

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM AIKEN COUNTY
Court of Common Pleas

DEC 17 2015

Doyet A. Early III, Circuit Court Judge

S.C. SUPREME COURT

Appellate Case No. 2015-002417

RECEIVED

DEC 22 2015

SC Court of Appeals

In Re: The Estate of James Brown a/k/a James Joseph Brown

Tommie Rae Brown, Respondent,

v.

David C. Sojourner, Jr., in his capacity as Limited Special Administrator and Limited Special Trustee, Deanna Brown-Thomas, Yamma Brown, Venisha Brown, Larry Brown, Terry Brown and Daryl Brown,

Of whom David C. Sojourner, Jr., in his capacity as Limited Special Administrator and Limited Special Trustee, Deanna Brown-Thomas, Yamma Brown, Venisha Brown, Terry Brown, Michael Deon Brown and Daryl Brown, are the Appellants.

LSA'S REPLY TO RESPONDENT'S RETURN TO MOTION TO CERTIFY
TO THE SOUTH CAROLINA SUPREME COURT FOR REVIEW
PURSUANT TO RULE 204(b), S.C.A.C.R.

TO: THE HONORABLE CHIEF JUSTICE AND THE ASSOCIATE JUSTICES OF
THE SOUTH CAROLINA SUPREME COURT:

Appellant David C. Sojourner, Jr., Esquire, ("LSA") in his capacity as Limited Special Administrator of the Estate of James Brown ("Estate") and Limited Special Trustee of the James Brown Irrevocable Trust, u/a/d August 1, 2000 ("Trust"), by and through his undersigned counsel, hereby replies to the Return of Respondent Tommie

Rae Brown (“Respondent”) to the LSA’s Motion to Certify, filed on or about December 14, 2015. For the following reasons, Respondent’s arguments are unconvincing and this appeal should be certified as it involves both issues of significant public interest and legal principles of major importance.

ARGUMENTS

I. THE ORDERS ON APPEAL DID NOT GRANT OR DENY A RULE 12(B)(6), SCRCP, MOTION AND DID NOT RELATE TO RESPONDENT’S “STANDING” TO BRING THE SUBJECT CLAIMS.

Respondent would have this honorable Court believe the Orders on Appeal denied some party’s Rule 12(b) “motion to dismiss for lack of standing.” *See* Return at § 1 (“an order denying a challenge to a plaintiff’s standing is not immediately appealable”); *id.* § 3 (“The order ... merely determines that Respondent has standing to pursue her claims in this action.”).¹ Respondent’s patently flawed statement of the procedural posture of the case undermines Respondent’s entire brief.

The Orders on Appeal pertain to extensively-briefed and argued cross-motions for *summary judgment* brought by the LSA *and Respondent*, pursuant to Rule 56, SCRCP. The Order on Appeal, filed January 1, 2015, granted Respondent’s Motion for Summary Judgment and denied the LSA’s Motion for Summary Judgment on the sole issue of whether Respondent was Decedent’s “surviving spouse.” The lower court definitively and finally ruled upon the primary statutory element of Respondent’s claims under S.C. Code Ann. §§ 62-2-201 (elective share) and 62-2-301 (omitted spouse): whether Respondent was Decedent’s “surviving spouse.”

¹ Respondent appears to be conflating an issue asserted by some of the parties pertaining to Respondent’s standing to bring an undue influence case, if she is not the surviving spouse, in a separate civil action, C/A No. 2008-CP-02-01647.

“The purpose of summary judgment is to expedite the disposition of cases which do not require the services of a fact finder.” *Dawkins v. Fields*, 354 S.C. 58, 69, 580 S.E.2d 433, 438 (2003) (quotation omitted); *Celotex Corp. v. Catrett*, 477 U.S. 317, 323, 106 S.Ct. 2548, 2553 (1986) (“One of the principal purposes of summary judgment is to isolate and dispose of factually unsupported claims or defenses....”). Summary judgment may be granted in whole or in part. *See* S.C. R. Civ. P. 56(a). Where a party cannot prove an essential element of their claim or defense, summary judgment is appropriate. *Celotex*, 477 U.S. at 322, 106 S.Ct. at 2552 (“In our view, the plain language of Rule 56(c) mandates the entry of summary judgment, after adequate time for discovery and upon motion, against a party who fails to make a showing sufficient to establish the existence of an element essential to that party’s case, and on which that party will bear the burden of proof at trial.”).

Both Section 62-2-201 and 62-2-301 of the Probate Code require proof the petitioner is the “surviving spouse” of decedent. *See* S.C. Code Ann. § 62-2-201(a) (stating only a “surviving spouse has a right of election to take an elective share”)²; S.C. Code Ann. § 62-2-301 (providing for a right to an intestate share of a probate estate to a “surviving spouse who married the testator after the execution of the will”). “Surviving spouse” is defined in Section 62-2-802.

Upon satisfactory proof that a petitioner is a “surviving spouse” as a matter of law, a petitioner may then proceed with other elements of her claim and/or overcome any remaining hurdles to recovery. For instance, to succeed in an elective share claim, after establishing petitioner is decedent’s surviving spouse, the petitioner must show she did

² Because the elective share statute is a “statute of creation, . . . strict compliance with its terms is mandatory in order to exercise [such right].” *Simpson v. Sanders*, 314 S.C. 415, 445 S.E.2d 93, 94 (1994).

not waive or release her elective share and/or that any such waiver was invalid. S.C. Code Ann. § 62-2-204; *see also* 32 S.C. Jur. Wills § 211 (“The right of election of a surviving spouse may be waived, wholly or partially, before or after marriage, by a written contract, agreement, or waiver signed by the party waiving after fair disclosure.”). To succeed on an omitted spouse claim, the petitioner must show her omission from the testator’s will was unintentional and that the testator did not provide for her outside of the will. *See* S.C. Code Ann. § 62-2-301(a)(1)-(2).

Respondent acknowledged before the lower court that certain issues—such as the enforceability of the parties’ prenuptial agreement, whether Decedent intentionally omitted Respondent from his will, and whether Decedent provided for Petitioner outside of the will with the intent that such transfer be in lieu of a testamentary gift—are “obviously” not “even relevant unless [she] is first determined to be [Decedent’s] surviving spouse.” *See* Respondent’s Memorandum of Law in Support of Motion for Summary Judgment, filed September 12, 2014, at p. 12. It is implicit in Respondent’s acknowledgement that, should she fail on the first element of her claims - that she is Decedent’s “surviving spouse” - any evidence or arguments on the remaining elements would become irrelevant because she would be barred from recovery.

Respondent explicitly contended before the lower court that the issue of whether she was Decedent’s “surviving spouse,” was one “of law and not subject to factual dispute,” using a Rule 56, SCRPC, analysis. *See* Respondent’s Memorandum of Law in Support of Motion for Summary Judgment, filed September 12, 2014, at p. 43. Based on this standard, Respondent contended she was “entitled to summary judgment [finding] she is the surviving spouse of [Decedent].” *Id.* at p. 43. It is disingenuous for

Respondent to assert on appeal these issues relate solely to her “standing” to file the subject claims. She should be held to her arguments wherein she contended she was entitled to partial summary judgment, conclusively establishing her as Decedent’s “surviving spouse.”

Moreover, any argument that the Orders on Appeal related merely to Respondent’s “standing” to bring her claims are substantively without merit and distort fundamental legal tenets. Standing is a threshold determination to be made by a court as a prerequisite to a party’s ability to bring a legal action. As this Court has reflected:

The lynchpin of [any standing] analysis is that the plaintiff must have a personal stake in the litigation, meaning he is the real party in interest. [Citing *Sea Pines Ass’n for the Prot. Of Wildlife, Inc. v. S.C. Dep’t of Natural Res.*, 345 S.C. 594, 600, 550 S.E.2d 297, 291 (2001) (quoting *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 559-61, 112 S.Ct. 2130, 119 L.Ed.2d 351 (1992)). In other words, the party seeking relief must have a real, material, or substantial interest in the litigation, not merely a nominal or technical one. *Id.* “Moreover, the injury must be of a personal nature to the party bringing the action, not merely of a general nature which is common to all members of the public.”

Georgetown County League of Women Voters v. Smith Land Co., Inc., 393 S.C. 350, 358, 713 S.E.2d 297, 291-92 (2011).

Any effort by any party to assert Respondent “lacked standing” to bring her omitted spouse and elective share claims would have been patently without merit. There is no dispute that Respondent and Decedent participated in a ceremonial marriage on December 14, 2001 in Aiken County and that, at least for some period of time, Decedent believed himself to be married to Respondent.³ However, as the Joint Stipulation of Facts reflects, what was unknown to Decedent at the time of the purported marriage ceremony to Respondent was Respondent’s prior marriage to another man on February

³ See Joint Stipulation of Facts, filed on September 5, 2014, attached hereto as Exhibit A.

12, 1997.⁴ Also unknown to Decedent at the time of his purported marriage to Respondent was the fact that Respondent and Mr. Ahmed never obtained a divorce or annulled their marriage.⁵ These facts render Decedent's "marriage" to Respondent in 2001 invalid as a matter of law. *See Day v. Day*, 216 S.C. 334, 58 S.E.2d 83 (1950) ("A mere marriage ceremony between a man and a woman, where one of them has a living wife or husband, is not a marriage at all. Such a marriage is absolutely void, and not merely voidable").

The LSA would have had no basis in law or fact to assert Respondent lacked standing to bring an omitted spouse and/or elective share claim under the South Carolina Probate Code. It would have been difficult, if not impossible, for any party to assert Respondent did not have a "personal stake" in the probate of Decedent's Estate or subsequent litigation based on the Joint Stipulation of Facts. It is clear that although she may lose as a matter of law, as the LSA contends she should, Respondent undisputedly held a "real, material, or substantial interest in the litigation," which was "not merely a nominal or technical one" and was of a "personal nature" to Respondent. *Id.*

For these reasons, Respondent's first and third arguments, which depend on the flawed assumption that the Orders on Appeal are non-appealable because they merely relate to Respondent's "standing" to bring the claims asserted in the underlying action, are entirely misplaced and should be summarily rejected by the Court.⁶

⁴ *See* Joint Stipulation of Facts, Exhibit A.

⁵ *Id.*

⁶ Further, Respondent's reliance on North Carolina law is not only not binding on this Court, but it is also wholly inapplicable in this context.

II. APPELLATE COURTS HAVE WIDE DISCRETION TO CONSIDER AN ORDER DENYING A MOTION FOR SUMMARY JUDGMENT.

Respondent's second argument, that an order "*denying* a summary judgment motion is *never* reviewable on appeal" (*see* Return at § 2 (emphasis in original) is contrary to existing precedent in this State.

In general, the denial of a motion for summary judgment is not immediately appealable, *Osborne v. Allstate Ins. Co.*, 319 S.C. 479, 462 S.E.2d 291 (Ct. App. 1995), because "it does not finally determine anything about the merits or strike a defense," *Watson v. Underwood*, 407 S.C. 443, 457, 756 S.E.2d 155, 162 (Ct. App. 2014). Rather, it "simply decides the case should proceed to trial. *Ballenger v. Bowen*, 313 S.C. 467, 443 S.E.2d 379 (1994). Because "it does not establish the law of the case, and the issues raised in the motion may be raised again later in the proceedings by a motion to reconsider the summary judgment motion or by a motion for directed verdict," it does not have the effect of affecting the merits. *Id.*

However, despite the general rule, our appellate courts have considered such orders where they are integrally tied with orders relating to the same issue(s). For example, in *Watson*, 407 S.C. 443, 756 S.E.2d 155, the Court of Appeals indicated "an order that is not directly appealable will *nonetheless be considered* if there is an appealable issue before the Court and a ruling on appeal will avoid unnecessary litigation." *Id.* at 459, 756 S.E.2d at 163 (citation omitted) (emphasis added). The Court of Appeals has further stated it will "review[] interlocutory orders when they contain other appealable issues." *Id.* (quoting *Ferguson v. Charleston Lincoln Mercury, Inc.*, 349 S.C. 558, 565, 564 S.E.2d 94, 98 (2002)).

Moreover, appellate courts have significant discretion in considering interlocutory orders on appeal. For example, in *Widdicombe v. Tucker-Cales*, 366 S.C. 75, 620 S.E.2d 333 (Ct. App. 2007), the Court of Appeals held it would consider the merits of a mother's appeal from a family court order granting emergency temporary custody of the parties' child to father. The Court held the family court's order had a "practical effect" of a final order affecting her substantial rights. *Id.* at 85, 620 S.E.2d at 338. The Court's ruling was based, in part, on its conclusion that "the issues raised by Mother on appeal have been the subject of much contention in this case. They will inevitably be raised to the family court again in the future and, because they have been fully briefed by the parties, we find that it would be in the interest of judicial economy to decide the matters now." *Id.* at 85, 620 S.E.2d at 339 (citing *Southern Bell Tel. and Tel. Co. v. Hamm*, 306 S.C. 70, 75, 409 S.E.2d 775, 778 (1991) (considering an issue on appeal in the interests of judicial economy)).

Here, it is undisputed the Orders on Appeal, in part, *granted* Respondent's Motion for Summary Judgment. The January 1, 2015 Order purports to determine Respondent is Decedent's "surviving spouse" as a matter of law. Although the lower court's determination did not provide complete relief to Respondent on her claims, the court's conclusion is a decision "affecting the merits" of Respondent's case, chiefly because she must prove she is a surviving spouse as the primary element of her omitted spouse and elective share claims. Because the Orders on Appeal "finally determined a substantial matter forming a part of [Respondent's case]" the Orders "involve[e] the merits" and are appealable pursuant to S.C. Code Ann. § 14-3-330; see *Baldwin Constr. Co., Inc. v.*

Graham, 357 S.C. 227, 593 S.E.2d 146 (2004).⁷

This Court has affirmed “[a] summary judgment ruling, as well as a 12(b)(6) dismissal, fits within” the “definition” of an order which “determines ‘some substantial matter forming the whole or a part of some cause of action or defense.’” *Link v. Sch. Dist. of Pickens County*, 302 S.C. 1, 6, 393 S.E.2d 176, 179 (1990) (quoting *Jefferson by Johnson v. Gene’s Used Cars, Inc.*, 295 S.C. 317, 368 S.E.2d 456 (1988)). Accordingly, the Orders on Appeal, including the portion which denies the LSA’s Motion for Summary Judgment, are appealable, despite Respondent’s argument to the contrary.

This Court can and should consider on appeal the lower court’s order denying the LSA’s and others’ motions for summary judgment because such issues were inextricably intertwined with Respondent’s motion for summary judgment, which was granted. The sole issue before the lower court and now on appeal is whether Respondent is Decedent’s “surviving spouse.” As the record will reveal, there were more than 1,000 pages of legal analysis provided to the lower court through extensively-briefed memoranda of law. It is undisputed that legal issues contained in all parties’ cross motions will be raised again in the future, and because they have all been briefed by the parties, it would be in the interest of judicial economy for the appellate courts to decide the matters at this stage.

⁷ Case law from other jurisdictions affirms this conclusion. *See Berryman v. Thorne*, 700 A.2d 181 (D.C. Ct. App. 1997) (reviewing an appeal from the trial court’s order granting Thorne, appellee, partial summary judgment and denying Berryman’s cross-motion for summary judgment. The order established Thorne as the surviving spouse of Mary Patterson thereby entitling him to collect his statutory share under D.C. law.).

III. THE ISSUES ON APPEAL INVOLVE SIGNIFICANT PUBLIC INTERESTS AND/OR LEGAL PRINCIPLES OF MAJOR IMPORTANCE.

At the risk of repetition, the LSA takes issue with Respondent's characterization of the issues on appeal as "whether Respondent has standing" as asserted in Respondent's Return at § IV.⁸ As explained above, and will be fully corroborated by the record, the Orders on Appeal pertain *exclusively* to the primary element of Respondent's claims, whether she is Decedent's "surviving spouse" as a matter of law. Because Respondent has misstated the procedural posture of this case, her assertions that the "issues" do not implicate any "significant public interest" or "legal principle of major importance" are unpersuasive.

Respondent's success on her claims to be Decedent's surviving spouse have a direct impact on the Decedent's Estate and the money that will pass to the Decedent's charitable trust under the pour-over clause in the will. The Decedent intended to devote this money to the education of impoverished children in South Carolina and Georgia. The public has a significant interest in ensuring estates are probated efficiently and effectively. This is especially true where the public has a direct stake in the outcome of litigation through the passing of probate assets to a charitable trust. *See Wilson v. Dallas*, 403 S.C. 411, 445, 743 S.E.2d 746, 765 (2013) (recognizing *in this case*, the "public[']s interest" in the "protect[ion] ... of a charitable trust.").

This case also involves legal principles of major importance because the lower court's orders concerns the effect of family court annulment orders on a decedent's

⁸ Respondent contends: "It is difficult to conceive of any scenario in which this Court would allow the immediate appeal of interlocutory orders determining that a plaintiff has standing to pursue his action, and therefore difficult to conceive of any scenario in which a subset of such appeals would warrant Rule 204(b) certification." *Id.*

estate. Not only are these issues significant to family and probate courts, but in addition, the public has a significant interest in understanding the interplay between decisions rendered by different courts, including the family and probate courts.

Moreover, the lower court's decision purports to define whether a family court annulment order "relates back" so as to retroactively validate an otherwise bigamous intervening marriage. In doing so, the lower court construed the appellate courts' rulings in *Lukich v. Lukich*, 368 S.C. 47, 627 S.E.2d 754 (Ct. App. 2006), *aff'd*, 379 S.C. 589, 666 S.E.2d 906 (2008). The LSA contends the lower court's interpretation of the *Lukich* decisions distorts this Court's intent and the lower court's conclusion creates a ludicrous result wherein one person can get married, never divorce or annul her first marriage, marry a second man less than five years later, and, when second husband dies, claim a significant financial stake in the second husband's estate. This Court has a significant interest in correcting errors of law where such errors result in manifest injustice.

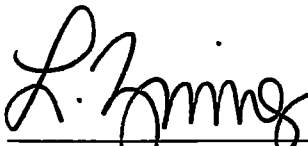
Respondent's argument that this Court should deny the LSA's Motion to Certify because it is "scheduled for trial"⁹ is misguided and irrelevant. Whether the subject orders are appealable is a completely separate legal analysis from whether the remaining portions of the underlying action can proceed while the appeal is pending. *See* Rules 205 and 241, SCACR.

⁹ In addition to being wholly irrelevant, Respondent's statement that this case "is scheduled for trial in May 2016" is simply incorrect. As proof, Respondent attaches a scheduling order in a completely unrelated case, *Intrigue Music Management, Inc. v. Russell Bauknight as Personal Representative for the Estate of James Brown and Trustee of the James Brown 2000 Irrevocable Trust*, C/A No. 2008-CP-02-1557. Neither Respondent nor the LSA, or any other party to this appeal, are parties in the *Intrigue Music* case. The fact is there has been no scheduling order issued in either of the underlying cases to this appeal, 2013-CP-02-02849 and -2850.

CONCLUSION

Accordingly, the LSA respectfully requests that the Court certify this appeal under Rule 204(b) of the *South Carolina Appellate Court Rules*.

Respectfully submitted,



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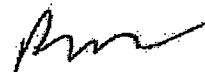
*Attorneys for Appellant David C. Sojourner, Jr.,
Esquire, in his capacity as Limited Special
Administrator and Limited Special Trustee*

December 17, 2015.

