

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Case Tracking No. 2013-2319

APPEAL FROM LAURENS COUNTY
COURT OF COMMON PLEAS

Civil Action No. 2012-CP-30-258
The Honorable Frank R. Addy, Circuit Court Judge

In the Matter of the Estate of Marion M. Kay

Edward D. Sullivan, as Personal Representative
of the Estate of Marion M. Kay Appellant-Respondent,

vs.

Martha Brown and Mary Moses..... Respondents-Appellants.

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VOLUME 4 OF 4

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THE STATE OF SOUTH CAROLINA

In the Court of Common Pleas

APPEAL FROM LAURENS COUNTY
Probate Court

LAURENS COUNTY
CLERK OF COURT
2012-CP-30-258

Donald B. Hocker, Associate Probate Judge

In the Matter of the Estate of Marion M. Kay

Mary M. Moses and Martha M. Brown. Appellants

Edward D. Sullivan as Personal Representative. Respondent

ADDENDUM TO RESPONSE OF APPELLANTS

Although the order below dated March 27, 2012 directed the Personal Representative to give the undersigned a copy of the trial transcripts, this was not done until June 24, 2013, long after the briefs herein were filed. Upon examining those transcripts, the undersigned determined that he must provide an addendum to his previously filed Response to Personal Representative's Grounds for Appeal. I will attempt to be as brief as possible.

JR7
This is a case where the Personal Representative wrote a Will for an aged long time friend in which he made himself PR and used the vast powers he gave himself to loot the Estate. It was a simple estate which required him just to distribute personal property as designated by the decedent, to manage an 8 month right of first refusal to buy a 1/2 interest in a farm (which was not exercised during the 8 months available) and to sign a quitclaim deed of distribution. Instead, he consistently sacrificed the interests of the Estate to manage things in the way which would give him the greatest compensation. Without even seeking court approval, he paid himself \$ 93,775; and once he was forced to have a hearing, he sought to boost that to \$ 107,222. The Court below found that he had paid himself excessive compensation and ordered that he return \$ 42,475 to the Estate (which he has not done), but it granted him a fee of \$ 51,300 without making factual findings which support a fee amounting to at least twice the statutory fee for the work he did. His law firm was also granted \$ 25,806 for unnecessary work. After 6 years the Estate still drags on because of the PR's unbounded greed.

I. Real Estate

a) Item XIV of the Will (Ex. B) gave Charles P. Copeland an 8 month option to buy all of decedent's interest in real estate (including a $\frac{1}{2}$ interest in a farm). Mr. Copeland did not make any offer within the 8 months (Grice Tr. 114/7-8).

b) The PR extended the option for an indefinite period and converted it to allow the purchase of less than the Estate's entire interest in the farm, which prevented settling the Estate. Conveying a full fee simple of the Estate's half interest required the PR to rewrite the option and to file a partition action, which was not otherwise needed (Final Order # 2 and # 3; Grice Tr. 118/13-16). See In the Matter of James, 267 S.C. 474, 229 S.E.2d 594 (1976) regarding a PR's filing an unnecessary action to boost his compensation.

JR7 c) The Testatrix died May 3, 2007; but there was no attempt by Copeland to exercise the option until April 6, 2008 (Ex. C-5). This was after it had expired, and he wanted just a portion of the Estate's share of farm. The PR charged for drawing a release and affidavit for Copeland after sending him a letter dated May 13, 2010 inviting him to contest the option (more than 2 years after it had expired): "[I]f you are interested in pursuing the option as written in the will, please let me know and we'll ask the probate court to set a hearing." (Defendants' Ex. 7). This is contrary to the PR's fiduciary duty to the Estate.

d) Judge Hocker: "The PR unnecessarily complicated the Estate by converting an eight month option to purchase the Estate's one half interest in its real estate into an indefinite right to purchase and by giving the option holder the right to buy only a portion of the property contrary to the Will." (Final Order #3)

e) The Personal Representative wanted Copeland and others to buy the land because this would generate proceeds for his fee. There would be no commission from simple deed of distribution.

f) Judge Hocker: "There was no necessity for the sale of the real estate. The Court understands that a sale of real property generates proceeds." (Final Order # 4)

g) Partition was needed only if there was to be a sale instead of deed of distribution. "The PR unnecessarily complicated the Estate by insisting on filing a partition action." (Final Order, #3)

h) The PR claimed he could have sold property without court permission and without beneficiary agreement because of powers in the Will (Grice Tr. 168/18-20, 169/2-3; Shorb Tr. 85/11-16), so even by his standards the declaratory judgment/partition action was unnecessary.

i) The PR sold the property by quitclaim deed so there was no need for court action to clear title regardless of other claims. See also S.C. Code Section 62-3-910 regarding protection for grantees under a deed of distribution and *Cf.*, p. 26 of PR's brief: "Furthermore, if the PR had deeded the property by Deed of Distribution, the title to the real property, in the opinion of the PR, would have been defective."

j) Appellants Brown and Moses were willing for the property to be sold (Shorb Tr. 59/17-60/9; 62/5-7; 64/20-23) so there was no need to force a sale in court. The PR's proposal for division of the property was predictably unacceptable because it was riddled with errors (Shorb Tr. 64/12-19).

k) The PR admitted that there was never a problem getting consent from Appellants to sell the property to Rowland Milam, the eventual purchaser (Grice Tr. 82/6-8).

l) No heir was pushing for partition; it was the PR's idea, and the PR's partition action forced Brown and Moses to counterclaim. The PR claimed he was doing the heirs a favor by filing a partition action, but they could have resolved their differences on their own or filed their own partition action with much less expense and complexity. The invoice from the PR's law firm dated August 16, 2010 regarding Petition to divide real estate shows 91.5 hrs. of PR time, 54.9 hrs. of shareholder attorney time, 6.6 hrs. of associate attorney time, 68.4 hrs. of paralegal time. The bill dated September 3, 2010 shows an additional charge of \$ 926.57. See *In the Matter of James*, 267 S.C. 474, 229 S.E.2d 594 (1976).

m) The real estate did not sell for its full appraised value, so there is no entitlement of the PR to extra compensation on the basis of land sale proceeds:

4647 Lisbon Rd. lot appraised for \$ 20,000 and sold for \$ 17,500;
4647 Lisbon Rd. house and lot appraised for \$ 64,000 and sold for \$ 57,000; $\frac{1}{2}$ interest in the farm appraised for \$ 307,000 and sold for \$ 292,500 (1st Inventory and Appraisement, Ex. C 6-8, Appraisals).

n) The appraisals of the Estate's $\frac{1}{2}$ interest were done by Palmetto Heritage at the PR's request and the PR testified he relied on these to know the value of the property (Grice Tr. 56/5-7, 12-16; 57/1-5). The PR used these appraised values for his Inventory and Appraisement (Grice Tr. 85/21-24). Selling for less than appraised value is not an "outstanding result" justifying extra PR compensation.

o) The PR did not find the purchaser for the land. The buyer of property was sent to the PR by Appellant Mary Moses (Shorb Tr. 8/5-9/7, 16-18. Grice Tr. 73/21-24 and Ex. C-25 show the PR did not find the purchaser.), so the heirs could have sold the property without PR fees after a deed of distribution.

p) Contrary to the PR's claim that the Estate's $\frac{1}{2}$ interest was unmarketable, the ultimate buyer was willing to buy the Estate's share of the land (Grice Tr. 73/21-24), so there was no need to partition.

q) Adtech was paid a total of \$ 7000 for 2 surveys, P. Major was paid \$ 5000 for an appraisal, and Carswell Abstracting paid \$ 524 (Interim Accounting # 1). The surveys, appraisal and abstracting were necessary only for a partition and sale, which the judge found to be unnecessary; so those expenses were unnecessary.

r) Using Columbia attorneys and their paralegals greatly increased the cost of the Laurens County partition action, but the PR was determined to benefit his law firm.

II. Personal Property

a) The Testatrix had made a detailed Memorandum of Personal Effects to supplement her Will (Grice Tr. 41/22-24; 42/15-17).

b) The Testatrix also marked on many items who was to receive them (Grice Tr. 42/8-43/7).

c) The PR admitted there were no disputes regarding the personalty in the Estate (Grice Tr. 43/1-7).

d) The Estate was plainly not taxable, so it had no need to value the personal property in detail. The PR valued the personalty solely to boost his fees. The Court below wrongly used his inflated personalty values to compute the PR fee.

e) The PR originally planned to charge a percentage of the value of the Estate (Grice Tr. 174/12-15).

f) The PR used 204.6 hrs. of paralegal time from his law firm (Final Order # 17), mostly to value personal property (at \$90/hr.). One jeweler was paid \$ 200 for appraisals (Interim Accounting # 2).

g) The bill dated August 17, 2010 shows 1.5 hrs. of paralegal time (at \$ 90/hr.) was spent valuing one silver dollar.

h) The May 27, 2007 bill for the PR's "professional services" shows 8.0 hrs. spent distributing personal effects and visiting the residence. Handing out labeled property and visiting a residence do not require professional services.

i) The Interim Inventory and Appraisement # 1 for the period May 3, 2007 to December 31, 2007 shows \$ 1250 paid to others to distribute personal property.

j) Turner and Burney was retained to distribute personalty (Grice Tr. 150/14-16).

k) The PR put a value of \$ 500 on an old dress donated to the Laurens Museum (Interim Inventory # 4), and he used this to enhance his commission. This was 1 of 3 antique dresses which the Inventory and Appraisement had valued at a total of \$ 500 for all three.

III. Odd and Improper Charges by PR

JR7 a) The April 23, 2007 bill has a charge for 4.0 hrs. to travel to Clinton and leave documents at the Probate Court (which is in Laurens). The documents could have been mailed.

b) The June 6, 2007 bill (almost 4 years **before** litigation began) shows 3.3 hrs spent preparing and summarizing all documents in the file, including 1998-2006 tax returns. This was totally unnecessary.

c) The bill dated August 17, 2010 has a charge for 6.9 hrs. for the PR to "Put file back in order". He thus charged both to mess up the file and to return it to order.

d) There is a February 1, 2009 charge to review the Abbeville County court roster, which has nothing to do with the Estate.

e) The July 10, 2009 receipt of a voice mail from J. Ferguson is charged twice.

f) The August 17, 2010 Collins and Lacey invoice has a charge for 3.5 hrs. of investigator time (\$ 420) and a charge for "Research surveillance equipment for Edward Sullivan".

g) There is a charge in January of 2010 (3 yrs. after Testatrix's death) for paralegals to notify magazine publishers not to send her magazines (Grice Tr. 137/2-3).

h) The Interim Accounting # 1 shows payment of \$ 1050 for catering.

i) The PR charged for 23 trips from Columbia to Laurens County, which is where his mother and sisters were living (Shorb Tr. 80/12-16). This is clearly excessive in the context of the needs of the Estate.

j) The PR charged the Estate for a trip to Laurens County on April 29, 2007, which is before the Testatrix died.

k) Judge Hocker: "The Court does not understand why the PR began charging the Estate before the Testatrix died on May 3, 2007 and before he was appointed on May 16, 2007." (Final Order #5)

IV. PR's Basis for Enhanced Charging

a) The PR claims he can charge more because of his legal and accounting expertise, but others did the legal and accounting work. The tax returns were prepared by Clifton Bodiford and the legal work was done by Collins and Lacey, not the PR.

JR7
b) Sullivan letter of 5/2/08: "As I am sure you're all aware, I am the Personal Representative of the Estate. Therefore, my fiduciary duty and obligations are to the Estate. I cannot, and do not, act as anyone's attorney in any matter relating to the Estate of Marion M. Kay." (Def. Ex. 13)

c) The PR cannot charge for legal services to himself. (See Hopkins v. Hopkins, 343 S.C. 301, 540 S.E.2d 454 (2000).)

d) The PR testified he was not charging as an attorney (Grice Tr. 143/5-7; 145/5-8), but see p. 23, ll. 2-3 of Personal Representative's Grounds for Appeal: "In this case, an hourly rate of \$ 225 for an attorney with Mr. Sullivan's exemplary credentials is reasonable."

e) Judge Hocker: "Although the PR argued the existence of novel issues regarding the real estate, I do not find any." (Final Order # 7)

f) The PR claimed that the old right of first refusal was unenforceable but nevertheless a problem (Grice Tr. 119/25-120/1; 121/12-19; 122/9-11). He never simply asked the holders if they wanted to buy the property to satisfy their right (Grice Tr.

120/22- 121/7), and it is plain they did not (Shorb Tr. 59/17-60/9; 62/5-7; 64/20-23).

g) The PR claimed his fees were justified by his consultation with Professor Medlin (who did not testify) (Grice Tr. 146/6-8; 159/16-21) but he admitted he never showed Professor Medlin his time sheets (Grice Tr. 166/1-13), so the discussion was only about broad principles, not the shocking specifics of his representation.

h) No legal services were needed for the Estate's real estate beyond drawing a deed of distribution. The PR testified his fees were PR fees, not attorney fees (Grice Tr. 142/22-143/1; 143/5-7).

i) The PR waited until shortly before the hearing to provide detailed self-serving interim accountings when there would be less time to analyze them. (Final Order #9)

j) The PR admitted that until he filed the interim accountings the heirs had no idea of the huge fees that he was charging the Estate (Grice Tr. 155/11-16). See In the Matter of James, 267 S.C. 474, 229 S.E.2d 594 (1976).

k) Judge Hocker: "No explanation was offered to explain or excuse the PR's failure to provide interim accountings until the latter part of 2010 when the final accounting was in the offing, about three and a half years after the estate was opened." (Final Order, #9)

l) Although the PR claimed that his fee was necessitated by the objections of Appellants to how he was handling the Estate, "Most of the amount claimed is not related to litigation resulting from the demand for a hearing on the final accounting." (Final Order #12)

V. What the PR Charged

a) The normal PR commission is 5%, S.C. Code Section 62-3-719.

b) Without even seeking court approval under S.C. Code Section 62-3-719 the PR paid himself

\$ 7,500 in the 1st year

\$ 23,353 in the 2nd year

\$ 19,400 in the 3rd year

\$ 43,522 in the 4th year for a total of \$ 93,775.

c) Judge Hocker: "This was a fairly basic estate which could have been easily, quickly and cheaply settled by a deed of distribution." (Final Order # 2. See also # 13.)

d) The Collin and Lacy invoice dated November 26, 2007 charges for 51 hours of Sullivan (PR) time, and the November 26, 2008 invoice shows an additional charge for 9.0 hrs. of Sullivan time from November, 2007. The August 16, 2010 Collins and Lacy invoice shows 91.5 hours for Sullivan. The August 17, 2010 invoice claims Sullivan is entitled to payment for 7.8 hours. Of the \$ 25,806.38 claimed by Collins and Lacy, the portion attributable to Sullivan was \$ 6481.50. See pp. 142-143 of the Grice transcript where the PR says he is not doing legal work for the Estate and 176/6-7 where he says there was very little attorney work to be done. The Estate was thus double billed for Sullivan's work. See In the Matter of James, 267 S.C. 474, 229 S.E.2d 594 (1976).

e) Judge Hocker: "The PR failed to provide any legitimate basis for the fees he claimed and instead testified he had no method or formula for determining the amount for the four draws he gave himself other than by pulling a figure out of the air. Although the PR in Memorandum argued that he had 468.6 hours of time as PR, the proof he provided failed to support this." (Final Order, # 8)

f) The PR sought a total of \$ 107,222 for himself (p. 1 of Final Order), which the Final Order (p. 3) found to be 21% of the Estate. He tried to create complexity and cause litigation to enhance his financial interests at the expense of the Estate.

g) The court below granted the PR \$ 51,300 (10% of what the court found to be the value of Estate, double the usual fee), even though there was not enough necessary work performed to justify this.

h) The parties agree that the 10% award to the PR was without a factual basis. Personal Representative's Grounds for Appeal, p. 38, full para. 1: "The Court uses a ten percent compromise without explanation for arrival at this amount." Awarding more than 5% required a finding of "extraordinary services" under S.C. Code Section 62-3-719(a); but there was no such finding, so the award was an error of law.

i) The PR consistently sacrificed the interests of the Estate to generate maximum commissions for himself and maximum fees for his law firm, contrary to his fiduciary duty and S.C. Code Section 62-3-703.

j) The PR's law firm, Collins and Lacey, was awarded \$ 25,806.38 for mundane and unnecessary work, and the Estate did not benefit in proportion. No one other than the PR testified in

support of the Collins and Lacey charges, and the invoices overlap time periods (Def. Ex. # 5).

k) Although the Court found that there was no necessity for the sale of the land (Final Order #4) and therefore for the partition action (Final Order # 2), it granted the PR's law firm \$ 7441.57 for work on the partition action. That ruling therefore has no factual basis.

l) The PR began not charging for some of his work when he learned that Moses and Brown were retaining counsel just to make himself look less fraudulent. He used the hours he supposedly did not bill for to boost his PR fee request.

m) Judge Hocker: "[T]he Court questions the necessity of 204.6 hours of paralegal time...." (Final Order, # 17) (Despite this finding, the Court ordered full payment of the paralegals.)

n) The PR failed to provide adequate proof for the hours he claimed. (Final Order #1)

o) The PR failed to prove the necessity for most of hours he claimed. (Final Order #1)

p) The PR unnecessarily complicated the Estate. (Final Order # 2 and # 3)

q) Judge Hocker: "The commissions sought by the PR are clearly excessive...." (Final Order # 13)

VI. The PR's Lack of Good Faith

a) Time and again the Court below found that the PR and his evidence were not credible and that his charges were not legitimate, yet it avoided the obvious conclusion that the PR was acting in bad faith. This is an abuse of discretion.

b) Order below did not find bad faith, but this conclusion lacks a factual basis.

c) The PR wrote the Will to give himself maximum power to dispose of assets and get commissions. (See Rule 1.8(c) of the S.C. Rules of Professional Conduct re lawyers preparing instruments to benefit themselves.) The PR inequitably planned to profit from the beginning.

d) The PR's self-rewarding is too large to be a mere good faith mistake ("clearly excessive", Final Order # 13). It was blatant looting.

e) The PR told Martha Brown at the beginning of the Estate before any controversy that his fee would eat up over \$ 60,000 in

stocks (Shorb Tr. 67/3-21), so his plan was to charge a large fee from the beginning.

f) The PR paid himself \$ 93,775 without court approval and did not disclose that to the heirs before he asked them to sign off on his proposed final accounting (Grice Tr. 155/11-16). At the hearing he said he was entitled to a total of \$ 107,222. Judge denied extra compensation and ordered him to return \$ 42,475.

g) The PR decided in advance what his fee should be and gave himself draws toward that: "I thought I knew what a fair and reasonable fee would be for this administration as we started down the road. And I set, I guess, my draw against that target." (Grice Tr. 144/21-24).

h) PR: "I looked at what I thought was a reasonable fee. And as we went down the road, I took draws, I guess you might say, toward what I thought was a reasonable fee...." (Grice Tr. 144/14-16). His fee was not based on the actual work he did.

i) The PR did not charge strictly on an hourly or a percentage basis (Grice Tr. 175/1-4, 16-18).

j) The PR charged what he thought was fair to himself (Grice Tr. 175/19-20).

