

STATE OF SOUTH CAROLINA)
)
COUNTY OF JASPER)

IN THE PROBATE COURT
CASE # 2003-ES-27-00045

IN RE:)
)
ESTATE OF MAMIE GREEN)
Date of Death: May 8, 1997)

ORDER

FILED
Date 12/13/13
PROBATE COURT
JASPER COUNTY, S.C.

TROY LAMONT BASS,)
Petitioner.)

This matter came before me for hearing on November 5, 2013. Present were the Petitioner Troy L. Bass and his attorney, James A. Grimsley III, and Michael Jenkins and his attorney, R. Thayer Rivers. Several other persons, including Joseph Malphrus, former Probate Judge for Jasper County, were present, many of whom were called upon to testify.

On October 1, 2013, Troy L. Bass filed a Motion to Re-open the Estate of Mamie Green and for Appointment as Successor Personal Representative thereof. Mamie Green died on May 18, 1997. The Estate administration was initially commenced in late 2003 with the filing by Janice Cohen of an Application for Appointment. Janice Cohen was duly appointed as Personal Representative on December 12, 2003. In March, 2004, following a hearing, the Court issued its Order which resulted in an exchange of deeds between Ulmer Terry and the Estate of Mamie Green. Ulmer Terry and Mamie Green, at the time of her death, jointly owned certain real property in Jasper County, South Carolina, as tenants-in-common.

Thereafter, there was no further activity in the Estate and in October, 2004, the Court directed that the Estate be administratively closed pursuant to Rule 4. In 2009, an action was filed by Attorney R. Thayer Rivers to re-open the Estate on behalf of certain interested persons.

Although it appears that a hearing was scheduled, there is no record of a hearing and no substantive action took place. The Estate remained administratively closed by directive of the Court in February, 2012. At no time does it appear that Janice Cohen was formally relieved of her duties as Personal Representative.

A review of the Court's file reflects that there has been no Inventory and Appraisement filed, no Interim or Final Accountings filed, no Proposal for Distribution filed, no Motions and/or Orders for Extension filed and, in general, no formal activity whatsoever has occurred in regard to this Estate subsequent to the Court's Order in March, 2004, referenced hereinabove. I conclude that the Estate administration was properly closed in October, 2004, and again in February, 2012, in accordance with applicable administrative rules and probate procedure

On February 4, 2013, the original Last Will and Testament of Mamie Green, executed on March 2, 1992, was filed with the Court.

Based on the testimony and evidence at the hearing, as well as the Court's file in this matter;

I FIND AS MATTERS OF FACT:

1. Mamie Green died on May 18, 1997.
2. Mamie Green executed her written Last Will and Testament on March 2, 1992, in the Law Offices of the Murdaugh Law Firm, Hampton, South Carolina. In said Will, Troy Lamont Bass was appointed as Personal Representative and is the sole beneficiary of her Estate.
3. Mamie Green, at the time of her death, was not married, having survived two (2) predeceased husbands. Mamie Green had no children, either natural-born or adopted.
4. Notwithstanding the above, Mamie Green raised Sheila Bass, her niece, from a

very early age, and Sheila Bass was unaware until approximately age 17 that Mamie Green was not her natural mother. Mamie Green raised no children as her own, except Sheila Bass.

5. Sheila Bass subsequently became the mother of two (2) children of her own, one being the Moving Party/Applicant/Petitioner herein, Troy Lamont Bass. Troy Lamont Bass was unaware that Mamie Green was not his natural grandmother until he reached his teenage years.

6. At the commencement of the administration of Mamie Green's Estate, Janice Cohen was duly appointed as Personal Representative on December 12, 2003. Sheila Bass, at that time, advised the Court that she was of the belief that Mamie Green, the decedent, had executed a Will prior to her death, but no Will was produced or could be located, and the administration proceeded as an intestate Estate as outlined herein.

7. The Fiduciary Letters issued by the Court to Janice Cohen on December 12, 2003, restricted the transfer any assets of the Decedent without a Court Order specifically authorizing any such transfer. The sole Order of this Court, which authorized the exchange of deeds, was issued on March 31, 2004, as referenced hereinabove.

8. Sheila Bass testified that in late November, 2012, she discovered the original Last Will and Testament of Mamie Green in an old "duffle bag" belonging to Mamie Green. On February 4, 2013, on advice of counsel, said Will was filed with the Court.

9. It appears that Michael Jenkins, a nephew of Mamie Green, has acquired or is in the process of acquiring quitclaim deeds as to property of Mamie Green, from various persons claiming to be "heirs of Mamie Green". The deeds submitted into the record indicate no consideration was paid to any such person, although Michael Jenkins testified that, despite the clear language of said deeds, he had paid cash consideration in some instances.

CONCLUSIONS OF LAW:

1. This Court has jurisdiction of the subject matter of this Action.
2. The Last Will and Testament of Mamie Green dated March 2, 1992, was properly executed in accordance with South Carolina law.
3. There was no evidence or testimony presented at the hearing which indicated in any way whatsoever that Mamie Green was incapacitated or under duress/undue influence and/or coercion at the time she executed her Will. Further, Troy Lamont Bass, as the son of Sheila Bass, the sole person raised by Marnie Green as her child, is a natural and appropriate object of her affection and benefice.
4. The original Will was produced and filed with the Court on February 4, 2013, approximately nine years and two months after Janice Cohen was appointed as Personal Representative of this Estate, which is within ten years of the date of commencement of this case.
5. I conclude that the testimony and evidence produced at the hearing in this matter, as well as the record of this case on file with this Court is more than sufficient to grant the relief requested in the Motion under consideration at the hearing in this matter by the Movant / Applicant / Petitioner Troy Lamont Bass under the provisions of §62-3-108, et seq, South Carolina Code of Laws (1976) as amended.

Accordingly, it is

ORDERED:

1. That the Last Will and Testament of Mamie Green dated March 2, 1992, be admitted to probate.
2. That the Last Will and Testament of Mamie Green is hereby declared valid and of

full force and effect in all respects.

3. That Troy Lamont Bass is hereby named as Personal Representative of the Estate of Mamie Green and that, concurrently, Janice Cohen is relieved of her duties in connection with said Estate.

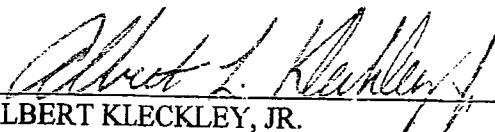
4. That the Personal Representative will henceforth be responsible for the performance of all duties in connection with the administration of this Estate, to include filing an Inventory and Appraisal, Interim/Final Accountings as necessary, and in general complying with all statutory duties of a Personal Representative.

5. That the Order of this Court dated March 31, 2004 directing an exchange of deeds is hereby ratified and confirmed. The Court has been advised that such an exchange did indeed occur as directed.

6. That any and all conveyances and/or transfers of assets of Mamie Green that have occurred without the express authorization of this Court are declared null and void and of no effect whatsoever.

7. Prior to the hearing in this matter, Attorney Thayer Rivers filed with the Court a Motion to Intervene on behalf of Michael Jenkins. This motion was denied.

AND IT IS SO ORDERED.


ALBERT KLECKLEY, JR.
Probate Judge for Jasper County, S.C.

Ridgeland, South Carolina

December 13TH, 2013