court the power and
16 discretion to appoint a special administrator when
17 it is in the best interest of the estate, and that
18 is what the Court did here.

19 THE COURT: Okay. All right. I'll let you
20 know. Thank you very much.

21 (Whereupon, the Webex hearing concluded.)
22
23
24
25

CERTIFICATE OF TRANSCRIBER

Case Name: Baynard Pickett v. Laura Jones, et. al

Case No.: 2024-CP-10-00598

Date of Hearing: September 13, 2024

* * * * *

I, Natalie Dahl, 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.**

I do further certify that I am neither of kin, counsel, nor have interest to any party hereto.

Natalie Dahl, RPR

Natalie Dahl, Registered Professional
Reporter and transcriber for the State of
South Carolina

STATE OF SOUTH CAROLINA **TRANSCRIPT OF RECORD**

COUNTY OF CHARLESTON CASE NO.:2024-CP-10-01509

****TRANSCRIPTION OF WEBEX VIDEO/AUDIO****

September 24, 2024

BEFORE: The Honorable Dale van Slambrook

BAYNARD SCOTT PICKETT, JR.,

Plaintiff,

vs.

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

Defendants.

APPEARANCES:

Paul B. Ferrara, III, Esq.
Appearing for the Plaintiff.

Elizabeth Palmer, Esq.
Appearing for Defendant Laura Jones.

Eric B. Lequiere, Esq.
Appearing for Kathleen Anderson

Recorded by: WebEx Video Courtroom

Transcriber: Natalie Dahl, RPR
SC Official Court Reporter

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 a copy of the enclosed transcript shall be sent to: Natalie Dahl, RPR, P.O. Box 762, Conway, SC 29526

INDEX

Description	Page

(NONE)

EXHIBITS

(NONE)

Transcript Legend

Dash (--)	Indicates an interruption in speech
Ellipses (...)	Indicates trailing off in speech
Phonetic (ph)	Indicates a phonetic word
(Inaudible)	Indicates word(s) are not discernable due to audio recording quality

1 **P R O C E E D I N G S**

2 THE COURT: Good morning, everyone. We are
3 here today on the common pleas non-jury roster for
4 Charleston, the 9:30 cases. I have in front of me
5 the roster. The first case I'm showing is
6 2024-CP-10-01509, Pickett v. Jones and others.

7 Who is here on that one?

8 MS. PALMER: Your Honor, I'm Beth Palmer here
9 on behalf of respondent, Laura Jones.

10 THE COURT: Okay.

11 MS. PALMER: And I filed a motion to dismiss
12 the appeal, which I believe is before you.
13 Mr. Ferrara is also here on behalf of the
14 appellant. I can see him, but I don't know if he
15 can hear us.

16 THE COURT: Mr. Ferrara, can you hear us?
17 Mr. Ferrara, can you hear us?

18 (A brief pause in the proceedings.)

19 THE COURT: Mr. Ferrara?

20 MS. PALMER: Mr. Lequiere just joined us, and
21 he represents Kathleen Anderson.

22 Do you by chance have Paul's cell phone and
23 text him and let him know -- I don't think he can
24 hear us.

25 MR. LEQUIERE: I do. Let me try that.

1 MR. FERRARA: I can hear you. Sorry about
2 that, Judge. I must have had it muted.

3 THE COURT: We're all there now. So we have
4 all three of you all involved. Is there anybody
5 else that's supposed to be here?

6 MS. PALMER: No, Your Honor.

7 MR. FERRARA: I gave my client, Mr. Pickett,
8 the phone number to call in, but he said he wasn't
9 sure if he would be able to call in. But I think
10 everybody -- all the attorneys are here.

11 THE COURT: Let's see if I can see him on our
12 list of folks. But that's all right.

13 So I have a motion, slash, appeal, and a
14 motion, slash, dismiss appeal. Who is the moving
15 party on the appeal? Is that you, Mr. Ferrara?

16 MR. FERRARA: Yes, Your Honor. I'm
17 representing -- may it please the Court. I'm
18 representing Bayard Scott Pickett, which was the
19 petitioner in this appeal.

20 THE COURT: Happy to hear from you.

21 MR. FERRARA: Your Honor, I'm not sure why it
22 was docketed it that way as a motion. I think the
23 clerk just entered that. I think -- it's -- an
24 appeal has been filed, you know, notice of appeal
25 from the probate court's decision was filed and

1 served, and I don't think there is an issue with
2 that in this matter. And I think the only thing
3 really before the Court is Ms. Palmer's motion to
4 dismiss the appeal.

5 THE COURT: Okay. Yeah. That seems
6 appropriate that we touch base on that, because
7 that would dispose of it first.

8 So, Ms. Palmer, I'll hear from you.

9 MS. PALMER: Thank you, Your Honor. May it
10 please the Court.

11 Stated very simply and directly, this is an
12 appeal of an order lifting a stay issued by the
13 probate court. And our state supreme court has
14 said time and again that an order lifting a stay is
15 not appealable. That's the basis of our motion to
16 dismiss. The procedural background of this matter
17 -- the probate court initially appointed Mr.
18 Ferrara's client, the appellant, as the personal
19 representative of this estate. It is his mother's
20 estate. That was in 2019. And in 2022, the
21 probate court administratively closed the estate
22 and discharged him as personal representative due
23 to his failure to do the filings and follow court
24 directives and such.

25 In 2023, on behalf of my client, I petitioned

1 the probate court to appoint a neutral third party
2 as special administrator to administer the estate.
3 The probate court did so. The appellant in this
4 case appealed that order. That's on appeal.

5 Then, the probate court appointed a temporary
6 special administrator. That was appealed to the
7 circuit court. The circuit court dismissed that
8 appeal as, you know, being interlocutory. The
9 dismissal of that has now been appealed to the
10 court of appeals.

11 In the interim, after the probate court
12 granted -- or issued an order appointing the
13 temporary special administrator, I filed a motion
14 to lift any applicable stay. That was granted, an
15 order lifting the stay.

16 Mr. Ferrara appealed from that order. That's
17 the appeal in front of you right now. That's the
18 order at issue, and I filed the motion to dismiss
19 because an order lifting a stay is not appealable.

20 THE COURT: The order that preceded that, the
21 one appointing the --

22 MS. PALMER: Temporary special administrator.

23 THE COURT: -- temporary special
24 administrator, what is the status of that one?

25 MS. PALMER: The appeal to the circuit court

1 was dismissed on the basis that it was untimely,
2 and also on the basis that established law dictates
3 that orders appointing temporary special
4 administrators are not appealable.

5 So this court, the circuit court, dismissed
6 that appeal, but Mr. Ferrara has appealed that
7 dismissal to the court of appeals, where it's
8 currently pending.

9 THE COURT: Mr. Ferrara?

10 MR. FERRARA: Yes, Your Honor. Just for the
11 Court's background, the original -- I think there
12 were four appeals, but the original order
13 appointing a special administrator, I have
14 successfully handled that appeal, and there's an
15 order in 2024-CP-10-598 in Charleston County. And
16 the judge has remanded the matter back to the
17 probate court for a question about findings and
18 whether -- whether the probate court complied with
19 62-3-618. So that is the status of the first
20 appeal. It was just heard last week -- or I guess
21 almost two weeks ago or so.

22 Now, the reason why I had to keep appealing,
23 Your Honor, just for way of background, is that the
24 probate court -- despite that appeal pending,
25 right -- still continued to just issue order upon

1 order upon order. And with respect to this matter,
2 you should deny the motion to dismiss because I
3 know Your Honor is well aware that it's not an
4 absolute rule that all interlocutory orders cannot
5 be appealed.

6 14-3-330 of the code specifies examples of
7 when an interlocutory order can be reviewed. In
8 short, the statute allows this court to review a
9 temporary order because it involves a substantial
10 right.

11 It's going to take me a minute, Your Honor,
12 and I know you are just getting familiarized with
13 the case, but my brief sets forth the issue. And,
14 in short, my client was the named personal
15 representative in his mother's will. We went to
16 the probate court, and the order I'm appealing here
17 is a temporary order appointing Mr. Gibson to be a
18 special administrator, despite my client being
19 ready, willing and able to serve. Now, that's in
20 violation, we assert, under 62-3-618. The essence
21 or the actual --

22 THE COURT: I thought the order that was
23 being appealed was -- I'm not sure if I'm following
24 that. It sounds like you are talking about a
25 different order that you're appealing?