GR7
k) The value of the Estate's stocks and bonds increased after the date of death (Grice Tr. 86/21- 87/7), but there was no update in the interim accountings to set this out and to show that it was not misappropriated. (See S.C. Code Section 62-3-708.)

l) The PR exhibited a consistent pattern of looting the Estate for his own financial gain. These were not accidental errors.

m) Judge Hocker: "This is a fairly basic estate which could have been easily, quickly and cheaply settled by a deed of distribution." (Final Order, # 2)

n) Judge Hocker: "The PR unnecessarily complicated the Estate...." (Final Order, #2 and # 3)

o) Judge Hocker: "There was no necessity for the sale of the real estate. The Court understands that a sale of real property generates proceeds [on which a PR commission can be based]." (Final Order, #4) The trial judge wrongly based the PR's fee in part on those proceeds.

p) Judge Hocker: "The Court does not understand why the PR began charging the Estate before the Testatrix died on May 3, 2007 and before he was appointed on May 16, 2007." (Final Order, # 5)

q) Judge Hocker: "Although the PR argued the existence of novel issues regarding the real estate, I do not find any." (Final Order, #7) The PR has no credibility.

r) Judge Hocker: "The PR failed to provide any *legitimate* basis for the fees he claimed...." Final Order, #8 (emphasis added). The PR has no credibility. The trial judge is in the best position to judge witness credibility.

s) Judge Hocker: "Although the PR in Memorandum argued that he had 468.6 hours of time as PR, the proof he provided [his testimony and time sheets] failed to support this." (Final Order, #8) The PR has no credibility.

t) Judge Hocker: "The commissions sought by the PR are clearly excessive...." Order # 13

u) Judge Hocker: "The Court questions the necessity of 204.6 hours of paralegal time...." Final Order, # 17

v) The PR concealed his looting of the Estate by not giving the heirs interim accountings until shortly before the hearing to approve his vague final accounting. He did not turn over the Collins and Lacey bills until I demanded them after receiving the interim accountings. He released massive amounts of information at the last minute to make it more difficult to understand what he had done. (See Final Order #9 and In the Matter of James, 267 S.C. 474, 229 S.E.2d 594 (1976).)

w) The PR asked the heirs to sign their agreement to his final accounting, even though they did not know about his fees before he filed interim accountings after the hearing was set (Grice Tr. 155/11-16). See In the Matter of James, 267 S.C. 474, 229 S.E.2d 594 (1976).

x) The PR suggested to Charles Copeland that he should sue the Estate even though he was given the full 8 months to exercise his option (PR letter of May 13, 2010- Defendants' Ex. No. 1). This shows his loyalty was to himself and his fees rather than to the Estate. See In the Matter of James, 267 S.C. 474, 229 S.E.2d 594 (1976).

y) The PR charged the Estate for 23 trips to Laurens County (Def. Ex. 2), which was too many for Estate business. The PR was clearly charging for every time he came to Laurens County to see his mother and sisters (Shorb Tr. 80/12-16).

z) The PR claimed he could charge at a high rate because of his legal and accounting expertise, but he delegated matters requiring that expertise to others.

aa) The PR testified he was not charging as an attorney (Grice Tr. 145/5-8) and that was very little attorney work (Grice Tr. 176/6-7), but he attempted to charge at a high rate for "professional services", and Collins and Lacey collected payment for his alleged work as an attorney.

bb) The PR willfully violated his fiduciary duties under S.C. Code 62-3-703(a).

VII. Conclusion

a) Courts try to ascertain the intention of the Testatrix. It was clearly not her intention for her PR to decimate her Estate for his own gain and to the detriment of her chosen beneficiaries.

b) The PR claims that the Court below did not respect his unbridled discretion, but that discretion was subject to the bounds of reasonableness, fiduciary duty, professional ethics and Equity.

c) The PR claims the court below was wrong in finding no evidence supporting the validity of his charges, but the Court found his charges to be "unsubstantiated", which means that the judge found the PR's testimony to the contrary not to be credible. This and other rulings contradict the learned judge's finding of good faith by the same PR who tried to mislead the Court and cover up his wrongdoing.

d) PR's trial expenses were to obscure and defend his own malfeasance and misfeasance, not to benefit the Estate; so he is not entitled to reimbursement.

e) The attorney for Brown and Moses- who began trying to unravel the PR's looting in 2008 (Shorb Tr. 65/9-10)- benefitted the Estate by forcing repayment of some of the money the PR looted and by blocking his post-trial attempt to overturn that, and he should be fully compensated. There was no appeal of the finding that his hours were "necessary" and all "related to the merits of the matter" (Final Order # 21). He was cross-examined on his attorney fee affidavit by PR's counsel; so the trial judge, who observed his efforts and read his evidence summaries, had ample basis to award an attorney's fee.

f) As to the PR's complaint that he was not provided with a list of objections to his accounting, one was not required and he

never even requested one. His notice to Appellants said that all that was needed was a letter to the Probate Court requesting a hearing, and that is what he received. The lateness with which he provided the interim accountings and the Collins and Lacey invoices made it impossible to serve a comprehensive list of his extensive wrongdoing. Part of what he was seeking to be approved was his fees, so he waived any possible entitlement to a different procedure to deal with those. He admitted at trial that he was aware that his fees were an issue (Grice Tr. 93/3-7), so he cannot claim to have been surprised. It should also be noted that there was a delay of about 2 ½ weeks between the first part of the trial and the second, so the PR was not without time to deal with the issues presented. The PR did not seek a continuance to better prepare his case.

g) The PR should not be allowed to benefit from his own wrongdoing with an unreasonably large fee and should reimburse the Estate what he stole with interest from his own pocket. (See S.C. Code Section 62-3-712 and -713.) If he is granted a fee and if that fee is a percentage of the Estate, he should not be given any benefit from his efforts to inflate the Estate's value.

h) Someone else should be appointed to wind up the Estate. The PR has shown that he cannot be trusted with Estate assets.

i) The Estate should not have to pay the inflated invoices of Collins and Lacey for their unnecessary work, especially hours attributable to the PR and the unnecessary paralegal hours.

j) The PR should explain the \$ 3,331.00 charge for legal fees in his Interim Accounting # 5 dated May 14, 2013 to ensure it does not contravene the orders below.

k) The PR was ordered to refund \$ 42,475 to the Estate within 30 days (Final Order, p. 7, b), but he has willfully violated the order. (See Interim Accounting # 5 and Rule 241, SCACR and S.C. Code Section 18-9-130.) His Unclean Hands prevents the Court from awarding him any relief. He must immediately disgorge that money and pay the Estate post-judgment interest at the statutory rate of 7.25 % as compensation and additionally refund the excessive compensation he and his law firm received with interest. The Court should make a finding that his looting was not accidental or in good faith, and it must ensure that Estate assets are not used to recompense his malfeasance.

l) As to the PR's fee, a distinction must be made between those heirs who protested the PR's fees and those who did not, and a

deduction should be made for the \$ 12,000 the PR has advanced to Bart Heard. Heirs Presbyterian Home and Bart Heard specifically testified to their agreement for the Estate to pay the PR \$ 93,000 (Grice Tr. 104/14-15; 216/9-11, 18-20). Mr. Heard himself made the argument (Grice Tr. 105/8-10) that Ms. Moses and Ms. Brown should get less because they should pay for the cost of the hearing (which led to increasing the Estate by \$ 45,475), so he agrees with the principle that the Estate should not have to pay for the costs caused by others, in this case the PR. The Court should also take judicial notice of the documents recently filed by heirs Presbyterian Home, Heard and Orias (attached to Personal Representative's Response to Brief of Appellants Moses and Brown) stating their consent to what their 10% shares of the Estate would each be worth and which waived any entitlement to the \$ 45,475 the PR was ordered to return. (Mr. Heard's share would also be reduced by the \$ 12,000 in advancements he has received.) This admission against interest should constitute a ceiling on what they are to receive, and debts of the Estate should be paid from any funds above that amount which would otherwise have been paid to them.

m) Appellants Brown and Moses have already paid the court reporter for their share of the trial transcript, so no deduction for that is required.

n) The PR is not entitled to add documents to the record.

The PR's appeal should be dismissed, and Appellants Moses and Brown should be granted the relief they seek, including their costs.

COX FERGUSON & WHAM LLC
Attorneys for the Appellants

By: _____

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July 17, 2013

STATE OF SOUTH CAROLINA

In the Court of Common Pleas
APPEAL FROM LAURENS COUNTY
Probate Court

2012-CP-30-258

LAURENS COUNTY
CLERK OF COURT
Donald B. Hocker, Associate Probate Judge

In the Matter of the Estate of Marion M. Kay

Mary M. Moses and Martha M. Brown. Appellants

Edward D. Sullivan as Personal Representative. Respondent

APPELLANTS' UPDATED ATTORNEY FEE AFFIDAVIT

PERSONALLY APPEARED before me John R. Ferguson, who, being duly sworn, says that he is the attorney for the Appellants in this case and is requesting an attorney's fee award for work after the lower court hearings. Among the factors which the Affiant considers relevant to the Court's consideration of this matter are the following:

1. Nature, extent and difficulty of services rendered: This case required the analysis of a large amount of information, legal research and briefs.
2. Time necessarily devoted to the case: 108.8 hours to date with trial hours to be added (See attached time sheets.)
3. Professional standing of counsel: Member of S.C. Bar in good standing and in practice since 1975, author of legal reference work and numerous supplements, listed in Who's Who in American Law (11th ed.)
4. Ability of client to pay fee and parties' respective financial conditions: The Respondent is an attorney and an accountant. The appellants are elderly ladies, and only one is employed.
5. Beneficial results accomplished: favorable order below with additional favorable relief in Court's discretion

JRZ
P.1

6. Customary legal fees for similar services: \$ 250 per hour

7. Other relevant matters: The costs thus far are \$ 150 to file the appeal, \$ 331.22 for the trial transcripts, and an estimated \$ 40 for postage and long distance calls and faxes. The Court should take into account the PR's lack of remorse for his looting of the Estate as is vividly illustrated by pp. 4-5 of his Personal Representative's Response to Brief of Appellants Moses and Brown where he makes flippant and sardonic remarks about the terminology used to describe his fraudulent conduct. The Court should also take into account his disrespect for the orders of the Probate Court as illustrated by his ignoring of the directive to pay the undersigned while paying his former law firm and then paying an attorney's fee of \$ 3331.00 from Estate assets after being told by the Probate Court that he was not allowed to do that.

The undersigned reserves the right to update this Affidavit if he is asked to do other work, including drafting orders and performing additional work if there is a remand.

John R. Ferguson
JOHN R. FERGUSON, Affiant

SWORN TO before me this 22 day of July, 2013.

[Signature] (SEAL)
Notary Public for South Carolina
My Commission Expires: 6/19/17

ADDITIONAL TIME SPENT ON CASE

3/3/11	EF Judge Hocker, work on post-trial doc.	4.0
3/9/11	Legal research, EF and ET judge, EF and ET Dawkins	1.0
3/10/11	EF judge, prep. of affid., ET Blackmon w/ Affid.	.3
3/14/11	Legal research, work on post-trial doc.	1.2
3/15/11	2 TT Blackmon, 2 TF Blackmon, e-mailing draft affid. to Blackmon	.5
3/16/11	faxing affid. to judge, repeated attempts to fax affid. to Dawkins, TT Dawkins' office, e-mailing affid. to Dawkins, prep. of certificates of service	.7
3/21/11	Rev. of Sullivan affid., ET Blackmon	.7
3/22/11	Rev. of Sullivan affid., 2 EF and ET Blackmon, LT judge and Hawkins re affid., revision of post-trial statement	2.3
3/23/11	ET Milam	.1
3/24/11	TT Milam, EF and ET Blackmon	.4
3/25/11	OCW Charles Milam, affid. prep., LT Judge w/ affid., work on post-trial doc.	1.9
3/28/11	Rev. of evidence, final draft of doc.	2.0
3/30/11	Rev. of fax fr. Hawkins, work on reply	.7
3/31/11	Work on reply to Hawkins letter	1.0
4/1/11	ET Blackmon	.1
4/4/11	Prep. of Motion to Replace PR, TF Blackmon	.4
4/5/11	LT Judge and Hawkins w/ motion	.2
4/7/11	EF and ET Brown, TF Brown, check of LLR website, ET administrator	.6
4/25/11	Rev. Of fax from Judge Hocker, work on order	1.0
4/26/11	Work on order	2.0

Total time to date	21.1
5/3/11 Rev. Of LF Hawkins, LT Judge	1.2
6/10/11 TF Brown	.5
6/16/11 Legal research, ET Hawkins re conf. call	.4
6/20/11 Work on grounds for appeal	3.0
6/21/11 Work on grounds for appeal, legal research	1.0
6/23/11 Prep. and tel. conf. re post-trial motion TT Moses	.8
6/28/11 Legal research	2.0
7/1/11 Research, prep. of motion Return	2.0
7/5/11 Research, work on Return	2.0
7/8/11 Research, revision of Return	1.7
7/26/11 TF Moses	.3
11/4/11 TF Brown	.3
11/7/11 Research, completion of Return	.5
12/12/11 Work on Return to Motion	2.3
12/13/11 Work on Return	3.7
12/14/11 Work on Return	4.5
12/28/11 Work on Return, filing	2.4
12/29/11 LT heirs, LT Hawkins, serving return	.5
1/3/12 2EF and 2 ET Brown	.3
1/4/12 EF and ET Brown	.1
1/11/12 Motion hearing	2.0
1/20/12 Rev. of docs. fr. Hawkins, LT J. Hocker	1.2
2/13/12 Rev. Of LF Hawkins, LT J. Hocker	1.2
2/20/12 Rev. Of order instructions, work on order, 2 faxes to J. Hocker for clarification	1.0
3/12/12 Rev. of fax fr. judge re order	.2

3/13/12	Revision of order, fax to judge and other attys., EF Brown	.1
3/15/12	TF Brown, EF Dawkins	.5
3/16/12	EF and ET Brown	.2
3/19/12	2 EF and 2 ET Brown	.3
3/20/12	EF and ET Hawkins, 6 EF and 6 ET Brown	.6
3/30/12	EF and ET Brown	.2
4/2/12	4 EF and 4 ET Brown	.5
4/3/12	2 EF Brown and ET, TF Brown, ET Hawkins	.4
4/9/12	2 EF and 2 ET Brown	.3
4/10/12	2 EF and 2 ET Brown	.3
4/11/12	EF and ET Brown	.1
5/13/12	EF and ET Brown	.2
5/14/12	EF and ET Brown	.1
5/15/12	EF and ET Brown	.1
5/18/12	EF and ET Brown	.2
5/23/12	EF Brown, rev. of doc. fr. Brown re appeal, work on resp. to grds. for appeal, research	2.4
5/24/12	Work on response to Grds. for App.	1.2
5/25/12	EF Brown, LT Hawkins w/ Grds. for Appeal resp.	.2
5/28/12	EF Brown	.1
5/31/12	Work on Brief	1.0
7/11/12	Work on brief, ET Brown and Moses	4.0
7/12/12	ET and EF Brown	.1
7/13/12	EF and ET Brown	.1
7/17/12	ET Brown and EF	.2
7/26/12	3 ET and 3 EF Brown	.2
7/31/12	3 ET and 2 EF Brown	.2

2/21/13	Prep. and argument vs. Motion to Dismiss	2.5
2/25/13	LT clients	.2
3/6/13	5 EF Brown, ET Brown	.4
3/7/13	EF Hawkins, EF Brown	.4
3/8/13	2 EF Brown, ET	.2
3/11/13	Rev. of prior orders, ET Hawkins	.4
3/12/13	2 ET Brown, EF	.3
4/1/13	File rev., LT Hawkins re settlement	1.0
4/18/13	LT Lisbon Session, Presby. Home, Orias, McElveen	.4
4/22/13	ET client	.1
4/23/13	Fax to Hawkins w/ settlement numbers, EF client	.2
4/24/13	LT Lisbon Session, Presby. Home, Orias, McElveen	.4
4/26/13	ET and EF McElveen	.4
4/29/13	EF Hawkins, fax to Hawkins, EF and ET Brown, ET McElveen	.8
4/29/13	EF client	.2
5/6/13	ET Hawkins	.2
5/8/13	EF Hawkins	.2
5/9/13	ET Hawkins	.2
5/15/13	Rev. of Interim Accounting #5, LT clients	.3
5/21/13	LT Hawkins	.2
6/12/13	File rev., appeal prep.	2.0
6/13/13	File rev., appeal prep.	4.0
6/20/13	Appeal prep., file rev.	4.0
6/24/13	Appeal prep.	1.0
6/25/13	Rev. of transcripts, notes	4.0
6/26/13	Rev. of Tr. and prep. of oral argument	2.7
6/27/13	Appeal prep.	1.3

6/28/13	Work on updating brief	1.7
7/1/13	Transcript analysis fr client, work on brief, TT client	2.5
7/10/13	Rev. of Petition, prep. of Return	1.0
7/11/13	Work on brief, work on Return, EF and ET client	1.0
7/15/13	Rev. of PR's brief, work on addendum	1.0
7/16/13	Work on Addendum	1.8
7/17/13	Filing Addendum and motion Return, cover letters	.6
7/19/13	Appeal	1.2

Abbreviations

CW= Conference with EF= e-mail from ET= e-mail to LF =
letter from LT= letter to OCW= office conference with
Rev.= review TF= telephone from TT= telephone to W/= with

LYNN W. LANCASTER

STATE OF SOUTH CAROLINA - 1 P 12: 05 IN THE COURT OF COMMON PLEAS

COUNTY OF LAURENS

Case Number 2012-CP-30-258

LAURENS COUNTY
IN THE MATTER OF MARION M. KAY**Personal Representative's
Reply to Addendum to Response of
Appellants Moses and Brown**

Personal Representative Edward D. Sullivan (the "PR") respectfully submits this
Reply to Addendum to Response of Appellants Moses and Brown.

INTRODUCTORY STATEMENT

Brown and Moses continue to distort, mischaracterize and misrepresent the
record to the Court. For example:

1. The PR's compensation is 18.26% of the value of the Estate as reflected by the Inventory and Appraisement, Supplemental 1 (\$93,775/513,491. Including the earnings of the Estate of over \$23,000, the PR's compensation is 17.48%. The PR's compensation is not in excess of 37% as continuously represented to the Court by Brown and Moses.
2. Paralegals at PR's law firm did not spend 204 hours appraising personal property of the Estate. Of this total time, 4.00 hours were spent related to the valuation of personal property. See, **Exhibit 1** attached. 1.70 of these hours were not billed. (See **Exhibit 7** attached at page 21. The remainder of the hours was spent on administration, including communication with the probate court, and litigation support.

3. The PR did not invite Charles Copeland to sue the estate as repeatedly asserted by Brown and Moses. After two years, Copeland lost interest in pursuing his claim given the resistance of Brown and Moses to divide the property, and he agreed to release the claim. The PR went forward with the negotiations with the eventual buyer, and the PR simply notified Copeland of his intent to go forward with the sale with approval by the probate court, which approval would not be required if all parties consented. Copeland consented to the sale. See Exhibit 8 attached.

4. Repeatedly, Brown and Moses conveniently overlook that the law firm discounted and wrote off fees at the request of the PR by more than \$20,000. See Exhibit 2 attached. Assuming arguendo, that the law firm invoices contain some errors, the discounts/write-offs far exceed any such mistakes.

Contrary to the assertions of Brown and Moses, all of the beneficiaries other than Brown and Moses wanted the property sold. More importantly, it was the PR's understanding of Ms. Kay's intent (after serving as her attorney for 10 years or more) that Mr. Copeland have a meaningful opportunity to buy all or part of the property, and that the property be sold and the proceeds be distributed to the beneficiaries.