Petitioner, through the Prenuptial Agreement, waived her right to claim as Decedent's surviving spouse under S.C. Code Ann. §§62-2-301 (omitted spouse) and 62-2-201 (elective share) or otherwise, and Petitioner retains her right to deny the enforcement, validity and authenticity of the same.

The Parties therefore stipulate as follows:

1. On February 12, 1997, Petitioner and Javed Ahmed obtained a marriage license in the State of Texas, a true copy of which is attached as **Exhibit 1**.
2. On February 17, 1997 Petitioner participated in a marriage ceremony with Javed Ahmed in Harris County Texas.
3. On June 11, 2001 Petitioner's son, James Joseph Brown, II, was born in Las Vegas, Nevada, and a true copy of his birth certificate is attached as **Exhibit 2**. The LSA filed a Motion to Acquire DNA Samples from James Brown, II on March 10, 2014 in the pretermitted child action, Case No. 2013-CP-02-02851. All parties agreed that the child should submit to a DNA test to help determine if he is in fact the child of Decedent. All parties approved a consent order to that effect, and said consent order was filed on May 14, 2014. On June 11, 2014, James Joseph Brown, II, in accordance with this order, submitted to a DNA test at the LabCorp office located at 7751 West Flamingo Road, Suite B 102, Las Vegas, Nevada 89147. The results of the DNA test show that "the probability of paternity is 99.99%." See LabCorp DNA Test Results, attached herein as **Exhibit 3**. The parties stipulate that **Exhibit 3** is a true and authentic copy of the test and is admitted into evidence without objection. Respondents reserve the right to move the court for another DNA test should additional evidence become available that challenges the validity of the LabCorp DNA Test Results.



4. On December 10, 2001, Petitioner and Decedent obtained a marriage license in the State of South Carolina, a true copy of which is attached as **Exhibit 4**.

5. On December 14, 2001 Decedent and Petitioner participated in a marriage ceremony in Beech Island, South Carolina.

6. From the February 17, 1997 marriage ceremony between Petitioner and Javed Ahmed through the December 14, 2001 marriage ceremony between Petitioner and Decedent, no order of any court or other occurrence of which Plaintiff is aware at this time ended or caused to end any marriage that certain parties assert existed between Petitioner and Javed Ahmed.

7. On December 15, 2003, Petitioner filed a family court action in Charleston County South Carolina seeking an annulment of her marriage to Javed Ahmed (*Tommie Rae Hynie, a/k/a Tommie Rae Brown v. Javed Ahmed*, 2003-DR-10-4609) (the "Ahmed Annulment Action", attached herein). The parties agree that the following documents were filed in that case and true and correct copies of each are attached hereto as the following Exhibits:

Exhibit 5 - Tommie Rae Brown's Summons & Complaint for Annulment, filed December 15, 2003;

Exhibit 6 - Ronald Pannel's Affidavit of Attempted Service filed February 4, 2004;

Exhibit 7 - Affidavit of Tommie Rae Brown filed February 4, 2004;

Exhibit 8 - Order of Publication filed February 4, 2004;

Exhibit 9 - Affidavit of Marcia F. Jones filed April 15, 2004;

Exhibit 10 - Affidavit of Publication filed April 15, 2004;

Exhibit 11 - Order of Continuance filed March 24, 2004;

Exhibit 12 - Final Order filed April 15, 2004.

8. A true copy of the transcript of a hearing held on April 15, 2004 in the Ahmed Annulment Action is attached as **Exhibit 13** ("Ahmed Annulment Action Transcript").



9. Except as may be contained in the Ahmed Annulment Action Transcript and the Family Court documents attached herein as Exhibits 5-13, Petitioner at this time can identify no documents or other tangible evidence evidencing Javed Ahmed was married to another person when Petitioner and Javed Ahmed participated in the February 17, 1997 marriage ceremony.

10. Except as may be contained in the Ahmed Annulment Action Transcript, Petitioner at this time can identify no person (except Javed Ahmed and the wives to whom he was allegedly married) who can testify that Javed Ahmed was married to another person when Petitioner and Javed Ahmed participated in the February 17, 1997 marriage ceremony.

11. On April 15, 2004 the Charleston County Family Court issued the Final Order in the Ahmed Annulment Action, a true copy of which is attached as Exhibit 12.

12. Decedent was not a named party in the Ahmed Annulment Action.

13. James Brown gave Tommie Rae Brown the funds to pay the legal fees for the Ahmed Annulment litigation.

14. James Brown was aware of the Ahmed Annulment litigation as his attorney received a copy of the Summons and Complaint in February 2004 and the Final Order of Annulment in April 2004, a true copy of both communications attached as Exhibits 14.

15. Decedent did not intervene as a party in the Ahmed Annulment Action.

16. Decedent was not Robert Rosen's client in the Ahmed Annulment Action.

17. The Charleston County Family Court found that Javed Ahmed was properly served by publication and notified of the hearing. Javed Ahmed failed to appear, answer the complaint or otherwise plead within the time required, participate in or otherwise defend himself in the Ahmed Annulment Action.



18. In the Ahmed Annulment Action, Petitioner's testimony was the only evidence before the court that Javed Ahmed was married at the time Petitioner and Javed Ahmed participated in the February 17, 1997 marriage ceremony.

19. On January 29, 2004, Decedent brought an annulment action against Petitioner in Aiken County and Petitioner counterclaimed for a divorce. The following documents were filed in that case with the Aiken Count Family Court and true and correct copies of each are attached hereto as the following Exhibits:

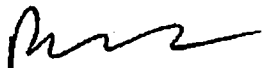
- Decedent's Summons and Complaint for Annulment filed January 29, 2004, **Exhibit 15;**
- Decedent's Amended Complaint for Annulment filed May 6, 2004, **Exhibit 16;**
- Petitioner's Answer and Counterclaim filed June 14, 2004, **Exhibit 17;**
- Decedent's Reply to Counterclaim filed July 6, 2004, **Exhibit 18;** and
- Consent Order of Dismissal filed August 16, 2004, **Exhibit 19.**

20. Decedent died on December 25, 2006.

21. The parties could not reach an agreement as to other facts but agree this Court can take judicial notice, as it deems appropriate, of the files, pleadings, transcripts of hearings, briefs and oral arguments in this Court, the Court of Appeals and the Supreme Court along with the Record on Appeal from the Court of Appeals and Supreme Court, in all cases concerning or related to Petitioner's elective share and omitted spouse claims.

On behalf of our clients, we so stipulate.

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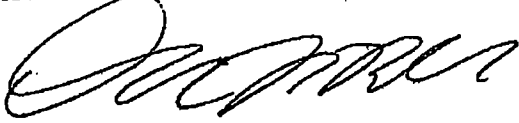
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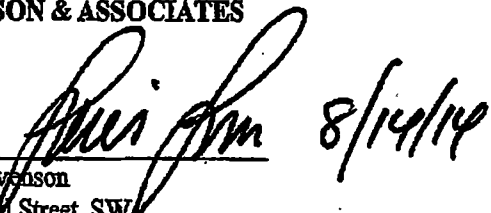
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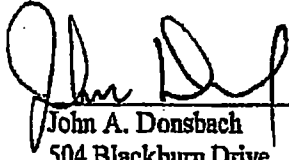
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August 11, 2014.

TABLE OF CONTENTS OF EXHIBITS TO JOINT STIPULATION OF FACTS

- Exhibit 1** **Petitioner and Javed Ahmed' marriage license dated 2/12/97**
- Exhibit 2** **True copy of James Brown II's birth certificate dated 6/11/01**
- Exhibit 3** **True copy of LabCorp DNA Test Results for James Brown II dated 6/11/14**
- Exhibit 4** **Petitioner and Decedent's marriage license dated 12/10/01**
- Exhibit 5** **Tommie Rae Brown's Summons & Complaint for Annulment, filed 12/15/03**
- Exhibit 6** **Ronald Pannel's Affidavit of Attempted Service filed 2/4/04**
- Exhibit 7** **Affidavit of Tommie Rae Brown filed 2/4/04**
- Exhibit 8** **Order of Publication filed 2/4/04**
- Exhibit 9** **Affidavit of Marcia F. Jones filed 4/15/04**
- Exhibit 10** **Affidavit of Publication filed 4/15/04**
- Exhibit 11** **Order of Continuance filed 3/24/04**
- Exhibit 12** **Final Order filed 4/15/04**
- Exhibit 13** **Transcript of Hearing of Ahmed Annulment Action dated 4/15/04**
- Exhibit 14** **Letters to Decedent's attorney dated 2/5/04 and 4/16/04 with Summons and Complaint and Final Order of Annulment**
- Exhibit 15** **Decedent's Summons and Complaint for Annulment filed 1/29/04**
- Exhibit 16** **Decedent's Amended Complaint for Annulment filed 5/6/04**
- Exhibit 17** **Petitioner's Answer and Counterclaim filed 6/14/04**
- Exhibit 18** **Decedent's Reply to Counterclaim filed 7/6/04**
- Exhibit 19** **Consent Order of Dismissal filed 8/16/04**

EXHIBIT 1

COPY
~~ORIGINAL~~ FILED

SEP 05 2004 1:00 PM

AIKEN COUNTY
CLERK OF COURT

95-10-0466

MARRIAGE LICENSE

The State of Texas, County of Harris

To any person authorized by the laws of the State of Texas to celebrate the Rites of Matrimony in the State of Texas

Greeting:

You are hereby authorized to conduct the Rites of Matrimony between

JAVED AHMED

and

TOMIE RAE HYNIZ

and make due return to the County Clerk of Harris County, Texas, within thirty days of performing the marriage, certifying your action under this license.

Witness my official signature and seal of office in Harris County, Texas at

03:30 P.M. on 12TH FEBRUARY 1997

Beverly B. Kaufman
County Clerk, Harris County, Texas

Deputy

JOHN M. ANTONANO

Officer's Return

This certifies that I have united in marriage the parties named above on this

17TH day of FEBRUARY, 19 97.

Dale H. Gorczyński
Signature

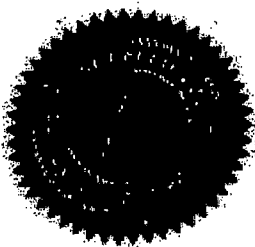
DALE H. GORCZYNSKI

Printed or Typed Name

JUSTICE OF THE PEACE 1-1

The
HOUSTON, HARRIS, TEXAS

City and County in which ceremony was performed



A CERTIFIED COPY

JAN 25 2008

ATTEST:
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Chavonda A. Royer
CHAVONDA A. ROYER Deputy

Stip Exhibits 000001

195-18-0467

JAVED AHMED

 Male
TOMMIE RAZ HYSIE

 Female
02 12 97

 Date of Issuance

 Name of Proxy (if any)

12 14 69

 Date of Birth
05 21 69

 Date of Birth

Seventy-two (72) hour exceptions:
 Active Military I.D.# _____
 Date of District Court Order _____

1957 FEB 17 11:13 AM

T 28734
 02/12/97 1100020695 431.00
 Marriage License

Return License To:

MR. & MRS. J. ARMED
 14403 ELLA BLVD. #1314
 HOUSTON TEXAS 77014

PERSONS AUTHORIZED TO CONDUCT CEREMONY

Section 1.53, Family Code. (a) The following persons are authorized to conduct marriage ceremonies: (1) licensed or ordained Christian ministers and priests; (2) Jewish rabbis; (3) persons who are officers of religious organizations and who are duly authorized by the organization to conduct marriage ceremonies; and (4) justices of the supreme court, judges of the court of criminal appeals, justices of the courts of appeals, judges of the district, county, and probate courts, judges of the county courts at law, clerks of domestic relations and juvenile courts, clerical justices and judges of such courts, justices of the peace, retired justices of the peace, and judges and registrars of the federal courts of this state.

Section 1.54, Family Code. (a) A marriage license expires at the end of the 30-day period immediately following the date that the license was issued if the marriage ceremony has not been conducted within that period. The person who is to conduct the marriage ceremony shall determine this information from the county clerk's endorsement on the license.

This license is not valid for seventy-two (72) hours from the time of issuance.

Accompanied by TDH Material as required by Section 1.07(i) Family Code

A CERTIFIED COPY

ATTEST: JAN 25 2008
 BEVERLY B. KAUFMAN, County Clerk
 Harris County, Texas

Chavonda A. Royer Deputy
 CHAVONDA A. ROYER

Stip Exhibits 000002

EXHIBIT 2 COPY

ORIGINAL FILED

STATE OF NEVADA - DEPARTMENT OF HUMAN RESOURCES
DIVISION OF HEALTH - SECTION OF VITAL STATISTICS

LOCAL FILE NUMBER 10210

CERTIFICATE OF LIVE BIRTH

STATE FILE NUMBER

SEP 05 2014

AIKEN COUNTY
CLERK OF COURT

INSTRUCTIONS
SEE
HANDBOOK

CHILD

REGISTERED
ATTENDANT

DEATH NUMBER
ONE YEAR
OF AGE

Enter State File
Number at
death certifi-
cate for this
date.

MOTHER

FATHER

INFORMANT

1. CHILD'S NAME FIRST: James MIDDLE: Joseph LAST: BROWN, III		7. DATE OF BIRTH (Month, Day, Year) June 11, 2001	
3. TIME OF BIRTH 09:08 AM	4. SEX Male	5. CITY, TOWN OR LOCATION OF BIRTH Las Vegas	6. COUNTY OF BIRTH Clark
7. PLACE OF BIRTH (Specify) Hospital		8. FACILITY NAME (If not hospital, give street and number) Sunrise Hospital and Medical Center	
9. I certify that this child was born alive at the place and time and on the date stated.		10. DATE SIGNED (Month, Day, Year) 6-25-01	11. REGISTRAR'S NAME AND TITLE IN 2001 (Do not certify) NAME: Gerald Cases TITLE: M.D.
12. REGISTRAR'S NAME AND TITLE (Specify) NAME: Janet K. Funk TITLE: Medical Record Clerk		13. ATTENDANT'S MAILING ADDRESS (Street and number or exact route number, city, or town, NV Code) 2501 N. Green Valley Pkwy. #130 Henderson, NV 89014	
14. REGISTRAR'S SIGNATURE Rebecca Dennis, Deputy		16. DATE FILED BY REGISTRAR (Month, Day, Year) JUN 03 2001	
10a. MOTHER'S NAME FIRST: Tommie MIDDLE: Rae LAST: Hynie		10b. MOTHER'S SURNAME Hynie	10c. AGE 32
10a. BIRTHPLACE (State or foreign country) Nevada	10a. RESIDENCE - STATE South Carolina	10a. COUNTY Richmond	10a. CITY, TOWN OR LOCATION Beach Island
10d. STREET AND NUMBER 430 Douglas Drive	10e. HOME CITY LIMIT? Yes	10f. MOTHER'S MAILING ADDRESS (If same as residence, write NV Code only) 22841	
11. FATHER'S NAME FIRST: James MIDDLE: Joseph LAST: Brown Jr.	11. AGE 68	11. BIRTHPLACE (State or foreign country) South Carolina	
24. I certify that the personal information provided on this certificate is correct to the best of my knowledge and belief. Signature of parent or other informant: Tommie Rae Hynie			

"CERTIFIED TO BE A TRUE AND CORRECT COPY OF THE DOCUMENT ON FILE WITH THE REGISTRAR OF VITAL STATISTICS, STATE OF NEVADA." This copy was issued by the Clark County Health District from State certified documents as authorized by the State Board of Health pursuant to NRS 440.175.

NOT VALID WITHOUT THE
RAISED SEAL OF THE CLARK
COUNTY HEALTH DISTRICT

DONALD S. KWALICK, MD, M.P.H.
Registrar of Vital Statistics

By: 

Date Issued:

JAN 10 2007

CLARK COUNTY HEALTH DISTRICT
625 Shadow Lane P.O. Box 3902
Las Vegas, Nevada 89127
702-388-1228
Tax ID# 88-0151573

EXHIBIT "A"

Stip Exhibits 000003



Laboratory Corporation of America

P.O. Box 2230 Burlington, NC 27216 Telephone: (336) 584-5171 Relationship Report

EXHIBIT P Y ORIGINAL FILED SEP 05 2014 100 AIKEN COUNTY CLERK OF COURT

LabCorp Case # COS-073060

Relationship	Party	Race	Date(s) Drawn
Child	BROWN II, JAMES	46D-1082-0	06/11/2014
Alleged Father	BROWN, JAMES J	732-5004-0 Black	12/25/2006

Conclusion:

Combined Paternity Index: 1,087,652 to 1 Probability of Paternity: 99.99% (Prior Probability = 0.5)

The alleged father, JAMES J. BROWN, cannot be excluded as the biological father of the child, JAMES BROWN II, since they share genetic markers. Using the above systems, the probability of paternity is 99.99%, as compared to an untested, unrelated man of the Black population.

I, the undersigned Director, upon being duly sworn on oath, do depose and state that I read the foregoing report on the analysis of specimens from the above named individuals, signed by myself, and under penalties for perjury it is my belief that the facts and results therein are true and correct.

George C Maha, JD, Ph.D., D(ABMG), Director

State of North Carolina County of Alamance Oma Marquez Lopez

I, certify that George C Maha, JD, Ph.D., D(ABMG) personally came before me this day and acknowledged that he (or she) is an employee of Laboratory Corporation of America Holdings, a corporation, and that as an employee being authorized to do so, executed the foregoing on behalf of the corporation.

Subscribed and sworn to [or affirmed] before me this JUN 23 2014 at Burlington, NC.

Oma Marquez Lopez Notary Public

OMA MARQUEZ LOPEZ NOTARY PUBLIC ALAMANCE COUNTY, NC My Commission Expires Nov. 27, 2017

Laboratory Corporation of America is accredited by the AABB.

LICENSE AND CERTIFICATE FOR MARRIAGE
STATE OF SOUTH CAROLINA

AIKEN COUNTY
CLERK OF COURT

207020


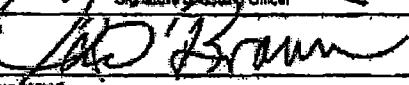
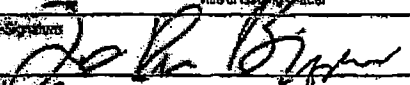
AIKEN

LICENSE NUMBER

COUNTY

GROOM-NAME (FIRST) (MIDDLE) (LAST)			BIRTHDATE (MONTH, DAY, YEAR)		AGE
(1) JAMES BROWN			(2a) MAY 3, 1933		(2b) 68
BIRTHPLACE (State or foreign country)		RACE	RESIDENCE (Street and Number)		
(3) SOUTH CAROLINA		(4) BLACK	(5a) 430 DOUGLAS DRIVE		
CITY, TOWN OR LOCATION		COUNTY	STATE	NO. OF THIS MARRIAGE (1st, 2nd, etc.)	
(5b) BEECH ISLAND		(5c) AIKEN	(5d) SOUTH CAROLINA	(6) 4	
BRIDE-NAME (FIRST) (MIDDLE) (LAST)			BIRTHDATE (MONTH, DAY, YEAR)		AGE
(7) TOMMIE RAE HYNIE			(8a) MAY 21, 1969		(8b) 32
BIRTHPLACE (State or foreign country)		RACE	RESIDENCE (Street and Number)		
(9) NEVADA		(10) WHITE	(11a) 430 DOUGLAS DRIVE		
CITY, TOWN OR LOCATION		COUNTY	STATE	NO. OF THIS MARRIAGE (1st, 2nd, etc.)	
(11b) BEECH ISLAND		(11c) AIKEN	(11d) SOUTH CAROLINA	(12) 1	
MAIDEN NAME OF BRIDE (if different from above)					
(13)					

Application for a license was filed with this court at 3:15p M., on the 10 day of DECEMBER, 2001. These are, therefore, to authorize any person qualified to perform marriage ceremonies to perform the marriage ceremony for the persons above named and for the so doing this shall be sufficient warrant. Given under my hand and seal at 3:20 PM, this the 11th day of December, A.D. 2001.

