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May 06 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEAL
Appellate Case No. 2024-001929

George Jenkins, Barry Heyward, Ulysess Heyward, Florine Heyward Pickney, and Eric Ramsey claimants, of whom George Jenkins is the Appellant

George S, Jenkins

Appellant

v

Florence Heyward Davis

Respondent,

DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

Appellant proposed the following to be included in the record on appeal.

1. Last will and Testament of Florine A. Heyward, dated April 3, 1995
2. Last will and testament of Florine A. Heyward, dated November 26, 2003
3. Last will and testament of Fluorine A. Jenkins Heyward, dated October 21, 2019
4. Plaintiff motion to demand a jury trial, dated January 30, 2023
5. Plaintiff Certificate of service dated June 17, 2019
6. Plaintiff emergency motion to reconsider, dated October 29, 2024
7. Order granting summary judgment dated October 29, 2024
8. Trial transcript

Respectfully submitted

May 6, 2026

George S. Jenkins

George S. Jenkins, pro se

1348 S. Sherwood Dr.,

Charleston, SC 2947

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THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEAL

Appellate Case No. 2024-001929

George Jenkins, Barry Heyward, Ulyssess Heyward, Florine Heyward Pickney, and Eric Ramsey claimants, of whom George Jenkins is the Appellant

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Appellant

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Respectfully submitted

May 6, 2026

George S. Jenkins

LAST WILL AND TESTAMENT

OF

FLORINE A. HEYWARD

F.H.

JA DM

Affidavit C:
Will #1

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

KNOW ALL MEN BY THESE PRESENTS that I, Florine A. Heyward, a resident of and domiciled in the County of Charleston, State of South Carolina, being of sound and disposing mind and memory and realizing the uncertainty of life and certainty of death, and desiring to direct what disposition shall be made of my estate following my death, do hereby make, publish and declare this as and for my Last Will and Testament, hereby revoking any and all other Wills or Codicils or instruments of a testamentary nature heretofore made by me.

ITEM 1. I do hereby give, devise and bequeath all of my estate, real, personal and mixed, wheresoever located, of which I may be seized and possessed, or in which I may have any interest at the time of my death as follows:

A: I do hereby give any cash, checking accounts, savings accounts or stocks in the following proportions; one-half to Florence Heyward and the remainder to be divided equally among Ulysses Tyrone Heyward, Darrell Heyward and Lamar A. Heyward, to be theirs absolutely and in fee simple.

B: I do hereby give, devise and bequeath my interest in the

7H JA RM

property known as 1348 S. Sherwood Drive, Charleston, SC to George S. Jenkins, Sr., to be his absolutely and in fee simple.

C: I do hereby give, devise and bequeath the real property located at 5550 Rose Bank to Lamar Heyward and Florence Heyward, in equal shares, to be theirs absolutely and in fee simple.

D: I do hereby give, devise and bequeath the mobile home which is in my name to Darrell Heyward, to be his absolutely and in fee simple.

E: I do hereby give, devise and bequeath my real property located in the State of New York to Maxine Jenkins Ramsey, to be hers absolutely and in fee simple.

F: I do hereby give, devise and bequeath my interest in the hair styling salon to Florence Heyward, to be hers absolutely and in fee simple.

G: I do hereby give to Ulysses Heyward all the property, whether real or personal, located at 5554 Rosebank Road, for his use during his lifetime and at his death, then to Florence Heyward and Lamar Heyward.

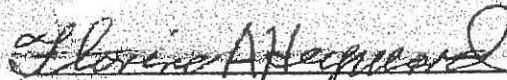
ITEM 2. All the rest and residue be it real, personal or mixed, I do hereby give, devise and bequeath to Lamar Heyward and Florence Heyward, in equal shares, to be theirs absolutely and in fee simple.

ITEM 3. I do hereby direct that my Personal Representative and any person claiming under the terms of this Last Will and Testament abide by the terms of any written instrument signed by me directing the disposition of tangible personal property to named devisees in

existence at the time of my death.

ITEM 4. I hereby name, nominate, constitute and appoint as Representative of my estate, Florence Heyward. In the event that she does not qualify to serve, I name, nominate, constitute and appoint as substitute or successor Representative of my estate, Lamar Heyward. I do further direct that no bond shall be required of my Representative or Successor Representative for the satisfactory performance of their duties, and I do hereby grant unto them all the powers necessary to carry out the provisions and intentions of this my Last Will and Testament.

I, Florine A. Heyward, the testatrix, sign my name to this instrument this 3 day of April, 1995, 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.


FLORINE A. HEYWARD

We, Dee Dee Murray and Tricia Nagar,
the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare 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's signing, and that to the best of our knowledge the testatrix is eighteen years of age or older, of sound mind, and under no constraint or undue influence.

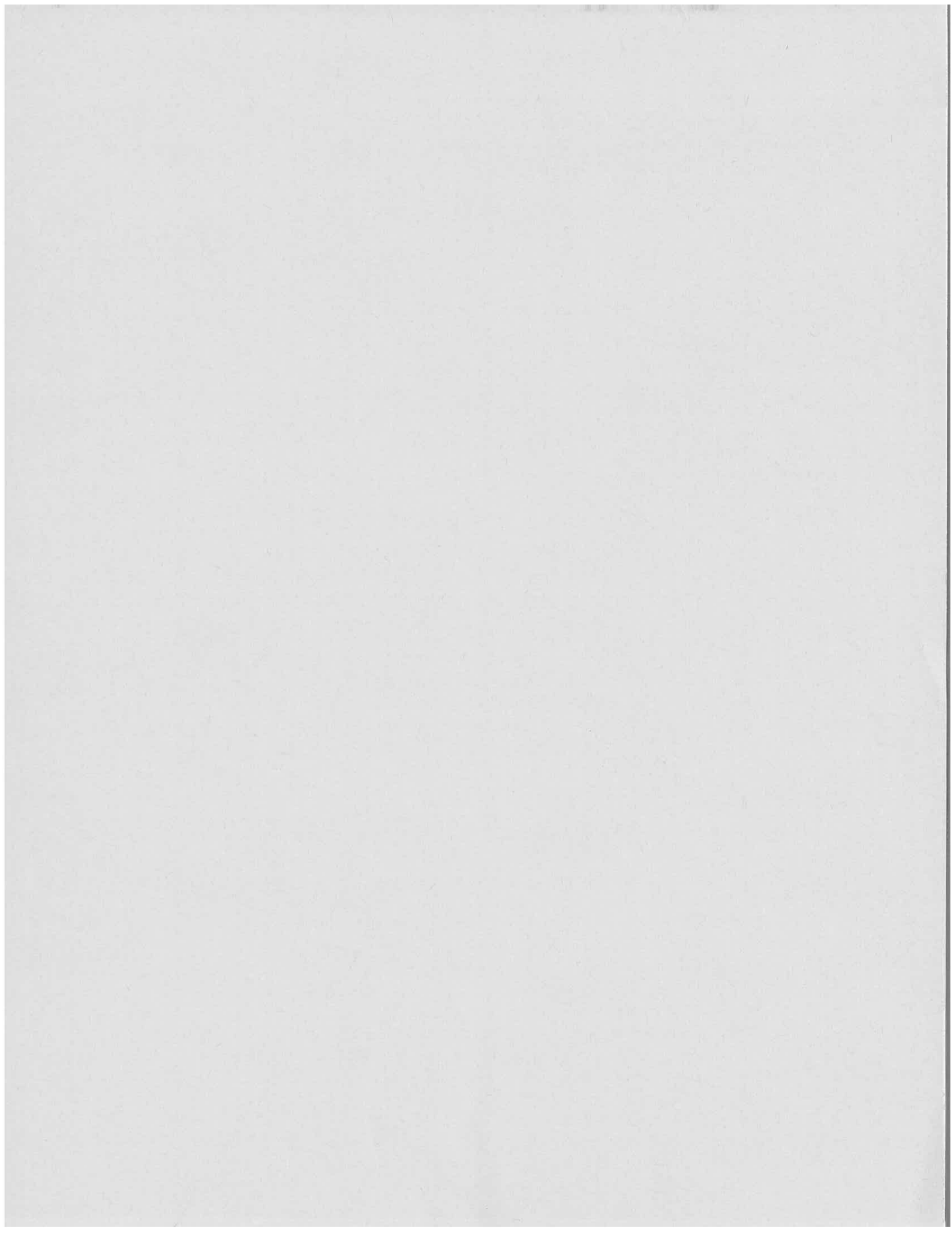
Dee Dee Murray
Witness
Tricia Hager
Witness

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

Subscribed, sworn to, and acknowledged before me by Florine A. Heyward, the testatrix, and subscribed and sworn to before me by Dee Dee Murray, and Tricia Hager, witnesses, this 3rd day of April, 1995.

[Signature]
NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: 4-14-2003



LAST WILL AND TESTAMENT

OF

FLORINE A. HEYWARD

Affidavit
Will #2

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)
_____)

KNOW ALL MEN BY THESE PRESENTS that I, Florine A. Heyward, a resident of and domiciled in the County of Charleston, State of South Carolina, being of sound and disposing mind and memory and realizing the uncertainty of life and certainty of death, and desiring to direct what disposition shall be made of my estate following my death, do hereby make, publish and declare this as and for my Last Will and Testament, hereby revoking any and all other Wills or Codicils or instruments of a testamentary nature heretofore made by me.

ITEM 1. I do hereby give, devise and bequeath all of my estate, real, personal and mixed, wheresoever located, of which I may be seized and possessed, or in which I may have any interest at the time of my death as follows:

A. I do hereby give any cash, checking accounts, savings accounts or stocks in the following proportions; one-half to Florence Heyward and the remainder to be divided equally among Ulysses Tyrone Heyward, Darrell Heyward and Lamar A. Heyward, to be theirs absolutely and in fee simple.

B: I do hereby give, devise and bequeath my interest in the property known as 1348 S. Sherwood Drive, Charleston, South Carolina to George S. Jenkins, Sr., to be his absolutely and in Fee simple.

[Handwritten signature]

C. I do hereby give, devise and bequeath the real property located as 5550 and 5554 Rose Bank to Lamar Heyward and Florence Heyward, in equal shares, to be theirs absolutely and in fee simple.

D. I do hereby give, devise and bequeath the mobile home which is in my name to Darrell Heyward, to be his absolutely and in fee simple.

E. I do hereby, give devise and bequeath my real property located in the State of New York to Maxine Jenkins Ramsey, to be hers absolutely and in fee simple.

F. I do hereby give, devise and bequeath my interest in the hair styling salon to Florence Heyward, to be hers absolutely and in fee simple.