1 MR. FERRARA: Right. So, Your Honor -- so
2 the first order that I appealed was the order
3 appointing Mr. Gibson as the special administrator,
4 okay. While that was on appeal, Judge Michele
5 issued this order that said the first order -- he
6 granted the motion to lift the automatic stay,
7 which he has the right to do, but then he said, oh,
8 by the way, the order that's on appeal, all of
9 that -- all of the directives in that order that
10 direct Mr. Gibson to receive money, direct my
11 client to transfer money, direct my client to do
12 certain things, all of that was just restated again
13 in this March 12th order that's before Your Honor
14 that's on appeal.

15 So it makes no good common sense -- and we
16 all know as attorneys that a court cannot -- when a
17 matter is on appeal, a Court cannot just make a new
18 order and moot the appeal. Rule 205 of appellant
19 court rules and 241 establish that. It's common
20 sense to attorneys, but for some reason, the judge
21 decided to grant the motion. He cited -- he cited,
22 importantly, Your Honor, on Page 3 of the order
23 that's in this matter, he said until the appeal is
24 resolved, this order was necessary. Well, the
25 appeal has been heard as of last week or ten days

1 or so ago, and the judge has basically remanded the
2 matter back to the probate court for findings to
3 determine, because it was unclear about whether the
4 probate court followed the priority statute for the
5 special administrator.

6 In short, Your Honor, 62-3-618 sets forth the
7 priority statute, and it says that the named -- and
8 I'm summarizing -- but the named personal
9 representative has the priority to be appointed,
10 and there must be findings that they are not fit
11 before the Court can just bypass them and appoint
12 someone else. That's really the essence of the
13 issue on this entire probate matter.

14 But what is before Your Honor today is the
15 motion to dismiss, and it should be denied because
16 14-3-330 says that an interlocutory order can be
17 reviewed in two situations: One, when it affects a
18 substantial right. Now, the ex parte Small case,
19 Your Honor, that I cited in my brief clearly
20 establishes that my client has a substantial right
21 to be appointed as a special administrator or a
22 general personal representative, right? And that's
23 something that, you know, Mrs. Palmer is
24 overlooking -- Ms. Palmer is overlooking. It's a
25 substantial right.

1 So even though the general rule is that a
2 temporary order cannot be appealed, the exception
3 to the rule, which is codified in 14-3-330(2), says
4 if the matter is a substantial right, it can be.
5 In ex parte Small that I cite in my brief, Your
6 Honor, it clearly establishes that the appointment
7 of a named representative in a will is a
8 substantial right. It can't be abridged.

9 The other important part of that ex parte
10 Small case, Your Honor -- and it tracks 14-3-330 as
11 well that says if an order in effect is a final
12 order to determine the rights, then it can be
13 reviewed. That's the same thing that happened in
14 Small. They said -- it was an order appointing
15 someone other than the wife as a general
16 administrator or special administrator, and the
17 supreme court said that that order is reviewable,
18 although it's -- and it's a final order. And, so,
19 that's essentially what we have here, that this
20 order that's before Your Honor is, in effect, a
21 final order, and so it's reviewable. That's a
22 separate basis.

23 Now, let's see. Rule 205 and 241 of the
24 appellant court rules prohibit all of the conduct
25 that belies this order. Yes, it's true that Judge

1 Michele had the authority to issue an automatic
2 stay, but if you look at Rule 241, Your Honor --
3 and it talks about the considerations, and Your
4 Honor may be very well aware of that as you've
5 lifted stays before, I'm not sure. But the Court
6 is supposed to consider if they issue -- if they
7 lift an automatic stay, is it going to moot the
8 issues on the appeal?

9 Now, the appeal has been heard successfully,
10 and it's sent back. But at the time that I filed
11 this, Your Honor, this March 12th order, in
12 effect, mooted my appeal in the first case. It
13 mooted the February 8th order that was on appeal.
14 Because if you look specifically --

15 THE COURT: Does that mean that the success
16 in that appeal then allows you to then
17 appropriately in your all's consideration litigate
18 the issues that you're talking about? Does that --
19 does your success in that appeal, in effect, make
20 this matter moot?

21 MR. FERRARA: We're not sure what the probate
22 court is going to do, Your Honor. But -- but once
23 the probate court decides, yes, I mean, I guess the
24 answer is yes. And the reason I say that, and I'll
25 direct the Court to Page 3 of this order, first

1 paragraph, it says: "Until Respondent Pickett's
2 appeal is resolved," and it goes on. It says that
3 the automatic -- this lifting of the automatic stay
4 is necessary.

5 Well, that's already occurred. So you are
6 correct, Your Honor, in that lending -- or having
7 the first appeal remanded back does, in effect,
8 moot this, but that's not what is before the Court
9 at the moment. But it does -- it does appear to
10 moot this order. But it's also, you know -- we
11 assert, Your Honor, invalid in the first place,
12 because the trial court -- the probate court cannot
13 just issue orders and violate the appellant
14 procedure. Yes, the trial court -- this is what I
15 was saying earlier, Your Honor -- the trial court
16 can issue an order lifting the automatic stay, but
17 as Your Honor is very well aware, it would be just
18 for matters not affected by the appeal or matters
19 not on appeal.

20 But, in essence, if you compare the original
21 order being appealed, Your Honor, that was in the
22 CP -- 2024-CP-10-598 to this order, it's
23 essentially the same order. It's just styled a
24 temporary order to try to get around this issue and
25 try to assert that it is interlocutory. But

1 14-3-330, Your Honor, actually, you know, provides
2 a remedy even on a temporary order, and so we would
3 respectfully request you to deny the motion to
4 dismiss and allow the matter to be effectively
5 determined on appeal.

6 The briefing and stuff like that, Your Honor,
7 on this case hasn't been done yet because Ms.
8 Palmer filed this motion to dismiss. And I believe
9 -- I think she would agree -- that all of the
10 timing for briefs and the record on appeal and such
11 are all stayed or, you know, paused until Your
12 Honor makes a ruling on this. So, you're right,
13 Your Honor, that this order may very well be moot,
14 but we haven't had the determination from the
15 probate court.

16 Just to confuse matters further, Your Honor,
17 the probate court in the underlying matter has been
18 recused, and we're waiting on the supreme court to
19 appoint a special probate judge to handle this
20 estate.

21 THE COURT: Thank you, Mr. Ferrara.

22 Ms. Palmer?

23 MS. PALMER: Thank you, Your Honor. I'm sure
24 that Mr. Ferrara didn't purposefully do this, but
25 he's kind of conflating some of the procedural

1 history here. There was the first order appointing
2 a special administrator, which has been remanded.
3 Okay. That's aside. Then there was an order
4 appointing a temporary special administrator on
5 appeal. It is that order -- the order appointing a
6 temporary special administrator -- for which I
7 filed the motion to lift the automatic stay.
8 That's the order that's before you.

9 The propriety of the probate court appointing
10 a temporary special administrator or the initial
11 order, all of that, that can be argued in the
12 respective appeals for those matters. That's not
13 what is before you. The issue before you is very
14 limited, and it's an appeal of an order lifting a
15 stay. Orders lifting stays are not appealable.

16 THE COURT: It sounds like -- what I'm
17 hearing from Mr. Ferrara is that the -- that the
18 order lifting the stay then included information,
19 and maybe it was actually more than just the order
20 lifting the stay. It contains some substantive
21 matters that were, I guess, duplicated or
22 duplicates of the earlier order to give it more
23 teeth than just that. What about that position?

24 MS. PALMER: I don't believe -- I think it
25 mirrored exactly what the underlying order was. So

1 the stay lifted all of the -- you know,
2 essentially, that's what a stay is. The purpose of
3 the stay is to allow the order to go into effect
4 pending the appeal, and that's what the probate
5 court did, was lift the stay pending the appeal.