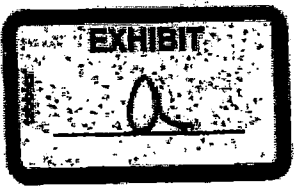
 Signature of Judge of Probate		JUDGE OF PROBATE Title of Issuing Officer	
GROOM-Signature		BRIDE-Signature	
(14) 		(15) 	
I certify that the above named persons were married on		Place of Marriage	
(16) <u>December 14</u> (MONTH) (DAY) (YEAR) <u>2001</u>		<u>Beech Island Aiken</u>	
OFFICIANT-Signature		OFFICIANT-Title	
(18a) <u>Rev. Larry Fryer</u>		(18b) <u>Rev. Larry Fryer</u>	
OFFICIANT-Residing Address			
(18c) <u>1115 - 6th Avenue, Augusta, Georgia 30901</u>			

I, Liz Johnson, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this

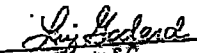
CO 0681 (12/1998)

PROBATE JUDGE

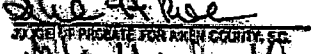
MAR 16 2007



FILED
AIKEN COUNTY
MAY 30 2006
4:55p
CLERK OF COURT

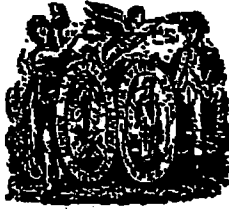

 Deputy Clerk
 STATE OF SOUTH CAROLINA
 COUNTY OF AIKEN

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN THIS COURT WITH MY HAND AND SEAL OF THE COURT THIS THE

DAY OF March AD 2004

 CLERK

Stip Exhibits 00005

Marriage



Certificate

LICENSE NO. 207020

STATE OF SOUTH CAROLINA,
AIKEN COUNTY

PROBATE COURT

To Whom It May Concern:

THIS IS TO CERTIFY, That on the 14th day of DECEMBER, 2001

at BEECH ISLAND in Aiken County, State of South Carolina,

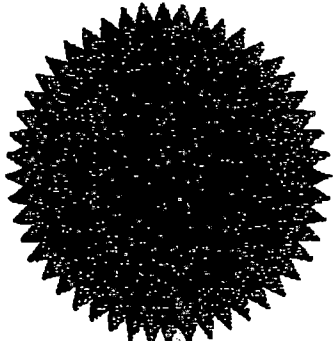
JAMES BROWN BEECH ISLAND, SC 68 and
MAN'S NAME ADDRESS AGE

TOMMIE RAE HYNIE BEECH ISLAND, SC 32
WOMAN'S NAME ADDRESS AGE

were united in the Bonds of Matrimony by LARRY FRYER

MINISTER in accordance with the law of South Carolina,
OFFICIAL TITLE

in such cases made and provided, and as shown by the records of this Court that the information given is that their race is BLACK/WHITE and their Nationality is American.



Witness my Hand and Seal of said Court, this:

the 8th day of JANUARY, 2003

A TRUE COPY

Attest: [Signature]
JUDGE OF PROBATE

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

FILED IN THE FAMILY COURT
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO. 03-DR-10-4609
2003 DEC 15 PM 4:34

TOMMIE RAE HYNIE, a/k/a
TOMMIE RAE BROWN,

Plaintiff,

-vs-

JAVED AHMED,

Defendant.

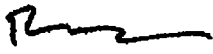
CLERK OF COURT
JONG
BART

SUMMONS

COPY ORIGINAL FILED
SEP 05 2014 1:00
AIKEN COUNTY CLERK OF COURT

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you and to serve a copy of your Answer to said Complaint on the subscribers at their offices, The Rosen Law Firm, 134 Meeting Street, Suite 202, Post Office Box 1510, Charleston, South Carolina 29402, or to otherwise appear and defend, within thirty (30) days after the service hereof, exclusive of the day of such service, and if you fail to answer the Complaint, or otherwise to appear and defend, within the time aforesaid, the Plaintiff in this action will obtain a judgment by default against you for the relief demanded in the Complaint.

THE ROSEN LAW FIRM, LLC

By: 
ROBERT N. ROSEN
134 Meeting Street, Suite 200
Charleston, SC 29402
(843) 377-1700- Office
(843) 377-1707-Facsimile
ATTORNEYS FOR PLAINTIFF

Charleston, South Carolina
December 15, 2003

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

TOMMIE RAE HYNIE, a/k/a
TOMMIE RAE BROWN,

Plaintiff,

-vs-

JAVED AHMED,

Defendant.

FILED IN THE FAMILY COURT
 FOR THE NINTH JUDICIAL CIRCUIT
 CASE NO. 03-DR-10- 4609
 2003 DEC 15 PM 4:34
 JUDGE STRONG
 CLERK OF COURT
 BY [Signature] COMPLAINT

TO: THE DEFENDANT NAMED ABOVE:

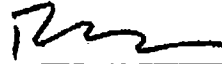
The Plaintiff above named would respectfully show unto this Honorable Court, as follows:

1. The Plaintiff is a citizen and resident of South Carolina, and has so resided in said state for at least one (1) year prior to the commencement of this action.
2. The Plaintiff is informed, and believes that the Defendant is a citizen and resident of Texas.
3. The Plaintiff is informed and believes that jurisdiction is proper in the Family Court pursuant to §20-7-420(6) and §20-1-530 of the South Carolina Code.
4. The Plaintiff alleges that in February 1997, the Defendant was an immigrant from Pakistan, who unbeknownst to Plaintiff, wanted to marry Plaintiff so that he could become a United States citizen.
5. On February 17, 1997, the Plaintiff and Defendant married in Harris County, Texas.
6. Thereafter, the Defendant refused to live with the Plaintiff and Plaintiff returned to her domicile. The Plaintiff alleges she never saw or heard from the Defendant again.
7. The Plaintiff alleges that the parties never lived together as husband and wife and never engaged in any sexual contact or activity whatsoever, therefore failing to consummate their marriage.
8. Plaintiff is informed and believes that prior to their marriage, the Defendant had three or more wives to whom he was lawfully married under Pakistani law when the parties married on February 17, 1997.
9. Plaintiff alleges there has been no collusion between the parties.
10. The Plaintiff now seeks to have this marriage annulled as the Defendant was already married to another woman, the Defendant perpetrated a fraud on the Plaintiff, and the parties did not consummate their purported marriage, nor did they live together as husband and wife, all of which constitute grounds for annulment pursuant to S.C. Code Ann. Section 20-1-530 (Lawyers Co-op 1976).

WHEREFORE, Plaintiff prays that this Honorable Court issue its Order as follows:

1. Granting the Plaintiff an annulment of the marriage between the parties; and
2. For any such other relief this Court deems just and proper.

THE ROSEN LAW FIRM, LLC

By: 
ROBERT N. ROSEN
134 Meeting Street, Suite 200
Charleston, SC 29402
(843) 377-1700- Office
(843) 377-1707-Facsimile
ATTORNEYS FOR PLAINTIFF

Charleston, South Carolina
December 15, 2003

EXHIBIT 6
COPY
ORIGINAL FILED
SEP 05 2014
AIKEN COUNTY
CLERK OF COURT

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
TOMMIE RAE HYNIE, a/k/a
TOMMIE RAE BROWN
-VS-
JAVED AHMED

IN THE FAMILY COURT
FOR THE NINTH JUDICIAL CIRCUIT
CASE No. 03-DR-10-4609

AFFIDAVIT OF ATTEMPTED SERVICE

"My name is Ronald Pannell. My business address is 5906 Dolores, Suite 150, Houston, Texas, 77057. I am over the age of eighteen years, competent to make this oath, have personal knowledge of the facts contained herein, and have no interest in the outcome of this suit. I am a Licensed Private Investigator, State License Number A-10656 and an Authorized Civil Process Server per TRCP Rule 103.

On 30 December 2003 I attempted to locate the defendant, JAVED AHMED in the above referenced cause. I conducted several searches in numerous national databases and came up with the address 14403 Ella Blvd., #314, Houston, Texas, 77014. JAVED AHMED no longer resides at this address.

JAVED AHMED - Texas Drivers License # 16564727
The address listed is 14365 Cornerstone Drive, #617, Houston, Texas, 77014
Issued out of Harris County, Texas
This license was last renewed on 11/01/99
JAVED AHMED no longer resides at this address.

A full skip trace report from a national database was conducted for Javed Ahmed, SSN# 630-46-2786. There are currently no Texas Motor Vehicles registered to JAVED AHMED. The results were inconclusive. I am unable to confirm a good address for Javed Ahmed at this time.

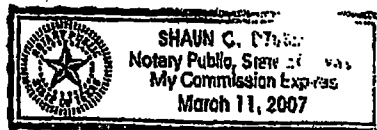
Donald Penwell

Affiant

SWORN TO AND SUBSCRIBED on this 12th day of January, 2003.

Shaun C. Davis

Notary Public for the State of Texas



STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

TOMMIE RAE HYNIE, a/k/a
TOMMIE RAE BROWN,

Plaintiff,

-vs-

JAVED AHMED,

Defendant.

FILED
IN THE FAMILY COURT
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO. 03-DR-10-4609
2003 DEC 15 PM 4:34

JUL. J. STRONG
CLERK OF COURT

BY _____

SUMMONS

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you and to serve a copy of your Answer to said Complaint on the subscribers at their offices, The Rosen Law Firm, 134 Meeting Street, Suite 202, Post Office Box 1510, Charleston, South Carolina 29402, or to otherwise appear and defend, within thirty (30) days after the service hereof, exclusive of the day of such service, and if you fail to answer the Complaint, or otherwise to appear and defend, within the time aforesaid, the Plaintiff in this action will obtain a judgment by default against you for the relief demanded in the Complaint.

THE ROSEN LAW FIRM, LLC

By: _____

ROBERT N. ROSEN
134 Meeting Street, Suite 200
Charleston, SC 29402
(843) 377-1700- Office
(843) 377-1707-Facsimile
ATTORNEYS FOR PLAINTIFF

Charleston, South Carolina
December 15, 2003

Stip Exhibits 000012

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

TOMMIE RAE HYNIE, a/k/a
TOMMIE RAE BROWN,

Plaintiff,

-vs-

JAVED AHMED,

Defendant.

FILED IN THE FAMILY COURT
FOR THE NINTH JUDICIAL CIRCUIT

2003 DEC 15 PM 4:34

CASE NO. 03-DR-10-4609

JULIA W. STRONG
CLERK OF COURT

BY _____

COMPLAINT

TO: THE DEFENDANT NAMED ABOVE:

The Plaintiff above named would respectfully show unto this Honorable Court, as follows:

1. The Plaintiff is a citizen and resident of South Carolina, and has so resided in said state for at least one (1) year prior to the commencement of this action.
2. The Plaintiff is informed, and believes that the Defendant is a citizen and resident of Texas.
3. The Plaintiff is informed and believes that jurisdiction is proper in the Family Court pursuant to §20-7-420(6) and §20-1-530 of the South Carolina Code.
4. The Plaintiff alleges that in February 1997, the Defendant was an immigrant from Pakistan, who unbeknownst to Plaintiff, wanted to marry Plaintiff so that he could become a United States citizen.
5. On February 17, 1997, the Plaintiff and Defendant married in Harris County, Texas.
6. Thereafter, the Defendant refused to live with the Plaintiff and Plaintiff returned to her domicile. The Plaintiff alleges she never saw or heard from the Defendant again.
7. The Plaintiff alleges that the parties never lived together as husband and wife and never engaged in any sexual contact or activity whatsoever, therefore failing to consummate their marriage.
8. Plaintiff is informed and believes that prior to their marriage, the Defendant had three or more wives to whom he was lawfully married under Pakistani law when the parties married on February 17, 1997.
9. Plaintiff alleges there has been no collusion between the parties.
10. The Plaintiff now seeks to have this marriage annulled as the Defendant was already married to another woman, the Defendant perpetrated a fraud on the Plaintiff, and the parties did not consummate their purported marriage, nor did they live together as husband and wife, all of which constitute grounds for annulment pursuant to S.C. Code Ann. Section 20-1-530 (Lawyers Co-op 1976).

Stip Exhibits 000013

WHEREFORE, Plaintiff prays that this Honorable Court issue its Order as follows:

1. Granting the Plaintiff an annulment of the marriage between the parties; and
2. For any such other relief this Court deems just and proper.

THE ROSEN LAW FIRM, LLC

By: 

ROBERT N. ROSEN
134 Meeting Street, Suite 200
Charleston, SC 29402
(843) 377-1700- Office
(843) 377-1707-Facsimile
ATTORNEYS FOR PLAINTIFF

Charleston, South Carolina
December 15, 2003

PANNELL LEGAL PROCESS SERVICES

Invoice

5906 Dolores
 Suite 150
 Houston, TX 77057

Date	Invoice #
1/13/2004	1404

The Rosen Law Firm 134 Meeting St. Suite 202 Charleston, South Carolina 29401	SERVICE ON: Javed Ahmed
---	-----------------------------------

Cause No.	Case Name	Terms
03dr104609	Hynic vs Ahmed	

Quantity	Item	Description	Price Each	Amount
1	*Citations	Attempted Service	75.00	75.00

Thank you for your business.	Total \$75.00
------------------------------	----------------------

Phone #	Fax #
713-975-0554	713-977-3920

EXHIBIT 7

COPY

ORIGINAL FILED

SEP 05 2014 1:00 PM

AIKEN COUNTY
CLERK OF COURT

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

TOMMIE RAE HYNIE, a/k/a
TOMMIE RAE BROWN,

Plaintiff,

JAYED AHMED,

Defendant.

IN THE FAMILY COURT

FOR THE NINTH JUDICIAL CIRCUIT

CASE NO. 03-DR-10-4609

FILED -4 PM 2:24

FAMILY
COURT

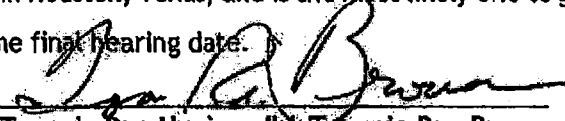
AFFIDAVIT OF

TOMMIE RAE HYNIE, a/k/a

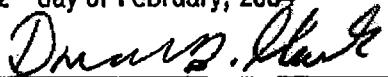
TOMMIE RAE BROWN

PERSONALLY appeared before me, Tommie Rae Hynie a/k/a Tommie Rae Brown, who being duly sworn, says as follows:

I am Tommie Rae Hynie a/k/a Tommie Rae Brown, the Plaintiff in the above case. I am unsure of the current whereabouts of Javed Ahmed, the Defendant, as I have not seen or heard from him in approximately seven years and believed our marriage had been annulled in Harris County, Texas. The last known address that I had for the Defendant was 14403 Ella Blvd., #1314, Houston, Texas, but in an effort to locate the Defendant in order to personally serve him with the Summons and Complaint in this action, I hired a licensed private investigator in the State of Texas, Ronald Pannell, who located a subsequent address, also in Houston, Texas, where the Defendant had apparently resided since the time I knew of his whereabouts. A copy of Mr. Pannell's Affidavit of Attempted Service is attached hereto and by this reference made a part hereof. These are the last known addresses of the Defendant. Mr. Pannell conducted a full skip trace report on the Defendant but was unable to locate him or confirm any further address for him. I am informed and believe that I am therefore entitled to an Order of Publication, requiring Publication of the Summons and Complaint herein in a newspaper of general circulation in Houston, Texas. I am further informed and believe that I am entitled to an Order setting a time and date for the final hearing in this matter so that notice of this hearing may simultaneously be published in order to give the Defendant notice, as required by Rule 17(a), SCRFC. I am further informed and believe that the Houston Chronicle, located at 801 Texas Avenue, Houston, Texas, 77002, is a newspaper of general circulation in Houston, Texas, and is the most likely one to give the Defendant notice of this action and of the final hearing date.


Tommie Rae Hynie, a/k/a Tommie Rae Brown

SWORN to before me this
2nd day of February, 2004



Notary Public for South Carolina
My commission expires: 10/14/04

Stip Exhibits 000016

ORDERED that the final hearing on this matter is hereby scheduled for March 26, 2004, at 9:30 o'clock Am. in the Charleston County Family Court and that notice of this final hearing may likewise be published in the same manner as the summons in the Houston Chronicle which, upon completion, shall constitute satisfaction of the notice requirements of Rule 17(a), SCRFC.

AND IT IS SO ORDERED!

J. Carolyn B. Cate
Presiding Judge
Charleston County Family Court
Ninth Judicial Circuit
** to be set by docketing clerk*

February 3, 2004

Charleston, South Carolina

G:\6120.001\Order.Publication.wpd

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, FAMILY COURT
By *Julie J. Armstrong*
DEPUTY CLERK

G:\6120.001\Order.Publication.wpd

292

Stip Exhibits 000018

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE FAMILY COURT
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO. 03-DR-10-4609

COPY
~~ORIGINAL~~ FILED
SEP 05 2014
AIKEN COUNTY
CLERK OF COURT

TOMMIE RAE HYNIE, a/k/a
TOMMIE RAE BROWN,

2004 APR 15 AM 9:15

Plaintiff,

-vs-

BY:  STRONG
COURT
AFFIDAVIT OF MARCIA F. JONES

JAVED AHMED,

Defendant.

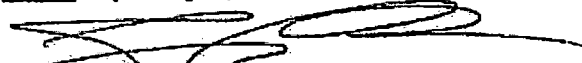
PERSONALLY appeared before me, Marcia F. Jones, who being duly sworn, deposes and says as follows:

1. She is a paralegal with the Rosen Law Firm, LLC.
2. She sent a letter and a certified copy of the court order, a copy of which is attached hereto as Exhibit A, to Defendant Javed Ahmed by regular and certified mail to his last known address. The last known address the Plaintiff, Tommie Rae Brown, had for the Defendant is 14403 Ella Boulevard, #314, Houston, Texas, 77014.
3. The Plaintiff retained the services of a licensed private investigator, Ronald Tannell. Mr. Tannell found the Defendant's address as 14403 Ella Boulevard, #314, Houston, Texas, 77014. He also found that his Texas driver's license listed his address as 14365 Cornerstone Drive, #617, Houston, Texas, 77014. Therefore, Deponent sent Defendant notice of the date of the final hearing in this matter to this address as well, as can be seen a copy of her letter dated March 31, 2004 attached hereto as Exhibit B.
4. On or about April 5, 2004, the United States Postal Service attempted to deliver the letter addressed to Javed Ahmed at 14403 Ella Blvd., #314, Houston, TX 77014. The envelope was returned with a notation, "Return to Sender - No forward order on file, unable to forward -- return to sender." See Exhibit C attached hereto.
5. Defendant has had notice of the hearing scheduled for April 15, 2004 at 9:30 a.m. This notice was mailed to him at his last known addresses by regular mail and by certified mail, return receipt requested.