ITEM 2. All the rest and residue be it real, personal or mixed, I do hereby give, devise and bequeath to Lamar Heyward and Florence Heyward, in equal shares, to be theirs absolutely and in fee simple.

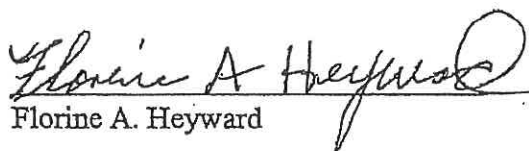
ITEM 3. I do hereby direct that my Personal Representative and any person claiming under the terms of this Last Will and Testament abide by the terms of any written instrument signed by me directing the disposition of tangible personal property to named devisees in existence at the time of my death.

ITEM 4. I hereby name, nominate, constitute and appoint as Representative of my estate, Florence Heyward In the event that she does not qualify to serve, I name, nominate, constitute and appoint as substitute or successor Representative of my estate, Lamar Heyward. I do further direct that no bond shall be required of my Representative or Successor Representative for the satisfactory performance of their duties, and I do hereby grant unto them all the powers necessary to carry out the provisions and intentions of this my Last Will and Testament.

Handwritten signatures of Lamar Heyward and Florence Heyward.

ITEM 4. By way of illustration and not of limitation and in addition to any inherent, implied or statutory powers granted to Personal Representatives generally, my Personal Representative is specifically authorized and empowered to allot, assign, buy, care for, collect, contract with respect to, continue any business of mine, convey, convert, deal with, dispose of, enter into, exchange, hold, improve, incorporate any business of mine, invest, lease, manage, mortgage, grant and exercise options with respect to, take possession of, pledge, receive, release, repair, sell, sue for and in general exercise all the powers in the management of my estate and any property, real or personal, which an individual could exercise in the management of similar property owned in his or her own right, upon such terms and conditions my Personal Representative may deem proper or necessary, without being limited in any way by specific grants of power made and without the necessity of a court order.

I, Florine A. Heyward, the testatrix, sign my name to this instrument this ~~24~~ day of November, 2003, 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.


Florine A. Heyward



We SHANNON R. HARVEY and D NATHAN DAVIS the witnesses, sign our names to this instrument, and at least one of us being first duly sworn, do 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's signing, and that to the best of our knowledge the testatrix is eighteen years of age or older, of sound mind, and under no constraint or undue influence.




Witness



Witness

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

Subscribed, sworn to, and acknowledged before me by Florine A. Heyward, the testatrix, and subscribed and sworn to before me by SHANNON R HARVEY, one of the witnesses, this 7 day of November, 2003.


NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 3/14/13

Affidavit
Will # 3

3

LAST WILL AND TESTAMENT
OF
FLORINE ALETHIA JENKINS HEYWARD

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)
_____)

KNOW ALL MEN BY THESE PRESENTS THAT I, Florine Alethia Jenkins Heyward by my attorney in fact Florence Heyward Davis, a resident of and domiciled in the County of Charleston, State of South Carolina, being of sound and disposing mind and memory and realizing the uncertainty of life and certainty of death, and desiring to direct what disposition shall be made of my estate following my death, do hereby make, publish and declare this as and for my Last Will and Testament, hereby revoking any and all other Wills or Codicils or instruments of a testamentary nature heretofore made by me.

ITEM 1. I do hereby give, devise and bequeath all of my estate, real, personal and mixed, wherever located, of which I may be seized and possessed, or in which I may have any interest at the time of my death as follows:

A. I do hereby give ~~any cash, checking accounts, savings account or stocks in the following proportions; one half to Florence Heyward and the remainder to be divided equally among, Rosalind Heyward, Ulysses T. Heyward and Allen L. Heyward, to be theirs absolutely and in fee simple.~~

B. I do hereby give, devise and bequeath my interest in the property known as 1348 South Sherwood Drive, Charleston, South Carolina to George S. Jenkins, Sr., to be his absolutely and in Fee simple.

C. I do hereby give, devise and bequeath the real property located at 5550 and 5554 Rosebank Road to Florence Heyward to be hers absolutely and in fee simple:

D. I do hereby give, devise and bequeath the mobile home which is in my name to Tonla Frasier Heyward (Darrell Heyward), my daughter in law to be hers absolutely and in fee simple.

E. I do hereby, give, devise and bequeath my real property located in the State of New York to Maxine Jenkins Ramsey, to be hers absolutely and in fee simple.

F. I do hereby give, devise and bequeath my interest in the hair styling salon to Florence Heyward, to be hers absolutely and fee simple.

G. I do hereby, give, devise and bequeath my interest in the real property located at 8 Francesca Avenue, Hanahan, South Carolina to Barry Heyward to be his absolutely and fee simple.

ITEM 2. All the rest and residue be it real, personal or mixed, I do hereby give, devise and bequeath to Florence Heyward and Allen Lamar Heyward in equal shares, to be theirs absolutely and in fee simple.

ITEM 3. I do hereby direct that my Personal Representative and any person claiming under the terms of this Last Will and Testament abide by the terms of any written instrument signed by me or my attorney in fact as so stated directing the disposition of tangible personal property to named devisees in existence at the time of my death.


ITEM 4. I hereby name, nominate, constitute and appoint as Representative of my estate, Florence Heyward. In the event that she does not qualify to serve, I name, nominate, constitute and appoint as substitute or successor Representative of my estate, Allen Lamar Heyward. I do further direct that no bond shall be required of my Representative or Successor Representative for the satisfactory performance of their duties, and I do hereby grant unto them all the powers necessary to carry out the provisions and intentions of this my Last Will and Testament.

ITEM 5. By way of illustration and not of limitation and in addition to any inherent, implied or statutory powers granted to Personal Representatives generally, my Personal Representative is specifically authorized and empowered to allot, assign, buy, care for, collect, contract with respect to, continue any business of mine, convey, convert, deal with, dispose of, enter into, exchange, hold, improve, incorporate any business of mine, invest, lease, manage, mortgage, grant, and exercise options with respect to, take possession of pledge, receive, release, repair, sell, sue for and in general exercise in the management of similar property owned in his or her own right, upon such terms and conditions my Personal Representative may deem proper or necessary, without being limited in any way by specific grants of power made and without the necessity of a court order.

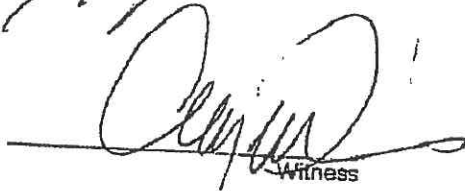
I, Florence Heyward Davis, attorney in fact for Florine Alethia Jenkins Heyward, the testatrix, sign this instrument this 21 day of OCTOBER 2019 and being duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument on behalf of Florine Alethia Jenkins Heyward as the Last Will by the power granted me as her attorney in fact recorded in the RMC Office of Charleston County, State of South Carolina in Book 0275 Page 273 and that I sign it willingly, that I execute it per her instructions since 1997, 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.

Florine Alethia Jenkins Heyward by my Attorney in fact Florence Heyward Davis
Florine Alethia Jenkins Heyward by my Attorney in fact Florence Heyward Davis

We Steven Frazer and Angel Quintero the witnesses, sign our names to this instrument, and at least one of us being duly sworn, do hereby declare, generally and to the undersigned authority, that the testatrix by her attorney in fact signs and executes this instrument as her Last Will and she signs it willingly by her attorney of fact, and that each of us, in the presence of the testatrix, hereby signs this Will as witness to the testatrix's signing, and that to the best of our knowledge the testatrix by her attorney of fact is eighteen years of age or older, of sound mind, and under no constraint or undue influence.



Witness



Witness

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Subscribed, sworn to, and acknowledged before me that Florine Alethia Jenkins Heyward, the testatrix by her Attorney in Fact Florence Heyward Davis and subscribed and sworn to before me by [Signature] one of my witnesses, this 21 day of Oct 2019.



NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: May 17, 2020

STATE OF SOUTH CAROLINA)

COUNTY OF Charleston)

George Jenkins)
Plaintiff,)

vs
Florence Heyward Pauls)
Defendant.)

IN THE COURT OF COMMON PLEAS
_____ JUDICIAL CIRCUIT

CASE NO CP-1019 CP-10-06677

MOTION AND ORDER INFORMATION
FORM AND COVERSHEET

Plaintiff's Attorney: <u>W. S. [Signature]</u> , Bar No. _____ Address: <u>1348 So Sherwood Dr</u> Phone: <u>843 513 0890</u> Fax _____ E-mail: <u>[Signature]</u> Other: _____	Defendant's Attorney: <u>Melena R. Dinwiddie</u> , Bar No. _____ Address: <u>4000-Faber Pl. Charleston SC</u> Phone: <u>843 571 5760</u> Fax _____ E-mail: _____ Other: _____
---	---

MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
 FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
 PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information
 Nature of Motion: demanded for July trial
 Estimated Time Needed: 1 hr Court Reporter Needed: YES / NO

SECTION II: Motion/Order Type
 Written motion attached
 Form Motion/Order
 I hereby move for relief or action by the court as set forth in the attached proposed order.
[Signature] Signature of Attorney for Plaintiff / Defendant Date submitted 1-30-2021

SECTION III: Motion Fee
 PAID - AMOUNT: \$ 25.00
 EXEMPT: (check reason)
 Rule to Show Cause in Child or Spousal Support
 Domestic Abuse or Abuse and Neglect
 Indigent Status State Agency v. Indigent Party
 Sexually Violent Predator Act Post-Conviction Relief
 Motion for Stay in Bankruptcy
 Motion for Publication Motion for Execution (Rule 69, SCRCF)
 Proposed order submitted at request of the court; or,
 reduced to writing from motion made in open court per judge's instructions
 Name of Court Reporter: _____
 Other: _____

JUDGE'S SECTION <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE _____ Date: _____, 20__
---	---------------------------------------

CLERK'S VERIFICATION
 Collected by: _____ Date Filed: _____, 20__
 MOTION FEE COLLECTED: \$ _____
 CONTESTED - AMOUNT DUE: \$ _____

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P., C.S. & F.C.
By [Signature]
DEPUTY CLERK

STATE OF SOUTH CAROLINA) IN THE Probate Court
COUNTY OF CHARLESTON) NINTH JUDICIAL CIRCUIT
George Jenkins,) CASE NO.: 2019-CP-10-06647

Petitioner, pro- Sa

v.

Florence Heyward Davis,
Defendant.