Brown and Moses were bitterly disappointed that Ms. Kay did not leave her undivided interest in the Property to them. Nevertheless, their dreams of controlling and benefiting from the entire interest in the Property would have been realized if the PR had simply deeded out the property to the heirs in contravention of the intent of Ms. Kay

and the desires of the other estate beneficiaries. The ownership of the entire tract would have been as follows:

Brown and Moses	60.00%
Lisbon Presbyterian Church	12.50
Lisbon Presbyterian Church Cemetery Fund	12.50
Presbyterian Home of SC	5.00
Bart Heard	5.00
Marla Orias	<u>5.00</u>
	100.00

In addition to owing a 60% majority interest in the real estate, Brown and Moses, as a practical matter, would have enjoyed 100% of the beneficial interests, including hunting, while the other beneficiaries would be stuck with responsibility of paying taxes and insurance on the property. Bart Heard and Marla Orias would be faced with the daunting task of partitioning the property. The Church and the Presbyterian Home would have doubtless avoided being a party so such litigation, and, in order to avoid the ongoing costs, would have been at the mercy of the majority owners and forced to take whatever they could get for their interests. There would not be a market for their interests. In addition, if they could sell to anyone else there would be ongoing title issues, including claims to the property relating to 5 acres and rights of first refusal. This would have been a result Ms. Kay did not intend. The actions taken by the PR prevented this occurrence, and all of the beneficiaries benefitted from his actions.

In addition, simply deeding the property out and dumping these problems on the heirs would have not given effect to Copeland's Option to Purchase and again thwarted the intentions of Ms. Kay. Mr. Copeland expressed an interest in a portion of the property. See, February 2, 2011, p. 47:17-24. He was not interested; however, in an

undivided interest. See, February 2, 2011 transcript, pp. 112: 23 – 113:24. Also See, PR Trial Exhibit, C-5.

The Probate Court limited the PR's compensation of the PR to \$51,300, a 10% "commission", and ordered the PR to refund \$42,475 (or \$39,975 if the PR wound up the affairs of the Estate) because it determined that the PR should not have attempted to divide and sell the property. A 12.5 % fee would be \$64,125, 15% would be \$76,950, and 17.5 % would be \$89,775.

However, reasonable compensation should be based on all the facts and circumstances, including the time and effort of the PR including litigation and sale of property, the long-term relationship of the PR with the decedent, the complexity of the issues in carrying out the intent of the decedent, the qualifications of the PR, and, perhaps most importantly, the results obtained. Although the size of the estate should also be taken into consideration, it should not be, in and of itself, the determinative factor. Often small estates may have big problems.

In this case, the PR had a long-term personal relationship with Ms. Kay and had served as her attorney for more than 10 years. He has years of experience as an attorney and CPA. He is a licensed real estate broker. In order to carry out the intent of Ms. Kay with respect to her desire to have Copeland have a meaningful opportunity to buy her real property and to liquidate the property and give the proceeds to the beneficiaries, the PR determined a partition action was necessary. Finally, the PR achieved an outstanding result. Considering all of these facts and circumstances, PR respectfully submits that compensation in the amount of \$93,775 is reasonable.

The PR now responds to the arguments of Moses and Brown in the order presented.

I. Response to Real Estate Matters

The PR understood, after representing Ms. Kay for more than 10 years, that Charles P. Copeland was to have a meaningful opportunity to buy some or all of her real estate. This option was extended due to circumstances, including obtaining appraisals of the properties. Copeland made an offer on a particular portion of the property and made it known to the PR that he intended to pursue this claim. Due to the resistance of Brown and Moses to divide the property and with the passage of time, Mr. Copeland released his claim to an interest in the property.

Contrary to the repeated, and undocumented, assertions of Brown and Moses, the PR did not invite Copeland "to sue the Estate." See Introductory Statement above. Brown and Moses cite nothing in the record to support their alleged claim.

The PR's sole purpose was to carry out the intent of Ms. Kay as he understood it. This included honoring Copeland's option to purchase the property. Five of 7 beneficiaries (80% of the residuary interests) wanted the property divided and sold. The PR's goal in taking this action was to maximize the value of the Estate and liquidate the real estate and distribute the proceeds of the sale. To do otherwise would be to "dump the problem" on the beneficiaries, a result no one involved wanted (other than Brown and Moses. See Introductory Statement above.)

The PR strategized with various advisors, including title counsel, to determine the best course of action and ultimately filed a partition action. See, PR Trial Exhibit, C-1, items 34, s-t. See Also, item 15.

Brown and Moses refused to divide the land or allow Copeland to purchase a portion of the property, even after the PR offered a compromise including the claim by Brown to 5 acres of land. (See Exhibit 9 attached, included in the record as PR's trial exhibit C-11).

As to how the negotiations with the Rowland Milam came about, the PR testified that he first heard from Bart Heard that Milam was interested in buying the property and set out trying to determine how to reach Milam. See, Feb. 2, 2011 transcript at pp. 133:22 – 134:7. When Milam was asked directly whether he approached the PR about buying the land, or whether the PR approached him, he testified “[the PR] called me, I think on a Sunday when I was up in South Carolina, asking me – that he heard I had an interest in it.” See, Feb. 21, 2011 transcript at pp. 8:5 – 9:15

Finally, as to the property being sold for less than the appraised value, the appraisals were prepared in 2007, early 2008 before the onset of the worst recession since the Great Depression. Additionally, at the time of the appraisal the house had been vacant for 5 years. Three years later it was in great need of repair. Most importantly, the valuation of the 330 acre tract was for the entire tract, not reduced by a lack of marketability due to the ownership of a one-half interest.

Paul Major, testifying as an expert in the field of real estate appraisals, stated that undivided interests had a 30 to 35% discount from otherwise Fair Market Value.

II. Response to Personal Property Matters

The PR used several factors to determine “reasonable compensation”. See forgoing Introductory Statement. The value of the Estate, although an important

consideration, was not the determinative factor. Furthermore, SC Code Section 8-21-780 requires that estates pay a fee to the State of South Carolina based on the value of the Estate. The Probate Court requires an Inventory and Appraisalment of the Property with the valuation attested under sworn oath. The affidavit included as part of the form provides:

The undersigned, being duly sworn, states:

That the following schedules contain a complete and accurate inventory and appraisalment of all real and personal property estate so far as the undersigned is informed: that he/she has estimated and/or appraised all listed property at its fair market value, according to the best of his/her knowledge and ability.

Brown and Moses falsely state that, "The PR valued the personal property solely to boost his fees." See, Brown and Moses Addendum, p. 4, Section II, d. According to SC Code Section 16-9-10, it is unlawful to violate such an oath and punishable as perjury. The Estate included many pieces of jewelry, antiques and heirlooms. The PR took reasonable steps to value the personal property, and comply with the law paying a jeweler \$200 for an appraisal. This seemed to be a reasonable expense to the PR in light of all the facts and circumstances. Furthermore, SC Code Section 62-3-707 provides "[t]he personal representative may obtain a qualified and disinterested appraiser to assist him in ascertaining the fair market value as of the decedent's death of any asset the value of which may be subject to reasonable doubt."

The assertion by counsel for Brown and Moses that "The PR used 204.6 hours of paralegal time from his law firm... "mostly to value personal property"" is also blatantly and obscenely false. See, Brown and Moses Addendum, p. 5, Section II, f. Attached hereto as **Exhibits 3, 4, 5, 6 and 7** (admitted into evidence at the original hearing as PR

Trial exhibit D) are the law firm invoices. A review of the invoices reflects that there were in fact 4.00 hours related to valuation of personal property, however, 1.7 of these hours were "no charged" or discounted and written off.

As to the assertion that 1.5 hours of paralegal time was spent valuing one silver dollar, a careful examination of the invoice plainly reveals that that paralegal (PKB) had 1.7 hours reflecting no charge. In the effort to continuously misrepresent the record, Brown and Moses conveniently omit this important fact which clearly controverts their assertions.

May 27, 2007 was the Sunday before Memorial Day in 2007. The PR traveled to Clinton, SC to move furniture and personal effects from Ms. Kay's apartment and distribute these items to various relatives of Ms. Kay. Nonetheless, the PR's time on this task was ultimately written off and not charged by the law firm.

Brown and Moses' Addendum to Response to Appellants Section II, i, at Page 5, is another prime example to distort the record to this Court. The "Distribution of Miscellaneous Personal Property \$1250.00" is exactly that – the distribution of the personal property reflected in Schedule F, Line 5 of the Inventory and Appraisalment, Supplemental 1" reflecting where these Estate assets were distributed to Ms. Kay's relatives. This is not an expenditure "paid to others to distribute personal property" as Moses and Brown recklessly misrepresent to the Court.

Turner and Burney, PC, a law firm located in Laurens, SC, was in fact retained to assist in the distribution of personal effects and was paid \$200 for their assistance in this and other miscellaneous matters. See, Brown and Moses Addendum, II, j. See also, February 2, 2011, Transcript p. 150:9 – 151:13.

As to the antique dresses referenced in Item k of the Brown and Moses Addendum, the PR did not charge a commission based on the value of the Estate. See Introductory Statement above. All three dresses were donated to the museum.

III. Response to "Charges" Noted by Brown and Moses (pp. 5-6, Brown and Moses' Addendum)

The PR responds in order to the paragraphs designated in the Brown and Moses Addendum in Section III beginning on p.5 of the Addendum.

a, b, c. Ms. Kay's business documents were voluminous, dating back decades. The June 6, 2007 item referenced by Brown and Moses was made by a paralegal "JPR". This entry reads "Continue preparing and summarizing all documents in file obtained by EDS during his visit to Marion Kay's estate, including tax returns from 1998 – 2006, plats and sketches of Ms. Kay's property, bills, and original and copies of original documents: - 3.30 hours. This particular invoice was reduced by \$9,268.

The 6.90 hours referenced by Brown and Moses appear to be charges by a paralegal, PKB, on January 6, 2010 for 4.00 hours and January 7, 2010 for 2.90 hours for a total of \$621.00. However, a review of the invoice reflects that it was discounted in total by \$3,250.00 - substantially more than the charges complained of.

d. On February 3, 2009, Brown and Moses filed a Motion to Dismiss. The referenced "February 1, 2009 charge" appears to actually be that of February 10, 2009 in which a paralegal recorded "Review Abbeville County roster to determine status of motion." In all probability, the timekeeper ("BEG") meant "Laurens" rather "Abbeville". On February 25, 2009, there is an entry by BEG that states "Review Laurens County Roster to determine status of motion to dismiss," a valid entry

pertaining to the motion of Brown and Moses to dismiss the partition action. Accordingly, the charges by this paralegal were appropriate.

e. The \$29.00 charge for receipt of the voice mail from Ferguson may be data entry mistake which is already offset by \$20,000+ write-offs/discounts by the law firm. It also could have been that Ferguson called twice on that day as pointed out at the hearing. See February 2, 2011 transcript at pp 134: 18 – 135:6.

f. The investigator time provided helpful information to the PR. The real estate included a house far out in the countryside that had been vacant for more than 5 years at the time of Ms. Kay's death and surveillance equipment was considered.

g. Solicitations and magazines needed to be discontinued.

h. The catering charge pertained to a reception for friends and family after Ms. Kay's funeral. Ms. Kay had expressed her desire to provide such a meal.

i. Twenty-three trips to Laurens over a period of 42 months is only once every six months. The PR probably went many other times which were not recorded for the purpose of conducting the business of the Estate and watching over the property. See Trial Exhibit C-1. Some of these trips were made to show the property to potential buyers, repair the property, to assess damage after a storm, to remove Ms. Kay's numerous belongings both from her apartment and her home, and to simply ensure that home remained secure. See February 2, 2011 transcript at pp147:22 – 148:16, 150:3 – 151:13.

j. This charge pertains to services provided to Ms. Kay shortly before she died. As indicated at oral argument and at the initial hearing, it was billed to the Estate file by mistake. Nevertheless, the services were provided for Ms. Kay's

benefit. Again, to the extent this charge is erroneous; it was absorbed by \$20,000+ in discounts and write-offs. See also, Feb. 2, 2011 Trial transcript at pp. 148:17 – 149:8.

k. The April 9, 2007 entry was explained by the PR at the February 2, 2011 hearing. See February 2, 2011 transcript at pp 148:17 – 149:8 Furthermore, the services provided to the Estate from date of death (May 3, 2007) to May 16, 2007 were necessary and benefitted the Estate. The PR was named in the will, his appointment uncontested, and there was no reason not to take action immediately. The time entries before the official appointment reflect preparation of the necessary documents to be appointed which should be valid charges to the Estate even though they predate the official appointment.

IV. Response to Brown and Moses regarding "Enhanced Charging"
(pp. 6 – 7, Brown and Moses' Addendum)

a. The PR's legal and accounting education and experience are relevant factors in determining "reasonable compensation". Furthermore, contrary to Brown and Moses contention, the PR provided legal services, including drafting of pleadings and responding to discovery, all as noted in the law firm invoices, but for which the Estate was not charged by the Law Firm. Additionally, the PR prepared the Accountings for the Estate. Finally, the PR, a licensed real estate broker, showed the property, responded to expressions of interest in the property, and achieved an outstanding result in the sale of the property.

b, c. The PR did not charge for legal services to himself.

d. The PR seeks reasonable compensation. The PR is an attorney and Certified Public Accountant and has "excellent credentials" as noted by the

probate court. The PR provided both legal services and accounting services to Estate. The PR obtained an excellent result. An hourly rate of \$225 is appropriate when all of the circumstances are taken into account.

e. There were many claims against the real property included in the Estate. The PR resolved the claims and achieved an outstanding result for the benefit of both the estate and all beneficiaries. The probate court's determination that there were not novel issues is apparently based on its notion that the property could simply be deeded out and the beneficiaries could work the issues out at a later time through litigation or otherwise; or simply "live" with the inequity of Brown and Moses enjoying their majority ownership and control position. However, that was not the intent of Ms. Kay, and it was not the expressed desire of the beneficiaries entitled to a combined 80% residual interest.

f. More simply put, and germane to the issue, Brown and Moses were "very unhappy that they didn't inherit [the] land. They had expected that land, they didn't get it and they were mad about it. And bitter about it." See, February 2, 2011 transcript at pp 44:19 – 45:4. They claimed no one was entitled to the property but them. See, February 2, 2011 transcript, p 45:4-21.

g. The PR consulted with USC Law Professor Medlin about interpreting the meaning of the last will of Ms. Kay as well as the law pertaining to compensation of personal representatives. He was advised that the Code Section § 62-3-719(a) did not apply since the will otherwise directs the PR receive "reasonable compensation". Professor Medlin was made aware of

the issues in the Estate regarding the claims against the real estate and the partition action. See, Feb. 2, 2011 Transcript, pp 145: 23 – 146:9, 159:16 – 159:24.

h. To simply convey the property would have ignored the intent of Ms. Kay and the desires of 80% of the beneficiaries.

i. Extensions were granted by the probate court for the filing of the accountings. No deadlines for accountings were ever missed. The accountings were sent out in October and November 2010. See PR's trial exhibit C-17. The hearing(s) were held on February 2, 2011 and February 21, 2011.

j. This is another misrepresentation of the record and testimony. The PR testified, "I told some of the heirs that this was going – this has been expensive." See, Feb 2, 2011 transcript, p 155:13-14. Further, Brown testified that several months after Ms. Kay died, at the first meeting with the PR, she understood it might cost \$68,000 of the PR's efforts to get the estate settled. See, Feb 21, 2011 transcript, pp. 66: 23 – 67:21. The citation to Matter of James is absurd.

k. The PR did in fact explain his understanding of the requirements for interim accountings. Feb. 2, 2011 transcript at p. 155:2 – 10. The deadline to submit the final accounting and other final documents was continuously extended by the probate court pending the efforts to sell the Estate's interest in the property. (See Exhibit 7 attached, page 9, PKB entry of 6/11/08; page 12, 12/2/08, page 16, 12/22/09; page 19, 6/22/10.)

I. The invoice pertaining to the litigation was discounted by more than \$6000.

In addition, the hours of the PR were not charged reducing the amount of the invoice. Furthermore, the PR worked on resolving the issues nearly 19 months prior to initiating the litigation.

IV. Response to "What the PR charged"
(Brown and Moses Addendum, pp. 7-9)

a, b. Brown and Moses mistake the law of South Carolina when referring to "The Normal PR commission...". South Carolina Code section 62-3-719 (c) provides "[t]he provisions of this section do not apply in a case where there is a contract providing for the compensation to be paid for such services, or where the will otherwise directs" Item V (3) of the will provides "[t]he individual Personal Representative shall receive reasonable compensation for the services rendered and reimbursement for reasonable expenses." Accordingly, Section 62-3 -719 (a) pertaining to a "5%" commission does not apply in this case. Research does not reveal where SC Appellate Courts (published opinions) have established any "normal commission" and this is why the PR consulted with Professor Medlin among others. Section 62-3-715 (16) provides a personal representative may properly pay taxes, assessment, compensation of the personal representative, and other expenses incident to the administration of the estate." The reporter's comments to this Section 62-3-715 states "[t]he purpose of this section is to set forth in some detail the powers which a personal representative may exercise with respect to the estate and without the necessity of obtaining an order from the probate court in order to do so."

Brown and Moses have ignored that § 62-3-715 specifically allows payment of compensation to the PR without a Court Order.

c. A deed of distribution would not have carried out the intent of Ms. Kay or the desires of 80% of the residual interests in the Estate. The quoted portion of Judge Hocker's Order overlooks § 62-3-911 and the PR's discretion.

d. The November 26, 2007 invoice reflecting 51 hours of PR time ($51 \times \$145 = \$7,395$) was discounted/written down by \$9268.50. In addition, there were \$11,000 of additional discounts. The \$6,481.50 of PR time referenced by Brown and Moses are more than offset by the \$11,000 discount/write off. The Estate was not therefore "double-billed for Sullivan's work.

e. The probate court's statement that the PR testified he had no method or formula for determining the compensation is not an accurate assessment of the record. The PR testified that the basis for his fee included time, effort, novel issues, extraordinary services including the sale of real estate and litigation, and the results. Feb 2, 2011 transcript, p 144:5 – 8.145;23 -146:9, 174:8-25. The PR also explained to the Court in direct response to its questions about how 468 hours were calculated as well as the supporting documentation. See, Transcript, p172: 2 – 173:9. Nevertheless, the Court overlooked the hours of the PR documented in PR Trial Exhibit D (invoices attached hereto as **Exhibits 2 – 7**) admitted into evidence.

f. The will provided for "reasonable compensation" and "reimbursement of reasonable expenses". The PR resolved all claims to the property and

achieved an outstanding result for all beneficiaries. He is entitled to be compensated for his services including the ongoing effort and expense.

g. First, South Carolina Code Section 62-3-719(a) does not apply by the terms of item 62-3-719(c). Secondly, 62-3-719 (a) requires "approval" by the Court. Obviously, the Court approved the 10% fee citing the excellent results achieved by the PR as well as the PR's excellent credentials.

h. The PR used his skill and experience to carry out the intent of Ms. Kay. The will provides for "reasonable compensation". The probate code allows the PR to employ professionals even if there is an affiliation.

i. As allowed by SC Code Section 62-3-715(19), the PR employed a law firm to assist with the administration of the Estate. The time entries in the invoices reflect the time and services provided to the Estate including administration and litigation. The invoices are businesses records and were admitted into evidence without objection. Although there may be an instance where time entries overlap the invoice dates, the services provided were only billed once.

j. The court properly determined that the law firm provided services and were entitled to be paid for these services.

k. Although some of the PR's time was charged, it was discontinued early in the administration of the Estate and more than offset by the law firm discounts and write-offs. The PR is entitled to "reasonable compensation". His time and efforts are some of the factors to be considered in making that determination.

l. The court apparently based this statement on his determination that the PR should not have pursued the partition of the property. The Court also overlooked that the law firm reduced its charges by more than \$20,000.

m. The Court overlooked PR's Trial Exhibit D admitted into evidence.

n. The Court based this determination on its finding that the PR should have deeded out the property. To do so, however would have been to thwart the intent of Ms. Kay and the desires of beneficiaries holding 80% of the residuary interests.

o, p, q. The Court's rulings erroneously disregarded Ms. Kay's intent as understood by the PR, the desires and wishes of 5 of 7 beneficiaries holding 80% residuary interests, the terms of the will, and SC law which authorizes the actions taken by the PR.

