

THE STATE OF SOUTH CAROLINA

In The Court of Common Pleas

APPEAL FROM CHARLESTON COUNTY

Honorable Kristi Lea Harrington

SCAC Case No.: 2014-00077

Jerome Myers and Gloria Myers

Appellants,

v.

Walter R. Kaufmann; Kaufmann and Associates, LLC,
Joseph A. Broom, Active Day, Inc., Craig MeHnert CCO.
Bettye Dorn as Center Director of Active Day, Inc.
@ Charleston, SC,

Respondents.

RULE 221 PETITION REPLY – REHEARING AND REMITTITUR OF APPELLANTS

Jerome Myers
Gloria Myers
2321 Taylor Street,
North Charleston, SC 29406-6232
(843) 747-6741
For Appellants

TURNER PADGET LAW FIRM
Mr. David Cobb, Esq.
40 Calhoun Street
Charleston, SC 29401
(843) 576-2800
Attorney for Active Day Care; Craig Mehnert; Bettye
Dorn

John J. Dodds, iii
858 Lowcountry Blvd., Suite 101
Mount Pleasant, SC 29464
(843) 881-6530
Attorney for Kauffmann, Esq; Kaufmann & Assoc.;
Joseph Broom

RULE 221 PETITION REPLY – REHEARING AND REMITTITUR OF APPELLANTS

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The Appellants, Myers', make this timely Rule 221 REPLY to the co- RESPONDENTS positions as follows:

The Respondents are fully standing at appeal solely on their hallucinations' and presumptions that Walter Kaufmann, Esq was the Guardian of Henry Myers in January 2010. FACT IS He was NOT !

The undisputable FACTs of the MATTER in the pleadings below are that Henry Myers was released by the Probate Court of Charleston County ward process as NOT being an *alleged incapacitated individual*. Walter Kaufmann, Esq injected himself into the VA evaluation processes that the Medical University of SC and Department of Veteran Affairs DECISION. This result was that Henry Myers was RELEASED from being a ward of Probate Court by Judge Irv Condon in a 2009 hearing. Mr. Kaufmann was there and did/could not appeal the Order. This is part of the Harrington Court transcript and RECORD ON APPEAL, the ROA.

The Harrington Court transcript made a part of this Appeals ROA clearly stated these FACTs that Family Services that all funds and accounts in their control were released into the custody of Henry Myers himself. Mr. Kaufmann's 2007 Probate Guardian Certificate was VACATED at that Probate hearing. The so called guardianship mentioned by the co- Respondent's RESPONSES did not exist at all in January 2010; AND

The Petitioners, Myers', do have FACTS in the lower court therefore the Appeal Order is an "error of law" and a "mistake by having used the wrong laws" at the Harrington Court. of FACTS ignored¹ to date.

CONCLUSION is that Walter Kaufmann, Esq. and his business and law firm acted against the Probate Court release of Henry Myers AND acted in violation of the laws of guardianships when giving his alleged powers over Henry Myers to Mr. J. Broom with only a letterhead authorization for one (1) year. Even if Mr. Kaufmann would have been a lawful guardian, his letter to authorized Mr. Broom violated the probate laws - - the temporary appointment must be for less than 30 days and the temporary appointee MUST have a probate certificate of authorization in his/her's very own name. This was not done and all of Walter Kaufmanns acts after Henry Myers was deemed NOT INCAPCITATED by the Supremacy Clause, the US Government Agency, The VA, . . . so ruled Probate Judge Condon: A foundation for this litigation.

THIS PETITION IS FAIR JUST AND PROPER.. THE APPELLANT DID ALL A PRO SE COULD DO AND FACTS ARE IN THE RECORD FROM THE LOWER COURT, NOT NEW AT APPEAL

Respectfully submitted this 31st day of March 2016

Jerome Myers
Gloria Myers
2321 Taylor Street,
North Charleston, SC 29406-6232
(843) 747-6741

¹ FACTS ignored at the lower court are not new issues raised on appeal.



DEPARTMENT OF VETERANS AFFAIRS
Regional Office
6437 Garners Ferry Road
Columbia, SC 29209

August 14, 2009

FAMILY SERVICES
SUITE 215
4925 LACROSS ROAD
N CHARLESTON SC 29406

IN REPLY REFER TO:
319/212B
MYERS, HENRY

HENRY MYERS, Sandpiper Nursing and Rehab, 1049 Anna Knapp Blvd., Mt. Pleasant, SC 29464, has been rated competent per Rating Decision dated December 15, 2008. Please forward all Department of Veterans Affairs funds in your possession to the new payee within 30 days.

You must inform us of the amount and date funds were forwarded by completing the blanks below and returning a copy of this letter. A self-addressed envelope is enclosed for your convenience.

You are also required to complete and forward your final accounting within 30 days.

If you have questions or need assistance, you may contact the Fiduciary Unit at 803-647-2379.