6 And Mr. Ferrara can correct me, but I don't
7 believe there were any additional directives,
8 findings, orders, anything --

9 THE COURT: That's what I thought I heard,
10 that there was additional directives in there.

11 MS. PALMER: If I might point out, the
12 appellant also had the ability to seek review from
13 the circuit court of the order lifting stay via
14 verified petition under Rule 241, and that was not
15 done.

16 THE COURT: Mr. Lequiere?

17 MR. LEQUIERE: Yes, Your Honor. Thank you.
18 Thank you, sir.

19 I agree with Mr. Ferrara's position that this
20 is -- this order should be overturned. I have
21 just, as you were speaking, Your Honor, just pulled
22 up a copy of this order, and this order is seven
23 pages long. I've never before in my life seen an
24 order vacating a stay that's seven pages long. And
25 the reason is because while it's entitled "Order

1 Lifting Any Applicable Stay," the substance of this
2 order is to make effective the appointment of
3 special administrator, Mr. Matt Gibson, and to
4 grant him all of the general authorities of a
5 special administrator and/or personal
6 representative in the estate during the pendency of
7 the appeal of his original appointment.

8 So if you read the substance of this order,
9 which is seven pages long, it's quite interesting.
10 It says that the special administrator appointment
11 is on appeal, and during the pendency of that
12 appeal, I'm appointing the exact same guy to the
13 exact same position of power that's on appeal, and
14 by the way, this is a temporary order, and it's not
15 appealable. It's clear that the intent of the
16 Court here was to accomplish exactly what was being
17 accomplished by the first order. Instead of
18 calling it a "permanent order," they are calling it
19 a "temporary order." And instead of establishing
20 it as the third time that Mr. Gibson was appointed,
21 they are saying we're just lifting the stay
22 effective on the second time he was appointed. And
23 it's a blatant violation of the subject matter
24 jurisdiction of the court.

25 Rule 205 and Rule 241, I've been with them

1 for a long time, Judge. They are very clear.
2 Anything affecting the matter on appeal is subject
3 to the exclusive jurisdiction of the appellant
4 court. And you can't just keep doing exactly what
5 you want to do and disregard the appellant
6 authority of the court because you feel like it.
7 That's exactly what happened here, Judge.

8 My position on this is that it is probably
9 due to inexperience at the court level with this
10 particular individual involved, but this is a
11 blatant attempt to cease the power of the appellant
12 court back and ignore its duties. This order was
13 issued without jurisdiction to do so because the
14 authority does not extend to mooted the issue on
15 appeal. They did it not once, Judge, they did it
16 twice. That's why there is four appeals pending.
17 There is the initial appeal, and then three appeals
18 where the Court attempted three times after the
19 original appeal to circumvent the stay on appeal.
20 I've never seen anything like it, Your Honor.

21 THE COURT: All right. Is there -- you all
22 have filed the motions and I think briefs in
23 support. Is there any other pending matters or
24 pending briefs or anything like that that you all
25 seek at this point?

1 MS. PALMER: No, Your Honor, not from me.

2 MR. FERRARA: As I understand it, Your Honor,
3 if you grant the motion to dismiss, then that would
4 end -- that would end this appeal. But if you deny
5 the motion to dismiss, Your Honor, I think Ms.
6 Palmer and I would move on to briefing and, you
7 know, my deadline would be triggered upon the
8 ruling from this Court if you denied the motion to
9 dismiss.

10 MR. LEQUIERE: My only additional comment,
11 Your Honor, is if the motion to dismiss were denied
12 today, by the time this comes back up on the docket
13 again, it very well might be mooted by the remand
14 of the original appeal. Because if the original
15 issue is decided, then this would become an
16 nullity. Maybe that should be the avenue that is
17 looked at because of judicial economy.

18 THE COURT: All right. Thank you.

19 And, yeah, that was part of my earlier
20 question. I think I understand it better now, but
21 thank you.

22 Okay. All right. Thank you all. I'll -- I
23 won't rule from the bench at this moment. I'm
24 going to review everything that you all had to say,
25 as well as the filings. Like I said, I had a

1 chance to read and look through most of it, but I
2 can look through it better now and will do that.
3 And I'll let you all know shortly. I'll either
4 reach out to have orders drafted or issue something
5 myself, but I'll try to do that as quickly as
6 possible so that you all can move forward, okay.

7 MS. PALMER: Thank you, Your Honor.

8 THE COURT: Thank you all.

9 (Whereupon, the Webex audio/video concluded.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CERTIFICATE OF TRANSCRIBER

Case Name: Bayard Pickett v. Laura Jones, et. al

Case No.: 2024-CP-10-01509

Date of Hearing: September 24, 2024

* * * * *

I, Natalie Dahl, 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.**

I do further certify that I am neither of kin, counsel, nor have interest to any party hereto.

Natalie Dahl, RPR

Natalie Dahl, Registered Professional
Reporter and transcriber for the State of
South Carolina



Outlook

South Carolina E-Filing Notification - Case Document Filing Status

From noreply@ez-filing.net <noreply@ez-filing.net>**Date** Fri 9/22/2023 10:16 AM**To** Paul Ferrara <paul@ferraralawfirm.net>; Janel Ferrara <janel@ferraralawfirm.net>; Paralegal <paralegal@ferraralawfirm.net>**Account with ez-filing.net**

Your subsequent document(s) for 'Charleston - Estates - STANDARD ESTATE INTESTATE' Case# 2019es1000394 has been submitted to the county for approval.

You will receive another email when your document has been accepted or denied.

■

STATE OF SOUTH CAROLINA
COUNTY OF: CHARLESTON

IN THE PROBATE COURT

INVENTORY AND APPRAISEMENT

☒ ORIGINAL

☐ AMENDED #

(must restate the unchanged information from the original Inventory)

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

CASE NUMBER: 2019-ES-10-00394

File the original Inventory and Appraisal with the Probate Court within ninety (90) days following the fiduciary appointment. A copy shall be sent to each interested person who has demanded it. A Proof of Delivery must be filed with the Court. The gross fair market value of all probate assets, regardless of location (whether in this state or elsewhere), should be listed as of the date of death. Continue on additional sheets if necessary. An Amended Inventory should be utilized for correcting, adjusting or adding to an original inventory, and must restate the unchanged information from the original Inventory. A qualified and disinterested appraiser may be employed to ascertain the value of any asset. If an appraiser is employed, his/her name and address must be indicated with the item or items he/she appraised.

EZ FILING

PROBATE COURT

CHARLESTON COUNTY, SOUTH CAROLINA

2019ES1000394

9/22/2023 10:15AM

RECAPITULATION

	Non-Probate (OPTIONAL)	Probate
Schedule A - Real Estate		\$4,000,000.00
Schedule B - Stocks and Bonds		\$
Schedule C - Notes Due Decedent and Cash		\$84,963.38
Schedule D - Insurance on Decedent's Life - Part 1 - Payable to Estate		\$
Part 2 - Payable to Beneficiary	\$	
Schedule E - Jointly Owned Property	\$	
Schedule F - Other Miscellaneous Assets Payable to Estate		\$5,000.00
Schedule G - Transfers During Decedent's Life	\$	\$
Schedule H - Powers of Appointment	\$	\$
Schedule I - Annuities and Retirement Accounts	\$	\$
GROSS VALUE OF PROBATE ESTATE		\$4,089,963.38

The undersigned, being sworn, states: That the following schedules contain a complete and accurate inventory and appraisal of all probate real and personal property of this estate so far as the undersigned is informed; that he/she has estimated and/or appraised all listed property at its fair market value, according to the best of his/her knowledge and ability.

SWORN to before me this 22 day of September 2023

Tina M. Markferding
Notary Public for South Carolina
My Commission Expires: 12-30-29

Personal Representative

Signature: Scott Pickett

Print Name: Bayard Scott Pickett, Jr.