FURTHER DEPONENT SAY NOT.


MARCIA F. JONES

Sworn to and subscribed before me
This 14th day of April, 2004


Notary Public for the State of South Carolina
My Commission Expires: 3-27-2013

ROSEN LAW FIRM, LLC
ATTORNEYS AND COUNSELORS AT LAW

134 MEETING STREET, SUITE 202
P.O. BOX 1510
CHARLESTON, SOUTH CAROLINA 29401
PHONE (843) 377-1700
FAX (843) 377-1709
WWW.ROSEN-LAWFIRM.COM

FILED
2004 APR 15 AM 9:15

STRONG
COURT
[Signature]

March 31, 2004

Via Regular Mail &
Certified/Return Receipt Requested
Javed Ahmed
14403 Ella Blvd., #314
Houston, TX 77014

Via Regular Mail &
Certified/Return Receipt Requested
Javed Ahmed
14365 Cornerstone Drive #617
Houston, TX 77014

RE: *Hynie v. Brown*

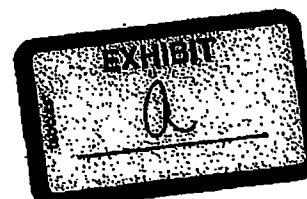
Dear Mr. Ahmed:

Enclosed you will find a copy of an Order of Continuance which continues the final hearing in the above matter from March 26, 2004 at 9:30 a.m., to April 15, 2004 at 9:00 a.m.

The final hearing will take place at the Charleston County Family Court located at 100 Broad Street in Charleston, South Carolina.

Sincerely,

[Signature]
Marcia F. Jones
Paralegal to Robert N. Rosen



Stip Exhibits 000020

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

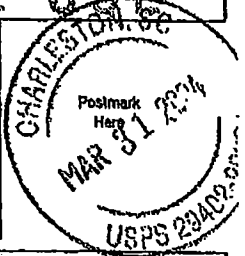
OFFICIAL USE

Postage	\$.37
Certified Fee	2.35
Return Receipt Fee (Endorsement Required)	1.76
Restricted Delivery Fee (Endorsement Required)	3.50
Total Postage & Fees	\$ 7.98

Sent To: *Javed Ahmed*
Street, Apt. No.,
or PO Box No.: *14403 Ella Blvd #314*
City, State, ZIP+4:
Houston TX 77014

PS Form 3810, January 2001

7001 2512 0000 6000 2067 8819



STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE FAMILY COURT OF THE
NINTH JUDICIAL CIRCUIT
CASE # 03-DR-10-4609

Tommie Rae Hynie
PLAINTIFF

Javed Ahmed
DEFENDANT

MAR 24 11 09:26

CLERK OF COURT
JULIE J. ARMSTRONG

ORDER OF CONTINUANCE

The above matter was set for a final hearing on March 26, 2004. This matter is being continued in that:

- Plaintiff/Defendant did not appear.
- Plaintiff/Defendant was not served.
- Plaintiff/Defendant was not served with Notice of Hearing.
- Attorney for Plaintiff/Defendant scheduled to be in another Court.
- Guardian ad Litem scheduled in another Court.
- Plaintiff/Defendant/Attorney was sick.
- Request of attorneys, consent order is circulating for signatures.
- Other: The Judge is not available.

IT IS THEREFORE ORDERED, that the above case be and the same is hereby continued until the 15th day of APRIL at 9:00 A.M.

AND, IT IS SO ORDERED.

Charleston, SC
March 22 2004


PRESIDING JUDGE,
NINTH JUDICIAL CIRCUIT

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, FAMILY COURT

By 
DEPUTY CLERK

Stip Exhibits 000021

ROSEN LAW FIRM, LLC

ATTORNEYS AND COLINSELORS AT LAW

154 MEETING STREET, SUITE 202

P.O. BOX 1510

CHARLESTON, SOUTH CAROLINA 29401

PHONE (843) 377-1700

FAX (843) 377-1709

WWW.ROSEN-LAWFIRM.COM

FILED

2004 APR 15 AM 9:15

STRONG COURT
RY...

March 31, 2004

Via Regular Mail &
Certified/Return Receipt Requested
Javed Ahmed
14403 Ella Blvd., #314
Houston, TX 77014

Via Regular Mail &
Certified/Return Receipt Requested
Javed Ahmed
14365 Cornerstone Drive #617
Houston, TX 77014

RE: *Hynie v. Brown*

Dear Mr. Ahmed:

Enclosed you will find a copy of an Order of Continuance which continues the final hearing in the above matter from March 26, 2004 at 9:30 a.m., to April 15, 2004 at 9:00 a.m.

The final hearing will take place at the Charleston County Family Court located at 100 Broad Street in Charleston, South Carolina.

Sincerely,

Marcia F. Jones
Paralegal to Robert N. Rosen

4552 1984 4000 0057 6707

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

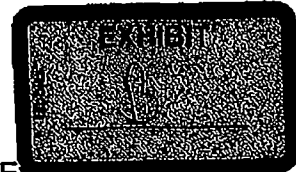
OFFICIAL USE

Postage	\$ 31
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Registered Delivery Fee (Endorsement Required)	3.50
Total Postage & Fees	\$ 7.92

CHARLESTON, SC
 MAR 31 2004
 Postmark Here
 USPS 29402-9998

Sent To: *Javed Ahmed*
 Street, Apt. No., or PO Box No.: *14365 Cornerstone Dr #617*
 City, State, ZIP+4: *Houston TX 77014*

PS Form 3800, June 2002 See Reverse for Instructions



Stip Exhibits 000022

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE FAMILY COURT OF THE
NINTH JUDICIAL CIRCUIT
CASE # 03-DR-10-4609

Tommie Rae Hynie
PLAINTIFF

Javed Ahmed
DEFENDANT

2004 MAR 24 AM 9:26

JULIE J. ARMSTRONG
CLERK OF COURT

BY BM ORDER OF CONTINUANCE

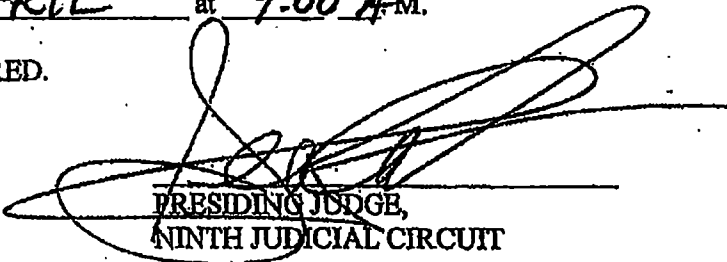
The above matter was set for a final hearing on March 26, 2004. This matter is being continued in that:

- () Plaintiff/Defendant did not appear.
- () Plaintiff/Defendant was not served.
- () Plaintiff/Defendant was not served with Notice of Hearing.
- () Attorney for Plaintiff/Defendant scheduled to be in another Court.
- () Guardian ad Litem scheduled in another Court.
- () Plaintiff/Defendant/Attorney was sick.
- () Request of attorneys, consent order is circulating for signatures.
- (x) Other: The Judge is not available.

IT IS THEREFORE ORDERED, that the above case be and the same is hereby continued until the 15th day of APRIL at 9:00 A.M.

AND, IT IS SO ORDERED.

Charleston, SC
March 22 2004


PRESIDING JUDGE,
NINTH JUDICIAL CIRCUIT

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, FAMILY COURT

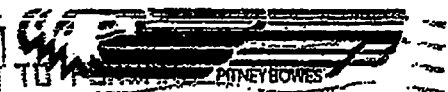
By 
DEPUTY CLERK

1234

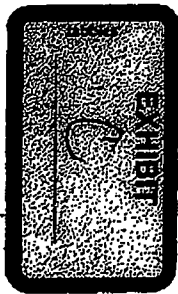
Rosen Law Firm
POB 1510 (29402)
134 Meeting Street, Suite 202
Charleston, SC 29401



7001 2510 0009 2067 8819



U.S. POSTAGE PD 5561427
2009 440 507 920 MAR 31 2004
1233 MAILED FROM ZIP CODE 29401



Javed Ahmed
14403 Ella Blvd., #314
Houston, TX

Restricted Delivery

FILED
2009 APR 15 AM 9:15
KONG

NO FORWARD ORDER ON FILE
UNABLE TO FORWARD
RETURN TO SENDER

77014+2 29402 2271

Stip Exhibits 000024

C.R.E. MAIL

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS FOLD IN DOTTED LINE

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2 and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:
Osvald Ahmed
 14403 Glen Blvd #314
 Houston TX 77014

COMPLETE THIS SECTION ON DELIVERY

1. Signature: *X* Agent Addressee

B. Received by (Printed Name) / C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below. No

3. Service Type:
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail G.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (transfer from service label) **7001 2510 0009 2067 8819**

PS Form 3811, August 2001 Postage & Return Receipt 102585-02-M-1540

03-4609

COPY
ORIGINAL FILED
SEP 05 2014
AIKEN COUNTY
CLERK OF COURT

AFFIDAVIT OF PUBLICATION

STATE OF TEXAS:

COUNTY OF HARRIS:

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on the day personally appeared: GAIL FEAGINS, who after being duly sworn, says that she is the SUPERVISOR-ACCOUNTS RECEIVABLE at the HOUSTON CHRONICLE, a daily newspaper published in Harris County, Texas, and that the publication, of which the annexed herein, or attached to, is a true and correct copy, was published to-wit:

ROBERT ROSEN 18075161 45692021

RAN A LEGAL NOTICE

SIZE BEING: 1 X 51 L

product	date	class	page
tw	Feb 19 2004	1245.0	P_wz10_018
tw	Feb 26 2004	1245.0	P_wz10_016
tw	Mar 4 2004	1245.0	P_wz10_020

Gail Feagins

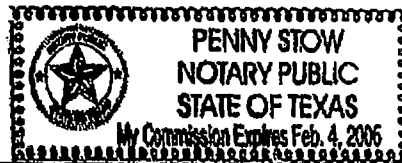
GAIL FEAGINS
SUPERVISOR - ACCOUNTS RECEIVABLE

FILED
2004 APR 15 PM 9:17
CLERK OF COURT
AIKEN COUNTY TEXAS

Sworn and subscribed to before me, this the 9th Day of March A.D. 2004

Penny Stow

Notary Public in and for the State of Texas



Court No. 03-DR-10-6609;
Tommie Rae Hynie, k/a
Tommie Rae Brown,
Plaintiff, vs. Javed
Ahmed, Defendant
Summons to the Defendant:
You are hereby summoned and required to answer the Complaint in this action, a copy of which is herewith served upon you and to serve a copy of your Answer to said Complaint on the subscribers at their offices, The Rosen Law Firm, 134 Meeting St., #202, P.O. Box 1510, Charleston, South Carolina 29402, or to otherwise appear and defend, within thirty (30) days after the service hereof, exclusive of the day of such service, and if you fail to answer the Complaint, or otherwise to appear and defend, within the time aforesaid, the Plaintiff in this action will obtain a judgment by default against you for the relief demanded in the Complaint. The Rosen Law Firm, LLC, Robert N. Rosen, 134 Meeting St., #202, Charleston, SC 29402 (843)377-1700 office; (843)377-1709 Fax
Attorney for the Plaintiff
Charleston, SC December 15, 2003. Notice of Hearing: Please note that a final hearing to annul the marriage is scheduled to be heard on March 26, 2004 at 9:30 A.M. in the Charleston County Family Court located at 100 Broad Street in Charleston, SC 29403.

COPY ORIGINAL FILED

SEP 05 2014

AIKEN COUNTY CLERK OF COURT

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Tommie Rae Hynie

PLAINTIFF

Javed Ahmed

DEFENDANT

IN THE FAMILY COURT OF THE NINTH JUDICIAL CIRCUIT

CASE # 03-DR-10-4609

2004 MAR 24 AM 9:26

JULIE J. ARMSTRONG
CLERK OF COURT

RY) ORDER OF CONTINUANCE

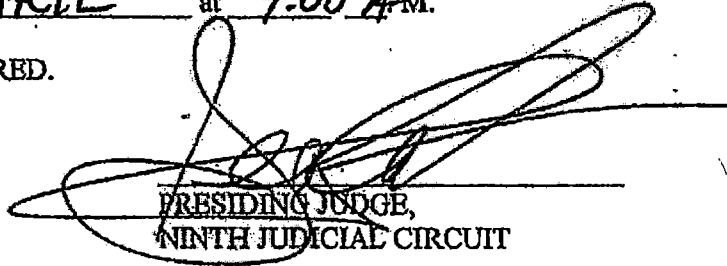
The above matter was set for a final hearing on March 26, 2004. This matter is being continued in that:

- () Plaintiff/Defendant did not appear.
- () Plaintiff/Defendant was not served.
- () Plaintiff/Defendant was not served with Notice of Hearing.
- () Attorney for Plaintiff/Defendant scheduled to be in another Court.
- () Guardian ad Litem scheduled in another Court.
- () Plaintiff/Defendant/Attorney was sick.
- () Request of attorneys, consent order is circulating for signatures.
- (x) Other: The Judge is not available.

IT IS THEREFORE ORDERED, that the above case be and the same is hereby continued until the 15th day of APRIL at 9:00 A.M.

AND, IT IS SO ORDERED.

Charleston, SC
March 22, 2004


PRESIDING JUDGE,
NINTH JUDICIAL CIRCUIT

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, FAMILY COURT

By 
DEPUTY CLERK

COPY
~~ORIGINAL FILED~~
SEP 05 2014
AIKEN COUNTY
CLERK OF COURT

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

FILED
APR 15 11 34

IN THE FAMILY COURT
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO. 03-DR-10-4609

TOMMIE RAE HYNIE, a/k/a
TOMMIE RAE BROWN,

TRONG
COURT

Plaintiff,

-vs-

JAVED AHMED,

Defendant.

FINAL ORDER

HEARING DATE:	April 15, 2004
JUDGE:	Honorable F. P. Segars-Andrews
ATTORNEY FOR PLAINTIFF:	Robert N. Rosen, Esquire Donald B. Clark, Esquire
ATTORNEY FOR DEFENDANT:	N/A
COURT REPORTER:	

This matter comes before the Court for a final hearing on April 15, 2004.

Present before the Court were the Plaintiff, Tommie Rae Brown, and her counsel Robert N. Rosen, Esquire, of the Rosen Law Firm, and Donald B. Clark, Esquire, of the Donald B. Clark Law Firm.

This matter was commenced by the filing of a Summons and Complaint by the Plaintiff to annul her marriage to the Defendant, Javed Ahmed.

The Plaintiff is a citizen and resident of the State of South Carolina and has resided in South Carolina for more than one year prior to the commencement of this action.

The Defendant, at the time of the marriage of the parties, was a resident of the State of Texas, and his last known address was in Houston, Texas. After the filing of the Summons and Complaint, the Defendant could not be located. The Plaintiff retained the services of a private investigator who attempted to locate the Defendant at his last known address. The Plaintiff testified that the last known address she had for the Defendant was 14403 Ella Boulevard, #314 in Houston, Texas. The private investigator found that the Defendant's Texas driver's license listed his address as 14365 Cornerstone Drive, #617, Houston, Texas.

This Court issued an Order of Publication on February 3, 2004. This Court found that the Plaintiff made a diligent effort to locate the Defendant, and it appeared to the satisfaction of the

JPSA 10/4

Court that the current address or whereabouts of the Defendant were unknown although his last known address was in Houston, Texas. The Court therefore ordered service could be had by publication pursuant to §15-9-710 and §15-9-740, SC Code Ann., and that the Summons would be published once a week for a total of three weeks in the *Houston Chronicle*, a newspaper of general circulation in the area of Houston, Texas.

An Affidavit of Publication signed by the Supervisor/Accounts Receivable of the *Houston Chronicle* was filed with this Court. The Court finds that the Defendant has been properly served by publication pursuant to South Carolina law.

This matter was originally set to be heard on March 26, 2004, but the case was continued by Order of the Court. The Defendant was given written notice of the hearing by regular mail and by certified mail, return receipt requested as appears from the affidavit of Marcia F. Jones. The Defendant was therefore properly notified of the final hearing pursuant to Rule 17 of the South Carolina Rules of Family Court.

FINDINGS OF FACT

The Court finds as follows:

1. Plaintiff is a citizen and resident of the State of South Carolina and has resided in the State of South Carolina for a period in excess of one year prior to the commencement of this action.
2. Plaintiff married Defendant, Javed Ahmed, on February 17, 1997 in Harris County, Texas. Thereafter Defendant refused to live with Plaintiff. Plaintiff never saw nor heard from Defendant again. Plaintiff never lived with the Defendant. The parties never lived together as husband and wife. The parties never engaged in sexual intercourse, sexual conduct or sexual activity of any kind and, therefore, failed to consummate their marriage.
3. No children were born of this marriage between the parties.
4. Plaintiff testified that she later learned that Defendant, a Pakistani immigrant, wanted to marry Plaintiff so that he could become a United States citizen. Plaintiff also later learned that Defendant had three or more wives to whom he was married under Pakistani law when the parties married on February 17, 1997.
5. The Court finds there has been no contact between the parties since shortly after February 17, 1997, and therefore there is no collusion between these parties.

6. The marriage between the Plaintiff and the Defendant was contracted by Plaintiff in good faith and without any knowledge of the Defendant's previous marriages or fraudulent intentions.

7. The Court finds that the Plaintiff is entitled to an annulment for the following reasons: (1) Defendant was already married to another woman or other women and therefore did not have the capacity to marry the Plaintiff; (2) Defendant perpetrated a fraud upon the Plaintiff in that she intended in good faith to marry Defendant but Defendant had no intention of marrying her and consummating a marriage; and (3) the parties did not consummate their marriage nor did they live together as husband and wife.

8. This Court finds that the Plaintiff is therefore entitled to an annulment of her marriage to Defendant, Javed Ahmed.

CONCLUSIONS OF LAW

1. This Court has jurisdiction to hear and determine actions to determine the validity of marriages and to hear and determine actions for the annulment of marriage. §20-7-420(5) and (6), SC Code Ann.

2. This Court has jurisdiction to grant an annulment to the Plaintiff as she is domiciled in this state. Foster v. Nordman, 137 S.E.2d 600 (1964).

3. The Court concludes that the uncontradicted testimony shows that Plaintiff never cohabitated with the Defendant and never engaged in sexual intercourse with him and therefore, the marriage can be annulled as it was never consummated.

4. The Court concludes that Defendant was married at the time he entered into his marriage with Plaintiff and therefore he lacked the capacity to marry Plaintiff.

5. The Court concludes that Defendant represented to Plaintiff that he wished to marry her, but in fact he married her for a fraudulent purpose in an effort to obtain United States citizenship. A marriage which is procured by fraudulent means may be annulled in this state. Jaker v. Jaker, 102 S.E. 337 (1919).