Sincerely,

A handwritten signature in cursive script that reads "John E. Ballenger".

JOHN E. BALLENGER
Veterans Service Center Manager

AMOUNT SENT

DATE FORWARDED

SIGNATURE

FACSIMILE TRANSMITTAL SHEET

TO: Elizabeth	FROM: Yvette R. Murray
COMPANY:	DATE: 9/16/2009
FAX NUMBER: (843)-958-5191	TOTAL NO. OF PAGES INCLUDING COVER: 2
PHONE NUMBER:	RE: Henry Myers 2007GC-10-091

URGENT
 FOR REVIEW
 PLEASE COMMENT
 PLEASE REPLY
 PLEASE RECYCLE

NOTES/COMMENTS:

Good Afternoon!

Following is the letter I received from the Veteran's Administration naming the above-referenced individual competent. Please advise.

If you have any questions or concerns, do not hesitate to contact me at 843-735-7834 or via facsimile at 843-735-7835.

Yvette

9/18/09
[Signature]

9/16/09 11:05
 [Vertical Stamp]

FILED

09 MAR 19 AM 9:10 IN THE PROBATE COURT

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

PROBATE COURT CASE #: 2007-GC-10-091
CHARLESTON COUNTY

IN RE:
HENRY MYERS
An Incapacitated Adult

PETITION

FAMILY SERVICES, INC.
AS CONSERVATOR
PETITIONER

1. Family Services, Inc. was heretofore appointed the duly qualified and acting conservator for the above named incapacitated adult.
2. Family Services, Inc. is requesting permission to assess a monthly conservator fee in the amount of 5% of monthly income received from Mr. Myers.
3. Total Assets \$216.92

WHEREFORE, your petitioner prays that this Probate Court authorize Family Services to assess a monthly conservator fee in the amount of 5% of monthly income received from Mr. Myers.

Jvette R. Murray

Jvette R. Murray as Conservator for Mr. HENRY MYERS as an agent of Family Services, Inc.

SWORN to before me this 19 day
of March 2009.

Steve McAlburt
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires 9-8-2009

mailed
3/25/09
882

ORDER

It is ordered that the Petitioner be permitted to assess a monthly fee in the amount of 5% of monthly income received from the client's fund being held at Family Services, Inc. to be used for the purposes stated above.

AND IT IS SO ORDERED.



JUDGE OF PROBATE FOR
CHARLESTON COUNTY

At Charleston, South Carolina
This the 25th day of March, 2009



Judge Condon:

Regarding the note to this Court from Ms. Murray of Family Services (please see below), I spoke with her today for an update before I undertook to advise you. She returned, to the ward, Henry Myers, all of the VA funds she held upon receipt of the letter from the VA, and she now receives nothing from the VA.

However, she still receives Mr. Myers social security benefits and currently has \$63 on hand for him.

Her question to us is whether she should file a petition to close the Conservatorship.

ka
11-23-09

§ 62-5-416. Petitions for orders subsequent to appointment.

...

(b) A conservator may petition the appointing court for instructions concerning his fiduciary responsibility.

(c) Upon notice and hearing, the court may give appropriate instructions or make any appropriate order.

§ 62-5-430. Termination of proceeding.

The protected person, his personal representative, the conservator, or any other interested person may petition the court to terminate the conservatorship. A protected person seeking termination is entitled to the same rights and procedures as in an original proceeding for a protective order. The court, upon determining after notice and hearing that the . . . disability of the protected person has ceased, may terminate the conservatorship.

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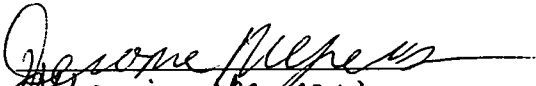
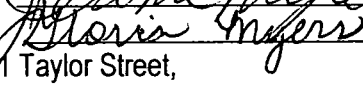
PROOF OF SERVICE

Jerome Myers & Gloria Myers affirm that on this day I have placed a copy of the in **RULE 221 PETITION REPLY – REHEARING AND REMITTITUR OF APPELLANTS** USPS mail with first class postage affixed to the South Carolina Appeals Court Clerk and to the following Defendants/Respondents:

TURNER PADGET LAW FIRM
Mr. David Cobb, Esq.
40 Calhoun Street
Charleston, SC 29401
(843) 576-2800
Attorney for Active Day Care Inc; Craig Mehnert; Bettye Dom

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Respectfully submitted this 31st day of March 2016

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Gloria Myers 
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North Charleston, SC 29406-6232
(843) 747-6741

Mr. Jerome Myers
Ms. Gloria Myers
2321 Taylor Street
N. Chas. S.C. 29406

RECEIVED
APR 04 2016

Ms. Jenny Abbott, Clerk of Appeals
Honorable Clerk of the S.C. Appeals Court
1015 Sumter Street
Columbia, S.C. 29201



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