Address: 4816 Thoroughgood Drive

Virginia Beach, VA 23455

Telephone (Work): 757-718-6500

(Home):

(Cell):

(Email): bayardpickettjrinc@gmail.com

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

Attorney:

Address:

Telephone:

Email:

Co-Personal Representative

Signature (if applicable)

Name:

Address:

Telephone (Work):

Telephone (Home):

(Cell):

(Email):

WHEN COMPLETING THE FOLLOWING SCHEDULES LIST ALL PROBATE ASSETS, REGARDLESS OF LOCATION. ALL OUT-OF-STATE PROBATE ASSETS MUST BE DISCLOSED. NON-PROBATE PROPERTY NEED NOT BE DISCLOSED.

SCHEDULE A – REAL ESTATE. List below any real estate in Decedent's name alone or tenants in common (not as joint with right of survivorship or tenants in the entirety). Describe each property by listing its full address, tax map number, deed book and page, and description consistently (for example: house, lot, buildings, acreage). Also list oil/mineral rights and time shares if it is real property. If none, so state. If the property is encumbered, list the full fair market value of the property here and the encumbrance on the Encumbrance Schedule below. (For jointly owned property **with right of survivorship**, you may list in Schedule E.)

Item No.	Description	% owned by Decedent	Fair Market Value	Value of Decedent's interest
1.	213 & 215 King Street	100%	\$4,000,000.00	
	Tax Map Number: 532-05-00-002 & 200			4,000,000.00
2.	Tax Map Number:			
3.	Tax Map Number:			

TOTAL SCHEDULE A \$ 4,000,000.00
(also enter under recapitulation, page 1)

SCHEDULE B – STOCKS AND BONDS. List below all stocks and bonds in the Decedent's name alone or tenants in common (not as joint with right of survivorship). Identify each type of security and the number of shares. If none, so state. (For jointly owned property **with right of survivorship**, you may list in Schedule E.)

Item No.	Description	Face Value	Appraised Value
1.	None		
2.			
3.			
4.			

TOTAL SCHEDULE B \$
(also enter under recapitulation, page 1)

SCHEDULE C – CASH, BANK ACCOUNTS, NOTES RECEIVABLES. List all bank accounts owned by Decedent alone or as tenants in common (checking, savings, CDs, money market, brokerage, employment bonus, cash award, final paycheck, etc.), cash on hand, notes payable to Decedent, and survival action proceeds. If none, so state. List each separate account type and institution and last two digits of the account. (For jointly owned property **with right of survivorship**, you may list in Schedule E.)

Item No.	Description	Value
1.	100% of BOA acct 435025411485 - Est of Bayard Scott Pickett	\$84,963.38
2.		
3.		

TOTAL SCHEDULE C \$ 84,493.38
(also enter under recapitulation, page 1)

SCHEDULE D - LIFE INSURANCE (If none, so state.)

Part 1 - Life Insurance – List the insurance on the life of the Decedent which is payable to the Estate.

Item No.	Description	Value
1.	None	
2.		
3.		

TOTAL PART 1 \$

(also enter under recapitulation, page 1)

(If more space is required, insert additional sheets of same size.)

Part 2 (OPTIONAL) - You may list here the insurance on the life of the Decedent which is payable to beneficiaries.

Item No.	Description	Beneficiary	Value
1.	None		
2.			
3.			

TOTAL PART 2

\$ _____

(also enter under recapitulation, page 1)

SCHEDULE E - (OPTIONAL) JOINT WITH RIGHT OF SURVIVORSHIP— You may list below any non-probate property jointly owned by the Decedent with another with right of survivorship. List each separate account type and institution and the last two digits of each account.

Item No.	Description	Joint Owner(s)	Percentage Includible	Value of Decedent's Interest
1.	None	t		
2.				
3.				

\$ _____

TOTAL SCHEDULE E

(also enter under recapitulation, page 1)

SCHEDULE F – OTHER MISCELLANEOUS ASSETS PAYABLE TO ESTATE. List below any tangible personal property, including household goods & furnishings, vehicles, boats/motors/trailers, mobile homes that are not de-titled (Include year/make/model/VIN, if applicable), airplanes, equipment, interest in a partnership or unincorporated business, articles or collections having either artistic or intrinsic value, including coins, guns, artwork, jewelry, etc., and any other miscellaneous probate items not listed elsewhere, including any digital assets. If none, so state. (For jointly owned tangible personal property with right of survivorship, you may list in Schedule E.)

Item No.	Description	Value
1.	Personal Property consisting of household furnishings	\$5,000.00
2.		
3.		
4.		
5.		

TOTAL SCHEDULE F

\$ 5,000.00

(also enter under recapitulation, page 1)

NOTE: FOR SCHEDULES G, H, AND I. LIST VALUES ONLY IF PAYABLE TO ESTATE.

SCHEDULE G – TRANSFERS DURING DECEDENT'S LIFE. List any transfers intended to take effect at death if such property is payable to the Estate. You may list in the "Optional" section below any non-probate transfers intended to take effect at death not payable to the Estate, including United States Government Bonds "Payable on Death," accounts which are "Transfer on Death," a trust created by Decedent in which income for life was retained by the Decedent, power to revoke or other incidents of ownership retained by the Decedent, lifetime transfers of real property in which Decedent retained life estate, etc. If none, so state.

List date and type of transfer and list total amount payable to estate:

1.	None	
2.	\	

(OPTIONAL) describe and list amounts not payable to estate:

1.		
2.		

TOTAL SCHEDULE G

\$ _____

(also enter under recapitulation, page 1)



Outlook

South Carolina E-Filing Notification - Case Document Filing Status

From noreply@ez-filing.net <noreply@ez-filing.net>

Date Fri 9/22/2023 10:30 AM

To Paul Ferrara <paul@ferraralawfirm.net>; Janel Ferrara <janel@ferraralawfirm.net>; Paralegal <paralegal@ferraralawfirm.net>

Account with ez-filing.net

Your subsequent document(s) for 'Charleston - Estates - STANDARD ESTATE INTESTATE' Case# 2023ES1000777 has been submitted to the county for approval.

You will receive another email when your document has been accepted or denied.

EZ FILING
PROBATE COURT
CHARLESTON COUNTY, SOUTH CAROLINA
IN THE PROBATE COURT

9/27/2023 5:12PM

ACCOUNTING

STATE OF SOUTH CAROLINA)

COUNTY OF: CHARLESTON)

IN THE MATTER OF:)

VERONIQUE H. W. PICKETT)
(Decedent))

CASE NUMBER: 2019-ES-10-00394

☒
☐

FINAL
INTERIM # _____

The undersigned Personal Representative(s) submits this accounting, which covers the period from 12/18/2018 through 09/20/2023.

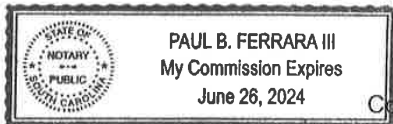
The documentation on the following page(s) of this form sets forth a complete accounting for the period specified, which is summarized as follows:

Beginning Balance from Inventory(ies) or prior Interim Accounting, if applicable	\$4,084,963.37
Plus: Receipts (Rent, Refunds, Dividends, Interest, etc.)	\$133,095.53
Subtotal	\$4,218,058.90
Less: Disbursements and Distributions	\$2,830,909.27
Ending Balance	\$1,387,149.63

The Personal Representative(s) declares that this account has been examined and that its contents represent a correct statement of all receipts and disbursements and are true to the best knowledge and belief of the Personal Representative(s).