In Re: Florine Alethia Jenkins Heyward
Cas No: 2019-cp-10-06647

) Motion

) demand for jury trial on all matters

) triable in this case

2023 JAN 30 AM 10:17
JULIE L. ARMSTRONG
CLERK OF COURT
BY _____
DGA

FILED

The plaintiff, George S Jenkins, filing the demand In accordance with Rule 5 (d)

Plaintiff hereby preserve their rights, the right to trial by jury as the declared by the seventh amendment of the Constitution or as provided by federal statute.

1, Reserve demand at I received the right do they as a citizen of the United States have a jury to decide the legitimacy of my case in which I have filed in the court. The facts that I have filed in the court in order to prevent my lawyer from being released without hearing my complaints against him that he died misled me and misrepresented the information that was passed on to me I have decided to represent myself pro se which again is my legal rights not only as a citizen but as a holder all of the bronze Star with AV and the Purple Heart awarded to me by the United States government I believe that I am do that them minimum of being able to represent myself before a jury of my peers.

2, I am simply axing the court to grant me the opportunity to be heard and to present my evidence before the jury.

3, I have written to the court and probate on many occasion trying simply to have a hearing see the evidence attacked however the law firm that opposes me is very powerful very much as the verity made ox law firm was very powerful and able to manipulate the court because of their long Jeopardy not based on the true facts of the case I placed before you the evidence of the under justice that I have experience from this law firm and the lawyer that represented, me all Betty had I should say misrepresented me even after I have paid him \$17,000 I got nothing, nothing from this

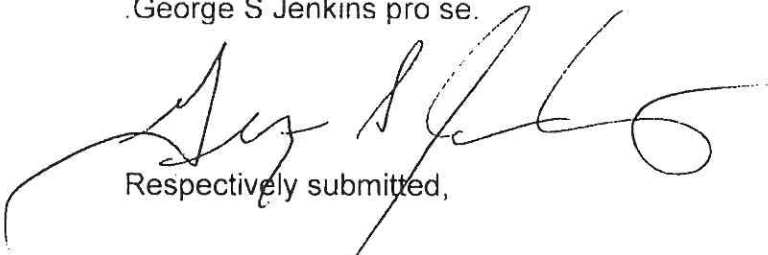
law firm other than being asked for more money, more money, more money I believe all my heart that the lawyer did not work in my interests at all just went along with was laid before him..

I have served this country above and beyond to a point where I am fully disabled because of my service to this country, can I not at least get a jury trial, can the court not at least hear me.

Your Honor I pray you would grant me a jury trial that I have earned as my constitutional right

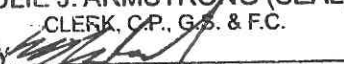
I pray for the relief that I sought in this petition that you would look not at the power of the opposing law firm but look at what is just and right that's all God requires of us all

.George S Jenkins pro se.



Respectively submitted,

George S Jenkins pro- se
George S Jenkins
1348 South Sherwood Dr.
Charleston, SC 29407
telephone number: (843) 813-0640
email: gjen11748@AOL.com

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P., G.S. & F.C.
By 
DEPUTY CLERK

STATE OF SOUTH CAROLINA)
 COUNTY OF Charleston)
George Jenkins)
 Plaintiff,)
 vs.)
Flowers Heyward Pavia)
 Defendant.)

IN THE COURT OF COMMON PLEAS
 JUDICIAL CIRCUIT
 CASE NO.: 2019-CP-10-06647
 MOTION AND ORDER INFORMATION
 FORM AND COVERSHEET

Plaintiff's Attorney: <u>George Jenkins - Pro-se</u> , Bar No. _____ Address: <u>7348 So Shawwood Tr</u> Phone: <u>843 543 0640</u> Fax _____ E-mail: <u>GJEN1745@HOT.COM</u>	Defendant's Attorney: _____, Bar No. _____ Address: _____ Phone: _____ Fax _____ E-mail: _____ Other: _____
--	--

- MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
 FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
 PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information
 Nature of Motion: Emergency Motion to Reconsider
 Estimated Time Needed: 30 min Court Reporter Needed: YES / NO

SECTION II: Motion/Order Type
 Written motion attached
 Form Motion/Order
 I hereby move for relief or action by the court as set forth in the attached proposed order.
 Signature of Attorney for Plaintiff / Defendant [Signature] Date submitted 10-29, 2024

SECTION III: Motion Fee
 PAID - AMOUNT: \$ 25.00
 EXEMPT: (check reason)
 Rule to Show Cause in Child or Spousal Support
 Domestic Abuse or Abuse and Neglect
 Indigent Status State Agency v. Indigent Party
 Sexually Violent Predator Act Post-Conviction Relief
 Motion for Stay in Bankruptcy
 Motion for Publication Motion for Execution (Rule 69, SCRPC)
 Proposed order submitted at request of the court; or,
 reduced to writing from motion made in open court per judge's instructions
 Name of Court Reporter: _____
 Other: _____

JUDGE'S SECTION <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE _____ Date: _____, 20____
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CLERK'S VERIFICATION
 Collected by: _____ Date Filed: _____, 20____
 MOTION FEE COLLECTED: \$ _____
 CONTESTED - AMOUNT DUE: \$ _____

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) NINTH JUDICIAL CIRCUIT
George Jenkins,) CASE NO.: 2019-CP-10-06647
Petitioner, pro- Sa)
v.)
Florence Heyward Davis,) *Emergency:*
Defendant.) *Motion to Reconsider*

FILED
2024 OCT 29 PM 4:52
JULIE J. ARMSTRONG
CLERK OF COURT

I George S. Jenkins pro se asked the court to grant the relief in this motion to stay the decision of summary judgment ordered by the court granted by the judge on October 18, 2024, the court was given information that was fraudulent that misled the judge in his decision to sign the document. We bring to the court the information from the electronic filing and the official records from the court public record index that clearly shows the manipulation by the attorneys to seek the judge decision.

On June 18, 20, 24 at 9:30 AM I appeared before the Hon. Judge Jennifer McCoy, the lawyer for the defendant appeared in the courtroom alone axing the judge for a motion of default, the defense attorney did not come to court prepared for trial. He only came with this paper and made a request to the judge. The judge then asked me a series of questions to which I answered each one I had all my records prepared for trial of those participants in the trial present. Other than Ulysses Heyward, who was also with me. I showed the judge. A copy of the original deed of transfer granted after the defendant lawyer look at the paperwork, I also showed the judge. A copy of a letter that was sent axing that the lower court for up a hearing until after a ruling from the circuit court. That document would show that the delay in the case was because of the interference of the defendant axing for the delay.

Whereas I showed her the judge. A copy of the three wills and the original deed that showed that the land was purchased from George Goldberg by George Jenkins, who then gave the land fluorine Alecia Heyward (my mother) and Maxine Jenkins Ramsey, (my sister) and I explained to the judge that my sister was evicted from her home after left her and her three kids. They lost their home and showed up at my house and live with me for two years, fluorine Alecia Heyward name was only placed on that house

because she was still married to Easton Ramsey. The divorce was not so I put my mother named was only to protect the younger children if something happened to my sister, mother had no monetary investment in this property. Fluorine Alecia Heyward was only a caretaker, for Maxine children. The opening statement in the will is false and clearly not written by someone that knew the history of the property.

Whereas the probate court found all three of the wills to be. It was all dismissed and fluorine Alecia Heyward declared intestate and dismissal. The defendant was ordered by the court to put all the properties that she had acquired as power of attorney and used a quit claim deed to transfer to herself back in the name of Florene Alicia Heyward. All of these were in my possession. On the day that we were in court, and if the court had ordered us to go forward. I was prepared.

Whereas, after judge McCoy listened and read the papers I gave to her. I asked the court to deny the motion before the court. Judge McCoy asked a number of questions. One was when will I be prepared for court, and I responded that I wanted to get a few other subpoenas however the time for discovery has passed,

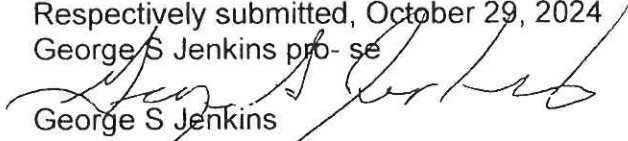
Whereas, when we left the courtroom. We were waiting for the judge to set a new date for a trial in which all of the witnesses would be present by the defendant's lawyer not prepared for trial because he had only prepared to ask the court for default judgment. He fail to have his client in court. The reason that the trial could not go forward was not because of the plaintiff, who was in court and prepared and showed the documents he had to the judge.

Whereas I have requested a copy of the minutes of the hearing, the court allows the person that does the transcribing of the court record 60 days to prepare it and return it back to. Therefore, I am axing the court to stay the motion that she approve set a date for a trial, demanding that all of the witnesses and the defendant be present in the courtroom.