VI. PR's Response to Brown and Moses allegations concerning lack of good faith (Brown and Moses Addendum, pp. 9-12)

a, b, c, d. The PR carried out the intent of Ms. Kay to honor Charles Copeland's Option to Purchase, liquidate the Estate, and distribute the proceeds.

e. There were many claims against the real estate that complicated the estate and that resolving the issues possibly could be expensive. This possibility became reality in large part due to Brown and Moses' claims to the property, including Brown's claim to a 5 acre parcel that continued even after the consent dismissed with prejudice of the partition action, which of necessity included dismissing this claim, as well as Brown and Moses' resistance to the PR's efforts to divide the property. The Court should note,

however, that by making this claim, the argument of Brown and Moses that they were not informed of the expense of the probate administration and litigation is false.

f, g, h, i, j. The will provides that the PR be paid "reasonable compensation" and "reimbursed for reasonable expenses." The PR based his determination of "reasonable compensation" on such factors as those used in determining fees for lawyers as an analogy. In determining reasonable compensation, the PR, an attorney with 25 years of experience, looked to the factors of Rule 1.5 of the South Carolina Rules of Professional Conduct. (See Personal Representative's Grounds for Appeal at page 21.) In addition, the PR looked to other jurisdictions for elements of "reasonable compensation" for a PR. In his testimony, he referenced Florida law. See, Feb 2, 2011 Transcript, pp. 145:25 – 146:9. Section 733.617 Fla. Stat (1973) provides that courts should consider "extraordinary service" in determining "reasonable compensation" including litigation and sale of real estate. In pursuing a partition of the real estate as well as consummating the sale of the real estate at a significant price, the PR provided what should be viewed as extraordinary services to the Estate. See, Grounds for Appeal at Page 23.

k. The gain on the sale of the investments is reported in Interim Accounting 1.

l. Despite the resistance of Brown and Moses and the various claims and issues relating to Estate, the PR resolved the many issues and achieved an excellent result for the Beneficiaries. Penny Arnold, the only person with extensive experience in working with PR's and Estates, testified that after

attending a meeting with Brown and Moses she reported to her supervisor that she doubted that the Presbyterian Home would ever receive anything for its interest. She also testified to her experience in being involved in Estates, and that the PR's compensation and the charges of the law firm were reasonable. See, Feb 2, 2011 Transcript p. 216: 1-25. In addition, Bart Heard, an heir, testified that he had no objection to any of the PR's fees. See, Feb 2, 2011 Transcript, p. 104:10-105:10.

m,n o. The probate court seemingly disregarded the intent of Ms. Kay and the wishes of 5 of 7 beneficiaries and 80% of the residuary interests in finding that the partition action was unnecessary and reducing the PR's compensation accordingly.

p. The time entry included in the charges prior to date of death was explained to the Court. See, Feb. 2, 2011 Transcript at pp 148:17 – 149:8.

q. The court erroneously disregarded the issue of the Rule Against Perpetuities confronted by the PR as well as the many claims to the real estate. In addition, the court's ruling was based in large part on its determination that a partition action, requested by certain beneficiaries, authorized by will and statute, and deemed by the PR to be the intent of Ms. Kay was unnecessary. It was only unnecessary to the extent that Ms. Kay's intent be disregarded and relevant SC law overlooked.

r, s. The PR testified as to how he determined the basis for his fees. See, Transcript pp 144: 9 – 145:3; 174:8 -25. The statements containing the PR's

time entries were entered into evidence. The Court apparently overlooked or failed to take this evidence into consideration.

t. The Court's ruling was based on its erroneous determination that a partition action was not necessary. See item q above.

v, w These inflammatory charges are false. Once again, the citations to Matter of James are ludicrous.

x. This charge is false and is a prime example of how counsel for Brown and Moses continually misrepresent the record to this Court. The PR never suggested that anyone sue the Estate. The letter referenced by counsel for Brown and Moses, attached as **Exhibit 8** speaks for itself.

y. These were deemed necessary by the PR. There were in fact probably more than 23 trips made over 42 months (182 weeks) to conduct the business of the Estate. The assertions made by Counsel for Brown and Moses concerning the PR's family are baseless.

z. See previous responses to the same allegations above.

The PR is an attorney with 25 years of legal experience and has been a CPA for more than 32 years. In addition, he has a Master of Accountancy degree and an LLM-Taxation degree. Furthermore, he is a licensed real estate broker. Clearly, the skills and experience of the PR are factors to be considered in determining "reasonable compensation."

The PR's efforts in administering the Estate, and preparing pleadings, discovery, and responses to discovery are documented in law firm invoices admitted into evidence as PR Trial Exhibit D. The PR delegated the

preparation of tax returns but reviewed the returns and signed them assuming the responsibility for the accuracy of the returns. The PR prepared all of the accounting information provided to the probate court. The PR negotiated the sale of the real estate and achieved an excellent result.

aa. The PR testified that he hired his employer law firm to be the lawyers and that he as the PR was involved in the litigation, drafting pleadings "behind the scenes". See, Feb 2, 2011 Transcript p. 178: 9 – 17. Though he had another lawyer review and sign pleadings and deal with counsel for Brown and Moses, the invoices (**Exhibits 2 – 7** attached) reflect the many hours drafting pleadings, preparing discovery and discovery response, and consultation with his attorney. Any legal services that were included on invoices for services provided by the PR were written off.

bb. The PR carried out the intent of Ms. Kay, addressed the requests and needs of the beneficiaries, and achieved an "exceptional" result. (See, testimony of Paul Major, Feb. 2, 2011 transcript, p. 203: 14 - 18. See also, testimony of John Wilson, Feb. 2, 2011 Transcript at pp 190: 5 – 192:15; testimony of Penny Arnold at 213: 1 – 216:11 and Bart Heard at pp. 104: 10 - 105:10. Also see letter of Robert F. Fuller to Neely Blackmon (PR Trial Exhibit C-9 admitted into evidence.)

VII. Response to "Conclusion"

a, b, c, and d – See, Introductory Statement.

e. See, Response to Request for Attorneys Fees by Counsel for Brown and Moses and incorporated herein by reference. (Sent under separate cover.)

- f. South Carolina Code Section 62-3-721 (a) provides:

After notice to all interested persons, on petition of an interested person or on appropriate motion if administration is under Part 5 . . . , the propriety of employment of any person by a person representative including any attorney, auditor, investment advisor, or other specialized agent or assistant, the reasonableness of the compensation of any person so employed, or the reasonableness of the compensation determined by the personal representative for his own services, may be reviewed by the court. Any person who has received excessive compensation from an estate for services rendered may be order to make appropriate refunds.

In this case Brown and Moses did not provide notice to interested parties. Furthermore, they did not petition the court. Accordingly, none of their claims, particularly those pertaining to the PR's law firm, are properly before the court.

- g. The probate court, which (erroneously) determined that the PR should not have pursued partition of the property, found that the PR had not acted in bad faith. There was no improper exercise of power, and SC Code Section 62-372 is not applicable. SC Code Section 62-3-713 does not apply nor do Brown and Moses provide any explanation why the section is cited.
- h. The probate court rightfully denied the motion of Brown and Moses to replace the PR for several reasons, including to do so would disregard the intent of Ms. Kay who appointed the PR.
- i. Any time reflecting charges by the PR in the law firm invoices were written off and absorbed by more than \$20,000 in discounts/write offs and "no charged".
- j. The referenced fees were paid prior to the probate court's order and were thereafter refunded as reflected by Interim Accounting 5. Nevertheless, these are valid charges and the PR is entitled to reimbursement as the will provides for reasonable compensation and reimbursement for reasonable expenses.

S.C. Probate Code Section 62-3-720 provides "[i]f any personal representative or person nominated as personal representative defends or prosecutes any proceeding in good faith, whether successful or not, he is entitled to received from the estate his necessary expenses and disbursements including reasonable attorney's fees incurred." A portion of the charges were incurred in contesting the ongoing frivolous claims pertaining to 5 acres. See, Feb. 21, 2011 transcript at pp: 73:12 – 80:4. See also, Probate Court Order dated 3/27/2012, at p. 3.

- k. The Order is under appeal. South Carolina Code Section 621-308 (c) provides [w]hen an appeal is taken from any sentence or decrees of the probate court, all proceedings in pursuance of the order, sentence or decree appealed from shall cease until the judgment of the circuit court, court of appeal, or Supreme Court is had". The court should take note of the ongoing ranting and inflammatory comments and insulting remarks hurled by counsel for Brown and Moses, and consider the source of the allegations made against the PR.
- l. There is no basis to making a distinction between the heirs. The advance of \$12,000 to Bart Heard has been accounted for in the proposal for distribution.
- m. The probate court ordered that Brown and Moses share the expense of all the transcripts – not just one. See, March 27, 2012 Order, p. 2. Nonetheless, Brown and Moses have not paid anything for the transcripts they have received and have misrepresented to the Court when they were made available. Brown and Moses claim they did not receive the Transcript referred

to in the March 27, 2012 Order until June 24, 2013. The truth is that the 2/2/11 and 2/21/11 hearing transcripts and Garber Court Reporting invoices were sent to their counsel over a year ago on May 18, 2012. At the time, we had not yet ordered the 1/11/12 hearing transcript. We ordered the 1/11/12 hearing transcript from Garber Reporting on May 21, 2012. We received this hearing transcript from Garber Reporting on June 28, 2012. On the same day June 28, 2012, we forwarded the PTX (e-transcript) that we had received to John Ferguson. See, Exhibit 10.

- n. To preclude additional documents to the record would also preclude any further affidavits from counsel for Brown and Moses regarding his ongoing requests for legal fees. The Court should allow fees to be paid to counsel retained for these proceedings by the PR and as included in Grounds for Appeal, Section B-1.

CONCLUSION

Having fully responded to Brown and Moses, the Court should determine and allow \$93,775 as reasonable compensation to the PR pursuant to the will of Ms. Kay as well as allow reimbursement to the PR of expenses incurred in this matter.

Respectfully submitted,

[Signature Page to Follow]

LAW OFFICE OF DARYL G. HAWKINS, LLC

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July 29, 2013

Attorneys for the Personal Representative

Invoice Date	Account No.	Date of Service	Time-keeper	Summary of Description of Services	Time
7/6/2007	1147-100	06/25/07	JPR	Research Blue Book re: 2000 Buick	.10
8/17/2010	1147-100	12/11/07	PKB	Research value of 1890 silver dollar	.60
8/17/2010	1147-100	12.12.07	PKB	Research coin Evaluators in area	.40
8/17/2010	1147-100	12/12/07	PKB	Telephone calls To area coin dealers	.40
8/17/2010	1147-100	12/12/07	PKB	Prepare memo Regarding coin appraisers	.10
8/17/2010	1147-100	1/9/08	PKB	Telephone call To jeweler	.20
8/17/2010	1147-100	1/17/08	PKB	Telephone call to jeweler	.10
8/17/2010	1147-100	4/22/08	PKB	Valuation spreadsheet for coins	2.00
8/17/2010	1147-100	7/16/08	PKB	Telephone call To jeweler	<u>.10</u>
				Total	4.00

Exhibit 1

Discounts Obtained
Collins and Lacy

Discount – July 6, 2007 invoice (as per below)	9,268.50
Discount- August 16, 2010 Invoice	7,750.00
Discount- August 17, 2010 Invoice	<u>3,250.00</u>

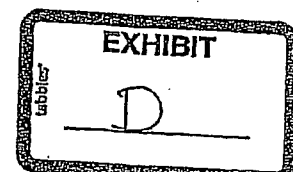
\$20,268.50

Recap of Charges and
Related Discount
Collins & Lacy
July 6, 2007 Invoice

Page	HOURS				
	EDS	JPR	AEC	VLB	Total
1	21.50	3.60	.70	-	25.80
2	5.50	18.60	.30	-	24.40
3	13.10	6.50	-	-	19.60
4	1.60	6.40	.20	-	8.20
5	-	6.30	.10	1.10	7.50
6	-	4.50	-	-	4.50
7	1.30	4.00	-	-	5.30
8	1.00	4.10	-	-	5.10
9	.30	2.80	-	-	3.10
10	.40	4.00	-	1.10	5.50
TOTAL	44.70	60.80	1.30	2.20	109.00

EDS 44.70 @ 145 = \$ 6,481.50
 JPR 60.80 @ 90 = 5,472.00
 AEC 1.30 @ 90 = 117.00
 VLB 2.20 @ 90 = 198.00

\$12,268.50 Billable Fees
(3,000.00) Fees Billed
 \$ 9,268.50 Discount





July 6, 2007

Billed through 06/30/07

Bill Number 001147 00100 35167 EDS

Federal Tax ID: 57-0989944

Executor of Estate:
Edward Sullivan
P.O. Box 12487
Columbia, SC 29211

Collins & Lacy, PC
P.O. Box 12487
Columbia, S.C. 29211
(803)256-2660

REGARDING: Estate of Marion Kay (DOD 05.03.07)

FOR PROFESSIONAL SERVICES RENDERED

04/29/07	EDS	Travel to Laurens; Meet with Power of Attorney Patsy Copeland.	4.00 hrs
05/03/07	EDS	Telephone conferences; travel to Laurens, SC, meeting with Gray Funeral Home.	6.00 hrs
05/04/07	EDS	Telephone calls regarding funeral; planning.	0.90 hrs
05/08/07	EDS	Travel to Laurens; conference with Probate Court; conference with Ms. Copeland regarding personal property.	5.50 hrs
05/10/07	EDS	Telephone conference with Mr. Copeland; office conference with staff regarding petition.	2.20 hrs
05/11/07	EDS	Research; Telephone conference with Probate Court.	0.50 hrs
05/14/07	EDS	Preparation of Petition; office conference with staff.	0.90 hrs
05/14/07	JPR	Telephone call to Marla Heard, Step-Granddaughter of Marion Kay RE: the address of her brother (Edward Bart Heard).	0.10 hrs
05/14/07	JPR	Two telephone calls to Patsy Copeland RE: names and addresses of testate and intestate heirs.	0.30 hrs
05/14/07	JPR	Determine information needed to petition the probate court for appointment.	1.10 hrs
05/14/07	JPR	Prepare list of testate and intestate heirs including name, address, and relationship to decedent.	1.00 hrs
05/14/07	JPR	Draft Application for Informal Probate of Will and Appointment.	0.40 hrs
05/14/07	AEC	Conference with counsel regarding information needed to petition the probate court for appointment.	0.70 hrs
05/15/07	EDS	Preparation of Petition; office conference with staff.	1.50 hrs
05/15/07	JPR	Telephone call to Laurens County Probate Court RE: attachments to Form 300 PC.	0.10 hrs
05/15/07	JPR	Revise draft Application for Probate of Will and Appointment.	0.40 hrs
05/15/07	JPR	***EDS*** Prepare cover letter for Application for Probate of Will and	0.20 hrs

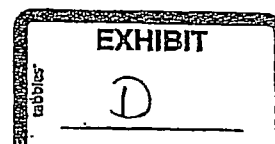


Exhibit 3

001147	00100		2
	Assignment.		
05/15/07	JPR	Prepare Check Request for Filing fee to Laurens Probate Court and Publication fee to The Laurens Advertiser.	0.10 hrs
05/15/07	JPR	Begin preparation of list detailing items left in Will by Marion Kay.	0.80 hrs
05/15/07	JPR	Prepare final version of Application for Probate of Will and Appointment with attachments for overnight delivery.	1.20 hrs
05/15/07	JPR	Travel to Fed-Ex to drop off Application for Probate of Will and Appointment to ensure overnight delivery.	0.40 hrs
05/18/07	AEC	Review of SC Code of Laws to determine if appraiser has to be certified.	0.30 hrs
05/20/07	EDS	Receipt and review Certificate of Appointment.	0.10 hrs
05/21/07	JPR	Prepare and summarize all documents in the file, including the Will, Memorandum Regarding Certain Personal Property, tax information, and title and deed information.	1.50 hrs
05/21/07	JPR	Determine additional data to be included in Probate Court documents.	0.10 hrs
05/22/07	JPR	Prepare itemized breakdown of Memorandum Regarding Certain Personal Property to determine items to be distributed to devisee.	2.20 hrs
05/23/07	EDS	Planning for asset distribution.	1.00 hrs
05/23/07	JPR	Complete preparation of itemized breakdown of Memorandum Regarding Certain Personal Property to determine items to be distributed to devisee.	1.80 hrs
05/23/07	JPR	Telephone call and message to Patsy Copeland RE: addresses for intestate heirs.	0.10 hrs
05/23/07	JPR	Telephone call to Laurens County Probate Court RE: necessary attachments to Information to Heirs and Devisee Form.	0.10 hrs
05/23/07	JPR	Research Title 62 of South Carolina Code of Laws, Richland County Probate Court online forms, and Laurens County Probate Court website to determine responsibilities of EDS as Personal Representative. Prepare timeline documenting the necessary courses of action.	4.50 hrs
05/24/07	EDS	Travel to Laurens; review assets ; conference with banker.	4.40 hrs
05/24/07	JPR	Telephone call to Laurens County Probate Court RE: Receipt and Release Forms.	0.10 hrs
05/24/07	JPR	Prepare list of devisee named in Memorandum Regarding Certain Tangible Personal Property and their addresses, provided by Patsy Copeland.	2.40 hrs
05/24/07	JPR	Telephone message from Patsy Copeland RE: addresses for devisee and intestate heirs.	0.10 hrs
05/24/07	JPR	Telephone call to Patsy Copeland RE: status of items found in Memorandum Regarding Certain Tangible Personal Property.	1.00 hrs
05/24/07	JPR	Telephone call to Patsy Copeland RE: Apartment Inventory Fax.	0.10 hrs
05/24/07	JPR	Telephone call to Patsy Copeland RE: faxed Memorandum Regarding Certain Tangible Personal Property.	0.20 hrs
05/25/07	JPR	Cross-reference Apartment Inventory with Memorandum Regarding Certain Personal Property to determine items to be given to appropriate parties.	1.20 hrs
05/25/07	JPR	Research South Carolina Title Codes 36 and 62 to determine if an automobile can be included in Ms. Kay's Memorandum Regarding Certain	0.70 hrs