SWORN to before me this 21st day of September, 2023

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



SWORN to before me this _____ day of _____, 20____

Notary Public for South Carolina
My Commission Expires: _____

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

Co-Personal Representative Signature: _____
Print Name: _____
Address: _____
Telephone (Work): _____
(Home): _____
(Cell): _____
Email: _____

**ESTATE OF VERONIQUE PICKET
CASE # 2019-ES-10-00394**

DATE	\$	PAYEE	BANK	
9/5/23	\$ 150.00	AMES LAWSON CK1115	ATLANTIC	
2/12/22	\$ 2,500.00	ATTY FLFA		5092
6/12/20	\$ 2,500.00	ATTY FLFA		5092
4/5/23	\$ 2,770.59	ATTY FLFA		5092
9/19/23	\$ 5,000.00	ATTY FLFA CK 1119	ATLANTIC	
5/17/19	\$ 8,032.15	ATTY WOMBLE, BOND, DICKINSON		5092
1/31/19	\$ 1,000.00	ATTY WOMBLE, BOND, DICKSON -		1485
3/27/23	\$ 3.00	BANK FEE		5038
4/24/20	\$ 3.00	BANK FEE		5038
1/7/19	\$ 75.00	BANK FEE		1485
7/25/23	\$ 3.00	BANK FEE		5038
1/26/20	\$ 26.10	BANK FEE		5092
2/24/20	\$ 3.00	BANK FEE		5092
3/25/20	\$ 3.00	BANK FEE		5092
5/22/20	\$ 3.00	BANK FEE		5092
6/24/20	\$ 3.00	BANK FEE		5092
7/27/20	\$ 3.00	BANK FEE		5092
9/24/20	\$ 3.00	BANK FEE		5092
10/25/20	\$ 3.00	BANK FEE		5092
7/25/21	\$ 3.00	BANK FEE		5092
11/22/21	\$ 3.00	BANK FEE		5092
12/27/21	\$ 3.00	BANK FEE		5092
2/22/22	\$ 3.00	BANK FEE		5092
3/25/22	\$ 3.00	BANK FEE		5092
5/24/22	\$ 3.00	BANK FEE		5092
6/24/22	\$ 3.00	BANK FEE		5092
7/25/22	\$ 3.00	BANK FEE		5092
11/24/22	\$ 3.00	BANK FEE		5092
7/25/23	\$ 3.00	BANK FEE		5092
4/18/19	\$ 26.04	BANK FEE CHECKS		5092
7/18/19	\$ 30.00	BANK FEE WIRE TNS FEE		5092
7/22/19	\$ 550.00	BRADY PUTMAN - 213/215 KING		5092
8/24/23	\$ 2,500.00	C. HUMPHREYS (CPA) CK 1107	ATLANTIC	
10/23/19	\$ 24,010.00	CHARLESTO CO DES PMT		5092
8/26/20	\$ 89.00	COMCAST		5038
12/23/19	\$ 179.24	COMCAST		5092

9/26/20	\$	89.00	COMCAST	5092
10/28/20	\$	95.91	COMCAST	5092
8/19/21	\$	99.99	DAR ROBERT (MOBILE SCAN TO D	5092
9/5/23	\$	1,200.00	DENNY GACIA CK 1114 ATLANTIC	
8/30/23	\$	275.00	DEREK HILTON(D.WALL) CK 1110 ATLANTIC	
11/6/19	\$	435.40	DOMINION	5038
1/2/20	\$	656.30	DOMINION	5092
1/23/20	\$	470.18	DOMINION	5092
3/6/20	\$	225.00	DOMINION	5092
3/25/20	\$	241.28	DOMINION	5092
5/15/20	\$	166.72	DOMINION	5092
9/2/20	\$	600.00	DOMINION	5092
9/2/20	\$	484.01	DOMINION	5092
9/24/20	\$	499.71	DOMINION	5092
9/24/20	\$	35.81	DOMINION	5092
11/6/19	\$	3.00	DOMINION BILL MATRIX	5038
1/23/20	\$	3.50	DOMINION BILL MATRIX	5092
9/2/20	\$	3.50	DOMINION BILL MATRIX	5092
9/2/20	\$	3.50	DOMINION BILL MATRIX	5092
9/24/20	\$	3.50	DOMINION BILL MATRIX	5092
9/24/20	\$	3.50	DOMINION BILL MATRIX	5092
11/4/19	\$	636.30	DOVENMUEHLE MTG	5038
1/2/19	\$	646.13	DOVENMUEHLE MTG	1485
2/4/19	\$	646.13	DOVENMUEHLE MTG	1485
3/4/19	\$	646.13	DOVENMUEHLE MTG	1485
4/2/19	\$	656.30	DOVENMUEHLE MTG	1485
4/26/19	\$	667.80	DOVENMUEHLE MTG	5092
6/20/19	\$	1,312.60	DOVENMUEHLE MTG	5092
7/2/19	\$	656.30	DOVENMUEHLE MTG	5092
8/2/19	\$	656.30	DOVENMUEHLE MTG	5092
9/3/19	\$	656.30	DOVENMUEHLE MTG	5092
10/2/19	\$	656.30	DOVENMUEHLE MTG	5092
12/2/19	\$	656.30	DOVENMUEHLE MTG	5092
1/2/20	\$	656.30	DOVENMUEHLE MTG	5092
2/3/20	\$	656.30	DOVENMUEHLE MTG	5092
3/2/20	\$	656.30	DOVENMUEHLE MTG	5092
4/2/20	\$	1,125.56	DOVENMUEHLE MTG	5092
5/4/20	\$	1,125.56	DOVENMUEHLE MTG	5092
6/2/20	\$	1,125.56	DOVENMUEHLE MTG	5092
7/2/20	\$	1,125.56	DOVENMUEHLE MTG	5092

8/3/20	\$	1,125.56	DOVENMUEHLE MTG		5092
9/2/20	\$	1,125.56	DOVENMUEHLE MTG		5092
9/19/23	\$	5,485.00	EAST COAST CENTER DR CHICKY CK 1118	ATLANTIC	
8/31/23	\$	2,297.73	FLOOR & DECOR CK 1112	ATLANTIC	
12/28/18	\$	10,751.00	FUNERAL EXP J HENRY STUHR - V.		1485
6/1/21	\$	2,326.48	FUNERAL EXP THE MEMORIAL SHC		5092
1/22/19	\$	300.00	GEORGE BALLER		1485
8/31/23	\$	1,619.14	HOTEL FOR KATY CK 1113	ATLANTIC	
7/12/19	\$	3,429.00	INS FLOOS INS PREMIUM		5092
9/27/19	\$	51.25	INS LINCOLIN - PMT JP5195151		5092
3/15/23	\$	153.75	INS LINCOLN NATIONAL CK # 1024		5092
6/15/23	\$	700.00	INS LINCOLN NATIONAL CK # 1105		5092
1/31/19	\$	51.25	INS LINCOLN NATIONAL LIFE - JP51		1485
7/15/23	\$	51.25	INS LINCOLN NATL CK # 1106		5092
2/15/23	\$	500.00	INS LINCOLN PMT.		5092
12/31/18	\$	200.00	JOHN BURWELL - VERONIQUE		1485
8/24/23	\$	3,500.00	K. ANDERSON CK 1108	ATLANTIC	
8/30/23	\$	3,000.00	K. ANDERSON CK 1111	ATLANTIC	
9/18/23	\$	2,000.00	K. ANDERSON CK 1117	ATLANTIC	
8/9/23	\$	10,000.00	KATY FROM LAQUIERE LF	ATLANTIC	
1/18/19	\$	4,000.00	LAURA JONES		1485
3/11/22	\$	50,010.00	LAURA JONES - \$50K + \$10 FEE	ATLANTIC	
6/17/22	\$	50,010.00	LAURA JONES - \$50K + \$10 FEE	ATLANTIC	
12/27/18	\$	500.00	LAURA JONES - KATY		1485
10/20/21	\$	35,000.00	LAURA JONES.	ATLANTIC	
4/9/19	\$	900.00	MCGINNIS APPRSL SVS, LLC		5092
12/23/19	\$	220.32	MT. PL. WATER		5092
9/25/20	\$	66.47	MT. PL. WATER		5092
4/29/19	\$	900.34	CK # 1003		5092
3/31/20	\$	1,105.00	CK # 1061		5092
7/25/22	\$	273.67	CK # 1126		5092
11/24/22	\$	6,668.05	CK # 1129		5092
11/29/19	\$	500.00	PAM PICKETT		5092
10/11/19	\$	2,428.91	PAM PICKETT -		5092
9/26/19	\$	1,200.00	PAM PICKETT - 213 KING		5092
11/15/19	\$	500.00	PAM PICKETT - 213 KING		5092
11/18/19	\$	1,000.00	PAM PICKETT - 213 KING		5092
12/20/19	\$	200.00	PAM PICKETT - CURTAINS		5092
11/13/19	\$	2,000.00	PAM PICKETT - DEPOSIT		5092
8/8/19	\$	1,400.00	PAM PICKETT - GUTTERS & MOLD		5092