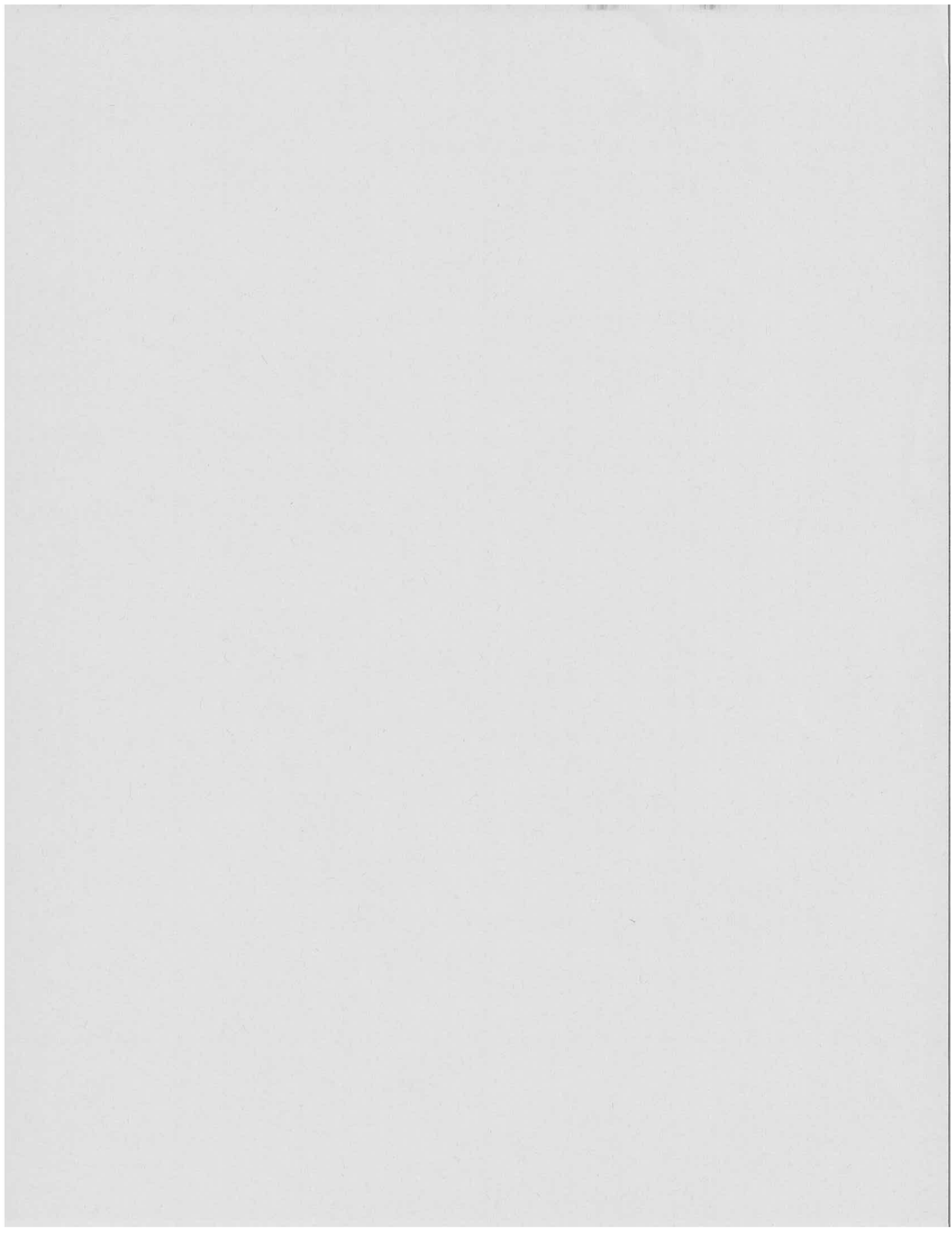
Whereas, the defendant lawyer knew that there were going to be a ruling on the motion he should have his client in the courtroom because the trial was to begin following the ruling this was the arrogance of the lawyer and what cause the judge not to rule or grant him the motion to default judgment at that time.

Your Honor, I pray that you would look at the minutes and see that when I left the courtroom. I was clearly of the opinion that you were going to set a date to come back for trial because it was stated at number of times, how long I needed. Why would you ask me how long I needed to be prepared to go forward. If you are not going to. I was just waiting for you to give a date for us to come back after the delay, I pray you will see that it was the defendant lawyer that was unprepared. I had all my documents and evidence on the desks and could answer all questions were to go forward with the trial on that date. I pray that you would grant me the relief to stay.

Respectively submitted, October 29, 2024
George S Jenkins pro- se

A handwritten signature in black ink, appearing to read "George S. Jenkins", is written over the typed name and address.

George S Jenkins
1348 South Sherwood Dr.
Charleston, SC 29407
telephone number: (843) 813-0640
email: gjen11748@AOL.com



STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
 COUNTY OF CHARLESTON) NINTH JUDICIAL CIRCUIT
 George Jenkins,) CASE NO.: 2019-CP-10-06647
 Petitioner, pro- Sa)
 v.) *Certificate of service*
 Florence Heyward Davis,)
 Defendant.)
))

FILED
 2024 JUN 17 PM 4:36
 JULIE J. AMSTERDAM
 CLERK OF COURT
 MDA

The undersigned hereby state that on the __, 15__ day of __June_____, 2024 he caused a true and correct copy of the order of discovery including all exhibits, to be served upon all interested parties by having the same this Deposited in the United States mail, proper postage affixed thereto, address as following.

Florine Heyward Pinckney
 1225 Fairburn Road apt J2
 Atlanta, GA 30331
 is sick dealing with dementia

Rosalind Heyward
 1922 Gumwood Blvd. Apt D
 North Charleston, SC 29407
 moved to Atlanta no forwarding

Ulysses Heyward
 5554 Rosebank Rd.
 Wadmalaw Island, SC 29487

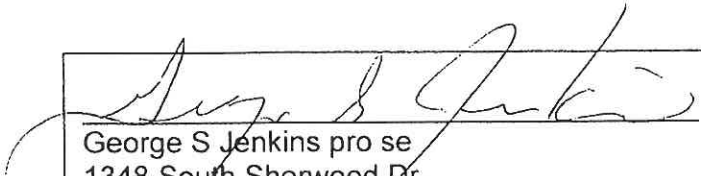
Eric Ramsey
 5901 Oak Leaf Ave.
 Baltimore, MD 21215

Tonia Frasier
 1537 W. Robin Hood Dr.
 Charleston, SC 29407

Barry Heyward
 4138 Rivers Ave.
 North Charleston, SC 29405
 he died on March 9,2024

Allen Lamar Heyward
 5546 Rosebank Rd.
 Wadmalaw Island Charleston,
 SC 29487

Florence Heyward David
 c/o Kinkel law firm
 4000 Faber Place Dr., Suite 450
 Charleston, SC 29405


 George S Jenkins pro se
 1348 South Sherwood Dr.
 Charleston SC 29407
 (843) 813-0640 Email gjen11748@aol.com

STATE OF SOUTH CAROLINA)
COUNTY OF Charleston)

IN THE COURT OF COMMON PLEAS
JUDICIAL CIRCUIT

CASE NO CP-2019-CP-10-06647

George Jenkins
Plaintiff

MOTION AND ORDER INFORMATION
FORM AND COVERSHEET

Florence Heyward Davis
Defendant

Plaintiff's Attorney: <u>W. S. S.</u> Bar No. _____ Address: <u>1378 S. Sherwood Dr.</u> Phone: <u>843 513 0692</u> Fax _____ E-mail: <u>G. Jenkins@748-AD.com</u> Other: _____	Defendant's Attorney: <u>Melissa H. Dinwoodie</u> Bar No. _____ Address: <u>4000 Faber Pl. Charleston SC</u> Phone: <u>843 571 9761</u> Fax _____ E-mail: _____ Other: _____
<input checked="" type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
SECTION I: Hearing Information Nature of Motion: <u>demand for jury trial</u> Estimated Time Needed: <u>1 hr</u> Court Reporter Needed: <input type="checkbox"/> YES / <input type="checkbox"/> NO	
SECTION II: Motion/Order Type <input type="checkbox"/> Written motion attached <input type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order. <u>[Signature]</u> Signature of Attorney for <input type="checkbox"/> Plaintiff / <input type="checkbox"/> Defendant Date submitted <u>1-30-2021</u>	
SECTION III: Motion Fee <input type="checkbox"/> PAID - AMOUNT: \$ <u>25.00</u> <input type="checkbox"/> EXEMPT: (check reason) <input type="checkbox"/> Rule to Show Cause in Child or Spousal Support <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC) <input type="checkbox"/> Proposed order submitted at request of the court, or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ <input type="checkbox"/> Other: _____	
JUDGE'S SECTION <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE _____ Date: _____, 20__
CLERK'S VERIFICATION Collected by: _____ Date Filed: _____, 20__	
<input type="checkbox"/> MOTION FEE COLLECTED: \$ _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____	

STATE OF SOUTH CAROLINA) IN THE Probate Court
 COUNTY OF CHARLESTON) NINTH JUDICIAL CIRCUIT
 George Jenkins,) CASE NO.: 2019-CP-10-06647

Petitioner, pro- Sa

v.

Florence Heyward Davis,
 Defendant.

In Re: Florine Alethia Jenkins Heyward
 Cas No: 2019-cp-10-06647

) Motion
)
) demand for jury trial on all matters
)) triable in this case

2023 JAN 30 AM 10:17
 JUDGE J. ANTHONY
 CLERK OF COURT
 DGR

The plaintiff, George S Jenkins, filing the demand In accordance with Rule 5 (d)

Plaintiff hereby preserve their rights, the right to trial by jury as the declared by the seventh amendment of the Constitution or as provided by federal statute.

1, Reserve demand at I received the right do they as a citizen of the United States have a jury to decide the legitimacy of my case in which I have filed in the court. The facts that I have filed in the court in order to prevent my lawyer from being released without hearing my complaints against him that he died misled me and misrepresented the information that was passed on to me I have decided to represent myself pro se which again is my legal rights not only as a citizen but as a holder all of the bronze Star with AV and the Purple Heart awarded to me by the United States government I believe that I am do that them minimum of being able to represent myself before a jury of my peers.

2, I am simply axing the court to grant me the opportunity to be heard and to present my evidence before the jury.

3, I have written to the court and probate on many occasion trying simply to have a hearing see the evidence attacked however the law firm that opposes me is very powerful very much as the verity made ox law firm was very powerful and able to manipulate the court because of their long Jeopardy not based on the true facts of the case I placed before you the evidence of the under justice that I have experience from this law firm and the lawyer that represented, me all Betty had I should say misrepresented me even after I have paid him \$17,000 I got nothing, nothing from this

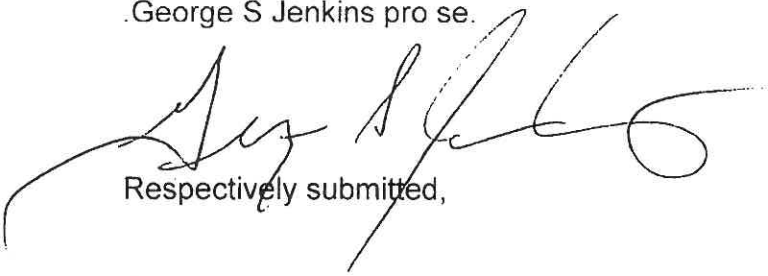
law firm other than being asked for more money, more money, more money I believe all my heart that the lawyer did not work in my interests at all just went along with was laid before him..

I have served this country above and beyond to a point where I am fully disabled because of my service to this country, can I not at least get a jury trial, can the court not at least hear me.

Your Honor I pray you would grant me a jury trial that I have earned as my constitutional right

I pray for the relief that I sought in this petition that you would look not at the power of the opposing law firm but look at what is just and right that's all God requires of us all

.George S Jenkins pro se.

A handwritten signature in black ink, appearing to read 'George S Jenkins', with a long, sweeping underline that extends to the left and loops back to the right.