001147	00100	Personal Property.	3
05/25/07	JPR	Update list of heirs named in Memorandum Regarding Certain Personal Property to include addresses and phone numbers. Verify numbers and addresses given to me by Patsy Copeland.	1.90 hrs
05/25/07	JPR	Telephone call to Laurens County Probate Court to verify proper form to use when delivering items from Memorandum to Will.	0.10 hrs
05/25/07	JPR	Prepare Receipt documents to demonstrate acknowledgment of receipt of goods from Memorandum Regarding Certain Personal Property.	0.20 hrs
05/27/07	EDS	Travel to Laurens; distribute personal effects; visit residence.	8.00 hrs
05/29/07	EDS	Receipt of message from Mr. Moses.	0.20 hrs
05/30/07	EDS	Office conference with paralegal regarding documents; IRS FEI form.	0.40 hrs
05/30/07	JPR	Obtain information to begin obtaining a Federal Tax ID number, contacting the Palmetto Bank in Laurens County, and preparing a letter to the devisee explaining the Will of Marion Milam Kay.	0.20 hrs
05/30/07	JPR	Determine how to apply for Federal Tax ID number for the Estate of Marion Milam Kay.	0.50 hrs
05/30/07	JPR	Prepare Federal Form SS-4 to obtain Federal Tax ID Number. Verify answers with EDS.	0.40 hrs
05/30/07	JPR	Prepare and fax Personal Representative Appointment to Robin at 864-984-4033.	0.20 hrs
05/30/07	JPR	Telephone call to Internal Revenue Service to set up Estate of Marion Milam Kay Federal Tax ID number.	0.30 hrs
05/31/07	EDS	Travel to Laurens; pick up vehicle; close apartment; office conference with paralegal; telephone conference with IRS; telephone conference with Agricultural Board.	4.50 hrs
05/31/07	JPR	Two telephone calls to the Internal Revenue Service to determine information needed to obtain Tax ID number over the phone.	0.20 hrs
05/31/07	JPR	Prepare memo on directions to obtain Federal Tax ID number from the IRS.	0.10 hrs
05/31/07	JPR	Telephone call to Patsy Copeland RE: outstanding bills and addresses.	0.40 hrs
05/31/07	JPR	Telephone call to Maria Orlas RE: Bart Heard's correct address.	0.10 hrs
05/31/07	JPR	Prepare a mail merge for all devisee to provide information regarding the appointment of a personal representative, pursuant to 62-3-705.	0.60 hrs
05/31/07	JPR	***EDS*** Prepare cover letter for Information to Heirs and Devisee document, notifying all devisee of the appointment of Personal Representative.	0.30 hrs
05/31/07	JPR	Prepare Proof of Delivery sheet to file with Laurens County Probate Court.	0.30 hrs
05/31/07	JPR	Prepare letter for Liz Self of Palmetto Bank with Original Death Certificate of Marion Milam Kay and Tax ID Number of newly-formed estate.	0.20 hrs
05/31/07	JPR	Telephone call to Laurens County Probate Court RE: Proof of Delivery questions.	0.10 hrs
05/31/07	JPR	Find and organize all keys in the file.	0.20 hrs
05/31/07	JPR	***EDS*** Prepare cover letter and check for Randy Bishop of Creative Designs to cover cost of reception catering after the funeral of Marion	0.20 hrs

001147	00100		4
	Milam Kay,		
05/31/07	JPR	Telephone call to Palmetto Bank, Laurens County RE: verification of current checking account.	0.20 hrs
05/31/07	JPR	Look for sets of checks in Marion Kay's file and determine which set is the current set.	0.20 hrs
06/01/07	JPR	Telephone call to Renee Underwood of Raymond James Financial Services RE: Federal Tax ID number of Marion Kay.	0.10 hrs
06/05/07	EDS	Planning; receipt and review of correspondence.	0.90 hrs
06/05/07	JPR	Telephone call from Patsy Copeland RE: request for original death certificate, South Carolina Retirement Systems Insurance Policy, and status of hay field on Marion Kay's property.	0.30 hrs
06/05/07	JPR	Prepare spreadsheet of all bills to be paid by the estate of Marion Kay.	0.80 hrs
06/05/07	JPR	Prepare and summarize new documents added to file, including billing statements, insurance policies, tax returns, and other information received during EDS' visit to residence of Marion Kay.	1.10 hrs
06/05/07	JPR	Add four new bills to spreadsheet, including address and telephone number of payee, amount due, and whether bill has been paid.	0.20 hrs
06/05/07	JPR	***EDS*** Prepare correspondence to six Beneficiaries of the estate of Marion Kay RE: status of will; Chuck Copeland's ability to purchase land; status of Marion's Buick and her request that Bart receive it.	0.60 hrs
06/05/07	JPR	Prepare correspondence to Patsy Copeland RE: copy of original Death Certificate for South Carolina Retirement Systems.	0.20 hrs
06/05/07	JPR	Determine additional letters to be sent and next course of action to be taken to notify beneficiaries of their duties and benefits.	0.60 hrs
06/05/07	JPR	***EDS*** Prepare correspondence to Richard Crouch, Appraiser RE: rendering payment.	0.10 hrs
06/05/07	JPR	Telephone call to Verizon Wireless RE: final payment and cancellation of account.	0.20 hrs
06/05/07	JPR	Two telephone calls to AT&T RE: cancellation of service and final bill.	0.30 hrs
06/05/07	AEC	Conference with counsel to discuss the next steps in the estate process.	0.20 hrs
06/06/07	EDS	Correspondence; planning.	0.70 hrs
06/06/07	JPR	Telephone call to Sadler-Hughes Apothecary RE: final bill.	0.10 hrs
06/06/07	JPR	Telephone call to Duke Energy RE: final bill and change of account to Estate of Marion Kay.	0.30 hrs
06/06/07	JPR	Prepare and send payment for Duke Energy bill.	0.10 hrs
06/06/07	JPR	Prepare and send payment for Sadler-Hughes Apothecary bill.	0.10 hrs
06/06/07	JPR	Prepare and send payment for Laurens County Water and Sewer Commission bill.	0.10 hrs
06/06/07	JPR	Prepare and send payment for appraisal services bill.	0.10 hrs
06/06/07	JPR	***EDS*** Prepare transmittal letter to Laurens County Probate Court for the Proof of Delivery form.	0.10 hrs
06/06/07	JPR	Proof final version of letter to six beneficiaries of Marion Kay's Estate, detailing the status of the estate.	0.60 hrs

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06/06/07	JPR	Prepare final version of letter for EDS' signature to six beneficiaries of Marion Kay's estate, detailing the status of the estate. 0.20 hrs
06/06/07	JPR	Find and prepare Marion Kay's title to real estate for use in title search. 0.20 hrs
06/06/07	JPR	Two telephone calls to Patsy Copeland to ascertain name of Clerk of Session of Lisbon Presbyterian Church. 0.20 hrs
06/06/07	JPR	Update bills spreadsheet to reflect bills paid on 6/6/07. 0.10 hrs
06/06/07	JPR	Telephone call to Linda Sharpton at Raymond James Financial Services RE: changing account to an estate account. 0.10 hrs
06/06/07	JPR	Telephone call to Liz Self at Palmetto Bank RE: keeping safe deposit boxes for 2007-2008. 0.10 hrs
06/06/07	JPR	Find and prepare Plats of Marion Kay's house and 10A. Property exchanged with Miriam Holmes Lane. 0.20 hrs
06/06/07	JPR	Continue preparing and summarizing all documents in file obtained by EDS during his visit to Marion Kay's estate, including tax returns from 1998-2006, plats and sketches of Ms. Kay's property, bills, and original and copies of original documents. 3.30 hrs
06/06/07	AEC	Review of correspondence to beneficiaries pursuant to counsel's request. 0.10 hrs
06/07/07	VLB	Review deeds and plats regarding Marion Milam Kay and prepare for title examination in Laurens County of all real property deeded to Marion Milam Kay; Prepare and email title examination request to Carswell Abstract. 1.10 hrs
06/11/07	JPR	Telephone call from Linda Sharpton of Raymond James RE: contact information for KDS and process for transferring account to Estate. 0.20 hrs
06/12/07	JPR	Receive and review email from Linda Sharpton at Raymond James RE: process for shifting funds to and estate account. 0.20 hrs
06/12/07	JPR	Determine status of Charles Robert Milam's letter. 0.10 hrs
06/12/07	JPR	Telephone message to Charles Milam RE: proper mailing address. 0.10 hrs
06/12/07	JPR	Telephone call from Charles Robert Milam RE: his proper address. 0.10 hrs
06/12/07	JPR	Prepare returned letter to be sent to proper address of Charles Milam. 0.10 hrs
06/12/07	JPR	Update list of devisee for production to the Laurens County Probate Court. 0.30 hrs
06/12/07	JPR	Receive and review returned letter addressed to Charles Robert Milam. 0.10 hrs
06/12/07	JPR	***EDS*** Prepare letter to Raymond James RE: changing Marion Kay's account to an Estate Account. 0.10 hrs
06/15/07	JPR	Receipt and review of clocked copy of Application for Appointment of Personal Representative from Laurens County Probate Court. 0.10 hrs
06/15/07	JPR	Receipt and review of clocked copy of Proof of Delivery from Laurens County Probate Court. 0.10 hrs
06/15/07	JPR	Receipt and review of Statement of Creditor's Claim from Laurens County Hospital. 0.10 hrs
06/15/07	JPR	Receipt and review of monthly statement from Palmetto Bank for the Estate of Marion Kay. 0.10 hrs
06/15/07	JPR	Receipt and review of Assignment of Employer Identification Number from Internal Revenue Service. 0.10 hrs
06/15/07	JPR	Receipt and review of Account Summary from Palmetto Bank of the Estate. 0.10 hrs

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	of Marion Kay.	
06/15/07	JPR Telephone call to Laurens County Probate Court RE: procedures for transferring automobile to Bart Heard.	0.10 hrs
06/15/07	JPR Telephone call to Blue Cross Blue Shield RE: Marion Kay's life insurance policy.	0.10 hrs
06/15/07	JPR Review file material to prepare Excel spreadsheet of all insurance and bank holdings of Marion Kay.	1.00 hrs
06/15/07	JPR Telephone call to American Income Life Insurance Company RE: notification of Marion Kay's death.	0.20 hrs
06/15/07	JPR Telephone call to National Foundation Life Insurance RE: notification of Marion Kay's death and information about her policy.	0.20 hrs
06/15/07	JPR Prepare and fax copy of Death Certificate of Marion Kay to National Foundation Life Insurance, along with notification of change of Estate address.	0.20 hrs
06/15/07	JPR Update Insurance Policy list after obtaining new information from American Income Insurance Company.	0.10 hrs
06/18/07	JPR Two telephone calls to now-defunct Dixie National Life Insurance Company to determine which company has bought Ms. Kay's insurance policy.	0.20 hrs
06/18/07	JPR Telephone call to Madison National Life Insurance Company RE: Marion Kay's policy.	0.10 hrs
06/18/07	JPR Telephone call to General American Life Insurance RE: notification of Marion Kay's passing.	0.10 hrs
06/18/07	JPR Telephone call to CYTEC RE: notification of Marion Kay's passing.	0.20 hrs
06/18/07	JPR Telephone call to South Carolina State Budget and Control Board RE: notification of death of Marion Kay.	0.20 hrs
06/18/07	JPR Telephone calls to Aetna and additional online research to determine status of American Cyanamid Company and Claude Kay's insurance policy.	0.40 hrs
06/18/07	JPR Telephone call and hold to Retirement Systems Board RE: status of insurance payoff.	0.20 hrs
06/18/07	JPR Telephone call and message to Sheri at Laurens County Probate Court RE: necessary steps to leave automobile to Bart Heard.	0.10 hrs
06/18/07	JPR Update excel spreadsheet with insurance holdings information to reflect new findings based on calls to the insurance companies.	0.30 hrs
06/18/07	JPR Telephone call to Verizon Wireless to confirm cancellation of account.	0.10 hrs
06/18/07	JPR Receipt and review of three Verizon bills sent before account was canceled.	0.10 hrs
06/18/07	JPR Telephone call from General American life Insurance RE: update of listed beneficiaries.	0.10 hrs
06/18/07	JPR Receipt and review of Raymond James Investment Account Summary.	0.10 hrs
06/18/07	JPR Receipt and review of Piedmont Rural Telephone bill.	0.10 hrs
06/18/07	JPR Receipt and review of Duke Energy bill.	0.10 hrs
06/18/07	JPR Receipt and review of Sadler-Hughes Apothecary bill.	0.10 hrs
06/18/07	JPR Receipt and review of BlueCross BlueShield of South Carolina Explanation of Benefits.	0.10 hrs

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06/18/07	JPR	Receipt and review of Laurens County Water and Sewer Commission bill. 0.10 hrs
06/18/07	JPR	Receipt and review of Official Mail Forwarding Change of Address Order from Joy at Frampton Hall. 0.10 hrs
06/19/07	EDS	Office conference with Mr. Rourke. 0.20 hrs
06/19/07	JPR	Telephone call from Sheri at Laurens County Probate Court RE: how to give automobile to Bart Heard. 0.10 hrs
06/19/07	JPR	Telephone call to BlueCross BlueShield RE: termination of medical insurance and status of life insurance claim. 0.20 hrs
06/19/07	JPR	Two telephone calls to Wyeth RE: status of American Cyanamid Company benefits. 0.40 hrs
06/19/07	JPR	Telephone call to General American Insurance RE: value of policy. 0.10 hrs
06/19/07	JPR	Telephone call to American Income Insurance RE: value of policy. 0.10 hrs
06/19/07	JPR	***EDS*** Prepare letter to the beneficiaries explaining our intent to transfer Marion's automobile to Bart Heard. 0.30 hrs
06/19/07	JPR	Telephone call to Piedmont Rural Telephone RE: electronic payment of bill. 0.10 hrs
06/19/07	JPR	Telephone call to Laurens County Water and Sewer Commission RE: status of bill. 0.10 hrs
06/19/07	JPR	telephone call to Duke Energy RE: status of bill. 0.10 hrs
06/19/07	JPR	Telephone call to Sadler-Hughes Apothecary RE: status of bill. 0.10 hrs
06/19/07	JPR	Complete and send official mail forwarding change of address order for Marion Kay to ensure that all mail is forwarded to Collins & Lacy. 0.10 hrs
06/19/07	JPR	Telephone call and message to Patsy Copeland RE: Mary Alice Barnett's position in the memorandum. 0.10 hrs
06/19/07	JPR	Telephone message from Margaret Thompson, daughter of Mary Alice Barnett, RE: her share of Marion Kay's estate. 0.10 hrs
06/19/07	JPR	Update Bills spreadsheet to include active monthly bills still in service. 0.20 hrs
06/20/07	EDS	Telephone conference with Mr. Hunter, appraiser; review of memo. 1.10 hrs
06/20/07	JPR	Telephone call and hold to MasterCard RE: reimbursement of overpayment for Marion Kay. 0.20 hrs
06/20/07	JPR	Telephone call to Palmetto Bank MasterCard RE: process required to access account of Marion Kay. 0.20 hrs
06/20/07	JPR	Telephone call from Patsy Copeland RE: cross for Mary Alice Barnett's heirs, her conversation with her Pastor, and next steps. 0.20 hrs
06/20/07	JPR	Prepare memo to file RE: 6/20/07 conversation with Patsy Copeland. 0.10 hrs
06/20/07	JPR	Telephone call and message to Margaret Thompson RE: her stake in the estate of Marion Kay. 0.10 hrs
06/20/07	JPR	***EDS*** Prepare correspondence to M. Hampton Hunter, Neely Blackmon, Mary Leona Milam Moses, and Martha Milam Brown RE: land consultant. 0.20 hrs
06/20/07	JPR	Provide EDS with Patsy Copeland's information concerning additional documents related to Ms. Kay. Obtain additional investigative assignments. 0.40 hrs
06/20/07	JPR	Research companies that work with grave stones in Laurens County and 0.30 hrs

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	South Carolina for use in 1147-100.		
06/20/07	IPR	Research status of Mary Alice Barnett in Marion Kay's memorandum.	0.10 hrs
06/21/07	IPR	***EDS*** Revise correspondence to Hampton Hunter, Neely Blackmon, Martha Milam Brown, and Mary Leona Milam Moses RE: land consultant.	0.10 hrs
06/21/07	IPR	Research Johnny Wilson of Wilson Forestry and Appraisal.	0.40 hrs
06/21/07	IPR	Telephone call from Margaret Thompson RE: initial mailing to all devisees.	0.10 hrs
06/22/07	EDS	Telephone conference with Mary L. Milan regarding personal effects; other.	0.30 hrs
06/22/07	IPR	Telephone call and message to Liz Self at Palmetto Bank RE: Palmetto Bank MasterCard overpayment.	0.10 hrs
06/22/07	IPR	Telephone call to Johnny Wilson, land appraiser RE: schedule meeting with EDS and beneficiaries during the week of July 9.	0.10 hrs
06/22/07	IPR	***EDS*** Prepare letter to MasterCard Bank Card Department RE: transition of overpayment to Estate of Marion Kay checking account.	0.20 hrs
06/22/07	IPR	Two telephone calls from Liz Self at Palmetto Bank RE: process to transfer funds from MasterCard bank card account to Estate checking account.	0.20 hrs
06/22/07	IPR	Receipt and review of Palmetto Bank MasterCard statement.	0.10 hrs
06/22/07	IPR	Receipt and review American Income Life Insurance Company claim information.	0.10 hrs
06/22/07	IPR	Begin filling out American Income Life and Cancer Insurance claims after researching file documentation.	0.40 hrs
06/22/07	IPR	Telephone call to American Income Life Insurance RE: directions for filing claim on behalf of the estate.	0.10 hrs
06/25/07	EDS	Receipt and review of correspondence; telephone conference with Prestige Home; correspondence.	0.70 hrs
06/25/07	IPR	Continue American Income Beneficiary application.	0.20 hrs
06/25/07	IPR	Receipt and review of Medicare Summary Notice dated 6/8/07.	0.10 hrs
06/25/07	IPR	Receipt and review of GenAmerica Financial claim forms.	0.10 hrs
06/25/07	IPR	Telephone call to Johnny Wilson regarding confirmation of Wednesday, July 11 meeting.	0.10 hrs
06/25/07	IPR	Prepare General American beneficiary forms and original copy of Marion Kay's death certificate to be sent to Patsy Copeland. Prepare cover letter with description of enclosures.	0.30 hrs
06/25/07	IPR	***EDS*** Additional correspondence to Hampton Hunter, Neely Blackmon, Martha Milam Brown, and Mary Leona Milam Moses to include correct date of meeting with land consultant.	0.10 hrs
06/25/07	IPR	Review file and provide Edward Sullivan with updated information about documentation received from life insurance policies. Determine proper sources of information to complete beneficiary forms. Discuss available time for meeting with land consultant.	0.30 hrs
* 06/25/07	IPR	Research Kelley Blue Book website and documentation in file to determine estimated value of Marion Kay's 2000 Buick LeSabre and the insurance policy attached to the automobile. Prepare information for EDS.	0.50 hrs
06/26/07	IPR	Research South Carolina Department of Motor Vehicles to determine how to	0.40 hrs

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		transfer an automobile from an estate. Examine application for necessary information. Consult correspondence folder to determine what letters have been sent to the beneficiaries.	
06/26/07	JPR	Telephone call from Patsy Copeland RE: American Income form questions, status of estate, and names and contact information of local monument companies to complete etching on gravestone.	0.20 hrs
06/26/07	JPR	Telephone call to Wilson's Memorial in Laurens RE: gravestone date of death etching.	0.10 hrs
06/26/07	JPR	Telephone call and message to Bhrbridge Monument Company RE: date of death gravestone etching.	0.10 hrs
06/26/07	JPR	Receipt and review of fax RE: Apartment Inventory receipt signed by Sue Word Fuller.	0.10 hrs
06/26/07	JPR	Prepare memo to file RE: comparison of companies to complete date of death etching on headstone.	0.10 hrs
06/26/07	JPR	Telephone message from Robin Johnson at Laurens County Farm Service Agency RE: Estate number.	0.10 hrs
06/26/07	JPR	Telephone call to Robin Johnson at Laurens County Farm Service Association RE: Estate number and directions for incoming paperwork.	0.10 hrs
06/27/07	EDS	Several office conference regarding MARKER.	0.30 hrs
06/27/07	JPR	Telephone call and message to, and then return call from Bhrbridge Monument regarding pricing for gravestone etching.	0.20 hrs
06/27/07	JPR	Continue memo to file regarding comparison of companies to complete gravestone etching.	0.10 hrs
06/27/07	JPR	Telephone call to Department of Motor Vehicles regarding process to transfer Ms. Kay's automobile to Bart Heard.	0.10 hrs
06/27/07	JPR	Telephone call to Gray Funeral Home regarding references for gravestone etching.	0.10 hrs
06/27/07	JPR	Research Wilson Memorials of Laurens, SC to find reviews of their work, referrals, or recommendations. Report findings to Eddie Sullivan.	0.20 hrs
06/27/07	JPR	Telephone call to Patsy Copeland regarding location of Title to Marion's 2000 Buick LeSabre.	0.10 hrs
06/27/07	JPR	Telephone call to The Kennedy Funeral Home regarding their recommendations for gravestone etchings.	0.10 hrs
06/27/07	JPR	Telephone call to Goins Funeral Home regarding recommendations for etching of death date on gravestone.	0.10 hrs
06/27/07	JPR	Report findings from my calls to and investigations of funeral homes and Wilson Memorials to Edward Sullivan.	0.30 hrs
06/27/07	JPR	Two telephone calls to Beasleys Funeral Home regarding recommendations for etching on gravestone.	0.20 hrs
06/27/07	JPR	Two telephone calls to Wilson Memorials regarding the extent of their work and whether they would be able to provide a rough draft before the etching is completed.	0.20 hrs
06/27/07	JPR	Telephone call to Duke Energy regarding a discrepancy in bills.	0.20 hrs
06/27/07	JPR	Receipt and review of Duke Energy bill for Claude Kay account.	0.10 hrs