9/16/19	\$ 725.00	PAM PICKETT - LAWN & HURRICAN	5092
1/23/19	\$ 1,000.00	PAM PICKETT - NIQUES PAPER	1485
9/16/19	\$ 700.00	PAM PICKETT - PAY BACK	5092
1/16/19	\$ 1,000.00	PAM PICKETT - WORK ON ESTATE 1	1485
11/22/21	\$ 99.99	PAM PICKETT REIMB MOBILE SCAM	5092
8/26/20	\$ 1,000.00	PAM PICKETT-REIMB CREDIT CARD	5092
9/11/20	\$ 600.00	PAM PICKETT-RENT VEHICLE	5092
11/5/20	\$ 435.56	PENN CREDIT VIRG DES PMT	5092
5/25/20	\$ 125.00	PHILLIP HEATH	5092
10/8/19	\$ 225.00	PICKETT - 213/215 KING	5092
7/10/19	\$ 530.00	PICKETT LAWN CARE	5092
7/27/20	\$ 625.00	PICKETT LAWN CARE	5092
8/5/19	\$ 1,425.00	PICKETT LAWN CARE - INV # 2961	5092
11/25/19	\$ 305.00	PICKETT LAWN CARE 213/215/ KIN	5092
5/5/20	\$ 224.10	RAQUEL ZERBAND	5092
11/19/19	\$ 1,000.00	RAQUEL ZERBONIA - PAY BACK	5092
5/5/20	\$ 225.00	ROBERT CARR	5092
3/21/19	\$ 750.00	ROBINSON TAXES - PERSONAL TAX	1485
8/28/23	\$ 3,105.77	RPG PLUMBING CK 1109 ATLANTIC	
9/12/23	\$ 590.65	RPG PLUMBING CK 1116 ATLANTIC	
9/18/23	\$ 836.59	S. PICKETT-HOME DEPOT CK 1120 ATLANTIC	
9/16/19	\$ 650.00	SAM PICKETT - WORK ON 213 KING	5092
9/4/20	\$ 75.00	SCOTT PICKETT	5092
4/29/19	\$ 1,835.00	SCOTT PICKETT - LAWN CARE	5092
5/14/19	\$ 1,000.00	SCOTT PICKETT - SC TRIP	5092
9/1/20	\$ 650.00	SCOTT PICKETT-LAWN CARE	5092
1/9/20	\$ 3,000.00	SEABREEZE CONST	5092
2/27/20	\$ 2,000.00	SEABREEZE CONST	5092
10/1/19	\$ 1,000.00	SEABREEZE CONST - 213 KING	5092
9/16/19	\$ 500.00	SEABREEZE CONST - PAY BACK 213	5092
5/23/19	\$ 3,000.00	SEABREEZE CONST 213/215 KING	5092
5/3/19	\$ 2,000.00	SEABREEZE CONST PAM PAYBACK	5092
9/9/19	\$ 500.00	SEAGREEZ CONST - LAWYER	5092
9/9/19	\$ 1,500.00	SEAGREEZ CONST - TIP	5092
5/4/20	\$ 700.00	SERGIO FRANCISCO	5092
5/17/20	\$ 400.00	SERGIO FRANCISCO	5092
7/22/19	\$ 2,100.00	SERGIO FRANCISCO - 213/215 KING	5092
11/18/19	\$ 250.00	SERGIO FRANCISCO - 213/215 KING	5092
10/16/20	\$ 800.00	SHIRLEY DECKER	5092
12/8/21	\$ 1,400.00	SHIRLEY DECKER	5092

5/20/22	\$ 400.00	SHIRLEY DECKER	5092
3/15/23	\$ 400.00	SHIRLEY DECKER CK # 1098	5092
4/29/19	\$ 800.00	SHIRLEY DECKER - TAX & ACCOUNT	5092
5/14/19	\$ 539.00	TAXE US DEPT TRSRY - 2014 1040	5092
1/15/20	\$ 15,592.00	TAXES CHARLESTON CO TAXES	5092
12/21/18	\$ 23,653.00	TAXES CHARLESTON CO TREASURE	1485
12/21/18	\$ 15,361.00	TAXES CHARLESTON CO TREASURE	1485
5/17/19	\$ 479.00	TAXES DPT TAXATION - 2014 VA76	5092
5/17/19	\$ 619.00	TAXES DPT TAXATION - 2015 VA76	5092
7/17/19	\$ 669.00	TAXES DPT TAXATION - 2016 VA76	5092
5/17/19	\$ 697.00	TAXES DPT TAXATION - 2017 VA76	5092
5/17/19	\$ 498.00	TAXES DPT TAXATION - 2018 VA76	5092
5/14/19	\$ 7,070.00	TAXES IRS - 2017 1040	5092
10/28/19	\$ 997.12	TAXES IRS - 2017 249540313	5092
5/5/19	\$ 93.00	TAXES US DEPT TRSRY - 2012 FORM	5092
10/4/19	\$ 354.16	TAXES US DEPT TRSRY - 2014 249-5	5092
5/14/19	\$ 2,155.00	TAXES US DEPT TRSRY - 2016 1040	5092
10/29/19	\$ 2,510.13	TAXES US DEPT TRSRY - 2016 249-5	5092
5/14/19	\$ 5,294.00	TAXES US DEPT TRSRY - 2018 1040	5092
10/14/21	\$181,982.00	TAXES US TREASURY ATLANTIC	
10/30/19	\$ 470.51	TAXES US TRSRY - 2018 249540213	5092
4/13/22	\$ 325.00	THE MEMORIAL SHOP	5092
7/9/19	\$ 1,123.00	TLM - 213/215 KING	5092
2/4/19	\$ 11,960.02	USAA - 00723991 CARD BAL	1485
2/22/22	\$ 751.95	VA DEPT OF TAXATION	5092
6/20/19	\$ 10.18	VA DEPT TNSP	5092
9/8/20	\$ 55.00	ZEKE ABBOTT-MOVING	5092

Totals \$ 591,352.42

9/29/20	\$479,153.70	Settlement Statement	213/215 Closing Costs/Disbursements to
9/29/20	\$880,211.57	Settlement Statement	Scott Pickett
9/29/20	\$440,105.79	Settlement Statement	Kathleen Anderson c/o Laura Jones
9/29/20	\$440,105.79	Settlement Statement	Laura Jones

Total Disbursements \$ 2,830,929.27

ESTATE OF VERONIQUE PICKETT
CASE # 2019-ES-10-00394

DATE	\$	PAYOR	BANK
11/14/19	\$3,312.00	BRIDGEPOINT	5038
1/11/19	\$3,312.00	BRIDEGPOINT	5092
6/13/19	\$6,314.69	BRIDEGPOINT	5092
9/16/19	\$2,852.00	BRIDEGPOINT	5092
1/16/19	\$7,383.00	BRIDGEPOINT	1485
2/14/19	\$7,383.00	BRIDGEPOINT	1485
3/13/19	\$7,383.00	BRIDGEPOINT	1485
4/15/19	\$7,383.00	BRIDGEPOINT	1485
5/14/19	\$7,173.00	BRIDGEPOINT	5092
7/15/19	\$7,383.00	BRIDGEPOINT	5092
8/4/19	\$6,925.50	BRIDGEPOINT	5092
10/16/19	\$7,689.94	BRIDGEPOINT	5092
12/16/19	\$3,012.00	BRIDGEPOINT	5092
1/15/20	\$2,705.75	BRIDGEPOINT	5092
2/21/20	\$2,809.79	BRIDGEPOINT	5092
3/13/20	\$6,628.64	BRIDGEPOINT	5092
4/17/20	\$6,786.23	BRIDGEPOINT	5092
5/15/20	\$10,696.19	BRIDGEPOINT	5092
6/16/20	\$3,268.50	BRIDGEPOINT	5092
7/17/20	\$6,941.82	BRIDGEPOINT	5092
8/13/20	\$1,332.96	BRIDGEPOINT	5092
9/15/20	\$3,312.00	BRIDGEPOINT	5092
4/9/19	\$657.98	COUNTER CREDIT	5092
7/11/19	\$282.07	COUNTER CREDIT	5092
1/9/20	\$207.29	COUNTER CREDIT	5092
12/18/19	\$282.00	DEPOSIT	5092
7/23/20	\$310.20	DEPOSIT	5092
10/1/20	\$620.40	DEPOSIT	5092
10/16/20	\$620.40	DEPOSIT	5092
11/10/20	302.71	DEPOSIT	ATLANTIC
12/30/20	781.16	DEPOSIT	ATLANTIC
2/25/22	\$324.30	DEPOSIT	ATLANTIC
4/25/22	\$338.40	DEPOSIT	5092
6/28/22	\$338.40	DEPOSIT	ATLANTIC
7/28/22	\$352.50	DEPOSIT	ATLANTIC
9/2/22	\$408.90	DEPOSIT	ATLANTIC