6. The Court concludes that it has jurisdiction of the subject matter and of the parties.

7. The Court concludes that it has jurisdiction of the Defendant for the purposes of this proceeding and that the Defendant had been properly served and notified of this hearing. It is therefore,

ORDERED, ADJUDGED AND DECREED that the Plaintiff is entitled to an order and judgment annulling the marriage between the Plaintiff and the Defendant solemnized on February 17, 1997. It is further

ORDERED, ADJUDGED AND DECREED that the marriage between Tommy Rae Hynle a/k/a Tommie Rae Brown and Javed Ahmed is annulled. It is further,

ORDERED, ADJUDGED AND DECREED that the marriage between Plaintiff and Defendant be, and is hereby, declared to be wholly null and void ab initio, and the parties are, and each of them is, freed from the obligations of such marriage.

AND IT IS SO ORDERED!

F. P. Segars - Andrews
F. P. SEGARS ANDREWS
JUDGE OF THE FAMILY COURT
NINTH JUDICIAL CIRCUIT

Charleston, South Carolina
April 15, 2004

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, FAMILY COURT

By *J. Heck*
DEPUTY CLERK
Stip Exhibits 000032

4
JSA

EXHIBIT 13
COPY
~~ORIGINAL~~ FILED
SEP 05 2014 ¹⁰⁰ *al*

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

AIKEN COUNTY
CLERK OF COURT
IN THE FAMILY COURT
03-DR-10-4609

ORIGINAL

TOMMIE RAE HYNIE A/K/A BROWN)
)
PLAINTIFF)
)
vs.)
)
JAVED AHMED)
)
DEFENDANT)

TRANSCRIPT OF RECORD

APRIL 15, 2004
CHARLESTON, SOUTH CAROLINA

B E F O R E:

THE HONORABLE F.P. SEGARS-ANDREWS

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

ROBERT N. ROSEN, ESQ.
ATTORNEY FOR PLAINTIFF

SHARON D. JONES,
FAMILY COURT REPORTER

I N D E X

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TOMMIE RAE BROWN
By Mr. Rosen 4

1 * * * APRIL 15, 2004 * * *

2

3 THE COURT: You may proceed.

4 MR. ROSEN: This is the matter of Tommie Rae Hynie
5 A/K/A Brown, Plaintiff vs. Javed Ahmed. Case number
6 03-DR-10-4609. I represent the Plaintiff.

7 The Defendant has been served by publication.
8 And I have an order -- we have an Order of Publication.
9 And we have an affidavit, which I believe my paralegal has
10 taken to be filed. But in any event, when she returns, we
11 will get the affidavit straight.

12 The court previously issued an Order of
13 Publication, which is in the file, because the Defendant
14 could not be located. And that Order was signed by Judge
15 Cate on February 3, 2004, ordering that the Defendant be
16 given notice of this proceeding by publishing the Summons
17 once a week for three weeks in the Houston Chronicle
18 because he last lived -- the last known address was in
19 Houston.

20 We filed an affidavit showing his last known
21 address. And then the court -- this matter actually was
22 supposed to come before the court on March 26th, but for
23 some reason the court continued it on its own motion. I
24 don't know, maybe a judge wasn't available. So, it was
25 continued until April 15th, which is today. And this

1 notice was sent to the Defendant by certified mail, return
2 receipt requested. And that will appear by affidavit when
3 Ms. Jones -- it might be that she is in the clerk's office
4 filing that. But I will present that to the court before
5 this proceeding is over.

6 We're here today. The Defendant has not
7 appeared. The Defendant, I guess, arguably, is in default
8 but we're not moving to put him in default. He has notice
9 of this -- he has been served by publication as will
10 appear by affidavit. He was given notice of this hearing
11 personal to Rule 17, proper notice, as will appear by
12 affidavit. So, we're here to proceed. Since he's not
13 here, I am ready to proceed. I have one witness.

14 THE COURT: Okay. Call your witness.

15 MR. ROSEN: And I will call her right now. I call
16 Tommie Rae Brown to the stand.

17 TOMMIE RAE BROWN, having been
18 first duly sworn, testified as follows:

19 THE COURT: Be seated.

20 DIRECT EXAMINATION BY MR. ROSEN:

21 Q Would you state your name, please?

22 A Tommie Rae Brown.

23 Q Brown. Now, Ms. Brown, how old are you?

24 A I am 33 years old.

25 Q And where do you reside?

1 A I reside in Augusta, Georgia, Beach Island,
2 South Carolina.

3 Q You are a South Carolina resident?

4 A Yes, I am.

5 Q And where in South Carolina do you reside?

6 A In Beach Island.

7 Q All right. Is that in the State of South
8 Carolina?

9 A Yes, it is.

10 Q Okay. And you have resided in that -- in what
11 county is that?

12 A Beach Island is in Aiken County.

13 Q Aiken County. And you have resided there for
14 how many years?

15 A Actually about seven -- about six years.

16 Q Six years. And you pay South Carolina -- you
17 file a South Carolina tax return?

18 A Yes, sir, I do.

19 Q You have a South Carolina driver's license?

20 A Yes, I do.

21 Q You are a resident and citizen of South
22 Carolina?

23 A Yes, I am.

24 Q And you have been for more than one year prior
25 to your bringing this action in this court?

1 A Yes, I am.

2 Q Now, are you married to Mr. James Brown?

3 A Yes, I am.

4 Q And do y'all have a child?

5 A Yes, we do.

6 Q What is his name?

7 A James Joseph Brown, II.

8 Q Okay. And how long have you been married to
9 him?

10 A For three years, coming on December, it will be
11 three years.

12 Q All right. Now, at some point in the last few
13 years, Mr. Brown or one of his friends or associates told
14 you that they thought you were married to somebody else,
15 is that right?

16 A Right.

17 Q And it turned out that you were previously
18 married to a Mr. Javed Ahmed, J-a-v-e-d A-h-m-e-d,
19 correct?

20 A Correct.

21 Q And would you tell the court when you met Mr.
22 Ahmed?

23 A I met him about seven or eight years ago, maybe,
24 in Texas -- Houston, Texas at a coffee shop that I worked
25 at called --

1 COURT REPORTER: Called what?

2 A Coffee Shop --

3 COURT REPORTER: No, what's the name.

4 A Dietrichs -- D-i-e-t-r-i-c-h-s, Dietrichs Coffee
5 House. And I used to sing and serve coffee there and
6 that's where I met Mr. Ahmed.

7 Q Okay. And he was an immigrant from Pakistan, is
8 that correct?

9 A Yes.

10 Q Now, he asked you to marry him and you agreed to
11 marry him, is that correct?

12 A Yes, I did.

13 Q And that was on February 17, 1997?

14 A Yes.

15 Q Y'all were married in Harris County, Texas,
16 which is the county that Houston is in?

17 A Right.

18 Q Okay. Now, when you married him, did you know
19 anything much about him?

20 A I knew that he was very religious. I knew that
21 he didn't want to have sex before marriage and I thought
22 that was very nice. I knew that he liked my music. And
23 he -- he seemed to like me.

24 Q So, you entered into the marriage in good faith?

25 A Yes, I did.

1 Q Believing that you were going to be married and
2 live with him, is that correct?

3 A Uh-huh.

4 Q All right. You went to a -- you got a marriage
5 license?

6 A Yes.

7 Q And you were married to him, is that correct?

8 A Yes, I was.

9 Q And then what happened next?

10 A Then I went to go get my things. I lived in the
11 Westmoreland district at the time, so I had to drive and
12 go get my things. He dropped me off at my house. And so
13 I told him I was going to get my things together. I
14 packed them. At that time -- the guitar player I was
15 playing with at the time, helped me drive my things. I
16 had no car. I had to move. Helped me drive my things to
17 his house. I showed up at his house with my things in the
18 back of the truck and he told me I could not come in his
19 house. That he had already wives in Pakistan and that he
20 just needed to stay in the country.

21 At that point I was very upset. And I went
22 directly to -- after three days, I went to the same person
23 that we went to in the first place, this -- I guess he was
24 an immigration lawyer. I didn't know what kind of lawyer
25 he was when I met him. I just knew he was a lawyer that

1 Mr. Ahmed had gotten for me. I told him I was very upset.
2 I told him I was going to sue him and I was going to raise
3 all kind of cain if you don't get this -- I could go to
4 jail. This guy just wanted to get in the country. And
5 you have to do something about this. So, he made me give
6 him \$350 and he made me sign this piece of paper. And he
7 said, you're fine. You don't have to worry about it and
8 you can just go now. Okay. Great. And I moved. I went
9 straight back to Las Vegas from there. And we stopped at
10 my mother's on the way home.

11 Q And this is your mother in the courtroom with
12 you today?

13 A Yes.

14 Q Now, let's go back over this. You got a
15 marriage license in Houston?

16 A Uh-huh.

17 Q And you were married by -- by somebody?

18 A Just -- there was just a guy standing there.

19 Q Okay.

20 A And then he had a -- that was it.

21 Q All right. But when you went to move in with
22 Mr. Ahmed, he refused to live with you?

23 A Oh, he wouldn't even let me in his house.

24 Q Okay.

25 A He said I wasn't Muslin, no, no. You don't

1 understand, no. He wouldn't even let me in his house.

2 Q So, you never spent one night with him?

3 A Not one night. I never stepped foot on his --

4 Q You never had sexual relations with him --

5 A Never did.

6 Q You never had sexual intercourse?

7 A Never did.

8 Q You never had sexual activity or relationships
9 with him of any kind?

10 A Absolutely not.

11 Q And he told you that he already had, what, two
12 or three or four wives?

13 A He said he had three wives in Pakistan. I could
14 not come in his house because I was not a Muslim. And he
15 just wanted to get in the country.

16 Q All right. So, after you married him, you
17 learned that he wanted to marry you, essentially, so he
18 could become a U.S. citizen?

19 A Yeah, yeah. And then I found out that -- my
20 friend said that was illegal. I can go to jail for this.

21 Q Right. So, you went to see the -- his
22 immigration lawyer?

23 A Whoever. I didn't know --

24 Q Or some lawyer?

25 A He was the only guy I knew to go to.

1 Q And you demanded that this be undone?

2 A Yes. Yes.

3 Q And this lawyer assured you that the marriage
4 would be annulled or voided in some way?

5 A Yes, sir.

6 Q And did you believe that that had happened?

7 A Yes, I did. Nobody told me I had to go to court
8 to get a divorce that's for sure. I didn't even think it
9 was a real marriage, so I just thought -- that's what I
10 paid \$350 for.

11 Q All right. And this lawyer has since
12 disappeared?

13 A Yes.

14 Q We tried to locate him and we could not locate
15 him?

16 A Find him anywhere, yes.

17 Q So, essentially, this lawyer and/or Mr. Ahmed
18 perpetrated a fraud on you by entering into what appeared
19 to be a marriage in order for him to become a United
20 States citizen?

21 A Apparently.

22 Q That's what you believe happened?

23 A I think so.

24 Q All right. But you did not participate in
25 that -- you entered into this in good faith?

1 A No. I entered in it in good faith. And I'm
2 really --

3 Q Okay.

4 A I'm embarrassed about it.

5 Q All right. And you never lived with this man,
6 you never cohabitated?

7 A No.

8 Q And you never consummated the marriage?

9 A No, sir.

10 Q And have you seen him since?

11 A No, not since the very day I left his door step
12 with my stuff in the back of the truck.

13 Q So, the last time you saw Mr. Ahmed would have
14 been the day of the wedding or the day after?

15 A Three days after --

16 Q Three days after --

17 A No. No. It was the day of the wedding was the
18 last time I saw him when he dropped me off at the house.
19 And then I dropped off my stuff. Three days after, I went
20 to the -- to the lawyer -- to the lawyer guy. And that
21 was it.

22 Q Okay. So, you have not seen Mr. Ahmed since
23 February 17 --

24 A Yeah. Since I packed my stuff after we got
25 married. That was it.

1 Q You have not seen him since February 17th of
2 1997?

3 A That's right.

4 Q And you're not involved in some type of
5 conspiracy or collusion with Mr. Ahmed to tell this court
6 something that is not true?

7 A No, absolutely not.

8 Q You haven't spoken to him since then?

9 A No.

10 Q Now, with regard to Mr. Brown, when you married
11 Mr. Brown you believed yourself to be unmarried?

12 A Yes, I did.

13 Q Is that correct?

14 A Absolutely.

15 Q And with regard to this proceeding, Mr. Brown is
16 aware of this proceeding?

17 A Absolutely. He paid for this proceeding.

18 Q He paid the retainer that you brought to me, is
19 that right?

20 A Yes, he did.

21 Q And I have sent a copy of these pleadings to his
22 attorney in Aiken, South Carolina?

23 A Absolutely.

24 Q So, you're not bringing this proceeding to
25 defraud him or to do anything to him?

1 A No.

2 Q You simply want to get your life straight?

3 A Yes, very much.

4 Q Right. You would like to have this sham
5 marriage declared to be void?

6 A Yes.

7 Q With Mr. Ahmed, is that right?

8 A Yes.

9 Q And then you would like to see where you are
10 going to go with Mr. Brown. Hopefully you will remain
11 married and you have a child together and you will be able
12 to work things out?

13 A I hope so.

14 Q That's your intent today anyway?

15 A Yes, it is.

16 Q So, you're asking the court to annul this
17 marriage to the Defendant, is that right?

18 A Please.

19 Q Because he was married to another woman or
20 women, correct?

21 A Correct.

22 Q That's what he said?

23 A Yeah.

24 Q That he perpetrated a fraud on you?

25 A Uh-huh.

1 Q That you never consummated your marriage, never
2 consummated your marriage --

3 A Never.

4 Q You never cohabitated?

5 A Never.

6 Q You never had sexual relations?

7 A No.

8 MR. ROSEN: Your Honor, bear with me one second.

9 BY MR. ROSEN:

10 Q Just one last question. Mr. Ahmed's last known
11 address to your recollection was?

12 A Ella Boulevard.

13 Q 14403 Ella E-1-1-a Boulevard, Apartment Number
14 314, Houston, Texas, 77014; is that correct?

15 A Yes. That's the place I wasn't allowed in.

16 Q Okay. But that's the last place you knew that
17 he lived?

18 A That's the only place I knew he lived.

19 Q Okay. And then you hired an investigator for
20 this case, and he found another address on Cornerstone
21 Drive, which is where his Texas driver's license had him
22 listed, correct?

23 A I really don't know anything about that.

24 Q But you hired the investigator?

25 A Yes.

1 MR. ROSEN: Okay. Your Honor, I don't have any
2 further questions of this witness.

3 THE COURT: You may step down. Anything further?

4 MR. ROSEN: Your Honor, at this time, I want to
5 hand up to the court the Affidavit of Publication -- was
6 the original in the Clerks's office? I'm sorry. The
7 original is right here. This is the original Affidavit of
8 Publication showing that the properly served person to
9 the order -- published person to the Order of Publication.
10 This is the Affidavit of Marcia Jones, showing that Mr.
11 Ahmed, that we wrote to him in accordance with Rule 17,
12 certified notice of this hearing. April 15th at 9:00,
13 certified mail, return receipt requested.

14 And, Your Honor, that's all we have. I have
15 prepared a proposed final order for Your Honor's review.
16 And that is all we have.

17 THE COURT: Okay. The court finds that this
18 marriage is void ab initio. Good luck to you, ma'am.

19 MR. ROSEN: Your Honor, thank you very much.

20 (Whereupon, the hearing adjourned.)
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CERTIFICATE OF REPORTER


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I, SHARON D. JONES, OFFICIAL COURT REPORTER FOR THE
9TH JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, 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 FAMILY COURT FOR CHARLESTON
COUNTY, SOUTH CAROLINA, ON THE 15TH DAY OF APRIL, 2004.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN, COUNSEL
NOR INTEREST TO ANY PARTY HERETO.

ORIGINAL

JANUARY 22, 2008



SHARON D. JONES,

FAMILY COURT REPORTER

COMMISSION EXPIRES: 3/20/12

ROSEN LAW FIRM, LLC
ATTORNEYS AND COUNSELORS AT LAW

134 MEETING STREET, SUITE 202
P.O. BOX 1510
CHARLESTON, SOUTH CAROLINA 29401
PHONE (843) 577-6726
FAX (843) 724-8036
WWW.ROSEN-LAWFIRM.COM

February 5, 2004

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AIKEN COUNTY
CLERK OF COURT

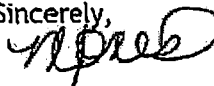
Via Facsimile 803-442-4422
James B. Huff, Esquire
P. O. Box 6488
N. Augusta, SC 29841

RE: Brown v. Ahmed
03-DR-10-4609

Dear Mr. Huff:

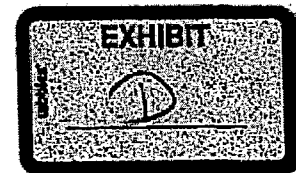
Enclosed you will find a copy of the Summons and Complaint with regard to the above-referenced matter.

Sincerely,



Marcia F. Jones
Paralegal to Robert N. Rosen

:mfj
xc: Tommie Brown



STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

TOMMIE RAE HYNIE, a/k/a
TOMMIE RAE BROWN,

Plaintiff,

-vs-

JAVED AHMED,

Defendant.

FILED THE FAMILY COURT
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO. 03-DR-10-4609
2003 DEC 15 PM 4:34

JULIE ARMSTRONG
CLERK OF COURT

BY TR SUMMONS

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you and to serve a copy of your Answer to said Complaint on the subscribers at their offices, The Rosen Law Firm, 134 Meeting Street, Suite 202, Post Office Box 1510, Charleston, South Carolina 29402, or to otherwise appear and defend, within thirty (30) days after the service hereof, exclusive of the day of such service, and if you fail to answer the Complaint, or otherwise to appear and defend, within the time aforesaid, the Plaintiff in this action will obtain a judgment by default against you for the relief demanded in the Complaint.

THE ROSEN LAW FIRM, LLC

By: [Signature]
ROBERT N. ROSEN
134 Meeting Street, Suite 200
Charleston, SC 29402
(843) 377-1700 Office
(843) 377-1707 Facsimile
ATTORNEYS FOR PLAINTIFF

Charleston, South Carolina
December 15, 2003

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

TOMMIE RAE HYNIE, a/k/a
TOMMIE RAE BROWN,

Plaintiff,

-vs-

JAVED AHMED,

Defendant.

FILED IN THE FAMILY COURT
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO. 03-DR-10- 4609

2003 DEC 15 PM 4:34

JULIA ARMSTRONG
CLERK OF COURT

BY _____

COMPLAINT

TO: THE DEFENDANT NAMED ABOVE:

The Plaintiff above named would respectfully show unto this Honorable Court, as follows:

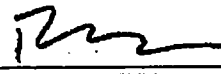
1. The Plaintiff is a citizen and resident of South Carolina, and has so resided in said state for at least one (1) year prior to the commencement of this action.
2. The Plaintiff is informed, and believes that the Defendant is a citizen and resident of Texas.
3. The Plaintiff is informed and believes that jurisdiction is proper in the Family Court pursuant to §20-7-420(6) and §20-1-530 of the South Carolina Code.
4. The Plaintiff alleges that in February 1997, the Defendant was an immigrant from Pakistan, who unbeknownst to Plaintiff, wanted to marry Plaintiff so that he could become a United States citizen.
5. On February 17, 1997, the Plaintiff and Defendant married in Harris County, Texas.
6. Thereafter, the Defendant refused to live with the Plaintiff and Plaintiff returned to her domicile. The Plaintiff alleges she never saw or heard from the Defendant again.
7. The Plaintiff alleges that the parties never lived together as husband and wife and never engaged in any sexual contact or activity whatsoever, therefore failing to consummate their marriage.
8. Plaintiff is informed and believes that prior to their marriage, the Defendant had three or more wives to whom he was lawfully married under Pakistani law when the parties married on February 17, 1997.
9. Plaintiff alleges there has been no collusion between the parties.
10. The Plaintiff now seeks to have this marriage annulled as the Defendant was already married to another woman, the Defendant perpetrated a fraud on the Plaintiff, and the parties did not consummate their purported marriage, nor did they live together as husband and wife, all of which constitute grounds for annulment pursuant to S.C. Code Ann. Section 20-1-530 (Lawyers Co-op 1976).