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06/27/07	JPR	Receipt and review of Medshore Ambulance Service bill.	0.10 hrs
06/27/07	JPR	Continue preparation of Bills spreadsheet to include check numbers for paid bills.	0.10 hrs
06/27/07	JPR	Prepare memo to file regarding a to do list for Eddie Sullivan for the next time he is in Laurens County.	0.20 hrs
06/27/07	JPR	Telephone call and message to, and return call from Patsy Copeland RE: location of Marion's headstone in the Lisbon Presbyterian Church cemetery.	0.20 hrs
06/27/07	JPR	Prepare letter to Wilson Memorials regarding the etching of headstone with date of death.	0.20 hrs
06/27/07	JPR	Receipt and review of Duke Energy bill for Estate of Marion Kay account.	0.10 hrs
06/28/07	JPR	Receipt and review of Carswell Abstracting Title Search Report. Prepare report for Eddie Sullivan's review.	0.50 hrs
06/28/07	VLB	Receipt and review abstract of title for all property owned by Marion Kay in Laurens County with copies of all deeds, plats, easements, options, and transfers.	0.60 hrs
06/29/07	EDS	Review of title document; office conference with Ms. Baker; prepare of Bart Hearse Agreement; correspondence.	0.40 hrs
06/29/07	JPR	Two telephone calls to Liz Self at Palmetto Bank regarding her email address and proper fax number.	0.20 hrs
06/29/07	JPR	Prepare email to Liz Self at Palmetto bank with scanned image of requested Certificate of Appointment.	0.20 hrs
06/29/07	JPR	***EDS*** Prepare Contract giving permission to transfer Ms. Kay's automobile to Bart Heard.	0.20 hrs
06/29/07	JPR	Research contracts on Collins and Lacy system and on the internet to prepare Contract transferring automobile to Bart Heard.	0.60 hrs
06/29/07	JPR	Additional revision of contract authorizing transfer of vehicle to Bart Heard and accompanying cover letter per Eddie Sullivan.	1.40 hrs
06/29/07	VLB	Review deeds and Options with Edward Sullivan regarding chain of title for ownership and conveyance of property between parties and discuss further abstract needs.	0.50 hrs
			109.00 hrs

DISBURSEMENTS

06/30/07	Inhouse Copies	\$99.50
06/30/07	Filing Fees	\$25.00
06/30/07	Mileage - miles @ .485 ea. to	\$218.25
06/30/07	Postage	\$12.61
06/30/07	Process Server	\$55.00
06/30/07	Professional Fees	\$243.50
06/30/07	Prints	\$123.40
	Total disbursements for this matter	\$777.26

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TOTAL CHARGES FOR THIS BILL

\$3,777.26

Please remit all payments to the following address:

Collins & Lacy, PC
P.O. Box 12487
Columbia, S.C. 29211
(803)256-2660

PLEASE REFERENCE OUR 16 DIGIT BILL NUMBER LOCATED AT THE TOP OF THIS BILL.

Collins & LacySM

ATTORNEYS AT LAW

November 26, 2007

Billed through 11/26/07

Bill Number 001147 00100 37388 EDS
 Federal Tax ID: 57-0989944

Executor of Estate:
 Edward Sullivan
 P.O. Box 12487
 Columbia, SC 29211

Collins & Lacy, PC
 P.O. Box 12487
 Columbia, S.C. 29211
 (803)256-2660

REGARDING: Estate of Marion Kay (DOD 05.03.07)

FOR PROFESSIONAL SERVICES RENDERED

04/21/07	EDS	Review of file; telephone call with Hospital; telephone call with Ms. Copeland.	2.40 hrs	\$348.00
04/23/07	EDS	Travel to Clinton; leave documents at Probate Court.	4.00 hrs	\$580.00
07/02/07	JPR	Receipt and review of National Life Insurance Company refund due to death of the insured. Give check to Edward Sullivan for deposit.	0.10 hrs	\$0.00
07/02/07	JPR	Receipt and review of National Foundation Life Insurance Company Cancellation of Policy letter.	0.10 hrs	\$0.00
07/02/07	JPR	Prepare check from the Estate of Marion Kay to pay Collins & Lacy for services rendered through 6/30/07.	0.10 hrs	\$0.00
07/02/07	JPR	Receipt and review of Laurens County Advertiser. Research newspaper's contact information to cancel subscription and request refund.	0.10 hrs	\$0.00
07/02/07	JPR	Receipt and review of material from the US Department of Agriculture to adjust base acreage on Ms. Kay's farmland. Research Direct and Counter-Cyclical Program on US Department of Agriculture website.	0.40 hrs	\$0.00
07/03/07	EDS	Correspondence; office conference with paralegal regarding various matters.	1.20 hrs	\$174.00
07/03/07	JPR	Telephone call to Laurens County Advertiser to discontinue service and inquire about the possibility of a refund.	0.20 hrs	\$0.00
07/03/07	JPR	Additional edits to letter to beneficiaries with land interests to include potential meeting time with itinerant land consultant Johnny Wilson.	0.10 hrs	\$0.00
07/03/07	JPR	Receipt and review of original maps and plats. Assimilate same into file.	0.80 hrs	\$0.00

Exhibit 4

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07/06/07	IPR	Receipt and review of Deed to Real Estate between the Lanes and Marion Kay, Martha Brown, and Lary Leona Moses.	0.10 hrs \$0.00
07/06/07	IPR	Receipt and review of Title to Real Estate from Eliza Fuller's land.	0.10 hrs \$0.00
07/06/07	IPR	Receipt and review of General American Change of Beneficiary Form.	0.10 hrs \$0.00
07/06/07	IPR	Receipt and review of State of South Carolina Budget and Control Board documents.	0.10 hrs \$0.00
07/06/07	IPR	Receipt and review of American Cyanamid documents.	0.10 hrs \$0.00
07/06/07	IPR	Receipt and review of documents related to the estate of Andrew Blum Milam.	0.10 hrs \$0.00
07/06/07	IPR	Receipt and review of Laurens County Farm Services aerial photo.	0.10 hrs \$0.00
07/06/07	IPR	Receipt and review of Variable Investment Plan documents.	0.10 hrs \$0.00
07/06/07	IPR	Receipt and review of Will and Last Testament of Alma Garrett Milam.	0.10 hrs \$0.00
07/06/07	IPR	Receipt and review of Power of Attorney of Alma Garrett Milam.	0.10 hrs \$0.00
07/06/07	IPR	Receipt and review of Palmetto Bank Money Market Account documents.	0.10 hrs \$0.00
07/06/07	IPR	Receipt and review of Replacements, Ltd. information.	0.10 hrs \$0.00
07/06/07	IPR	Prepare request to make copies of Marion Kay's house keys.	0.10 hrs \$0.00
07/06/07	IPR	Update Bills spreadsheet to include bills for Gray Funeral Home, Presbyterian Home of South Carolina, and Todd Distributors.	0.30 hrs \$0.00
07/06/07	IPR	Research history of Heritage Bancorp to determine status of stock certificate.	0.70 hrs \$0.00
07/09/07	BEA	Researched the effect a testamentary option has on a pre-existing right of first refusal.	2.90 hrs \$0.00
07/09/07	EDS	Conference with NBSC regarding bank account.	0.60 hrs \$87.00
07/09/07	IPR	Prepare folder for Agreements to transfer the automobile to Bart Heard.	0.10 hrs \$0.00
07/09/07	IPR	Receipt and review of Agreement, Authorization and Release of Automobile, signed by Marla Orlas.	0.10 hrs \$0.00
07/09/07	IPR	Receipt and review of Agreement, Authorization and Release of Automobile, signed by Mary Leona Milam Moses.	0.10 hrs \$0.00
07/09/07	IPR	Telephone call to Liz Self at Palmetto Bank to retrieve Estate checking account balance.	0.10 hrs \$0.00
07/09/07	IPR	Prepare detailed checking account history to Bills spreadsheet to track balance, deposits, and withdrawals.	0.20 hrs \$0.00

001147	00100		2
07/03/07	JPR	Additional preparation of Contract authorizing the transfer of the vehicle to Bart Heard.	0.80 hrs \$0.00
07/03/07	JPR	Prepare deposit slip for checks to be deposited into the account of the Estate of Marion Kay.	0.10 hrs \$0.00
07/03/07	JPR	Telephone call and hold to AT&T to receive credit on bill.	0.40 hrs \$0.00
07/03/07	JPR	Receipt and review of AT&T telephone bill.	0.10 hrs \$0.00
07/03/07	JPR	Receipt and review of BlueCross BlueShield Explanation of Benefits.	0.10 hrs \$0.00
07/03/07	JPR	Receipt and review of Laurens County Property Tax Notice.	0.10 hrs \$0.00
07/05/07	EDS	Review of title documents; Receipt and review of correspondence.	2.80 hrs \$406.00
07/05/07	JPR	Receipt and review of National Liberty Life Insurance Company Medical-Surgical-Nurse Policy. Research policy to determine eligibility.	0.20 hrs \$0.00
07/05/07	JPR	Pay final AT&T bill via Estate checking account over the phone. Update bills spreadsheet to reflect final payment.	0.20 hrs \$0.00
07/05/07	JPR	Telephone call to Frampton Hall to determine who paid for Marion Kay's newspaper subscription.	0.10 hrs \$0.00
07/05/07	JPR	Telephone call to Laurens County Advertiser to discontinue subscription and request refund.	0.10 hrs \$0.00
07/05/07	JPR	Telephone call to Sun Trust, who bought Central Carolina Bank and SouthBank, to determine account status.	0.10 hrs \$0.00
07/05/07	JPR	Telephone call to Sun Trust, who bought Heritage Federal Savings and Loan when they purchased Central Carolina Bank, to determine account status. Receive instructions on submitting a formal request for a complete account search.	0.20 hrs \$0.00
07/05/07	JPR	Research history of Heritage Federal Savings and Loan Association and Central Carolina Bank to determine the value of requesting a formal account search. Determine status of Heritage Federal Savings and Loan Association stock certificate.	0.40 hrs \$0.00
07/05/07	JPR	Telephone call to Johnny Wilson to reschedule meeting originally planned for 7/11/07.	0.10 hrs \$0.00
07/06/07	EDS	Telephone conference with Martha Brown; planning.	1.80 hrs \$261.00
07/06/07	JPR	Telephone call and message to Palmetto Bank regarding Certificate of Deposit.	0.10 hrs \$0.00
07/06/07	JPR	Receipt and review of Original Title to 2000 Buick LeSabre.	0.10 hrs \$0.00
07/06/07	JPR	Telephone call to Variable Investment Plan to determine account status.	0.20 hrs \$0.00
07/06/07	JPR	Receipt and review of Presbyterian Home of South Carolina final bill.	0.10 hrs \$0.00
07/06/07	JPR	Receipt and review of Gray Funeral Home Final Bill.	0.10 hrs \$0.00

001147	00100			4
07/10/07	EDS	Planning, Receipt and review of correspondence.	0.40 hrs	\$58.00
07/10/07	EDS	Receipt and review of correspondence; meetings with Mr. Rourke; correspondence from Probate Court.	0.80 hrs	\$116.00
07/10/07	JPR	Telephone call to Laurens County Probate Court to determine eligibility for extension for filing Inventory and Appraisement.	0.10 hrs	\$0.00
07/10/07	JPR	Receipt and review of fax from Laurens County Probate Court with Motion for Extension.	0.10 hrs	\$0.00
07/10/07	JPR	Receipt and review of Johnny Wilson's contact information.	0.10 hrs	\$0.00
07/10/07	JPR	Research United States Department of Agriculture website to determine status of Direct and Counter-Cyclical Program. Compare findings with documents sent by the Laurens County Farm Services Agency.	0.60 hrs	\$0.00
07/10/07	JPR	Update contact addresses on form envelopes.	0.10 hrs	\$0.00
07/10/07	JPR	Receipt and review of Agreement, Authorization, and Release of Automobile from Neely Blackmon and Rev. M. Hampton Hunter.	0.10 hrs	\$0.00
07/10/07	BDS	Prepare correspondence to Johnny Wilson regarding property map and tax numbers.	0.10 hrs	\$14.50
~~07/10/07~~	~~JPR~~	~~Two telephone calls and one message to Laurens County Farm Service Agency to receive further explanation of documents to be signed by Eddie Sullivan.~~	~~0.30 hrs~~	~~\$0.00~~
07/10/07	JPR	Review file and compare to Inventory and Appraisement to determine potential to complete by July 14 deadline. Research Title 62 of the South Carolina Code of Laws to determine Probate rules.	2.20 hrs	\$0.00
07/10/07	JPR	Review file for copy of map to be forwarded to Johnny Wilson.	0.40 hrs	\$0.00
07/11/07	JPR	Research title search results to supplement letter to Johnny Wilson.	0.30 hrs	\$0.00
07/11/07	JPR	Receipt and review of Agreement, Authorization and Release of Automobile signed by Bart Heard.	0.10 hrs	\$0.00
07/11/07	JPR	Receipt and review of Agreement, Authorization and Release of Automobile signed by Penny Arnold of the Presbyterian Home of South Carolina.	0.10 hrs	\$0.00
07/11/07	JPR	Prepare American Income Life Insurance Company Proof of Death form to retrieve benefit. Research contact information for Marion Kay's primary care physician.	0.50 hrs	\$0.00
07/11/07	JPR	Telephone call to Regions Financial to determine status of stock certificate.	0.30 hrs	\$0.00
07/11/07	JPR	Telephone call to Mellon Investors Services Department to determine status of stock certificate.	0.10 hrs	\$0.00
07/11/07	EDS	Prepare letter to Mellon Investor Services asking for a	0.30 hrs	\$43.50

Date	Code	Description	Hours	Amount
001147	00100	formal investigation to determine the status of Ms. Kay's Heritage Bancorp, Inc. stock certificate.		5
07/11/07	JPR	Telephone message to Patsy Copeland to discuss her preference of appraiser.	0.10 hrs	\$0.00
07/11/07	JPR	Telephone call to Liz Self at Palmetto Bank to request bank statement for the Estate of Marion Kay and additional checks.	0.10 hrs	\$0.00
07/11/07	JPR	Telephone call to Wilson's Memorial to request rubbing of gravestone before work is done.	0.10 hrs	\$0.00
07/11/07	JPR	Receipt and review of Palmetto Bank statement for the month of June 2007.	0.20 hrs	\$0.00
07/11/07	JPR	Update Bills spreadsheet to reflect findings from Palmetto Bank. Determine account balance using deposit and withdrawal information.	0.40 hrs	\$0.00
07/11/07	JPR	Research Main Street and Sovereign Bank to determine status of Heritage Bancorp stock certificate.	0.20 hrs	\$0.00
07/12/07	JPR	Telephone call and message to Liz Self at Palmetto bank to request May bank statement for the estate of Marion Kay.	0.10 hrs	\$0.00
07/13/07	JPR	Prepare Motion for Extension to be filed with Laurens County Probate Court.	0.10 hrs	\$0.00
07/13/07	JPR	Prepare final version of Proof of Death for American Income Insurance for Eddie Sullivan's signature.	0.10 hrs	\$0.00
07/13/07	JPR	Telephone call to American Income Insurance regarding clarification for beneficiary information.	0.10 hrs	\$0.00
07/13/07	EDS	Prepare cover letter for Motion for Extension.	0.10 hrs	\$14.50
07/13/07	EDS	Prepare cover letter for American Income Proof of Death.	0.10 hrs	\$14.50
07/16/07	EDS	Correspondence with Orias; telephone conference.	0.70 hrs	\$101.50
07/16/07	JPR	Receipt and review of Piedmont Rural Telephone Cooperative Bill for June 2007.	0.10 hrs	\$0.00
07/16/07	JPR	Receipt and review of Verizon Wireless Final Bill.	0.10 hrs	\$0.00
07/16/07	JPR	Receipt and review of BlueCross BlueShield Explanation of Benefits dated 7/9/07.	0.10 hrs	\$0.00
07/16/07	JPR	Telephone call to Piedmont Rural Telephone Cooperative to determine status of service.	0.10 hrs	\$0.00
07/18/07	EDS	Correspondence with appraiser; correspondence regarding extension.	0.40 hrs	\$58.00
07/18/07	JPR	Receipt and review of Agreement, Authorization, and Release of Automobile, signed by Martha Milam Brown.	0.10 hrs	\$0.00
07/18/07	JPR	Telephone call to DMV to receive instruction on transferring vehicle to Bart Heard.	0.20 hrs	\$0.00
07/18/07	JPR	Prepare plan to sign vehicle over to Bart Heard.	0.10 hrs	\$0.00
07/18/07	JPR	Prepare Form 416, Notice of Vehicle Sold, for the South Carolina Department of Motor Vehicles.	0.10 hrs	\$0.00

001147	00100		5
			6
07/18/07	JPR	Telephone call to Bart Heard to begin process of transferring automobile to his name.	0.10 hrs \$0.00
07/18/07	JPR	Receipt and review of proposed work from Wilson Memorials.	0.10 hrs \$0.00
07/18/07	JPR	Two telephone calls from Bart Heard to discuss transfer of automobile to him.	0.20 hrs \$0.00
07/18/07	JPR	Telephone call to Johnny Wilson to reschedule meeting with Eddie Sullivan for Wednesday, 7/25 at 2:00 PM.	0.10 hrs \$0.00
07/18/07	JPR	Telephone call to Patsy Copeland to notify her of receipt of Wilson Memorials gravestone etching proposal.	0.10 hrs \$0.00
07/19/07	EDS	Planning; meeting with paralegal regarding issues.	1.20 hrs \$174.00
07/19/07	JPR	Receipt and review of Laurens County Advertiser refund information.	0.10 hrs \$0.00
07/19/07	JPR	Update Bills spreadsheet to include Checking account information from the National Bank of South Carolina.	0.10 hrs \$0.00
07/19/07	JPR	Prepare Farm Service documents for Eddie Sullivan's review.	0.10 hrs \$0.00
07/19/07	JPR	Telephone message from Mary Leona Milam Moses regarding the Farm Service Agency documents.	0.10 hrs \$0.00
07/20/07	EDS	Telephone conference with Patsy; telephone conference with Palmetto Heritage regarding appraisal; Receipt and review of correspondence; office conference with paralegal regarding verification, other.	1.10 hrs \$159.50
07/20/07	JPR	Prepare Farm Service Agency documents with Eddie Sullivan's signature to be sent to the Laurens County office.	0.30 hrs \$0.00
07/20/07	JPR	Prepare correspondence to Patsy Copeland with enclosure regarding proposal from Wilson Memorial for gravestone date of death etching.	0.20 hrs \$0.00
07/20/07	JPR	Review file documentation with Vickie Baker to find plat numbers to forward to company conducting title search. Prepare email to be forwarded to said company with the appropriate deed book references.	0.30 hrs \$0.00
07/20/07	JPR	Telephone call and message to Patsy Copeland to discuss proposed etching from Wilson Memorials.	0.10 hrs \$0.00
07/20/07	JPR	Review Carswell Abstracting report and accompanying copies of deeds and titles to determine Milam family's interest in the land. Report findings to Vickie Baker.	0.50 hrs \$0.00
07/23/07	EDS	Receipt and review of correspondence; balance bank statement.	0.60 hrs \$87.00
07/23/07	JPR	Prepare updated list of Testate and Intestate Heirs for filing with the Laurens County Probate Court.	0.20 hrs \$0.00
07/23/07	JPR	Telephone call from Patsy Copeland to discuss Wilson Memorials proposal and her preference of jewelry appraisers.	0.30 hrs \$0.00