12/22/22	\$338.40	DEPOSIT	ATLANTIC
5/4/23	\$352.50	DEPOSIT	ATLANTIC
7/28/23	\$352.50	DEPOSIT	ATLANTIC
10/9/20	\$3,571.00	DEPOSIT USAA INTEREST	ATLANTIC
4/20/23	\$3.84	INTEREST INCOME	3979
5/22/23	\$4.38	INTEREST INCOME	3979
5/23/23	\$1.37	INTEREST INCOME	3979
6/22/23	\$4.25	INTEREST INCOME	3979
7/21/23	\$3.97	INTEREST INCOME	3979
4/1/21	\$324.30	PRUDENTIAL STOCK	5092
10/22/21	\$324.30	PRUDENTIAL STOCK	5092
	\$133,095.53		

HELLMAN YATES & TISDALE

ATTORNEYS AND COUNSELORS AT LAW

HELLMAN YATES & TISDALE, PA
105 BROAD STREET, THIRD FLOOR
CHARLESTON, SOUTH CAROLINA 29401
T 843 266-9099
F 843 266-9188

SELLER'S STATEMENT OF CLOSING COSTS

Purchaser: CJP REALTY, LLC, A SOUTH CAROLINA LIMITED LIABILITY COMPANY
Seller: (i) BAYARD S. PICKETT, JR. A/K/A BAYARD SCOTT PICKETT, JR., AS TRUSTEE OF THE BAYARD SCOTT PICKETT, JR. TRUST AS ESTABLISHED UNDER THE WILL OF BAYARD SCOTT PICKETT, SR. DATED MARCH 31, 1999; (ii) BAYARD S. PICKETT, JR. A/K/A BAYARD SCOTT PICKETT, JR., AS TRUSTEE OF THE BAYARD SCOTT PICKETT, JR. TRUST AS ESTABLISHED UNDER THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999; (iii) BAYARD S. PICKETT, JR. A/K/A BAYARD SCOTT PICKETT, JR. AS THE PERSONAL REPRESENTATIVE OF THE ESTATE OF VERONIQUE H.W. PICKETT; (iv) BAYARD S. PICKETT, JR. A/K/A BAYARD SCOTT PICKETT, JR., INDIVIDUALLY; (v) LAURA V. JONES, AS TRUSTEE OF THE LAURA V. JONES TRUST AS ESTABLISHED UNDER THE WILL OF BAYARD SCOTT PICKETT, SR., DATED MARCH 31, 1999; (vi) LAURA V. JONES, AS TRUSTEE OF THE LAURA V. JONES TRUST AS ESTABLISHED UNDER THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999; (vii) LAURA V. JONES, INDIVIDUALLY; (viii) LAURA V. JONES, AS TRUSTEE OF THE KATHLEEN ELIZABETH ANDERSON TRUST AS ESTABLISHED UNDER THE WILL OF BAYARD SCOTT PICKETT, SR. DATED MARCH 31, 1999; (ix) LAURA V. JONES, AS TRUSTEE OF THE KATHLEEN ELIZABETH ANDERSON TRUST AS ESTABLISHED UNDER THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999; (x) KATHLEEN ELIZABETH ANDERSON, INDIVIDUALLY
Property: 213 & 215 KING STREET, MOUNT PLEASANT, SC 29464
Closing Date: September 29, 2020

PURCHASE PRICE: \$ 4,000,000.00

LESS AMOUNT DUE FROM SELLER:

South State Bank: Mortgage Payoff (Interest thru 10/14/2020)	30,361.58
Ferrara Law Firm, PLLC: Seller's Counsel Fees	4,000.00
Ferrara Law Firm, PLLC: Wire/Courier Fees	150.00
US Department of Treasury: Withholding Taxes	150,000.00
SC DOR: Non-Resident Withholding (Estate of Veronique H.W. Pickett)	12,768.98
SC DOR: Non-Resident Withholding (BSP, Jr. Trust under BSP, Sr. Will)	3,192.24
SC DOR: Non-Resident Withholding (BSP, Jr. Trust under VHWP Will)	3,192.24
SC DOR: Non-Resident Withholding (LVJ Trust under BSP, Sr. Will)	1,596.12
SC DOR: Non-Resident Withholding (LVJ Trust under VHWP Will)	1,596.12
SC DOR: Non-Resident Withholding (KEA Trust under BSP, Sr. Will)	1,596.12
SC DOR: Non-Resident Withholding (KEA Trust under VHWP Will)	1,596.12
Keller Williams Realty: Broker's Commission	90,000.00
Disher, Hamrick & Myers Residential, Inc.: Broker's Commission	120,000.00
Seabreeze Construction: Invoice for Labor (July 18 - 20)	2,520.00
Seabreeze Construction: Invoice for Labor (November 7 - 26)	4,500.00
Seabreeze Construction: Invoice for Labor (September 12 - October 7)	7,200.00
Seabreeze Construction: Invoice for Cleaning Services (January)	200.00
Seabreeze Construction: Invoice for Garbage Management	215.00
Charleston County Taxes 01/01/2020 to 09/29/2020 (213 King)	17,909.09
Charleston County Taxes 01/01/2020 to 09/29/2020 (215 King)	11,630.09
Charleston County Register of Deeds: Memorandum of Trust Recording Fees	70.00
Charleston County Register of Deeds: Deed Recording Fees	30.00
Charleston County Register of Deeds: Deed Stamps	14,800.00
Hellman Yates & Tisdale, PA: Wire Fee	30.00
\$	479,153.70

TOTAL CASH DUE TO SELLER:

\$ 3,520,846.30

DISBURSEMENTS CONTINUED ON FOLLOWING PAGE

[SIGNATURE PAGES TO FOLLOW]

TOTAL CASH DUE TO SELLER:	\$ 3,520,846.30

CASH DUE TO THE ESTATE OF VERONIQUE H.W. PICKETT	\$ 1,760,423.15

CASH DUE TO BAYARD S. PICKETT, JR. A/K/A BAYARD SCOTT PICKETT, JR., AS TRUSTEE OF THE BAYARD SCOTT PICKETT, JR. TRUST AS ESTABLISHED UNDER THE WILL OF BAYARD SCOTT PICKETT, SR. DATED MARCH 31, 1999	\$ 880,211.57

CASH DUE TO LAURA V. JONES, AS TRUSTEE OF THE LAURA V. JONES TRUST AS ESTABLISHED UNDER THE WILL OF BAYARD SCOTT PICKETT, SR. DATED MARCH 31, 1999	\$ 440,105.79

CASH DUE TO LAURA V. JONES, AS TRUSTEE OF THE KATHLEEN ELIZABETH ANDERSON TRUST AS ESTABLISHED UNDER THE WILL OF BAYARD SCOTT PICKETT, SR. DATED MARCH 31, 1999	\$ 440,105.79

[SIGNATURE PAGES TO FOLLOW]

Disbursement in accordance with the above is hereby approved and authorized.