Respectively submitted,

George S Jenkins pro- se
George S Jenkins
1348 South Sherwood Dr.
Charleston, SC 29407
telephone number: (843) 813-0640
email: gjen11748@AOL.com

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON)	
)	
George Jenkins, et al,)	
)	CASE NO.: 2019-CP-10-06647
Plaintiffs,)	
)	
v.)	ORDER GRANTING DEFENDANT'S
)	MOTION FOR PARTIAL SUMMARY
Florence Heyward Davis,)	JUDGEMENT
)	
Defendant.)	
)	

This matter comes before the Court on Defendant Florence Heyward Davis's Motion for Partial Summary Judgment pursuant to Rule 56, South Carolina Rules of Civil Procedure ("SCRCP"). Having considered the motion, supporting memorandum of law, affidavits, and all other materials properly before the Court, the Court finds and orders as follows:

FINDINGS OF FACT

1. The Principal, Florine Jenkins Heyward, was the owner in fee simple of various parcels of real property located on Wadmalaw Island in Charleston County (collectively, the "Wadmalaw Properties").
2. In 2012, the Principal met with attorney D. Nathan Davis to have him prepare a Durable Power of Attorney ("POA"), pursuant to which Defendant was made her attorney-in-fact.
3. The POA explicitly granted Defendant the power "to manage real property, to sell, convert and mortgage realty... to execute acknowledge and deliver deeds of real property... which (s)he considers necessary" and "to convey property to himself/herself for less than full consideration or no value at all."
4. Attorney Davis specifically prepared these provisions to effectuate the Principal's expressed desire that her attorney-in-fact be able to convey real property to herself for little or no consideration.
5. The Principal had the capacity to grant the POA in 2012, and the parties do not dispute this fact.

RECEIVED
May 06 2026
SC Court of Appeals

6. Pursuant to the POA, Defendant transferred the House to herself and the Principal as joint tenants with rights of survivorship in 2015, and transferred the remaining Wadmalaw Properties to herself and the Principal as joint tenants with rights of survivorship in 2019.

7. The Principal died on November 4, 2019.

8. None of the Plaintiffs were devisees of the Wadmalaw Properties under the Principal's Last Will and Testament.

CONCLUSIONS OF LAW

1. Summary judgment is appropriate where there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. Rule 56(c), SCRCF.

2. A power of attorney is an instrument in writing by which a principal appoints an agent and confers authority to perform certain specified acts on the principal's behalf. *Watson v. Underwood*, 407 S.C. 443, 454 (Ct. App. 2014).

3. The South Carolina Supreme Court has held that gifts by an attorney-in-fact to themselves are permissible where there is "clear intent to the contrary evidenced in writing." *Fender v. Fender*, 285 S.C. 260, 262 (1985).

4. The POA in this case unambiguously authorized Defendant to convey the Principal's property to herself for little or no consideration. This authorization was explicitly stated in writing, satisfying the requirements of *Fender*.

5. The 2017 amendments to the South Carolina Probate Code regarding specific language requirements for powers of attorney do not apply retroactively to the 2012 POA or the 2015 property transfer.

6. Defendant's transfers of the Wadmalaw Properties were within the scope of authority granted by the POA and were valid under South Carolina law at the time they were made.

7. Plaintiffs cannot establish damages from these transfers as they were not devisees of the Wadmalaw Properties under the Principal's Will.

ORDER

Based on the foregoing findings of fact and conclusions of law, it is hereby ORDERED that:

1. Defendant's Motion for Partial Summary Judgment is GRANTED.

2. Plaintiffs' claims for fraud, negligent misrepresentation, and breach of fiduciary duty are DISMISSED with prejudice.

AND IT IS SO ORDERED.

The Honorable Jennifer B. McCoy



Charleston Common Pleas

Case Caption: George Jenkins , plaintiff, et al VS Florence Heyward Davis

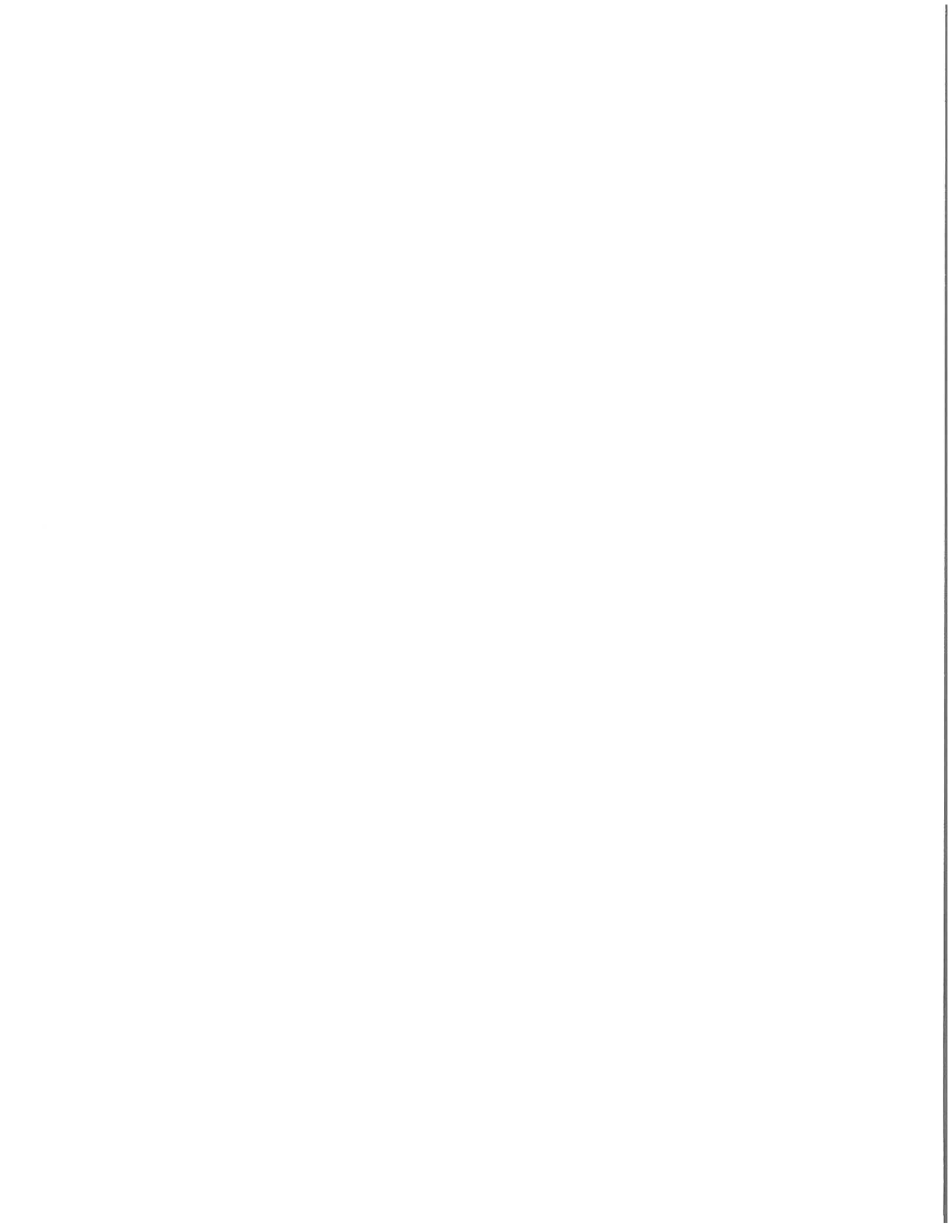
Case Number: 2019CP1006647

Type: Order/Summary Judgment

So Ordered

s/Jennifer B. McCoy #2764

Electronically signed on 2024-10-29 10:50:45 page 4 of 4



STATE OF SOUTH CAROLINA) IN THE CIRCUIT COURT 9
COUNTY OF CHARLESTON) DOCKET NO. 2019-CP-10-06647

GEORGE JENKINS)
Plaintiff,)
Versus)
FLORENCE HEYWARD DAVIS)
Defendant.)

H E A R I N G

DATE: June 18, 2024
LOCATION: South Carolina Circuit Court 9
JUDGE: Jennifer B. McCoy
TRANSCRIBED BY: ERIN REILLY

LEGAL EAGLE
Post Office Box 5682
Greenville, South Carolina 29606
864-467-1373
depos@legaleagleinc.com

APPEARANCES:

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Attorney for the Plaintiff:

GEORGE JENKINS (Pro Se)

Attorney for the Defendant:

Johnny J. Stewart, Jr., Esquire

Finkel Law Firm LLC

4000 Faber Place Drive, Suite 450

North Charleston, SC 29405

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EXHIBITS

(None marked)

(THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH MATERIAL
IS REPRODUCED AS READ OR QUOTED BY THE SPEAKER.)

1 PROCEEDINGS

2 THE COURT: All right. State your full names for the
3 record. Start -- start with you Mr. Jenkins. Go ahead. Tell
4 me your first and last name.

5 MR. JENKINS: George S. Jenkins.

6 THE COURT: All right. Who do you have with you today?

7 MR. JENKINS: Tyrone Haywick (phonetic), my brother.

8 THE COURT: Okay. All right. Yes sir, Mr. Stewart tell
9 me your name.

10 MR. STEWART: This is Johnny Stewart, and I represent
11 Ms. Florence Davis.

12 THE COURT: All right. You all can have a seat. All
13 right. Mr. Jenkins you filed this lawsuit way back in the
14 summer of 2019. Do you remember that?

15 MR. JENKINS: Yes, ma'am.

16 THE COURT: Okay. We are here on that matter. It was a
17 none jury term of court -- for a bench trial. You also filed
18 a motion last week. An emergency motion. Do you remember
19 that?

20 MR. JENKINS: Yes, ma'am.

21 THE COURT: That was filed on June 14th. Asking me to
22 investigate misconduct by the attorneys and court officials.
23 Do you remember that?

24 MR. JENKINS: Yes, ma'am.

25 THE COURT: I am not the tribunal that would do such

1 things. This is not where you would bring those types of
2 actions.

3 MR. JENKINS: It has been filed in Columbia.

4 THE COURT: Okay. What -- I don't know what that means.
5 What do you mean in Columbia?

6 MR. JENKINS: At the -- the attorney review.

7 THE COURT: Okay.

8 MR. JENKINS: And they are investigating that matter.

9 THE COURT: Okay. Just for your advocacy, this is not
10 the court that would do those types of things. Okay?

11 MR. JENKINS: Yes.

12 THE COURT: I won't be considering that motion here.

13 MR. JENKINS: However, to speak today -- some things are
14 directly related to what happened here.

15 THE COURT: Okay.

16 MR. JENKINS: I hired an attorney four years ago, and he
17 passed away. When that attorney passed away, the case was
18 turned over to another attorney in that law office. Since
19 then, they have been four and now five different lawyers by
20 Farms Haywood (phonetic).