001147	00100		7
07/23/07	JPR	Prepare cover letter for updated list of heirs for filing with Laurens County Probate Court.	0.10 hrs \$0.00
07/23/07	JPR	Prepare cover letter for Receipts for filing with Laurens County Probate Court.	0.10 hrs \$0.00
07/23/07	JPR	Supplement Bills spreadsheet with new information obtained from the Palmetto Bank.	0.20 hrs \$0.00
07/23/07	JPR	Two telephone calls to Liz Self at Palmetto Bank regarding May activity from estate checking account and status of MasterCard reimbursement.	0.20 hrs \$0.00
07/23/07	JPR	Receipt and review of fax from Palmetto Bank showing estate checking account activity.	0.10 hrs \$0.00
07/23/07	JPR	Telephone message from Bart Heard asking to pick up the automobile before Wednesday, July 25.	0.10 hrs \$0.00
07/23/07	JPR	Telephone call and message to Bart Heard asking that he wait to meet with Eddie Sullivan before having his sister retrieve the automobile.	0.10 hrs \$0.00
07/23/07	JPR	Prepare file to be turned over to Vickie Baker.	1.30 hrs \$0.00
07/23/07	JPR	Prepare case summary for Vickie Baker in preparation for handing the file over to her.	3.00 hrs \$0.00
07/24/07	EDS	Office conference with paralegal regarding assets.	0.60 hrs \$87.00
07/24/07	JPR	Receipt and review of final MasterCard bill with 0 balance.	0.10 hrs \$0.00
07/24/07	JPR	Telephone call to MasterCard to ensure that the account of Marion Kay had been closed.	0.10 hrs \$0.00
07/24/07	JPR	Receipt and review of Motion for Extension filed with the Laurens County Probate Court.	0.10 hrs \$0.00
07/24/07	JPR	Receipt and review of United Healthcare Insurance Company Health Statement.	0.10 hrs \$0.00
07/24/07	JPR	Telephone call to Bart Heard to schedule transfer of vehicle.	0.10 hrs \$0.00
07/24/07	JPR	Determine Palmetto Bank checking account balance.	0.10 hrs \$0.00
07/24/07	JPR	Telephone call from Bart Heard to determine proper time to transfer vehicle.	0.20 hrs \$0.00
07/25/07	EDS	Travel to Laurens; meeting with appraiser; meeting with Mr. Wilson; with meeting with Rev. Hunter, Mr. Wilson; meeting with Ms. Copeland; meeting with Palmetto Bank.	10.00 hrs \$1,450.00
07/26/07	EDS	Telephone conference with Ms. Brown regarding meeting, issue, office conference with paralegal regarding bank matters, other.	1.20 hrs \$174.00
07/26/07	JPR	Prepare Direct and Counter-Cyclical Program Contract and cover letter for the Farm Service Agency.	0.20 hrs \$0.00
07/27/07	EDS	Office conference with paralegal regarding automobile; others, review of Agreement; telephone conversation with Mary Leone regarding issues.	1.50 hrs \$217.50

001147	00100			8
07/27/07	JPR	Additional case summary in preparation for turning case over to Vickie Baker.	0.40 hrs	\$0.00
08/01/07	VLB	Review Marion Milam Kay's Apartment Inventory consisting of contents for distribution and Receipt from Beneficiary Mary Moses, Thad Brown, Martha Brown, Gayle Marler, Marla Orias, Sandra McNair, Bart Heard, Martha Alyce Suggs and Tina Moses	0.20 hrs	\$18.00
08/03/07	EDS	Preparation and revision of Agreement with Bart Heard; preparation of Affidavit.	0.80 hrs	\$116.00
08/07/07	EDS	Research regarding surveyors.	0.80 hrs	\$116.00
08/09/07	EDS	Receipt and review of Appraisal; correspondence.	0.30 hrs	\$43.50
08/10/07	EDS	Telephone conference with surveyor; receipt and review of correspondence.	1.00 hrs	\$145.00
08/10/07	VLB	Review deeds, plats and title examination to date and discuss with abstractor the expanded search back to 1901, 1907 and 1909 to determine proper chain of ownership.	0.80 hrs	\$72.00
08/14/07	EDS	Telephone conference with surveyor; receipt and review of Deed; tax information.	0.90 hrs	\$130.50
08/14/07	VLB	Telephone call from Tommy Plunk at Laurens County regarding deeds and tax map number identifications regarding all property owned by A B Milam and W H Milam and property conveyed from the estate of Eliza Fuller and Identify plats of record.	0.30 hrs	\$27.00
08/16/07	EDS	Correspondence; receipt and review appraisal; correspondence.	0.90 hrs	\$130.50
08/17/07	EDS	Telephone conference with Ms. Moren; correspondence; review of appraisal.	0.90 hrs	\$130.50
08/23/07	EDS	Receipt and review of correspondence; Telephone conference with Palmetto Trust.	0.80 hrs	\$116.00
08/24/07	VLB	Review extended title abstract report Carswell Abstract and analyze complete chain of title of Laurens County property into Marion Kay from 1907 to present including historical deeds, estate filings, county tax surveys, and abstractor chart of heirs to determine ownership.	1.50 hrs	\$135.00
08/24/07	VLB	Telephone conference call with Edward D. Sullivan and Tommy Plunk of Carswell Abstracting to verify report of title and confirm ownership of real property by Marion Kay at the time of her death.	0.40 hrs	\$36.00
08/27/07	EDS	Receipt of message; Telephone conference with surveyor; Receipt and review of correspondence.	1.30 hrs	\$188.50
08/28/07	EDS	Telephone conference with AdTech surveyor; Receipt and review of correspondence.	0.60 hrs	\$87.00
08/29/07	EDS	Planning.	0.20 hrs	\$29.00
08/30/07	JLR	Receipt and review Survey Work Order proposal from Skip Rylcard.	0.10 hrs	\$9.00

Date	Initials	Description	Hours	Amount
001147		00100		9
08/31/07	EDS	Receipt and review of correspondence.	0.20 hrs	\$29.00
09/04/07	VLB	Receipt and review estimate for time and preparation of survey of property owned by W.H. Milan Heirs & Marion Milan Kay.	0.10 hrs	\$9.00
09/10/07	EDS	Telephone conference with Mr. Copeland; Review of correspondence; Telephone conference with Mr. Talvert; surveyor; correspondence to surveyor; Telephone conference with Palmetto Investment; correspondence to Palmetto Investment; office conference with paralegal.	2.70 hrs	\$391.50
09/18/07	EDS	Office conference with staff regarding insurance; telephone calls with Ms. Crow regarding insurance.	1.90 hrs	\$275.50
09/19/07	EDS	Telephone calls regarding insurance.	1.00 hrs	\$145.00
09/20/07	VLB	Review file materials, pleadings index and recent correspondence to analyze and determine current standing in Probate matters and matter relating to the real property.	0.50 hrs	\$45.00
09/25/07	EDS	Attempt to reach surveyor; left message; planning.	0.50 hrs	\$72.50
09/25/07	EDS	File review.	0.10 hrs	\$14.50
10/04/07	EDS	Preparation of Petition for Extension; telephone conference with Court; office conference with staff.	0.90 hrs	\$130.50
10/12/07	EDS	Office conference with CPA regarding tax returns; telephone conference with State regarding 1099.	0.40 hrs	\$58.00
~~10/12/07~~	~~EDS~~	~~Correspondence.~~	~~0.10 hrs~~	~~\$14.50~~
10/15/07	EDS	Telephone conference with Surveyor.	0.30 hrs	\$43.50
10/15/07	EDS	Review and receipt of tax returns.	0.30 hrs	\$43.50
10/16/07	EDS	Office conference with staff regarding survey.	0.10 hrs	\$14.50
10/18/07	EDS	Telephone conference with FSA; receipt and review of correspondence from FSA.	0.30 hrs	\$43.50
10/18/07	EDS	Receipt and review of correspondence; pay CPA invoice.	0.20 hrs	\$29.00
10/22/07	EDS	Receipt and review of probate documents.	0.10 hrs	\$14.50
10/22/07	EDS	Receipt and review of correspondence; office conference with FSA committee.	0.20 hrs	\$29.00
10/23/07	EDS	Attempt to reach title agent; left message; telephone conference with Mr. Collin.	0.50 hrs	\$72.50
10/23/07	PKB	Telephone call to Adtech Surveying to get progress report on the survey of the estate land. He is out of the office, left message.	0.10 hrs	\$9.00
10/23/07	PKB	Organize file as requested by B. Sullivan. Review all documents to ensure they have been properly filed and that all documents needed to proceed have been ordered.	2.50 hrs	\$225.00
10/23/07	PKB	Second call to Adtech Surveying regarding survey that should be completed by this point.	0.10 hrs	\$9.00
10/24/07	PKB	Follow up telephone call to Foard Tarbert regarding the Land Survey that should be complete. He is unavailable, left message.	0.10 hrs	\$9.00

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10/25/07	PKB	Prepare draft letter to Foard Tarbert regarding survey that was ordered September 12, 2007.	0.20 hrs	\$18.00
10/25/07	PKB	Complete the file organization as requested by E. Sullivan to ensure that all documentation needed to complete the estate is in the file or has been ordered.	1.00 hrs	\$90.00
10/25/07	PKB	Revise draft letter to Foard Tarbert regarding the survey of the estate property. Prepare fax cover sheet to accompany the letter.	0.20 hrs	\$18.00
10/29/07	EDS	Telephone conference with Ms. Copeland; telephone call with appraiser; office conference with Ms. Boatwright regarding planning.	0.50 hrs	\$72.50
10/29/07	PKB	Review bills that came in to be paid out of the estate.	0.10 hrs	\$9.00
10/31/07	EDS	Planning regarding appraisal.	0.20 hrs	\$29.00
11/08/07	EDS	Correspondence; send payment to surveyor.	0.10 hrs	\$14.50
11/21/07	PKB	Record the Bereavement luncheon and most recent CMS(Medicare) debts.	0.10 hrs	\$9.00
Total fees for this matter				\$8,142.00

DISBURSEMENTS

11/26/07	Inhouse Copies	Units	
11/26/07	Long Distance Telephone	547	\$54.70
11/26/07	Mileage - miles @ .485 ea. to		\$5.89
11/26/07	Miscellaneous		\$145.50
11/26/07	Prints		\$6.26
11/26/07	Long Distance Telephone	166	\$16.60
11/26/07	Westlaw Research		\$16.30
			\$31.42
Total disbursements for this matter			
\$276.67			

TIMEKEEPER SUMMARY

Sullivan, Edward D.	OF COUNSEL	51.00 hrs	145.00 /hr	\$7,395.00
Rath, Jennifer	PARALEGAL	0.10 hrs	90.00 /hr	\$9.00
Rourke, James P.	PARALEGAL	25.70 hrs	0.00 /hr	\$0.00
Allen, Bonnie E.	LAWCLERK	2.90 hrs	0.00 /hr	\$0.00
Baker, Vickie L.	SENIOR PARALEGAL	3.80 hrs	90.00 /hr	\$342.00
Boatwright, Patty K.	SENIOR PARALEGAL	4.40 hrs	90.00 /hr	\$396.00

TOTAL FEES

\$8,142.00

TOTAL DISBURSEMENTS

\$276.67

TOTAL CHARGES FOR THIS BILL

\$8,418.67

Please remit all payments to the following address:

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Collins & Lacy, PC
P.O. Box 12487
Columbia, S.C. 29211
(803)255-2660

PLEASE REFERENCE OUR 16 DIGIT BILL NUMBER LOCATED AT THE TOP OF THIS BILL.

TASK CODE SUMMARY

Task Code	Task	This Bill
L110	Fact Investigation/Development	\$90.00
L120	Analysis/Strategy	\$2,555.00
L130	Experts/consultants	\$116.00
L140	Document/file management	\$43.50
L190	Other case assessment, develop	\$921.00
L210	Pleadings	\$4,375.00
L340	Expert Discovery	\$14.50
L390	Other discovery	\$18.00
L440	Other trial preparation and su	\$9.00
		\$0.00



November 26, 2008

Billed through 11/30/07

Bill Number 001147 00100 43581 EDS

Federal Tax ID: 57-0989944

Executor of Estate:
Edward Sullivan
P.O. Box 12487
Columbia, SC 29211

Collins & Lacy, PC
P.O. Box 12487
Columbia, S.C. 29211
(803)256-2660

REGARDING: Estate of Marion Kay (DOD 05.03.07)

Prepaid balance forward at current bill \$37.24

FOR PROFESSIONAL SERVICES RENDERED

11/01/07	EDS	Travel to and from Laurens; meeting with Mr. Wilson regarding survey; other; visit site; inspect property.	5.00 hrs	\$725.00
11/27/07	EDS	Conference with Ms. Copeland; review of items in safe deposit box; meeting with Mr. Havey; Travel from Laurens.	4.00 hrs	\$580.00
Total fees for this matter				\$1,305.00

DISBURSEMENTS

			Units	
11/30/07	Mileage -	miles @ .585 ea. to		\$35.89
Total disbursements for this matter				\$35.89

TIMEKEEPER SUMMARY

Sullivan, Edward D.	OF COUNSEL	9.00 hrs	145.00 /hr	\$1,305.00
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Exhibit 5

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TOTAL FEES	
TOTAL DISBURSEMENTS	\$1,305.00
LESS PREPAID APPLIED	\$35.89
BALANCE DUE CURRENT BILL	\$37.24
TOTAL CHARGES FOR THIS BILL	\$1,303.65
	\$1,303.65

Please remit all payments to the following address:

Collins & Lacy, PC
P.O. Box 12487
Columbia, S.C. 29211
(803)256-2660

PLEASE REFERENCE OUR 16 DIGIT BILL NUMBER LOCATED AT THE TOP OF THIS BILL.

TASK CODE SUMMARY

Task Code	Task	This Bill
L110	Fact Investigation/Development	\$1,305.00
L440	Other trial preparation and su	\$0.00



August 16, 2010

Billed through 08/16/10

Bill Number 001147 00101 53839 EDS

Federal Tax ID: 57-0989944

Executor of Estate:
Edward Sullivan
P.O. Box 12487
Columbia, SC 29211

Collins & Lacy, PC
P.O. Box 12487
Columbia, S.C. 29211
(803)256-2660

REGARDING: Estate of Marion Kay re: Petition to divide real estate

FOR PROFESSIONAL SERVICES RENDERED

10/27/08	EDS	No charge. Office conference with Mr. Jonny McCoy; planning.	2.00 hrs	\$0.00
10/27/08	PKB	Gather all documents needed for the meeting with Mr. Griffith concerning the suit to settle the division of the real estate involved in Ms. Kay's Estate.	0.20 hrs	\$18.00
10/28/08	EDS	(NO CHARGE) Preparation for meeting; travel to and from Greenville; meeting with Mr. Jack Griffith.	5.00 hrs	\$0.00
10/28/08	IDG	[No Charge] Conference with Eddie Sullivan after review of documents.	2.50 hrs	\$0.00
11/03/08	EDS	Two telephone conferences with Mr. Howe; Planning.	0.20 hrs	\$29.00
11/04/08	EDS	Correspondence.	0.40 hrs	\$58.00
11/07/08	EDS	Receipt and review of correspondence.	0.20 hrs	\$29.00
11/09/08	EDS	Two telephone conferences with Mr. Howe; planning.	0.20 hrs	\$29.00
11/13/08	EDS	Two telephone conferences with Mr. Cox; correspondence; two office conferences with Mr. McCoy regarding pleadings.	0.50 hrs	\$72.50
11/14/08	IDM	Discussing case issues and problems with Mr. Edward Sullivan.	0.50 hrs	\$45.00
11/14/08	IDM	Research how to construct the proper DJ and petition action for this file.	0.50 hrs	\$45.00
11/14/08	IDM	Preparing petition action.	0.50 hrs	\$45.00
11/14/08	IDM	Researching facts and analysis for petition action and DJ action.	0.50 hrs	\$45.00
12/01/08	IDM	Research through case law and the Will for information on the void right of first refusal. Research on the rule against perpetuities.	1.30 hrs	\$182.00

Exhibit 6



August 16, 2010

Billed through 08/16/10

Bill Number 001147 00101 53839 EDS

Federal Tax ID: 57-0989944

Executor of Estate:
Edward Sullivan
P.O. Box 12487
Columbia, SC 29211

Collins & Lacy, PC
P.O. Box 12487
Columbia, S.C. 29211
(803)256-2660

REGARDING: Estate of Marion Kay re: Petition to divide real estate

FOR PROFESSIONAL SERVICES RENDERED

10/27/08	EDS	No charge. Office conference with Mr. Jonny McCoy; planning.	2.00 hrs	\$0.00
10/27/08	PKB	Gather all documents needed for the meeting with Mr. Griffith concerning the suit to settle the division of the real estate involved in Ms. Kay's Estate.	0.20 hrs	\$18.00
10/28/08	EDS	(NO CHARGE) Preparation for meeting; travel to and from Greenville; meeting with Mr. Jack Griffith.	5.00 hrs	\$0.00
10/28/08	JDG	[No Charge] Conference with Eddie Sullivan after review of documents.	2.50 hrs	\$0.00
11/03/08	EDS	Two telephone conferences with Mr. Howe; Planning.	0.20 hrs	\$29.00
11/04/08	EDS	Correspondence.	0.40 hrs	\$58.00
11/07/08	EDS	Receipt and review of correspondence.	0.20 hrs	\$29.00
11/09/08	EDS	Two telephone conferences with Mr. Howe; planning.	0.20 hrs	\$29.00
11/13/08	EDS	Two telephone conferences with Mr. Cox; correspondence; two office conferences with Mr. McCoy regarding pleadings.	0.50 hrs	\$72.50
11/14/08	JDM	Discussing case issues and problems with Mr. Edward Sullivan.	0.50 hrs	\$45.00
11/14/08	JDM	Research how to construct the proper DJ and petition action for this file.	0.50 hrs	\$45.00
11/14/08	JDM	Preparing petition action.	0.50 hrs	\$45.00
11/14/08	JDM	Researching facts and analysis for petition action and DJ action.	0.50 hrs	\$45.00
12/01/08	JDM	Research through case law and the Will for information on the void right of first refusal. Research on the rule against perpetuities.	1.30 hrs	\$182.00