SELLER:

*Bayard S. Pickett Jr. A/K/A
Bayard Scott Pickett Jr. Trust*

BAYARD S. PICKETT, JR. A/K/A BAYARD SCOTT PICKETT,
JR., AS TRUSTEE OF THE BAYARD SCOTT PICKETT, JR. TRUST
AS ESTABLISHED UNDER THE WILL OF BAYARD SCOTT
PICKETT, SR. DATED MARCH 31, 1999

*Bayard S. Pickett Jr. A/K/A
Bayard Scott Pickett Jr. Trust*

BAYARD S. PICKETT, JR. A/K/A BAYARD SCOTT PICKETT,
JR., AS TRUSTEE OF THE BAYARD SCOTT PICKETT, JR.
TRUST AS ESTABLISHED UNDER THE WILL OF VERONIQUE
H.W. PICKETT DATED MARCH 31, 1999

*Bayard S. Pickett Jr. A/K/A
Bayard Scott Pickett Jr. Trust*

BAYARD S. PICKETT, JR. A/K/A BAYARD SCOTT PICKETT,
JR. AS THE PERSONAL REPRESENTATIVE OF THE ESTATE
OF VERONIQUE H.W. PICKETT

*Bayard S. Pickett Jr. A/K/A
Bayard Scott Pickett Jr. Trust*

BAYARD S. PICKETT, JR. A/K/A BAYARD SCOTT PICKETT, JR.,
INDIVIDUALLY

[SIGNATURES CONTINUE ON FOLLOWING PAGE]



LAURA V. JONES, AS TRUSTEE OF THE LAURA V. JONES
TRUST AS ESTABLISHED UNDER THE WILL OF BAYARD
SCOTT PICKETT, SR., DATED MARCH 31, 1999

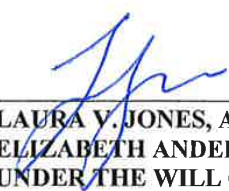


LAURA V. JONES, AS TRUSTEE OF THE LAURA V. JONES
TRUST AS ESTABLISHED UNDER THE WILL OF VERONIQUE
H.W. PICKETT DATED MARCH 31, 1999

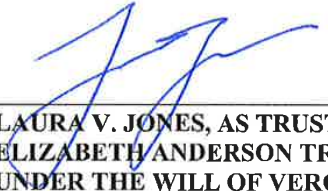


LAURA V. JONES, INDIVIDUALLY

[SIGNATURES CONTINUE ON FOLLOWING PAGE]



LAURA V. JONES, AS TRUSTEE OF THE KATHLEEN
ELIZABETH ANDERSON TRUST AS ESTABLISHED
UNDER THE WILL OF BAYARD SCOTT PICKETT, SR.
DATED MARCH 31, 1999



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



KATHLEEN ELIZABETH ANDERSON, INDIVIDUALLY

HELLMAN YATES & TISDALE

ATTORNEYS AND COUNSELORS AT LAW

HELLMAN YATES & TISDALE, PA
109 BROAD STREET, THIRD FLOOR
CHARLESTON, SOUTH CAROLINA 29401
T 843 266 9099
F 843 266 9188

PURCHASER'S STATEMENT OF CLOSING COSTS

Purchaser: CJP REALTY, LLC, A SOUTH CAROLINA LIMITED LIABILITY COMPANY
Seller: (i) BAYARD S. PICKETT, JR. A/K/A BAYARD SCOTT PICKETT, JR., AS TRUSTEE OF THE BAYARD SCOTT PICKETT, JR. TRUST AS ESTABLISHED UNDER THE WILL OF BAYARD SCOTT PICKETT, SR. DATED MARCH 31, 1999; (ii) BAYARD S. PICKETT, JR. A/K/A BAYARD SCOTT PICKETT, JR., AS TRUSTEE OF THE BAYARD SCOTT PICKETT, JR. TRUST AS ESTABLISHED UNDER THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999; (iii) BAYARD S. PICKETT, JR. A/K/A BAYARD SCOTT PICKETT, JR. AS THE PERSONAL REPRESENTATIVE OF THE ESTATE OF VERONIQUE H.W. PICKETT; (iv) BAYARD S. PICKETT, JR. A/K/A BAYARD SCOTT PICKETT, JR., INDIVIDUALLY; (v) LAURA V. JONES, AS TRUSTEE OF THE LAURA V. JONES TRUST AS ESTABLISHED UNDER THE WILL OF BAYARD SCOTT PICKETT, SR., DATED MARCH 31, 1999; (vi) LAURA V. JONES, AS TRUSTEE OF THE LAURA V. JONES TRUST AS ESTABLISHED UNDER THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999; (vii) LAURA V. JONES, INDIVIDUALLY; (viii) LAURA V. JONES, AS TRUSTEE OF THE KATHLEEN ELIZABETH ANDERSON TRUST AS ESTABLISHED UNDER THE WILL OF BAYARD SCOTT PICKETT, SR. DATED MARCH 31, 1999; (ix) LAURA V. JONES, AS TRUSTEE OF THE KATHLEEN ELIZABETH ANDERSON TRUST AS ESTABLISHED UNDER THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999; (x) KATHLEEN ELIZABETH ANDERSON, INDIVIDUALLY
Property: 213 & 215 KING STREET, MOUNT PLEASANT, SC 29464
Closing Date: September 29, 2020

PURCHASE PRICE: \$ 4,000,000.00

EARNEST MONEY DEPOSIT: \$ 300,000.00

Other Purchaser Costs and Disbursements Made at Closing:

Peabody & Associates, Inc.: As-Built Survey (Inc. #6453)	4,375.00
Atlantic Shield Insurance Group: Insurance Premium (Invoice No.: 1001)	17,406.82
Hellman Yates & Tisdale, PA: Purchaser's Counsel Fee	5,000.00
Hellman Yates & Tisdale, PA: Reimbursement (SC SOS LLC Filing Fees)	145.50
Hellman Yates & Tisdale, PA: Wire & Courier Fee	50.00
First American Title Insurance Company: Title Insurance Premium	7,470.00
First American Title Insurance Company: Title Insurance Binder Fee	250.00
First American Title Insurance Company: Title Abstract	975.00
Charleston County Taxes 01/01/2020 to 09/29/2020 (213 King)	(17,909.09)
Charleston County Taxes 01/01/2020 to 09/29/2020 (215 King)	(11,630.09)
Charleston County Register of Deeds: Deed Recording Fee	15.00

TOTAL DISBURSEMENTS: \$ 6,148.14

CASH DUE FROM PURCHASER: \$ 3,706,148.14

[SIGNATURE PAGE TO FOLLOW]

Disbursement in accordance with the above is hereby approved and authorized.

PURCHASER:

CJP REALTY, LLC, a South Carolina
limited liability company

By: 

Christopher J. Pallotta
Its: Manager

Net to Distribute		\$ 1,380,419.03		Distributions from Trust	
	Proposal for Distribution	Prior Disbursements	Net to Disburse	213/215 King St	
Laura	\$ 345,104.76	\$ (139,520.00)	\$ 205,584.76	440105.79	
Katy	\$ 345,104.76	\$ (34,059.88)	\$ 311,044.88	440105.79	
Scott	\$ 690,209.51		\$ 690,209.51	880211.57	
Totals	\$ 1,380,419.03		\$ 1,206,839.15	Total	1760423.15

Credits		Source
Proceeds from Bayard Scott Pickett Trus	\$ 84,963.37	Bank Acct
213/215 King Street	\$ 4,000,000.00	Settlement Statement
Income from Bridgepoint/Stock	\$ 133,095.53	Credit Exhibit
Subtotals	\$ 4,218,058.90	
Debits		
Closing Costs/Disbursements to 3rd part	\$ 479,153.70	Settlement Statement
Scott Pickett	\$ 880,211.57	Settlement Statement
Kathleen Anderson c/o Laura Jones	\$ 440,105.79	Settlement Statement
Laura Jones	\$ 440,105.79	Settlement Statement
Disbursements from Estate	\$ 591,352.42	Debit Exhibit
Subtotals	\$ 2,830,929.27	
Net in accounts after partial disbursmen	\$ 1,387,129.63	
Laura Advancements	\$ 139,520.00	Laura Disbursements
Kathleen Advancements	\$ 34,059.88	Kathleen Disbursements
Costs of Adminstration- PR Fees	\$ 180,290.48	S.C. Code 62-3-719 (5% of sale proceeds and 5% of personal p
Total to disburse after PR fees	\$ 1,380,419.03	