21 THE COURT: Okay.

22 MR. JENKINS: One -- One -- delay after delay after
23 delay.

24 THE COURT: Well they are here today ready to go
25 forward.

1 MR. JENKINS: Okay.

2 THE COURT: Delay no more. Let's go ahead and hear this
3 case. All right?

4 MR. JENKINS: May I ask you one question?

5 THE COURT: Yes, sir.

6 MR. JENKINS: The lawyer that is here now, does he also
7 represent the lawyer from the same firm? Finkel Law Firm?

8 THE COURT: He represents Florence Davis today.

9 MR. STEWART: Yes, Your Honor. I'm actually a partner
10 at the Finkel Law Firm. So, I am with Finkel Law Firm but
11 before we get started, we have a motion for summary judgment
12 that's been laying or it's been sitting around for a while
13 since --

14 THE COURT: Okay.

15 MR. STEWART: -- mid 2021.

16 THE COURT: All right.

17 MR. STEWART: And I think this might take care of our
18 case today. So -- and let's see. March of 2020, Plaintiff
19 amended his complaint to just make it more accurate, I
20 assume. And in that amended complaint he is -- he alleged
21 that fraud, negligent representation, breach of fiduciary
22 duty and what's the other one and accounting.

23 THE COURT: Okay.

24 MR. STEWART: Now, the fraud, negligent
25 misrepresentation and a breach of fiduciary duty is all

1 related to Ms. Florence Davis's position as the power of
2 attorney over this case -- or over this estate or not over
3 this estate overof Florian Davis or Florian Heyward. I've got
4 a copy of it, if you'd like to see the power of attorney.

5 THE COURT: I have the whole -- is it -- was it filed?

6 MR. STEWART: It was filed, yes, Your Honor.

7 THE COURT: Yeah, I have the whole court file right here
8 with me.

9 MR. STEWART: Perfect.

10 THE COURT: I got everything that has been filed right
11 in front of me.

12 MR. STEWART: Perfect. So --

13 THE COURT: Okay. And it was filed on what date?

14 MR. STEWART: This was filed January, 2022.

15 THE COURT: Okay. Got it

16 MR. STEWART: All right.

17 THE COURT: Yes.

18 MR. STEWART: So, in those fraud -- in those negligent
19 representation and the fiduciary duty allegations they claim
20 that Ms. Florence Davis was acting fraudulently when she
21 deeded title to herself of several properties, three
22 properties in particular. And Your Honor, if you look at
23 where is it? Okay. So, if you look at Page 3 of the power of
24 attorney, you can see very clearly that Ms. Davis had the
25 power to authorize my attorney. In fact, Ms. Davis, to convey

1 property to himself/herself for less than full consideration
2 or no value at all.

3 The claims that the Plaintiff is making today is that
4 Ms. Davis fraudulently conveyed property to herself, that was
5 all made pursuant to this power of attorney. So, over the
6 course of the last five years that this case has been
7 pending, I have not seen a single thing that the Plaintiff
8 has shown -- showing fraud in this conveyance. This
9 conveyance is exactly as this power of attorney stated.

10 And therefore, even if you look for at the case -- at
11 the facts, at the most favorable to the Plaintiff applying
12 the statute of frauds with any type of land use case, there
13 is no -- there is just no fraud, no negligent representation
14 or breach of fiduciary duty here. I mean, breach of fiduciary
15 duty, especially because her duty was to Ms. Davis or Ms.
16 Heyward who gave her this power, but that's our motion for
17 summary judge, Your Honor.

18 THE COURT: Okay. All right. Mr. Jenkins, do you want to
19 respond?

20 MR. JENKINS: Yes, ma'am. This case has been going on
21 and they're initially are three different wills. All of those
22 wills have been kicked out and that -- in the lower court and
23 the -- what is it called? In the other court. And what
24 happened there with the three wills, each time and two of the
25 wills were written by Florence Davis. And in the process,

1 when she got the power of attorney that is my mother, she's
2 my sister. The -- my mother was -- we agreed to have her
3 appointed because she was a registered nurse.

4 Mother was having mental issues, she was getting lost,
5 she was leaving the house. And then people would say they see
6 her walking around, she was having mental problems. At that
7 point and even the medical records says that she had the
8 late form of dementia and that that is in the records.

9 THE COURT: Okay.

10 MR. JENKINS: Now the -- if she is mentally incapable at
11 that point in time when we, and the whole family agreed, only
12 because Florence was a registered nurse, that we trusted her,
13 the trust -- the breach of trust is a fraudulent thing. She
14 kept no records at all, there are no bank records to show she
15 paid anyone to take care of mother. The people that took care
16 of mother --

17 THE COURT: Was she required to keep records by like a
18 court?

19 MR. JENKINS: With the power of attorney.

20 THE COURT: Okay.

21 MR. JENKINS: That the -- you have to show through the
22 administration what you're doing. She added her -- her name
23 unto mother's record. Here, there are five bank accounts, all
24 different bank accounts. Money is moved into mother's
25 checking account, it's then moved from there to the savings

1 account.

2 THE COURT: Okay.

3 MR. JENKINS: Then there are the different points where
4 the money just disappeared. At one point, when mother first
5 got sick, mother owned four partial of property. When she
6 died, she had none. The fraud here and for the record, it
7 also in the affidavit that she took she admits to the fraud
8 that she was locked up for and fired from MUSC. So, she
9 already has a fraud conviction. During the time that she got
10 that conviction she have -- was not employed, at that point
11 the land starts getting transferred up.

12 THE COURT: Yeah.

13 MR. JENKINS: There are five children. Mother gave land
14 to Daryl to -- I'll go back to Darryl, to Lamar Heyward. She
15 called the meeting; all of the siblings are there. We agreed.
16 Florence Heyward, we all agreed and all of that. And so, the
17 -- this time, no one knows nothing. We find out after
18 mother's death that all of these things have happened and
19 that all of a sudden Florence has all of this property. And
20 then she says, mother gave it to me. But in the deposition,
21 it's Elias came out and said, clearly look, that's hearsay
22 not admissible. The cracks, the things that balance this case
23 is meant her mental capacity at the time Florence took her.

24 THE COURT: Okay.

25 MR. JENKINS: This document clearly says Florence never

1 went, took anybody to those signed anything. It's all done by
2 power of attorney, right? And each one, rich herself. The
3 first will leaves the property. Let's see, I've got the first
4 will. The first will leaves the property to that house -- to
5 Tyrone Heyward and says that during his lifetime and his
6 death, and then Florence Heyward and Lamar Heyward may have
7 it. The second will, that paragraph is gone. The third will,
8 everything is gone and everything goes to Florence. How come
9 each time she writes a will and even with that, she wrote the
10 will. It's not done by a lawyer, one will was done by a
11 lawyer, but --

12 THE COURT: Of course, they don't have to be done by
13 lawyers. There's no law that wills are done by lawyers.

14 MR. JENKINS: But it's for a third person, it's not for
15 her. She was writing the will for mother, right? And so, the
16 family now had no idea, none that any of this stuff was going
17 on. That's why we filed and the person that filed --

18 THE COURT: What happened with the proceeding in probate
19 court, which is really who handles these types of matters.
20 What happened with that?

21 MR. JENKINS: Because in the -- again, in the minutes it
22 says that something because in the probate court, the land.
23 But because the other things are going on when mother is
24 alive the fraud part of it is what Mr. Jonathan Altman, who
25 is deceased, that wrote the complaint, all right? That's what

1 he put in, and why it stated that way.

2 So, Your Honor, there were many maneuvers. What
3 happened is that, when we asked for the investigation, is
4 that the lawyer was released. My lawyer was released because
5 I paid them \$20,000 in order to take the case. When Sam
6 Ortman died, he began to ask for another \$17,000 and we had a
7 dispute. We came to this court and the Court says, "Well,
8 since y'all can't get along, then I'm going to release
9 Jonathan Altman." Which he was released. Then he was ordered
10 to give me certain information. So, you see I filed --

11 THE COURT: Who ordered him to give you certain
12 information?

13 MR. JENKINS: The same judge that released him as the
14 attorney, that he was to turn all of the files that he had on
15 our case. The documents that we gave him as a family
16 meetings, pictures of things that was really relevant to get
17 shown to the Court that mother was present. But in that
18 presentation, you'll see mother walking around even though
19 they're talking about the land and stuff, she's oblivious to
20 it. Her mental state was not there and that is the whole
21 crutch here. If she was not mentally competent at that point,
22 and Florence is the only person that took her to a lawyer, no
23 one knew.

24 No one knew anything about this and the only reason I
25 found out, Your Honor, 14 days after mother's funeral,

1 Florence goes and file an eviction notice to put my brother
2 out of a house that he lived in for over 20 years. At that
3 point, he was to go to the Magistrate Court. I went to the --
4 we went to the Magistrate Court. And then when the Magistrate
5 Court looked at it and they said, no, you can't do the
6 eviction because now they have filed in the upper court. So,
7 therefore the eviction was on hold.

8 THE COURT: Right.

9 MR. JENKINS: Now, at that point, she claimed she owned
10 the property. After we filed, she then filed an appeal and
11 said she was filing it on behalf of the estate, and so, it
12 changes. And so, we would like to do is to be able to present
13 all of the evidence and mother's mental condition. I -- Your
14 Honor, they -- that's like I said. Finkel law firm, right has
15 had four different attorneys. Each time they have an attorney
16 there is a 30 days, 60 days.

17 The breach that this gentleman is talking about was not
18 caused by us. It was because the lawyers kept changing
19 lawyers and each time, they changed lawyers they were granted
20 enough time in order to familiarize themselves. So, if the
21 lawyers need to be familiarized, it's all the same firm. Even
22 this gentleman here is from the same firm but they keep on
23 bringing different people in every time we come to Court.

24 THE COURT: Well, that's on them. That has nothing to do
25 with you or your case. They have every right to hand it off

1 to whatever lawyer they want to in their firm, and they can
2 hand it to 20 lawyers in their firm if they want to.

3 MR. JENKINS: Okay.

4 THE COURT: They're allowed to do that, that's fine. As
5 long as their client is okay with it, they can do that.

6 MR. JENKINS: All right.

7 THE COURT: All right. They're not asking for a
8 continuance today.

9 MR. JENKINS: Okay.

10 THE COURT: So, here we are.

11 MR. JENKINS: All right. So, then I will then proceed.

12 THE COURT: He just moved for summary judgement. He --
13 there was a dispositive motion file. Dispositive just meaning
14 it would resolve -- it would end the case. For summary
15 judgment that was on file, I have to hear all these
16 dispositive motions before a trial. Okay. So, he just
17 presented his motion for summary judgment which basically
18 says you have not set forth the necessary evidence to
19 establish fraud, your causes of action. So, now you can
20 respond to that and tell me how you have presented evidence
21 of fraud to date on file.