Stip Exhibits 000052

WHEREFORE, Plaintiff prays that this Honorable Court issue its Order as follows:

1. Granting the Plaintiff an annulment of the marriage between the parties; and
2. For any such other relief this Court deems just and proper.

THE ROSEN LAW FIRM, LLC

By: 
ROBERT N. ROSEN
134 Meeting Street, Suite 200
Charleston, SC 29402
(843) 377-1700- Office
(843) 377-1707-Facsimile
ATTORNEYS FOR PLAINTIFF

Charleston, South Carolina
December 15, 2003

*** TX REPORT ***

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February 5, 2004

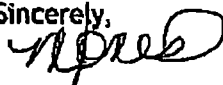
Via Facsimile 803-442-4422
James B. Huff, Esquire
P. O. Box 6488
N. Augusta, SC 29841

RE: Brown v. Ahmed
03-DR-10-4609

Dear Mr. Huff:

Enclosed you will find a copy of the Summons and Complaint with regard to the above-referenced matter.

Sincerely,



Marcia F. Jones
Paralegal to Robert N. Rosen

:mfj
xc: Tommie Brown

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ATTORNEYS AND COUNSELORS AT LAW

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CHARLESTON, SOUTH CAROLINA 29401
PHONE (843) 377-1700
FAX (843) 377-1709
WWW.ROSEN-LAWFIRM.COM

April 16, 2004

Via Regular Mail & Facsimile 803-442-4422

James B. Huff, Esquire
P. O. Box 6488
N. Augusta, SC 29841

RE: *Brown v. Ahmed*
Case No.: 03-DR-10-4609

Dear Jim:

I now enclose a certified copy of the Final Order in the above-captioned case. As you can see, the Family Court has granted the annulment, which ought to come as good news to Mr. Brown.

Now that this issue is resolved, I am hopeful this couple can reconcile their differences. If not, I would suggest mediation with Mark Andrews in Mr. Pleasant, South Carolina. I am sure that if you investigate Mr. Andrews, you will find that he is the leading domestic mediator in South Carolina.

Please advise if this suits your client.

Sincerely,



Robert N. Rosen

:mfj

xc: Mrs. James Brown

Stip Exhibits 000055

FILED

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

2004 APR 15 AM 9:34

IN THE FAMILY COURT
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO. 03-DR-10-4609

TOMMIE RAE HYNIE, a/k/a
TOMMIE RAE BROWN,

JULIE J. ARMSTRONG
CLEARING COURT

BY: 
Plaintiff,

-vs-

JAVED AHMED,

Defendant.

FINAL ORDER

HEARING DATE:

April 15, 2004

JUDGE:

Honorable F. P. Segars-Andrews

ATTORNEY FOR PLAINTIFF:

Robert N. Rosen, Esquire

Donald B. Clark, Esquire

ATTORNEY FOR DEFENDANT:

N/A

COURT REPORTER:

This matter comes before the Court for a final hearing on April 15, 2004.

Present before the Court were the Plaintiff, Tommie Rae Brown, and her counsel Robert N. Rosen, Esquire, of the Rosen Law Firm, and Donald B. Clark, Esquire, of the Donald B. Clark Law Firm.

This matter was commenced by the filing of a Summons and Complaint by the Plaintiff to annul her marriage to the Defendant, Javed Ahmed.

The Plaintiff is a citizen and resident of the State of South Carolina and has resided in South Carolina for more than one year prior to the commencement of this action.

The Defendant, at the time of the marriage of the parties, was a resident of the State of Texas, and his last known address was in Houston, Texas. After the filing of the Summons and Complaint, the Defendant could not be located. The Plaintiff retained the services of a private investigator who attempted to locate the Defendant at his last known address. The Plaintiff testified that the last known address she had for the Defendant was 14403 Ella Boulevard, #314 in Houston, Texas. The private investigator found that the Defendant's Texas driver's license listed his address as 14365 Cornerstone Drive, #617, Houston, Texas.

This Court issued an Order of Publication on February 3, 2004. This Court found that the Plaintiff made a diligent effort to locate the Defendant, and it appeared to the satisfaction of the

JSA 104

Stip Exhibits 000056

Court that the current address or whereabouts of the Defendant were unknown although his last known address was in Houston, Texas. The Court therefore ordered service could be had by publication pursuant to §15-9-710 and §15-9-740, SC Code Ann., and that the Summons would be published once a week for a total of three weeks in the *Houston Chronicle*, a newspaper of general circulation in the area of Houston, Texas.

An Affidavit of Publication signed by the Supervisor/Accounts Receivable of the *Houston Chronicle* was filed with this Court. The Court finds that the Defendant has been properly served by publication pursuant to South Carolina law.

This matter was originally set to be heard on March 26, 2004, but the case was continued by Order of the Court. The Defendant was given written notice of the hearing by regular mail and by certified mail, return receipt requested as appears from the affidavit of Marcia F. Jones. The Defendant was therefore properly notified of the final hearing pursuant to Rule 17 of the South Carolina Rules of Family Court.

FINDINGS OF FACT

The Court finds as follows:

1. Plaintiff is a citizen and resident of the State of South Carolina and has resided in the State of South Carolina for a period in excess of one year prior to the commencement of this action.
2. Plaintiff married Defendant, Javed Ahmed, on February 17, 1997 in Harris County, Texas. Thereafter Defendant refused to live with Plaintiff. Plaintiff never saw nor heard from Defendant again. Plaintiff never lived with the Defendant. The parties never lived together as husband and wife. The parties never engaged in sexual intercourse, sexual conduct or sexual activity of any kind and, therefore, failed to consummate their marriage.
3. No children were born of this marriage between the parties.
4. Plaintiff testified that she later learned that Defendant, a Pakistani immigrant, wanted to marry Plaintiff so that he could become a United States citizen. Plaintiff also later learned that Defendant had three or more wives to whom he was married under Pakistani law when the parties married on February 17, 1997.
5. The Court finds there has been no contact between the parties since shortly after February 17, 1997, and therefore there is no collusion between these parties.

2
JSA

Stip Exhibits 000057

6. The marriage between the Plaintiff and the Defendant was contracted by Plaintiff in good faith and without any knowledge of the Defendant's previous marriages or fraudulent intentions.

7. The Court finds that the Plaintiff is entitled to an annulment for the following reasons: (1) Defendant was already married to another woman or other women and therefore did not have the capacity to marry the Plaintiff; (2) Defendant perpetrated a fraud upon the Plaintiff in that she intended in good faith to marry Defendant but Defendant had no intention of marrying her and consummating a marriage; and (3) the parties did not consummate their marriage nor did they live together as husband and wife.

8. This Court finds that the Plaintiff is therefore entitled to an annulment of her marriage to Defendant, Javed Ahmed.

CONCLUSIONS OF LAW

1. This Court has jurisdiction to hear and determine actions to determine the validity of marriages and to hear and determine actions for the annulment of marriage. 520-7-420(5) and (6), SC Code Ann.

2. This Court has jurisdiction to grant an annulment to the Plaintiff as she is domiciled in this state. Foster v. Nordman, 137 S.E.2d 600 (1964).

3. The Court concludes that the uncontradicted testimony shows that Plaintiff never cohabitated with the Defendant and never engaged in sexual intercourse with him and therefore, the marriage can be annulled as it was never consummated.

4. The Court concludes that Defendant was married at the time he entered into his marriage with Plaintiff and therefore he lacked the capacity to marry Plaintiff.

5. The Court concludes that Defendant represented to Plaintiff that he wished to marry her, but in fact he married her for a fraudulent purpose in an effort to obtain United States citizenship. A marriage which is procured by fraudulent means may be annulled in this state. Jaker v. Jaker, 102 S.E. 337 (1919).

6. The Court concludes that it has jurisdiction of the subject matter and of the parties.

7. The Court concludes that it has jurisdiction of the Defendant for the purposes of this proceeding and that the Defendant had been properly served and notified of this hearing. It is therefore,

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ROSEN LAW FIRM, LLC
 ATTORNEYS AND COUNSELORS AT LAW

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April 16, 2004

Via Regular Mail & Facsimile 803-442-4422
 James B. Huff, Esquire
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RE: Brown v. Ahmed
Case No.: 03-DR-10-4609

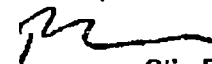
Dear Jim:

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Now that this issue is resolved, I am hopeful this couple can reconcile their differences. If not, I would suggest mediation with Mark Andrews in Mr. Pleasant, South Carolina. I am sure that if you investigate Mr. Andrews, you will find that he is the leading domestic mediator in South Carolina.

Please advise if this suits your client.

Sincerely,



Robert N. ROSEN

Stip Exhibits 000059

ROSEN LAW FIRM, LLC
ATTORNEYS AND COUNSELORS AT LAW

134 MEETING STREET, SUITE 202
P.O. BOX 1510 (29402)
CHARLESTON, SOUTH CAROLINA 29401
PHONE (843) 377-1700
FAX (843) 377-1709
WWW.ROSEN-LAWFIRM.COM

April 14, 2004

Via Regular Mail & Facsimile 803-442-4422

James B. Huff, Esquire
P. O. Box 6488
N. Augusta, SC 29841

RE: *Brown v. Ahmed*
Case No.: 03-DR-10-4609

Dear Jim:

I now enclose a certified copy of the Final Order in the above-captioned case. As you can see, the Family Court has granted the annulment, which ought to come as good news to Mr. Brown.

Now that this issue is resolved, I am hopeful this couple can reconcile their differences. If not, I would suggest mediation with Mark Andrews in Mr. Pleasant, South Carolina. I am sure that if you investigate Mr. Andrews, you will find that he is the leading domestic mediator in South Carolina.

Please advise if this suits your client.

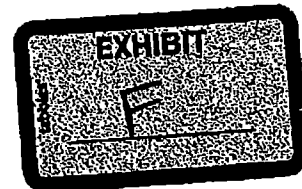
Sincerely,



Robert N. Rosen

:mfj

xc: Mrs. James Brown



Stip Exhibits 000060

FILED

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

2004 APR 15 AM 9:34

IN THE FAMILY COURT
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO. 03-DR-10-4609

TOMMIE RAE HYNIE, a/k/a
TOMMIE RAE BROWN,

BY ROBERT N. ROSEN
CLEARED OF COURT)

Plaintiff,)

-vs-)

JAVED AHMED,)

Defendant.)

FINAL ORDER

HEARING DATE:

April 15, 2004

JUDGE:

Honorable F. P. Segars-Andrews

ATTORNEY FOR PLAINTIFF:

Robert N. Rosen, Esquire

Donald B. Clark, Esquire

ATTORNEY FOR DEFENDANT:

N/A

COURT REPORTER:

This matter comes before the Court for a final hearing on April 15, 2004.

Present before the Court were the Plaintiff, Tommie Rae Brown, and her counsel Robert N. Rosen, Esquire, of the Rosen Law Firm, and Donald B. Clark, Esquire, of the Donald B. Clark Law Firm.

This matter was commenced by the filing of a Summons and Complaint by the Plaintiff to annul her marriage to the Defendant, Javed Ahmed.

The Plaintiff is a citizen and resident of the State of South Carolina and has resided in South Carolina for more than one year prior to the commencement of this action.

The Defendant, at the time of the marriage of the parties, was a resident of the State of Texas, and his last known address was in Houston, Texas. After the filing of the Summons and Complaint, the Defendant could not be located. The Plaintiff retained the services of a private investigator who attempted to locate the Defendant at his last known address. The Plaintiff testified that the last known address she had for the Defendant was 14403 Ella Boulevard, #314 in Houston, Texas. The private investigator found that the Defendant's Texas driver's license listed his address as 14365 Cornerstone Drive, #617, Houston, Texas.

This Court issued an Order of Publication on February 3, 2004. This Court found that the Plaintiff made a diligent effort to locate the Defendant, and it appeared to the satisfaction of the

JRS 1074

Stip Exhibits 000061

Court that the current address or whereabouts of the Defendant were unknown although his last known address was in Houston, Texas. The Court therefore ordered service could be had by publication pursuant to §15-9-710 and §15-9-740, SC Code Ann., and that the Summons would be published once a week for a total of three weeks in the *Houston Chronicle*, a newspaper of general circulation in the area of Houston, Texas.

An Affidavit of Publication signed by the Supervisor/Accounts Receivable of the *Houston Chronicle* was filed with this Court. The Court finds that the Defendant has been properly served by publication pursuant to South Carolina law.

This matter was originally set to be heard on March 26, 2004, but the case was continued by Order of the Court. The Defendant was given written notice of the hearing by regular mail and by certified mail, return receipt requested as appears from the affidavit of Marcia F. Jones. The Defendant was therefore properly notified of the final hearing pursuant to Rule 17 of the South Carolina Rules of Family Court.

FINDINGS OF FACT

The Court finds as follows:

1. Plaintiff is a citizen and resident of the State of South Carolina and has resided in the State of South Carolina for a period in excess of one year prior to the commencement of this action.
2. Plaintiff married Defendant, Javed Ahmed, on February 17, 1997 in Harris County, Texas. Thereafter Defendant refused to live with Plaintiff. Plaintiff never saw nor heard from Defendant again. Plaintiff never lived with the Defendant. The parties never lived together as husband and wife. The parties never engaged in sexual intercourse, sexual conduct or sexual activity of any kind and, therefore, failed to consummate their marriage.
3. No children were born of this marriage between the parties.
4. Plaintiff testified that she later learned that Defendant, a Pakistani immigrant, wanted to marry Plaintiff so that he could become a United States citizen. Plaintiff also later learned that Defendant had three or more wives to whom he was married under Pakistani law when the parties married on February 17, 1997.
5. The Court finds there has been no contact between the parties since shortly after February 17, 1997, and therefore there is no collusion between these parties.

2
JPSA

Stip Exhibits 000062

6. The marriage between the Plaintiff and the Defendant was contracted by Plaintiff in good faith and without any knowledge of the Defendant's previous marriages or fraudulent intentions.

7. The Court finds that the Plaintiff is entitled to an annulment for the following reasons: (1) Defendant was already married to another woman or other women and therefore did not have the capacity to marry the Plaintiff; (2) Defendant perpetrated a fraud upon the Plaintiff in that she intended in good faith to marry Defendant but Defendant had no intention of marrying her and consummating a marriage; and (3) the parties did not consummate their marriage nor did they live together as husband and wife.

8. This Court finds that the Plaintiff is therefore entitled to an annulment of her marriage to Defendant, Javed Ahmed.

CONCLUSIONS OF LAW

1. This Court has jurisdiction to hear and determine actions to determine the validity of marriages and to hear and determine actions for the annulment of marriage. §20-7-420(5) and (6), SC Code Ann.

2. This Court has jurisdiction to grant an annulment to the Plaintiff as she is domiciled in this state. Foster v. Nordman, 137 S.E.2d 600 (1964).

3. The Court concludes that the uncontradicted testimony shows that Plaintiff never cohabitated with the Defendant and never engaged in sexual intercourse with him and therefore, the marriage can be annulled as it was never consummated.

4. The Court concludes that Defendant was married at the time he entered into his marriage with Plaintiff and therefore he lacked the capacity to marry Plaintiff.

5. The Court concludes that Defendant represented to Plaintiff that he wished to marry her, but in fact he married her for a fraudulent purpose in an effort to obtain United States citizenship. A marriage which is procured by fraudulent means may be annulled in this state. Jaker v. Jaker, 102 S.E. 337 (1919).

6. The Court concludes that it has jurisdiction of the subject matter and of the parties.

7. The Court concludes that it has jurisdiction of the Defendant for the purposes of this proceeding and that the Defendant had been properly served and notified of this hearing. It is therefore,

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 0704
RECIPIENT ADDRESS 18034424422
DESTINATION ID
ST. TIME 04/16 14:57
TIME USE 01'27
PAGES SENT 5
RESULT OK

ROSEN LAW FIRM, LLC
ATTORNEYS AND COUNSELORS AT LAW

154 MEETING STREET, SUITE 202
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PHONE (843) 577-1700
FAX (843) 577-1709
WWW.ROSEN-LAWFIRM.COM

April 16, 2004

Via Regular Mail & Facsimile 803-442-4422
James B. Huff, Esquire
P. O. Box 6488
N. Augusta, SC 29841

RE: *Brown v. Ahmed*
Case No.: 03-DR-10-4609

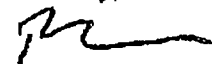
Dear Jim:

I now enclose a certified copy of the Final Order in the above-captioned case. As you can see, the Family Court has granted the annulment, which ought to come as good news to Mr. Brown.

Now that this issue is resolved, I am hopeful this couple can reconcile their differences. If not, I would suggest mediation with Mark Andrews in Mr. Pleasant, South Carolina. I am sure that if you investigate Mr. Andrews, you will find that he is the leading domestic mediator in South Carolina.

Please advise if this suits your client.

Sincerely,



Robert N. Rosen Exhibits 000064

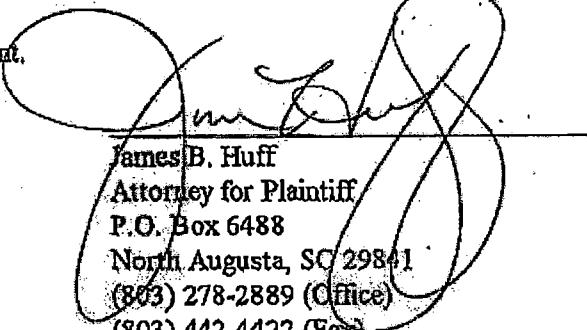
EXHIBIT 19 **COPY**
~~ORIGINAL FILED~~
SEP 05 2014 *at*
AIKEN COUNTY
CLERK OF COURT

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)
JAMES JOE BROWN, JR.,)
Plaintiff)
vs.)
TOMMIE RAE FYNE AHMED BROWN,)
Defendant.)

IN THE FAMILY COURT
SECOND JUDICIAL CIRCUIT
CASE NUMBER: 04-DR-02-157
SUMMONS

TO: THE DEFENDANT NAMED HEREINABOVE:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to said Complaint on the subscriber at 1417 Georgia Avenue, North Augusta, South Carolina within thirty (30) days from the service hereof, exclusive of the date of such service; and if you fail to answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

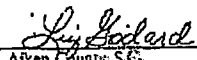


James B. Huff
Attorney for Plaintiff
P.O. Box 6488
North Augusta, SC 29841
(803) 278-2889 (Office)
(803) 442-4422 (Fax)
SC Bar # 2769

ALBERT H. DALLAS
Attorney for Plaintiff
P. O. Box 1150
Thompson, GA 30824
(706) 722-2331
GA Bar # 208300

North Augusta, South Carolina
January 29, 2004

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Liz Godard, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this

JAN 29 2004


Liz Godard
C.C.C.P. & G.S. Aiken County, S.C.