22 MR. JENKINS: Okay. The evidence I want to present to
23 you, Your Honor, is that on 2005 Florine Alicia Heyward was
24 diagnosed with dementia and Alzheimer's.

25 THE COURT: Okay.

1 MR. JENKINS: That during that time, she has gone
2 through hospice care on three occasions. None of us, even me,
3 I did not know my mother was on hospice care because
4 Florence, we trusted her.

5 THE COURT: Okay.

6 MR. JENKINS: And we just trusted. So that trust --

7 THE COURT: Were you not living in town?

8 MR. JENKINS: Yes, ma'am.

9 THE COURT: You didn't go over to your mom's house?

10 MR. JENKINS: I -- yes. And well, he can speak to
11 [indiscernible] but when I go there, right? My mother would
12 recognize me --

13 THE COURT: Okay.

14 MR. JENKINS: -- for a few moments. With Alzheimer's,
15 sometimes you'll -- you know, you're sharp and then if you
16 talk a while, they sort of drift away from you.

17 THE COURT: I'm just talking about you said you didn't
18 know she was on hospice care, so I didn't know were you not
19 did -- they just didn't happen to be there when you were
20 there?

21 MR. JENKINS: Yeah, there are people there that we were
22 told were nurses.

23 THE COURT: Right.

24 MR. JENKINS: Those nurse were not nurses, they were
25 people. And in her complaint, she talked about drug use,

1 right? Yes. My brother has been on drugs for 30 something
2 years.

3 THE COURT: Okay.

4 MR. JENKINS: But he took care of her. He bathed her,
5 right? There were two other people in the house, right? And
6 those are the people that took care of mother during that
7 time. So, Florence was working outside, the family were
8 there. I took gifts to mothers like Mother's Day, robes, and
9 stuff.

10 THE COURT: Okay.

11 MR. JENKINS: I go to check on her but she only
12 recognized me for a little while. The dementia, right. And
13 Florence being, Your Honor, a registered nurse would've known
14 the condition better than anyone else, that she should not
15 have been able to sign those documents because she couldn't
16 communicate with mother.

17 That makes it fraudulent, right? It's deceitful. She
18 did not communicate with anybody in the family to say, this
19 is what's going on, right? We find out for 14 days after the
20 death that properties is being in dispute. Mother gave it to
21 me; mother is dead. There is no way that anyone can say that
22 she had a conversation with mother. The dead man rule will
23 take care of that. The question here is, when does mother
24 become incompetent? He says that this thing has been
25 lingering. Yes, it's been lingering but why has it not come

1 to court? It is because of the lawyers not doing their job.

2 THE COURT: Okay.

3 MR. JENKINS: That's the first part of it and so that's
4 where the initial fraud takes place. And you said, you have
5 all the records in front of you?

6 THE COURT: I have everything that's been filed in this
7 case.

8 MR. JENKINS: Right. So, ma'am and if the first event is
9 fraudulent, if nobody in the family knows anything, and when
10 she goes to the doctor because she was a registered nurse,
11 she would say, oh, mother is doing okay. All right, blah,
12 blah. So, we're totally trusting. Now, by what she did and
13 tell you one thing, my -- we bought a home at 38 Blake Street
14 for \$40,000. Mother says, this is well before she got sick,
15 going back -- she says to call us together and say, well, I
16 want to give Florence that property because Florence was
17 working with me in the beauty shop, right? We did not
18 disagree. We said fine, we all agreed. That property is now
19 worth \$750,000. We gave that to her, the family.

20 THE COURT: Okay.

21 MR. JENKINS: Now she wants everything and nothing for
22 any of the other six children, right? So, the lands that were
23 given out in the past, mother would give property to Alan,
24 call the family. Alan is getting married; I want to give him
25 an acre. Rosalyn was getting out of the army, and she was

1 going out on a sick medical disability. Mother calls a
2 meeting; I want to do this. Okay. Rosalyn got the land. Then
3 Darryl -- Darryl's land was never given to him in his name.
4 And the reason for that, Your Honor, is Darryl Oliver Heyward
5 has sickle cell, so he sickly.

6 So, what happened Darryl was always a dependent child,
7 right? And if mother had given him land, he couldn't get the
8 disability. But we always said, Darryl, that's Darryl's
9 house, mother bought the trailer, it's his. Florence then
10 when we met as a family, Darryl died, he overdosed in the
11 house. So, when he overdosed, he -- the things came up with
12 the family. Well, what happens with the land?

13 And you'll see in the records that the argument that I
14 had before was that the land belonged to Tanya, his wife.
15 Then we find out that it's not -- was not recorded. The
16 reason that it was not recorded, Your Honor, was because
17 again, they finance because mother got part of Ulysses, her
18 husband, money from the shipyard, Darryl also got an equal
19 portion.

20 So, any changes in that affected their finances, right?
21 And so, then Darryl, Florence agreed in that meeting with all
22 of us that she would give -- sign the land over to Tanya,
23 right? What she did was she gave Tanya the title to the
24 trailer. So, for the last three years, Tanya thought she
25 owned the land until she went to the deposition, and then the

1 lawyer asked her, well, do you -- did you know that your
2 [indiscernible] she has claimed the land?

3 And the record says, no, I didn't know. She -- and the
4 lawyer says, well, when did you find out? She says, today,
5 when it was mentioned here in the courtroom, I mean in the
6 deposition. Again, the constant fraud, the constant
7 undermining a thing, it just keeps happening. And so
8 definitely, Your Honor, there is enough evidence to show
9 fraud or fraudulent intent because everything that she did
10 over the eight-year period and remember she said she wasn't
11 working for those two years because after the fraud
12 conviction that she was fired, she had to go to a court -- a
13 class in order to rehabilitate and then you can keep your
14 license and stuff. So, while she was going to that, right?
15 That's when most of the money is missing from mother's
16 accounts, right?

17 THE COURT: Yeah.

18 MR. JENKINS: So, all of these are bank records, five of
19 these is from the Court. What happened because Florence put
20 her name on mother's account, when Mr. Ortman, who's
21 deceased, filed to the bank he gets all five bank records.
22 Four belongs to Florence Davis and one belongs to mother --
23 two belongs to mother. So, the records that we have here
24 financially shows the money coming into mother's account,
25 going to the savings account, and then it disappears.

1 Fraudulent.

2 The -- if the law says that this case was waiting for
3 six months to be heard, then the lawyer should have come back
4 to the Court some time ago. I believe that the time to bring
5 that now is -- has passed because they did not do it in a
6 timely manner. Today, we came, we thinking that everybody is
7 going to be here in the Courtroom, you know, the -- you know,
8 the whole family's going to be here, right? But evidently,
9 there's been some communication somewhere that we were left
10 out of because we came here today in order to have people
11 testify and to have these records, the medical records, all
12 of this, we came this morning, Your Honor, with full
13 expectation that we were going to have trial and witnesses,
14 right? In order to prove the fraud.

15 However, the documents that have been filed in the
16 complaint and the two depositions clearly points out that
17 there was a problem with the original application. And our --
18 and the lawyer asked me, he says, "Why did you agree to give
19 Florence to be power of attorney?" I said she's my baby
20 sister, right? She's a registered nurse, I trusted her. I
21 never thought she would do something like this, right? She
22 asked the same question of Nathan, right? We had no idea.
23 This is our family. Children. I was in the army when this kid
24 is born. I -- my mother is my power of attorney, not power of
25 attorney, is my dependent.

1 All of the money that I sent home was to help buy the
2 land. When I went to Vietnam, I kept \$75. I kept \$75 all of
3 the money went to my mother to this land. And this one kid
4 not only want the million dollars that she got; she wouldn't
5 even give up the other land that's only worth 600,000, she
6 wants that too. Fraud, Your Honor, you've got to see the
7 fraud. You've got to see the lies; you've got to see the
8 deceit.

9 THE COURT: I'm sorry, and that's emotional. This family
10 business gets very difficult, I understand. So, feel free to
11 have a seat if you need to. I certainly don't want anybody to
12 have an accident or anything in the courtroom. All right. Let
13 me --

14 MR. JENKINS: Can we call at least Tyrone? He is a
15 witness. He can verify, and he's a firsthand, he's not doing
16 this for -- what I'm asking Your Honor to deny that motion.

17 THE COURT: Okay.

18 MR. JENKINS: And to grant or extend. I don't know what
19 to say. To deny the motion.

20 THE COURT: Okay. I understand.

21 MR. JENKINS: Right.

22 THE COURT: Okay.

23 MR. JENKINS: And do you want --

24 THE COURT: At this point, I don't need to take his
25 testimony regarding this particular motion. I'm going to let

1 you sit down, rest for a minute, he has to now respond. Okay?
2 Because it's his motion so we'll let him do that at this
3 time. Yes, sir. Mr. Stewart, happy to hear from you.

4 MR. STEWART: Well, Your Honor, I hear all of that he's
5 saying. However, the issue and the reason why this complaint
6 was brought per the complaint is over two specific -- three
7 specific land transfers.

8 THE COURT: Right.

9 MR. STEWART: The original POA, the credibility of that
10 was never contested, the original POA was signed in 2012.
11 This lawsuit was brought in 2019. So, even if they wanted to
12 dispute the POA then they've got -- I mean, the statute of
13 limitations has gone there. So, looking at the POA, looking
14 at every single thing that she's allowed to do under the POA,
15 we talked about bank transfers. If you look at the POA
16 specifically, it states on Page 2, "To do business with
17 banks, in particular, to enclose or to endorse all checks and
18 drafts made payable to my order. And collect the proceeds,
19 exercise all of my authority in any safe deposit box, which I
20 may have rented to remove items from my safe deposit box, to
21 place items in my safe deposit box, to close items in my safe
22 deposit box that I previously opened."

23 Additionally, as I've stated before she had specific
24 instruction that she was able to and I'll quote, "Authorize
25 my attorney, in fact, to convey property to herself for less

1 than full consideration. No value at all." The properties
2 we're talking about now, the one that her brother lived in
3 that has caused some of this emotion is the problem with that
4 is that was deeded on January 25th, 2015, four years prior to
5 this or almost five years prior to this lawsuit being filed.
6 So, the only two deeds that we have that are within the
7 timing for this lawsuit are the one on October 21st, 2019,
8 the one on October 20 -- or there were two on October 21st,
9 2019.