Melony S. Bruckner
Deputy Clerk Stip Exhibits 000065

STATE OF SOUTH CAROLINA)

COUNTY OF AIKEN)

JAMES JOE BROWN, JR.,)
Plaintiff)

vs.)

TOMMIE RAE HYNE AHMED BROWN,)
Defendant.)

IN THE FAMILY COURT

SECOND JUDICIAL CIRCUIT

CASE NUMBER: 04-DR-02-151

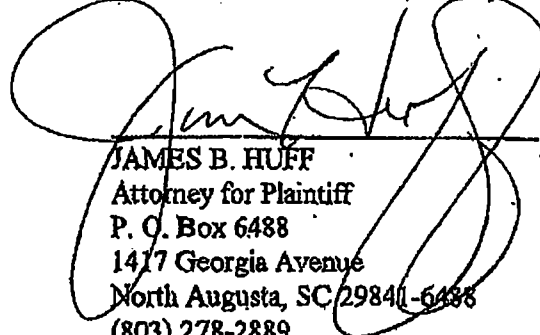
COMPLAINT FOR ANNULMENT

Plaintiff alleges that:

1. Plaintiff and Defendant are both citizens and residents of the State of South Carolina, County of Aiken and have so been for more than three (3) months next preceding the commencement of this action.
2. The parties entered into a marital contract on December 14, 2001, in Aiken County, South Carolina.
3. The Plaintiff is informed and believes that he is entitled to an annulment of the marital contract in that the Defendant was never legally divorced from her previous husband prior to entering into the marital contract with the Plaintiff. As such, this marriage is void *ab initio*.
4. That the parties separated on or about January 28, 2004 The Plaintiff is informed and believes that the Defendant should be required to permanently vacate the marital residence which was owned by the Plaintiff prior to the parties' marital contract.
5. That prior to entering into the marital contract the parties entered into a pre nuptial agreement dated November 19, 2001 wherein all matters of equitable division, attorney fees and alimony were resolved.
6. Plaintiff is informed and believes that both parties should be entitled to discovery in

this matter in order to limit the issues to be litigated before the Court.

WHEREFORE, Plaintiff prays that this Court issue its Judgment granting to Plaintiff the relief requested in the Complaint and granting such other and further relief as to the Court may deem just and proper.



JAMES B. HUFF
Attorney for Plaintiff
P. O. Box 6488
1417 Georgia Avenue
North Augusta, SC 29841-6488
(803) 278-2889
SC Bar # 2769

ALBERT H. DALLAS
Attorney for Plaintiff
P. O. Box 1150
Thompson, GA 30824
(706) 722-2331
GA Bar # 203500

North Augusta, South Carolina
January 29, 2004

COPY ORIGINAL FILED

SEP 05 2014 1:00 al EXHIBIT 16

AIKEN COUNTY CLERK OF COURT

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)
JAMES JOE BROWN, JR.,)
Plaintiff)
vs.)
TOMMIE RAE HYNE AHMED BROWN,)
Defendant.)

IN THE FAMILY COURT
SECOND JUDICIAL CIRCUIT
CASE NUMBER: 04-DR-00000000
AMENDED SUMMONS

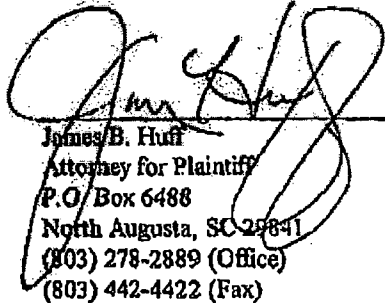
STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
L. L. ... Clerk of Court
Seal of the County of Aiken, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original document which has been filed in my office this

MAR 15 2007

CCCF & ...
Deputy Clerk

TO: THE DEFENDANT NAMED HEREINABOVE:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to said Complaint on the subscriber at 1417 Georgia Avenue, North Augusta, South Carolina within thirty (30) days from the service hereof, exclusive of the date of such service; and if you fail to answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.


James B. Huff
Attorney for Plaintiff
P.O. Box 6488
North Augusta, SC 29841
(803) 278-2889 (Office)
(803) 442-4422 (Fax)
SC Bar # 2769

North Augusta, South Carolina
May 5, 2004

FILED
AIKEN COUNTY
MAY - 6 2004
7:55am
CLERK OF COURT

STATE OF SOUTH CAROLINA)
 COUNTY OF AIKEN)
 JAMES JOE BROWN, JR.,)
 Plaintiff)
 vs.)
 TOMMIE RAE HYNE AHMED BROWN,)
 Defendant.)

IN THE FAMILY COURT
 SECOND JUDICIAL CIRCUIT
 CASE NUMBER: 04-DR-002
 AMENDED COMPLAINT FOR
 ANNULMENT

STATE OF SOUTH CAROLINA
 COUNTY OF AIKEN
 DEPARTMENT OF PROBATE AND GENERAL
 REGISTERED MAIL
 I, Clerk of Court, do hereby certify
 that the foregoing is a true and correct copy of the
 original document which have been filed in my office this
 day of _____, 2007.
 MAR 16 2007
 FILED
 AIKEN COUNTY
 MAY 18 2004
 4:55p
 CLERK OF COURT
 Deputy Clerk

Plaintiff alleges that:

1. Plaintiff and Defendant are both citizens and residents of the State of South Carolina, County of Aiken and have so been for more than three (3) months next preceding the commencement of this action.
2. The parties obtained a marriage license in Aiken County on December 10, 2001. In obtaining this license the Defendant informed the Probate Court and the Plaintiff that this was her first marriage. (A copy of this marriage license is attached hereto and incorporated by reference thereto).
3. Prior to obtaining this marriage license the Defendant did not inform the Plaintiff that she had been married before or that she was still married to Mr. Javed Ahmed.
4. The parties conducted a marriage ceremony on December 14, 2001, in Aiken County, South Carolina.
5. At the time of the marriage ceremony on December 14, 2001 in Aiken County, South Carolina, Defendant was still legally married to Mr. Javed Ahmed and by way of such legal impediment was legally barred from entering into a marriage to the Plaintiff pursuant to §20-1-80, South Carolina Code of Laws, as amended.

6. Subsequent to their marriage ceremony, Plaintiff learned that Defendant had been married and was still married to Mr. Javed Ahmed.

7. On December 15, 2003 the Defendant filed an annulment action against Mr. Ahmed in Charleston County, South Carolina in case number 03-DR-10-4609. (A copy of which is attached hereto and incorporated by reference).

8. The Charleston County Family Court made Findings of Facts and Conclusions of Law that the Defendant was in fact married to Mr. Ahmed on February 17, 1997.

9. The Charleston Family Court granted the Defendant an annulment on April 15, 2004. (A copy of this Order is attached hereto and incorporated by reference).

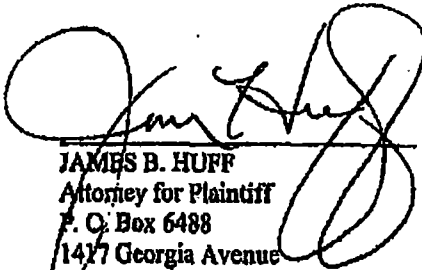
10. Defendant, in that action, has not filed any appeal from the Family Court Order and as such, the Findings of Facts of the Charleston Family Courts are binding on this Court.

11. Pursuant to the Order from the Charleston Family Court, Defendant is collaterally and judicially estopped from denying the allegations in this action.

12. Plaintiff is entitled to an annulment from the Defendant.

13. Plaintiff is informed and believes the Defendant should be responsible for any reasonable and necessary attorneys fees and costs in the bringing of this action. However, should Defendant not contest Plaintiff's request for an annulment, Plaintiff would withdraw his request for attorney fees and costs.

WHEREFORE, Plaintiff prays that this Court issue its Judgment granting to Plaintiff the relief requested in the Complaint and granting such other and further relief as to the Court may deem just and proper.



JAMES B. HUFF
Attorney for Plaintiff
P. O. Box 6488
1477 Georgia Avenue
North Augusta, SC 29841-6488
(803) 278-2889
SC Bar # 2769

North Augusta, South Carolina
May 5, 2004

COPY ORIGINAL FILED

SEP 05 2014

EXHIBIT 17

AIKEN COUNTY CLERK OF COURT

X

STATE OF SOUTH CAROLINA)
 COUNTY OF AIKEN)
 JAMES JOE BROWN, JR.,)
 Plaintiff,)
 vs.)
 TOMMIE RAY HYNE AHMED BROWN,)
 Defendant.)

COURT OF COMMON PLEAS

CASE NO.: 04-DR-02-157

ANSWER AND COUNTERS FILED

STATE OF SOUTH CAROLINA
 COURT OF COMMON PLEAS
 AIKEN COUNTY
 CLERK OF COURT
 MAR 16 2007
 8:30am
 [Signature]

JUN 14 2004

CLERK OF COURT

Defendant Tommie Rae Hynie Brown, incorrectly identified in the caption herein as Tommie Ray Hynie Ahmed Brown, answering the Plaintiff's Amended Complaint For Annulment, alleges and states as follows:

1. Defendant denies each and every allegation of the Amended Complaint not specifically admitted, modified or explained herein and demands strict proof thereof.
2. Defendant admits the allegations of paragraphs 1 and 2.
3. Defendant admits the allegations of paragraph 3 to the extent that she did not inform the Plaintiff that she had previously been married, but states affirmatively that she believed her previous marriage to Javed Ahmed had been annulled.
4. Defendant admits the allegations of paragraph 4.
5. Defendant denies the allegations of paragraph 5 and states affirmatively that the marriage to Javed Ahmed has been judicially declared to be void *ab initio* and consequently never existed and that such determination is *res judicata* and cannot be challenged by the Plaintiff in the present proceeding.
6. Defendant admits that the Plaintiff may have concluded that Defendant was and is married to Javed Ahmed but the Plaintiff's legal conclusions are in error and are denied.
7. Defendant admits the allegations of paragraph 7.

8. Defendant denies the allegations of paragraph 8 and states affirmatively that the Family Court Order referenced in fact declared that the aforesaid marriage to Javed Ahmed was void *ab initio* and consequently never existed in the eyes of the law.

9. Defendant admits the allegations of paragraphs 9 and 10.

10. Defendant denies the allegations of paragraphs 11, 12, and 13.

FURTHER ANSWERING AND BY WAY OF COUNTERCLAIM,
THE DEFENDANT ALLEGES:

11. The parties are citizens and residents of Aiken County, South Carolina, and have been so for a period in excess of one (1) year prior to the commencement of this action.

12. The parties are husband and wife, having been married on December 14, 2001 in Aiken, County, South Carolina. One child has been born of this marriage, to wit: James Joseph Brown, II, born on June 11, 2001.

13. Although prior to Defendant's marriage to the Plaintiff she had previously gone through a marriage ceremony with one Javed Ahmed, that marriage was procured by a fraud upon Defendant by said Javed Ahmed, the marriage was never consummated, and the marriage was subsequently annulled and declared to be wholly null and void *ab initio* by this Court on April 15, 2004.

14. The parties hereto separated on or about January 28, 2004, due to the Plaintiff's assault on and physical abuse of Defendant. On that date, the Plaintiff physically assaulted Defendant during an altercation in which he picked up a chair and slammed it on Defendant's head, causing her to crash to the floor. Defendant was frightened of the Plaintiff and dialed "911." Law enforcement came to the scene to ensure the safety of Defendant and the parties' minor child. As a result of this incident, the Plaintiff was immediately arrested for Criminal Domestic Violence. While incarcerated, the Plaintiff had certain personal items

belonging to Defendant removed from the marital residence and requested that Defendant and the minor child leave the marital residence.

15. Defendant alleges that the Plaintiff has a violent temper and has assaulted her on numerous occasions in which he has broken and dislocated bones in her body, has caused severe bruising and scrapes, and has caused damage to their marital home and Defendant's personal belongings.

16. The Plaintiff has been both emotionally and verbally abusive to Defendant. Defendant alleges that the Plaintiff has committed acts of violence upon Defendant and also yells, threatens, demeans, and disparages Defendant and calls Defendant and Defendant's mother vulgar names in the presence of their minor child and the Plaintiff's employees. Defendant alleges that the Plaintiff also engages in acts of violence and verbal abuse by yelling and demeaning the parties' minor child.

17. Defendant alleges that the Plaintiff has created an environment which has made it extremely difficult for Defendant to continue to live with the Plaintiff and that he has caused her great emotional upset.

18. Despite the oppressive and abusive atmosphere created by the Plaintiff, Defendant has successfully raised the parties' child and has been the primary parent to their minor son. Defendant states she has taken excellent care of the minor child. Defendant alleges that she is entitled to an order granting her sole custody of the minor child, *pendente lite* and permanently, with reasonable and/or supervised day time visitation to the Plaintiff.

19. The parties are both entertainers and at times travel extensively for business. During the times the parties are working and traveling, the minor child's maternal grandmother, Cleo Douglas, is the nanny and the caretaker of the minor child. Defendant alleges that the Plaintiff has consistently paid Ms. Douglas \$1000 per week for the caretaking of the minor

child and an additional \$400 per month for clothing and personal needs of the minor child. Defendant alleges that the Plaintiff has not been consistent with these payments since January 2004. Defendant further alleges that the financial needs of the minor child are not being met on a monthly basis.

20. Defendant alleges that until the Spring 2004 tour, she was employed by James Brown Entertainment as the Plaintiff's back up singer. Defendant alleges that during the Spring 2004 tour, the Plaintiff continued to humiliate, harass and verbally abuse Defendant while she was working. Defendant further alleges that the Plaintiff worked himself into a fit of rage, threatened Defendant, and fired her as his back up singer. The Plaintiff abandoned Defendant in Las Vegas without adequate arrangements to return to South Carolina. Defendant's income has drastically been affected by the Plaintiff's volatile and unwarranted behavior.

21. Since the separation of the parties, Defendant and the minor child have resided in Defendant's separate dwelling at 218 Crystal Springs Road, Graniteville, South Carolina. Defendant alleges that she is entitled to an Order allowing her the sole use, possession and control of her non-marital residence and contents therein, *pendente lite* and permanently, and that she be granted the right to change the locks and/or install a security system.

22. Defendant is informed and believes that she is entitled to an Order requiring the Plaintiff to be solely responsible for all costs associated with her residence including the note, mortgage, reasonable and necessary maintenance, telephone, cable, gas, electric, security service, Internet service, water, pool and yard maintenance, insurances and taxes, retroactively and in the future, *pendente lite* and permanently.

23. Defendant is informed and believes that she is entitled to an award of alimony and/or spousal support, including retroactive alimony and rehabilitative alimony/support from Defendant *pendente lite* and permanently.

24. Defendant is informed and believes that she is entitled to an Order awarding her the sole, exclusive possession, and control of the personal property in her possession, *pendente lite* and permanently.

25. Defendant alleges that the Plaintiff has several items of valuable non-marital items of personal property which are situated at the marital residence. Defendant is informed and believes that she is entitled to an Order requiring the Plaintiff to immediately deliver these and any other items belonging to Defendant and their minor child.

26. Defendant is informed and believes that she is entitled to an Order awarding her the exclusive use and possession of her non-marital Lincoln Mark VIII, which was purchased prior to the parties' marriage, and the 2004 Lincoln Navigator, 2003 BMW Z4, 98 Jaguar and Mercedes SL Convertible, which are four of approximately twelve of the automobiles which were purchased by the parties during their marriage. Defendant alleges she is entitled to an Order requiring the Plaintiff to be solely responsible for the loan payments, notes, insurances, taxes, maintenance, and any other expenses associated with these automobiles, *pendente lite* and permanently.

27. Defendant alleges she is entitled to an Order requiring the Plaintiff to maintain all life insurance policy(ies) on his life for the benefit of the Defendant and the parties' minor child which were in force prior to the parties' separation, and requiring Plaintiff to timely pay all premiums and name Defendant as the beneficiary of said policy(ies) in the amount he was insured prior to the separation; or, in the alternative, to provide \$2,000,000 in life insurance on his life for the benefit of the Defendant and the minor child.

28. Defendant alleges that over the course of the parties' marriage, in a fit of rage, the Plaintiff has canceled the health insurance coverage of Defendant and the parties' minor child. Defendant is informed and believes that she is entitled to an Order requiring the Plaintiff to maintain health, medical, and dental insurance on her and the minor child; to timely make all payments and to be solely responsible for any reasonable and necessary medical, health, dental and counseling costs and any other expenses of the parties and/or the minor child which are not covered by insurance. In the event the Plaintiff has canceled any of the policies, the Plaintiff should be required to obtain insurance coverage equivalent to or better than that which existed prior to the parties' separation, and should be responsible for any bills incurred as a result of the Plaintiff's unwarranted cancellation of said policies.

29. Defendant is informed and believes that the Plaintiff has committed acts of adultery with one or more individuals.

30. Defendant is informed and believes that she is entitled to a divorce, a *vinculo matrimonii*, on the grounds of physical cruelty and adultery.

31. Defendant is informed and believes that she is entitled to an equitable apportionment of marital property pursuant to the statutory factors set forth in the Equitable Apportionment Act, (*retroactively and progressively*), *pendente lite* and permanently.

32. Defendant alleges that the Plaintiff's income is over the standard guidelines for child support and therefore, is informed and believes that she is entitled to an award of substantial child support to be paid by the Plaintiff pursuant to the needs of the minor child, including retroactive child support, *pendente lite* and permanently.

33. In addition to child support, Defendant alleges that she is entitled to an Order requiring the Plaintiff to be solely responsible for any and all costs and expenses associated with the minor child including, but not limited to, nanny fees and costs, school tuition, fees,

costs, books, supplies, clothes, school expenses, extra-curricular expenses, allowances, camps and the like, *pendente lite* and permanently.

34. Defendant alleges that the Plaintiff owns several businesses and entities such as James Brown Entertainment and Seventh Decade Entertainment. Defendant alleges that she assisted in the continued success of her husband's businesses and that she contributed to the increase in value of his non-marital assets. In addition, Defendant alleges she was the Plaintiff's makeup artist and hairdresser and acted as his caretaker whenever he became ill. Defendant jointly pledged their personal assets to assist in certain purchases and in the continued success of the Plaintiff's businesses, with the understanding that they would also share in the profitability of the businesses. While Defendant believes the Plaintiff is extremely wealthy, Defendant believes that the Plaintiff may hide or fail to disclose his true income, profits of the Plaintiff and the Plaintiff's businesses and entities, as well as their contractual rights and advantages arising from these businesses and ventures. In particular, Defendant is informed and believes that the Plaintiff will conspire to exclude her from certain profits, including but not limited to such marital property as management fee contracts and other contractual and/or equitable rights arising out of his many businesses and entities.

35. Defendant alleges that on numerous occasions, the Plaintiff has threatened to sell, transfer, deplete or secret the businesses and entities and their assets. Defendant believes that the Plaintiff may deplete, transfer or otherwise dispose of the businesses and entities and/or the parties interest in the business.

36. Defendant is informed and believes that the Plaintiff may be involved in a number of contracts involving and relating to marital property and/or assets, and that there are significant issues involving the apportionment, control and contractual rights concerning the

marital assets and the construction and enforcement of these contracts which relate to and involve marital property and/or assets.

37. Defendant is informed and believes that she is entitled to an Order restraining and enjoining the Plaintiff from encumbering, disposing, conveying, damaging, transferring, moving, altering, secreting, selling, disposing of, exercising contractual options, liquidating, depleting or otherwise reducing the value of the parties' marital assets, or in any way causing the value of James Brown Entertainment, Seventh Decade Entertainment, or his other businesses or any entities, and any assets of the parties to decrease, except for in the normal course of business.

38. Defendant is informed and believes that she is entitled to an Order restraining and enjoining the Plaintiff from exercising any contractual options or enforcing any contractual agreements involving James Brown Entertainment, Seventh Decade Entertainment, or his other businesses or other entities, and any assets of the parties.

39. Defendant is informed and believes that she is entitled to an Order restraining the Plaintiff from interrupting or interfering with Defendant's custodial periods for any reason whatsoever, *pendente lite* and permanently.

40. Defendant is informed and believes that she is entitled to an Order restraining the Plaintiff from denigrating her; embroiling the minor child in the parties' differences; from discussing this litigation with the minor child, or in the earshot of the minor child; from communicating to Defendant through the minor child; from alienating the minor child's affections from his mother; from disparaging or criticizing Defendant to the minor child, in the presence of the minor child, or within an earshot of the minor child; from disparaging, criticizing, denigrating, yelling or saying anything derogatory to the minor child, and from

allowing other persons from doing any of these acts in the presence of or within earshot of the minor child *pendente lite* and permanently.

41. Defendant is informed and believes that she is entitled to an Order restraining the Plaintiff from harassing, abusing, threatening, molesting or interfering with Defendant, her family, friends or witnesses in any way, and from disrupting, entering or attempting to enter her residence, property or place of business *pendente lite* and permanently.

42. Defendant is without any funds to pay her attorneys, accountants, expert witnesses, and costs of this litigation. Defendant is informed and believes that the Court should order the Plaintiff to pay Defendant a significant amount of attorney's fees, costs, expert's fees, investigator's fees and costs of this litigation, *pendente lite* and permanently.

43. Defendant is informed and believes that she is entitled to discovery under the South Carolina Rules of Civil Procedure.

WHEREFORE, Defendant respectfully prays that this Court to dismiss the Complaint herein and to enter an Order granting the following relief:


1. Granting the Defendant a divorce *a vinculo matrimonii*, on the grounds of physical cruelty and adultery.
2. Granting the Defendant a decree of separate maintenance and support.
3. Granting the Defendant sole custody of the minor child, with visitation granted to the Plaintiff, *pendente lite* and permanently.
4. Granting the Defendant the sole use, possession and control of her home, *pendente lite* and permanently, and that she be granted the right to change the locks and/or install a security system.
5. Requiring Plaintiff to be solely responsible for all costs associated with her residence including the note, mortgage, reasonable and necessary maintenance, telephone, cable, gas, electric, security service, internet service, water, pool and yard maintenance, insurances and taxes, retroactively and in the future, *pendente lite* and permanently.

6. Requiring Plaintiff to pay to Defendant an award of alimony and/or spousal support, including retroactive, permanent, periodic, lump sum reimbursement and rehabilitative alimony and support from Plaintiff *pendente lite* and permanently.
7. Awarding the Defendant the sole, exclusive possession, and control of the personal property in her possession, *pendente lite* and permanently.
8. Requiring the Plaintiff to immediately return any and all items belonging to the Defendant and minor child which are in his possession.
9. Awarding Defendant the exclusive use and possession of the Awarding Defendant the exclusive use and possession of the Mark VIII automobile which she obtained prior to the marriage as well as the Lincoln Navigator, 2003 BMW Z4, 98 Jaguar and Mercedes SL-Convertible; and for the Plaintiff to be solely responsible for any and all loans, reasonable and necessary maintenance, taxes, and insurance on these automobiles, *pendente lite* and permanently.
10. Requiring the Plaintiff to maintain all life insurance policy(ies) on his life for the benefit of the Defendant and the parties' minor child which were in force prior to the parties' separation, and requiring Plaintiff to timely pay all premiums and name Defendant as the beneficiary of said policy(ies) in the amount he was insured prior to the separation; or, in the alternative, to provide \$2,000,000 in life insurance on his life for the benefit of the Defendant and the minor child, *pendente lite* and permanently.
11. Requiring Plaintiff to maintain health, medical, and dental insurance on the parties and minor child; to timely make all payments and to be solely responsible for any reasonable and necessary medical, health, dental and counseling costs and/or expenses of the parties and/or the minor child which are not covered by insurance, *pendente lite* and permanently.
12. In the event Plaintiff cancelled said coverage, for an Order Requiring Plaintiff to obtain insurance coverage shall be the same, or better, than it was prior to the separation.
13. Awarding the Defendant child support to be paid by the Plaintiff pursuant to the child support guidelines, including retroactive child support, *pendente lite* and permanently.
14. Requiring the Plaintiff to be solely responsible for any and all costs and expenses associated with the minor child including, but not limited to, school tuition, fees, costs, books, supplies, clothes, school expenses, extra-curricular expenses, allowances, camps and the like, *pendente lite* and permanently.
15. Restraining and enjoining the Plaintiff from encumbering, disposing, conveying, damaging, transferring, moving, altering, secreting, selling, disposing of, exercising contractual options, liquidating, depleting or otherwise reducing the value of the

parties' marital assets, or in any way causing the value of James Brown Entertainment, Seventh Decade Entertainment, or his other businesses or any entities, and any assets of the parties to decrease, except for in the normal course of business, *pendente lite* and permanently.

16. Restraining and enjoining Plaintiff from exercising any contractual options or enforcing any contractual agreements involving James Brown Entertainment, Seventh Decade Entertainment, or his other businesses or any entities, and any assets of the parties, *pendente lite* and permanently.
17. Restraining and enjoining Plaintiff from interrupting or interfering with the Defendant's custodial periods for any reason whatsoever, *pendente lite* and permanently.
18. Restraining and enjoining Plaintiff from denigrating Plaintiff; embroiling the minor child and the child's friends in the parties' differences; from discussing this litigation with the child, or in the earshot of the child; from communicating to the Defendant through the child; from alienating the child's affections from his mother; from disparaging or criticizing the Defendant to the child, in the presence of the child, or within earshot of the child; and from allowing other persons from doing any of these acts in the presence of or within earshot of the child *pendente lite* and permanently.
19. Restraining and enjoining the Plaintiff from harassing, abusing, threatening, molesting or interfering with the Defendant, her family, friends or witnesses in any way, and from disrupting, entering, or attempting to enter her residence, property or place of business, *pendente lite* and permanently.
20. Awarding Defendant attorney's fees, costs, expert's fees, investigator's fees and costs from Plaintiff in the amount of \$100,000.
21. For an Order of discovery pursuant to the South Carolina Rules of Civil Procedure.

DONALD B. CLARK, LLC



Donald B. Clark
49 Immigration Street, Suite 204
Charleston, SC 29403
843-720-8866

ROSEN LAW FIRM, LLC
Robert N. Rosen
134 Meeting Street, Suite 202
Charleston, SC 29401
843-377-1700

June ____, 2004
Charleston, South Carolina

COPY
~~ORIGINAL FILED~~ EXHIBIT 18
 SEP 05 2014 *100*
AIKEN COUNTY
CLERK OF COURT

STATE OF SOUTH CAROLINA)
 COUNTY OF AIKEN)
 JAMES JOE BROWN, JR.,)
) Plaintiff
 vs.)
 TOMMIE RAE HYNE AHMED BROWN,)
) Defendant.

IN THE FAMILY COURT
 SECOND JUDICIAL CIRCUIT
 CASE NUMBER: 04-DIS-003
 REPLY TO COUNTERCLAIM

STATE OF SOUTH CAROLINA
 CLERK OF COURT
 I, _____, Clerk of Court for the Family Court in Aiken County, South Carolina do hereby certify that the foregoing is a true and correct copy of the original documents which have been filed in my office this
 11 / MAR 16 2007

 Deputy Clerk

The Plaintiff, in replying to the Counterclaim of the Defendant, would show as follows:

1. Plaintiff denies each and every allegation as set forth in Defendant's Counterclaim unless hereinafter specifically admitted or explained and realleges the allegations of the Complaint as set out herein verbatim.
2. Plaintiff admits paragraph 11 and 21 of the Counterclaim.
3. Plaintiff denies paragraph 12 of the Counterclaim and re-alleges paragraphs 2 through 6 of Plaintiff's Amended Complaint as if set forth herein. Plaintiff is informed and believes that due the fact that Defendant was still married to another person at the time the parties obtained a marriage license that the court should determine the parties parentage by providing that the parties conduct genetic testing in this matter.
4. Plaintiff has insufficient information to admit all of paragraph 13 of Defendant's counterclaim but admits so much as states the Defendant was married to Javed Ahmed prior to the marriage ceremony to Plaintiff. Also, that Defendant remained legally married to this man at the time she entered into a marriage ceremony with Plaintiff. Further, that after Plaintiff commenced his present ~~Family Court~~ action from

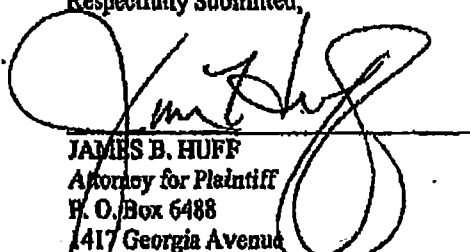
AIKEN COUNTY
 JUL 06 2014
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 CLERK OF COURT

from the Charleston County Family Court.

5. Plaintiff admits so much of paragraph 14 of the Counterclaim that states Defendant dialed "911" on January 28, 2004 and that Plaintiff was arrested on that day. Plaintiff denies the remainder of the paragraph.
6. Plaintiff denies paragraphs 15,16,17,18,20,22 through 40 and 42 of the Counterclaim.
7. Plaintiff admits so much of paragraph 19 of the Counterclaim that states Plaintiff has paid monies to Cleo Douglas in the past.
8. Plaintiff admits so much of paragraph 41 of the Counterclaim that states a restraining order should be issued but alleges that if issued that the court should provide that it be mutually binding on both parties.
9. Plaintiff admits so much of paragraph 43 of the Counterclaim that the parties would be allowed discovery which the court would deem appropriate and un-abusive.

WHEREFORE, after fully setting forth his Reply, the Plaintiff requests that the Defendant's Counterclaim be dismissed with costs and fees awarded to the Plaintiff.

Respectfully Submitted,



JAMES B. HUFF
Attorney for Plaintiff
P. O. Box 6488
417 Georgia Avenue
North Augusta, SC 29841-6488
(803) 278-2889
SC Bar # 2769

North Augusta, South Carolina
July 3, 2004

COPY ORIGINAL FILED

SEP 05 2014 1:00 PM

AIKEN COUNTY CLERK OF COURT

STATE OF SOUTH CAROLINA

IN THE FAMILY COURT

COUNTY OF AIKEN

SECOND JUDICIAL CIRCUIT

JAMES JOE BROWN, JR.,
Plaintiff

CASE NUMBER: 04-DR-02-157

vs.

CONSENT ORDER OF DISMISSAL

TOMMIE RAE HYNE AHMED BROWN,
Defendant.

FILED
AIKEN COUNTY

AUG 16 2004

CLERK OF COURT

HEARING DATE: July 22, 2004
PRESIDING JUDGE: Peter R. Nuessle
ATTORNEY FOR PLAINTIFF: James B. Huff
ATTORNEY FOR DEFENDANT: Robert N. Rosen
COURT REPORTER: Lisa Hicklin

This matter was scheduled to come before the Court for a Temporary Hearing on the above listed date. Prior to the hearing the parties informed the Court that they had reached an Agreement in this matter. The Agreement is as follows:

1. The parties hereby dismiss their respective pleadings without prejudice to either party.
2. Plaintiff will pay the sum of \$12,000.00 to Defendant for her attorney fees and costs in this matter. This will be paid within 10 days of the filing of this order.
3. Defendant agrees to and does hereby forever waive any claim of a common law marriage to the Plaintiff, both now and in the future.
4. The parties agree to seal the courts file in this matter.

Based upon the review of the court's file I make the following Findings of Fact:

1. The Agreement is fair and reasonable to both parties and should be approved by the Court.
2. The Court has considered the facts presented in SCRCB 41.1. I find that sealing the Courts file in this matter is proper. Both parties are attorneys. The parties have mutually consented to having the case dismissed without being litigated. The parties have resolved their differences and

STATE OF SOUTH CAROLINA

CLERK OF COURT
Sessions for Aiken County, South Carolina to better advise that the foregoing constitutes a true and correct copy of the original as entered in the Court's file.

AUG 16 2004

Deputy Clerk

Stip Exhibits 000085

are currently residing together. As such, the parties are entitled to retain their privacy as to the documents that have been filed with the Court. The parties mutual request and consent to seal the Courts file is in the best interest of both parties, will avoid disclosure of the parties private financial matters, avoid harm to any minor child involved with this case and causes no prejudice to either party or to any public interest with this case.

Based upon these Findings of Fact, I make the following Conclusions of Law:

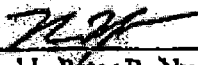
1. That the parties and subject matter are properly before and subject to the jurisdiction of this Court.

Based upon the Findings of Fact and Conclusions of Law, it is hereby ORDERED:

- a. That the agreement of the parties is approved by this Court.
- b. The Courts' file shall be sealed and not opened to anyone without further court order of this court allowing such disclosure.

AND IT IS SO ORDERED:

PHK

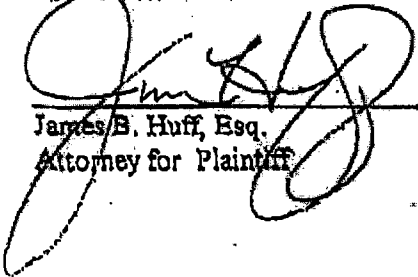


 Honorable Peter R. Nuessle
 Family Court Judge
 Second Judicial Circuit

Aiken, South Carolina


This 14 day of July, 2004

I SO CONSENT:



 James B. Huff, Esq.
 Attorney for Plaintiff

I SO CONSENT:



 Robert N. Rosen, Esq.
 Attorney for Defendant

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

Doyet A. Early III, Circuit Court Judge

Civil Action Nos. 2013-CP-02-02849, 2013-CP-02-02850

Appellate Case No. 2015-002417

RECEIVED

DEC 22 2015

SC Court of Appeals

Tommie Rae Brown,Respondent,

v.

David C. Sojourner, Jr., in his capacity as Limited Special Administrator and Limited Special Trustee, Deanna Brown-Thomas, Yamma Brown, Venisha Brown, Larry Brown, Terry Brown and Daryl Brown,

Of whom David C. Sojourner, Jr., in his capacity as Limited Special Administrator and Limited Special Trustee, Deanna Brown-Thomas, Yamma Brown, Venisha Brown, Terry Brown, Michael Deon Brown and Daryl Brown, are the Appellants.

PROOF OF SERVICE

The undersigned hereby certifies that she has served the foregoing LSA's Reply to Respondent's Return to Motion to Certify to the South Carolina Supreme Court for Review Pursuant to Rule 204(b), S.C.A.C.R. by depositing a copy of same in the United States Mail, postage prepaid on December 17, 2015 and addressed as follows:

Robert N. Rosen, Esq.
Corey T. L. Smith, Esq.
Rosen Law Firm, LLC
18 Broad Street, Suite 201
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Attorneys for Tommie Rae Brown

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Columbia SC 29205
Attorney for Tommie Rae Brown

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Levenson & Associates
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*Attorney for Deanna Brown Thomas,
Yamma Brown, Venisha Brown and Larry
Brown*

David B. Bell, Esq.
David Bell Law Firm
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Augusta GA 30903
*Attorney for Daryl Brown, Michael Deon
Brown and Lisa Sims*

Matthew Day Bodman, Esq.
Matt Bodman, PA
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Augusta GA 30907
*Attorney for Terry Brown and Forlando
Brown*

William Joseph Barr, Esq.
Barr Law LLC
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Kingstree SC 29556-3422
*Attorney for Tonya Brown a/k/a Sarah
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and Ciara Pettitt and Cherquarius Williams
for LaRhonda Pettitt*

Scott Keniley, Esq.
Keniley Kumar LLC
Two Ravinia Drive, Suite 500
Atlanta GA 30346
*Attorney for Terry Brown and Forlando
Brown*

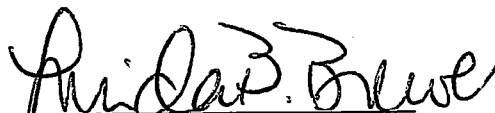
A. Peter Shahid, Jr., Esquire
Shahid Law Office
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*Attorney for Guardian ad Litem, Stephen
M. Slotchiver*

Itriss Jenkins, Esquire
Itriss J. Jenkins, LLC
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Charleston, SC 49401
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LaTonya Brown-Fegan, Jeanette Mitchell
and Ciara Pettitt and Cherquarius Williams
for LaRhonda Pettitt*

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Miami, Florida 33101
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and Ciara Pettitt and Cherquarius Williams
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Amber B. Carter, Esquire
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1201 Main Street, Suite 1450
Columbia, SC 29201
*Attorneys for Appellants, Deanna Brown-
Thomas, Dr. Yamma Brown and Venisha
Brown*



Linda B. Brewer
Paralegal for Adams and Reese LLP

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Post Office Box 2285 (29202)
Columbia, South Carolina 29201
(803) 254-4190
*Attorneys for Appellant David C. Sojourner,
Jr., in his capacity as Limited Special
Administrator and Limited Special Trustee*

December 17, 2015

December 17, 2015

Lyndey R. Zwing
Direct: 803.212.4958
E-Fax: 803.343.1245
lyndey.zwing@arlaw.com

Via Hand Delivery

The Honorable Daniel E. Shearhouse
Supreme Court of South Carolina
1231 Gervais Street
Columbia, SC 29201

RECEIVED

In Re: The Estate of James Brown a/k/a James Joseph Brown
Tommie Rae Brown vs. David C. Sojourner, Jr., et al.
Appellate Case No. 2015-002417
A&R File No. 022853-000001

DEC 22 2015
SC Court of Appeals

Dear Mr. Shearhouse:

Enclosed for filing in the above-referenced matter are the original and seven (7) copies of LSA's Reply to Respondent's Return to Motion to Certify to the South Carolina Supreme Court for Review Pursuant to Rule 204(b), S.C.A.C.R. Please file the original and six (6) copies pursuant to Rule 240, SCACR, and return the extra copy to me via courier.

By copy of this letter, I am serving all counsel of record and the Clerk of Court for the South Carolina Court of Appeals with the motion as set forth in the enclosed Proof of Service.

Thank you for your assistance in this matter. Please contact me with any questions or concerns.

Sincerely,



Lyndey Ritz Zwing

LRZ/ibb

Enclosures

cc: David C. Sojourner, Jr., Esquire
The Honorable Jenny Abbott Kitchings, Clerk of South Carolina Court of Appeals
All Parties of Record

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12/17/2015

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ADAMS AND REESE LLP

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SC Court of Appeals

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