10 THE COURT: Okay.

11 MR. STEWART: And in both of these, just as it's stated
12 in the power of attorney, the attorney in fact deeded herself
13 the property for little consideration. Now, we can go into
14 how points that Florian Heyward wanted Florence Davis to have
15 these properties. However, as I stated earlier, the statute
16 of frauds strictly binds us to these documents. The power of
17 attorney says what it says, the deed says what it says.
18 There's -- this was not done fraudulently at all; this is
19 done exactly as was intended. And they say that they had no
20 idea any of this was happening, they had no idea what any of
21 this said. But these -- all these deeds were or all of these
22 deeds and the power of attorney was recorded. It was recorded
23 in 2012, it was recorded in 2015, it was recorded in 2019.

24 Additionally, Florence Davis did not deed these to
25 herself. She deeded herself, it was a joint tenancy with

1 right of survivorship with Florian Heyward as one tenant.
2 Florence Davis as the other tenant. As long as Florian Davis
3 was alive, or Florian Howard Heyward was alive, she had the
4 ability to sell, do whatever she wanted with that land.
5 However, as soon as she passed away with -- as with the joint
6 tenancy with the right of survivorship, it passes to the
7 surviving tenant and it passed to Ms. Davis. So --

8 THE COURT: Back me up a little bit just so I kind of
9 understand.

10 MR. STEWART: No, you're fine.

11 THE COURT: This went through probate court at some
12 point in time?

13 MR. STEWART: So --

14 THE COURT: Transcripts of Judge Kouten presiding in
15 Riveras hearing. Is that -- what happened?

16 MR. STEWART: Your Honor, it was in probate court. We
17 mediated in probate court. However, since they brought
18 actions that occurred when she was alive and that was -- they
19 filed a les pendens on these properties, tying them up in
20 this process, we haven't been able to proceed through probate
21 court until this is resolved.

22 THE COURT: And why is that? Probate is saying we're not
23 going to move until circuit court moves.

24 MR. STEWART: Until these properties -- until we decide
25 what goes on with these properties.

1 THE COURT: I see, I understand.

2 MR. STEWART: Yeah, because Your Honor, well, probate
3 court does after she was deceased. These -- every single
4 transfer we're talking about here happened as she was alive
5 and this power of attorney governs all of it and the deeds.

6 THE COURT: Okay. All right. Anything else?

7 MR. STEWART: And Your Honor before I sit down, I'm
8 sorry. The fraud claim that they're talking about, she was
9 just arrested on this, she went through her class. It was
10 expunged, there was no conviction.

11 THE COURT: Okay.

12 MR. JENKINS: Expungement does not mean she was not
13 guilty. It was evidently named that she went to the classes
14 and met those requirements, but she was still fired for the
15 drugs.

16 THE COURT: That was MUSC related or something?

17 MR. JENKINS: Yeah.

18 THE COURT: Okay.

19 MR. JENKINS: Okay. So, anyway, now, Your Honor, I think
20 you were referring to something that put in and that was
21 stated that way because what happened, the letter -- you
22 don't have a letter from the clerk and the Court that says
23 that was from Finkel Law Firm to the probate court. And it
24 said, in essence, we want to hold this case until the Court
25 ruled the --

1 THE COURT: Yeah.

2 MR. JENKINS: This -- the Court -- this court ruled.

3 THE COURT: Right.

4 MR. JENKINS: What that did, Your Honor, was stopped,
5 froze everything in the Court. So, when they froze it, you
6 see that there are some cases there. One was the dismissal of
7 the lawyer, frozen.

8 THE COURT: Okay.

9 MR. JENKINS: Everything that that lawyer signed, and
10 that's what I'm arguing, that that lawyer signed, we were
11 already -- this court had already ruled that he was no longer
12 the attorney, yet he's still doing things in our name. I
13 haven't spoken to him in six or seven months, he is not my
14 attorney. Everything that he signed, even that consent order
15 where he asked for more money, again, is fraudulent because
16 he was already served. And by freezing it, they allowed this
17 to happen. So, if they froze it here and no, I can't do
18 nothing and they're telling me, okay, I go to court, I go, I
19 say, "Well, what's happening?" "Well, this is frozen we're
20 waiting on this court." Now you find out, and that's why I
21 said emergency, because now I'm finding out, wait a minute,
22 you've got your hands on the scale here, right? And then you
23 are coming here and now another maneuver.

24 THE COURT: Okay.

25 MR. JENKINS: Your Honor, I've done the best I can.

1 THE COURT: Okay.

2 MR. JENKINS: Well, I -- if I can -- one more thing. In
3 that same [indiscernible] Davis that they talk about that
4 same will. They said that mother, Florian Letha Heyward, gave
5 me the address, the house located at 1348 Southern Drive,
6 right? I bought that home when I left New York. The next
7 paragraph says that mother bequeath, and Maxine was dead six
8 years before. So, how could mother leave land to a dead
9 person? Now, this document and this, can I bring it up to the
10 Court?

11 THE COURT: Yeah. What is that?

12 MR. JENKINS: This letter here is dated -- it's a
13 registered letter dated --

14 THE COURT: Can you hand it to -- the bailiff will bring
15 it up for you that way you don't have to come all the way up.
16 Okay. And while he's -- you can tell me what it is while he
17 is bringing it to you.

18 MR. JENKINS: Okay. I'd like for you to look at the date
19 on the envelope.

20 THE COURT: Okay.

21 MR. JENKINS: That date shows that that was certified
22 letter sent to my mother from me.

23 THE COURT: Okay.

24 MR. JENKINS: If you look at the deed.

25 THE COURT: Okay.

1 MR. JENKINS: Right. The deed shows my sister, husband
2 left her with three kids.

3 THE COURT: Okay.

4 MR. JENKINS: I go home, stay on my porch, they live
5 with me two years. I buy that house and because she was still
6 married to Easton, I put mother's name on it.

7 THE COURT: I see.

8 MR. JENKINS: Right. That's the only reason mother name
9 was there. When Maxine's children got grown, I removed
10 because Maxine wanted to buy another house, and I didn't want
11 mother to get caught up --

12 THE COURT: Yeah.

13 MR. JENKINS: -- in a legality. So, I had mother remove
14 her name. Mother did not give her the home. This thing here,
15 right here tells you no compensation. I gave her the house
16 free, clear for her children. And now our family was very
17 close, never stole from each other like these young kids are
18 doing. This is fraud, we never acted like this. Man, we were
19 better off when we were broke in a segregated south.

20 THE COURT: I'm sorry, I know you're frustrated. And
21 again, I -- you know, I mean, when I say I know family and
22 money and property generally result in tumultuous
23 relationships once the elder generation passes on. And it --
24 I wish I could tell you this is the first time I've seen
25 something like this and people get frustrated and families

1 get torn apart, but it's not -- probably it happens every
2 day. And it's unfortunate and I'm sorry.

3 Obviously, I've got to take his motion under
4 consideration. In terms of, you want to come in and have
5 witnesses and all, you know, Mr. Jenkins for when this is set
6 for a non-jury trial again, if we get to that point, it's on
7 you as the Plaintiff. You know, you're the one responsible
8 for bringing in witnesses and whatever else that you want to
9 do at that time just so you know. Okay.

10 So, when you say that I thought everybody was going to
11 be here, whenever you're the Plaintiff, you're the one who's
12 responsible for making sure people are there. Okay? So, just
13 keep that in mind for the next time.

14 MR. JENKINS: Yes, ma'am.

15 THE COURT: That's -- that they're not just going to
16 magically appear. You know, you got to subpoena or do
17 whatever it takes to get people to come. Okay?

18 MR. JENKINS: Yes, ma'am. I was just going to ask you
19 that question.

20 THE COURT: Yeah.

21 MR. JENKINS: Could you extend the -- because Finkel Law
22 Firm said that they had done two depositions -- yeah,
23 deposition. And so, we could not ask the additional new
24 question that we've just come upon. Can the time be extended
25 so that I can call those other two witnesses to be deposed?

1 THE COURT: I'll take that into consideration. Who is it
2 that you're trying to depose? Are they family members or?

3 MR. JENKINS: No, they are the nurses. And Florence she
4 says there was only one nurse. There were women and, again,
5 Your Honor they are on drugs; one died -- one died a month
6 ago but her testimony was that she lives in this house for
7 five years. I mean, this girl kept my mother's house clean.
8 You went there, the house was immaculate. You would never
9 know this girl was on drugs, right? But the payment and
10 nowhere you'll find in these records of anybody ever getting
11 paid. They lived in mother's house as payment, and they got a
12 stipend of \$300 a month.

13 THE COURT: Okay.

14 MR. JENKINS: That's --

15 THE COURT: That's who you're trying to depose?

16 MR. JENKINS: That's who I want to subpoena, that one
17 and Lamar Heyward is a co-signer on this account. He's a
18 brother. This whole thing is the younger children, right? My
19 two youngest siblings. What Mark did is that he is a co-
20 signer. When we ask for bank records the lawyers
21 significantly put it, it is very vague. Well, we can't get
22 it. It's too expensive. But the Bank of America because they
23 are the owners of that bank account, can go into the bank and
24 get the information that is missing that we were asking for,
25 right? So, those two, Lamar Heyward and -- what's that girl's

1 name? I wrote it on the back of something.

2 THE COURT: The nurse lady.

3 MR. JENKINS: Adrian -- can I just say Adrian was --
4 Your Honor, I wrote it on I think a paper. Right now, my mind
5 is flushed.

6 THE COURT: That's okay. I mean, I get the gist. Okay.
7 Well, I'll take that into consideration. Look at the whole
8 file, everything that's been filed and issue a ruling one way
9 or the other. If I need a proposed order, I will indicate
10 that in the form order. Okay?

11 MR. JENKINS: Yes, ma'am.

12 THE COURT: All right. Thank you-all. Have a good day.

13 MR. STEWART: All right. Thank you, Your Honor.

14 THE COURT: Okay.

15 MR. JENKINS: So, Your Honor, you're going to send a
16 letter?

17 THE COURT: I'll issue a form order and you'll get that
18 however you get notice always in this case. Okay?

19 MR. JENKINS: Thank you. Very kind, of Your Honor.

20 THE COURT: All right. You-all have a good day, be
21 careful. Thank you, Your Honor.

22 MR. JENKINS: Your Honor, I'm sorry I got emotional with
23 -- I just --

24 THE COURT: That's all right it happens all the time, no
25 need to be sorry.

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MR. JENKINS: Thank you.

[END OF HEARING]

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CERTIFICATE OF TRANSCRIBER

I, ERIN REILLY, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the South Carolina Circuit Court 9, South Carolina, on the 18th day of June, 2024.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

January 3, 2025
ERIN REILLY
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