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12/01/08	IDM	Discuss file with Mr. Edward Sullivan.	0.20 hrs \$28.00
12/01/08	IDM	Read through, add to, and research on the Complaint for the partition action. Declaratory judgment action research for the pleadings.	1.00 hrs \$140.00
12/03/08	EDS	No Charge. Correspondence to Mr. Hunter regarding update.	0.20 hrs \$0.00
12/05/08	EDS	(NO CHARGE) Correspondence; office conference with associate regarding pleadings; Review and revision of Complaint.	1.20 hrs \$0.00
12/09/08	EDS	(NO CHARGE) Preparation of Complaint.	0.40 hrs \$0.00
12/09/08	IDM	Going through complaint and discussing it with Mr. Edward Sullivan.	0.60 hrs \$84.00
12/10/08	EDS	(NO CHARGE) Preparation of Complaint.	1.20 hrs \$0.00
12/12/08	EDS	(NO CHARGE) Preparation of Complaint.	1.00 hrs \$0.00
12/17/08	EDS	Correspondence.	0.20 hrs \$29.00
12/17/08	EDS	Preparation of pleading.	0.20 hrs \$29.00
12/22/08	EDS	No Charge. Receipt and review of e-mail correspondence.	0.10 hrs \$0.00
12/23/08	PKB	Review the Petition to Partition and research the applicable Code of Law. Research the appropriate mapping/parcel number for identification of the property in the Petition for Partition.	1.00 hrs \$90.00
12/24/08	EDS	No Charge. Receipt and review of e-mail correspondence; e-mail correspondence; preparation of Complaint.	0.80 hrs \$0.00
12/29/08	EDS	No Charge. Office conference with associate regarding right of first refusal; review of case law.	1.30 hrs \$0.00
12/29/08	EDS	(NO CHARGE) Review of Summons and Complaint.	0.90 hrs \$0.00
12/29/08	IDM	Research S.C. law regarding the validity of a right of first refusal that does not have a time limit. Talking with Mr. Edward Sullivan about issues.	0.40 hrs \$56.00
12/30/08	EDS	(NO CHARGE) Receipt and review of e-mail correspondence; review of revised Complaint; review of Summons and Complaint; telephone calls with Mr. Jack D. Griffeth regarding pleadings.	1.90 hrs \$0.00
12/30/08	EDS	No Charge. Research regarding Rights of First Refusal.	2.00 hrs \$0.00
12/30/08	IDG	Review pleadings, exchange emails and teleconference with Eddie Sullivan.	1.50 hrs \$217.50
12/31/08	EDS	No Charge. Receipt and review of e-mail regarding Complaint; correspondence.	0.40 hrs \$0.00
12/31/08	IDG	Review, edit and execute Summons and Complaint and exchange emails with Eddie Sullivan, et al.	0.70 hrs \$101.50
12/31/08	BEG	Revise Summons and Complaint, draft cover sheet, and prepare all documents and exhibits for filing.	2.40 hrs \$216.00

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12/31/08	JDG	Letter to Clerk of Court enclosing Summons and Complaint for filing.	0.30 hrs \$43.50
01/02/09	EDS	No Charge. Correspondence regarding filing of lawsuit, service of process.	0.30 hrs \$0.00
01/05/09	JDG	Receipt and review of receipt from Clerk of Court.	0.10 hrs \$14.50
01/05/09	JDG	Receipt and review of filed Summons and Complaint.	0.10 hrs \$14.50
01/05/09	BEG	Receipt and review of filed copies of Summons and Complaint mailed from Clerk of Court.	0.20 hrs \$18.00
01/06/09	BEG	Receipt of legal research via email and record pertinent information.	0.30 hrs \$27.00
01/06/09	BEG	Update file in preparation for service of Summons and Complaint.	0.70 hrs \$63.00
01/06/09	JDG	Letter to Attorney Reid Cox regarding acceptance of service of the Summons and Complaint.	0.30 hrs \$43.50
01/06/09	BEG	Preparation of Acceptance of Service of Summons and Complaint.	0.30 hrs \$27.00
01/07/09	JDG	Exchange e-mails with Eddie Sullivan regarding filing of Complaint.	0.20 hrs \$29.00
01/07/09	JDG	Telephone conference with Reid Cox - will accept service; exchange e-mails with Eddie Sullivan.	0.50 hrs \$72.50
01/09/09	EDS	No Charge. Receipt and review of e-mail correspondence; documents.	0.40 hrs \$0.00
01/12/09	EDS	No Charge. Receipt and review of e-mail correspondence regarding pleadings.	0.20 hrs \$0.00
01/15/09	EDS	No Charge. Correspondence; Receipt and review of e-mail correspondence.	0.20 hrs \$0.00
01/19/09	EDS	No Charge. Receipt and review of e-mail correspondence regarding service of process.	0.10 hrs \$0.00
01/20/09	EDS	No Charge. Receipt and review of e-mail correspondence regarding service of process.	0.30 hrs \$0.00
01/20/09	BEG	Preparation of file documents regarding pending activities.	0.40 hrs \$36.00
01/20/09	BEG	Letter to Attorney Reid Cox via email requesting status of acceptance of service.	0.20 hrs \$18.00
01/28/09	JDG	Telephone conference with Reid Cox's office; leave message; receipt and review of voice mail from Reid; will accept service on Friday; exchange e-mails with Eddie Sullivan.	0.60 hrs \$87.00
01/29/09	EDS	No Charge. Receipt and review of e-mail correspondence.	0.20 hrs \$0.00
01/29/09	JDG	Exchange e-mails with Eddie Sullivan regarding service status.	0.40 hrs \$58.00
01/30/09	EDS	No Charge. E-mail correspondence regarding Service of Process.	0.40 hrs \$0.00

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01/30/09	BEG	Prepare file status update. 0.10 hrs \$9.00
02/03/09	JDG	Exchange e-mails with Eddie Sullivan. 0.40 hrs \$58.00
02/03/09	BEG	Telephone conference with office of Reid Cox regarding acceptance of service of Summons and Complaint. 0.20 hrs \$18.00
02/03/09	BEG	Receipt and review of executed Acceptance of Service and record status. 0.20 hrs \$18.00
02/03/09	JDG	Letter to Clerk of Court enclosing Acceptance of Service for filing. 0.30 hrs \$43.50
02/04/09	JDG	Receipt and review of John Ferguson's February 3, 2009 letter enclosing Motion to Dismiss. 2.00 hrs \$290.00
02/04/09	BEG	Review and recorded pertinent data. 0.20 hrs \$18.00
02/04/09	BEG	Receipt and review of correspondence and Motion to Dismiss. 0.20 hrs \$18.00
02/06/09	EDS	No Charge. Correspondence; Telephone conference. 0.30 hrs \$0.00
02/09/09	EDS	No Charge. Correspondence; Receipt and review of e-mail; Receipt and review of correspondence. 0.50 hrs \$0.00
02/09/09	JDG	Receipt and review of filed Acceptance of Service. 0.10 hrs \$14.50
02/09/09	JDG	Exchange e-mails with Eddie Sullivan and draft return to Motion to Dismiss. 1.30 hrs \$188.50
02/09/09	BEG	Receipt and review of clocked Acceptance of Service and update file. 0.20 hrs \$18.00
02/09/09	JDG	Letter to clients enclosing Motion to Dismiss. 0.30 hrs \$43.50
02/09/09	BEG	Preparation of correspondence and enclosures for mailing. 0.20 hrs \$18.00
02/10/09	JDG	Receipt and review e-mail regarding Presbyterian Home of Clinton SC. 0.20 hrs \$29.00
02/10/09	BEG	Review Abbeville County roster to determine status of motion. 0.20 hrs \$18.00
02/10/09	JDG	Letter to Clerk of Court advising of incorrect address for Plaintiff's attorney. 0.30 hrs \$43.50
02/11/09	EDS	No Charge. Receipt and review of e-mail correspondence; Telephone conference with Mr. Arnold (Presbyterian Home). 0.60 hrs \$0.00
02/11/09	BEG	Review of email correspondence regarding address change and update file. 0.20 hrs \$18.00
02/11/09	BEG	Review of documents and update file. 0.80 hrs \$72.00
02/12/09	EDS	No Charge. review of Reply; research regarding powers of personal representative. 3.50 hrs \$0.00
02/12/09	JDG	Exchange e-mails with Eddie Sullivan regarding Summons and Complaint amendment, case status and meeting on Monday. 1.00 hrs \$145.00
02/12/09	BEG	Receipt and review correspondence regarding Amended Complaint. 0.10 hrs \$9.00
02/16/09	JDG	Conference with Eddie Sullivan. 0.40 hrs \$58.00

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02/18/09	BEG	Review of email correspondence and record pertinent information. 0.20 hrs \$18.00
02/20/09	EDS	No Charge. Correspondence to Mr. Ferguson; preparation of Amended Complaint; review of Motion to Dismiss. 2.20 hrs \$0.00
02/20/09	JDG	Receipt and review revised pleadings from Eddie Sullivan. 0.50 hrs \$72.50
02/24/09	EDS	Receipt and review of correspondence; correspondence. 0.50 hrs \$0.00
02/24/09	JDG	Exchange e-mails with Eddie Sullivan and review pleadings. 0.60 hrs \$87.00
02/25/09	BEG	Review Laurens County roster to determine status of Motion to Dismiss. 0.20 hrs \$18.00
02/27/09	EDS	No Charge. Correspondence; Telephone conference with Mr. Griffith regarding Amended Complaint. 0.90 hrs \$0.00
02/27/09	JLF	Review and revise letter for Mr. Edward Sullivan in response to the Motion to Dismiss. 0.10 hrs \$14.00
02/27/09	BEG	Preparation of Amended Summons. 0.20 hrs \$18.00
03/01/09	JDG	Exchange e-mails with Eddie Sullivan. 0.50 hrs \$72.50
03/02/09	EDS	No Charge. Correspondence regarding Amended Complaint; preparation of Amended Complaint; preparation of highlighted version. 2.50 hrs \$0.00
03/02/09	JDG	Receipt and review e-mail from Eddie Sullivan regarding amended complaint and receipt and review second e-mail with attached documents. 0.70 hrs \$101.50
03/03/09	EDS	(NO CHARGE) Revision of Amended Complaint. 1.50 hrs \$0.00
03/03/09	JDG	Review amended and edited documents, execute and send out. 1.00 hrs \$145.00
03/03/09	BEG	Preparation of correspondence, amended summons and complaint and certificate of service for filing and service. 1.20 hrs \$108.00
03/05/09	EDS	(NO CHARGE) Receipt and review correspondence. 0.30 hrs \$0.00
03/05/09	JDG	Receipt and review of filed Amended Summons and Amended Complaint. 0.10 hrs \$14.50
03/05/09	BEG	Receipt and review of clocked copies from Clerk of Court of Amended Summons and Complaint. 0.20 hrs \$18.00
03/05/09	BEG	Letter to beneficiaries enclosing clocked copy of Amended Summons and Complaint. 0.30 hrs \$27.00
03/05/09	BEG	Preparation of enclosures for letter to beneficiaries. 0.10 hrs \$9.00
03/06/09	BEG	Review Laurens County roster to determine status of hearing on motion. 0.20 hrs \$18.00
03/11/09	BEG	Review Laurens County common pleas roster to determine status of Motion to Dismiss. 0.20 hrs \$18.00
03/12/09	EDS	(NO CHARGE) Correspondence. 0.30 hrs \$0.00
03/23/09	JDG	Receipt and review of John Ferguson's March 20, 2009 0.10 hrs \$14.50

001147	00101	Letter enclosing Defendant's Answer to Amended Complaint and Counterclaim.		6
03/24/09	EDS	(NO CHARGE) Receipt and review answer to Amended Complaint and counterclaim.	1.00 hrs	\$0.00
03/24/09	JDG	Exchange emails with Eddie Sullivan.	0.40 hrs	\$58.00
03/30/09	JDG	Exchange emails with Eddie Sullivan regarding reply.	0.50 hrs	\$72.50
03/30/09	BEG	Receipt and review of correspondence, discovery requests and answer and counterclaim served by defendants.	0.20 hrs	\$18.00
04/01/09	PKB	Research and draft and Answer to Defendants' Counterclaim.	1.20 hrs	\$108.00
04/07/09	EDS	Receipt and review correspondence.	0.10 hrs	\$14.50
04/07/09	PKB	Obtain and review the discovery requests from the Defendant.	0.70 hrs	\$63.00
04/08/09	PKB	Draft the Plaintiff's responses to Defendants' Interrogatories.	0.40 hrs	\$36.00
04/09/09	PKB	(NO CHARGE) Continue drafting our responses to Defendants' Interrogatories and Request for Production. Prepare all documents to be produced as part of these answers.	3.90 hrs	\$0.00
04/13/09	BEG	Review of county roster to determine status of case.	0.10 hrs	\$9.00
04/21/09	EDS	No charge. Preparation of Reply to Counterclaim.	2.40 hrs	\$0.00
04/21/09	JDG	Exchange e-mails with Eddie Sullivan.	0.60 hrs	\$87.00
04/21/09	BEG	Review of draft and possible revisions to Reply in preparation for filing and service.	0.30 hrs	\$27.00
04/22/09	EDS	(NO CHARGE) Review of reply; Receipt and review correspondence.	1.50 hrs	\$0.00
04/22/09	JDG	Edit, reply and exchange e-mails with Eddie Sullivan.	1.00 hrs	\$145.00
04/22/09	BEG	Review and edit Reply to Counterclaim.	1.50 hrs	\$135.00
04/22/09	BEG	Update file in connection with Reply to Counterclaim and responses to discovery requests.	0.60 hrs	\$54.00
04/22/09	JDG	Letter to Clerk of Court enclosing for filing Reply to Defendants' Counterclaim.	0.30 hrs	\$43.50
04/22/09	BEG	Prepare pleadings for filing and service.	0.30 hrs	\$27.00
04/23/09	PKB	Draft the Plaintiff's discovery requests to the Defendants.	1.40 hrs	\$126.00
04/23/09	BEG	Review county court website to determine whether any outstanding matters appear on rosters.	0.20 hrs	\$18.00
04/27/09	EDS	No charge. Receipt and review of correspondence.	0.10 hrs	\$0.00
04/27/09	BEG	Letters to beneficiaries and client enclosing Plaintiffs' Answer to Amended Complaint & Counterclaim along with Plaintiffs' Reply to Defendants' Counterclaim.	0.30 hrs	\$27.00
04/27/09	BEG	Preparation of enclosures for mailing to beneficiaries.	0.20 hrs	\$18.00
04/27/09	BEG	Receipt and review filed copies of Reply to Counterclaim from Clerk of Court.	0.20 hrs	\$18.00

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05/05/09	EDS	(No Charge) Correspondence; planning. 0.50 hrs \$0.00
05/05/09	JDG	Receipt and review e-mail from Eddie regarding discovery 0.20 hrs \$29.00
05/06/09	EDS	Receipt and review of correspondence. 0.20 hrs \$29.00
05/06/09	JDG	Exchange e-mails with Eddie Sullivan. 0.40 hrs \$58.00
05/07/09	BEG	Review county court website to determine whether outstanding matters appear on rosters. 0.10 hrs \$9.00
05/11/09	EDS	Preparation of responses to discovery. 0.90 hrs \$130.50
05/11/09	JDG	Receipt and review of John Ferguson's May 7, 2009 letter regarding status of discovery responses. 0.10 hrs \$14.50
05/11/09	BEG	Receipt and review correspondence from defense counsel concerning discovery. 0.20 hrs \$18.00
05/12/09	EDS	(No Charge) Correspondence regarding discovery; planning. 1.50 hrs \$0.00
05/12/09	JDG	Receipt and review of the May 11, 2009 letter from John Ferguson. 0.10 hrs \$14.50
05/12/09	BEG	Receipt and review correspondence from defense counsel regarding discovery responses and deposition schedule. 0.20 hrs \$18.00
05/13/09	EDS	Receipt and review correspondence from Jack Griffith; correspondence from Mr. Ferguson; correspondence. [NO CHARGE] 0.40 hrs \$0.00
05/18/09	JDG	Telephone conference with John Ferguson. 0.30 hrs \$43.50
05/19/09	EDS	(No Charge) Telephone conference with Mr. Griffith regarding interrogatories; office conference with paralegal; preparation of responses. 0.90 hrs \$0.00
05/19/09	PKB	Telephone conference with Jack Griffith and Mr. Edward Sullivan to review the possible deposition of Cecil Milam and our discovery responses. 0.80 hrs \$72.00
05/19/09	BEG	Prepare responses to Defendants' discovery requests. 0.40 hrs \$36.00
05/20/09	BEG	Review county court website to determine whether any outstanding matters appear on rosters. 0.20 hrs \$18.00
05/21/09	EDS	Receipt and review of correspondence. 0.20 hrs \$29.00
05/21/09	JDG	Receipt and review voice from John Ferguson; telephone conference with Eddie Sullivan. 0.50 hrs \$72.50
05/22/09	EDS	(NO CHARGE) Receipt and review correspondence; preparation of response to discovery request; preparation of discovery. 2.60 hrs \$0.00
05/22/09	EDS	(NO CHARGE) Telephone conference with Mr. Griffith; preparation of responses to discovery; correspondence. 1.90 hrs \$0.00
05/22/09	JDG	E-mail to John Ferguson. 0.30 hrs \$43.50
05/22/09	JDG	Review, edit and serve answers to discovery and serve Plaintiff's discovery. 0.60 hrs \$87.00
05/22/09	PKB	Revise the discovery responses to include additional 0.90 hrs \$81.00

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	witnesses and costs. Meeting with Mr. Edward Sullivan to revise our discovery requests to the Defendants and locate the discovery documents his misplaced.	
05/22/09	BEG Prepare discovery responses and requests for final review and revisions.	0.40 hrs \$36.00
05/22/09	BEG Revise discovery responses and requests and prepare for service.	1.00 hrs \$90.00
05/22/09	JDG Letter to John Ferguson enclosing discovery responses and requests from Plaintiff.	0.30 hrs \$43.50
05/26/09	EDS (NO CHARGE) Receipt and review of correspondence; correspondence.	0.30 hrs \$0.00
05/26/09	EDS (No Charge) Receipt and review of correspondence from Mr. Ferguson.	0.20 hrs \$0.00
05/26/09	JDG Receipt and review of John Ferguson's May 22, 2009 letter.	0.10 hrs \$14.50
05/26/09	JDG Exchange e-mails with Eddie Sullivan regarding discovery, etc.	0.50 hrs \$72.50
05/26/09	BEG Prepare correspondence and discovery and forward to client.	0.20 hrs \$18.00
05/26/09	BEG Receipt and review correspondence from defense attorney regarding proposed settlement.	0.20 hrs \$18.00
05/26/09	BEG Correspondence with client via e-mail concerning proposed settlement.	0.30 hrs \$27.00
05/27/09	EDS (No Charge) Receipt and review of Motion to Strike.	0.80 hrs \$0.00
05/27/09	JDG Receipt and review of John Ferguson's May 26, 2009 letter enclosing Defendant's Motion to Strike.	0.10 hrs \$14.50
05/27/09	JDG Exchange e-mails with Eddie Sullivan.	0.50 hrs \$72.50
05/27/09	BEG Receipt and review correspondence and Defendants' Motion to Strike.	0.20 hrs \$18.00
06/03/09	EDS (NO CHARGE) Attempt to reach Penny Arnold; left message.	0.10 hrs \$0.00
06/04/09	EDS (NO CHARGE) Correspondence to Mr. Ferguson.	0.60 hrs \$0.00
06/05/09	EDS (NO CHARGE) Receipt and review correspondence from Jack Griffith regarding letter to Ferguson.	0.10 hrs \$0.00
06/08/09	JDG Legal research.	2.10 hrs \$304.50
06/12/09	EDS (NO CHARGE) Receipt and review correspondence from Ms. Arnold; correspondence; telephone conference with Ms. Arnold.	0.30 hrs \$0.00
06/15/09	EDS (NO CHARGE) Receipt and review correspondence from Barbara Galemo regarding discovery.	0.10 hrs \$0.00
06/15/09	JDG Exchange e-mails with Eddie Sullivan; review draft of letter to John Ferguson and supplemental responses.	0.60 hrs \$87.00
06/15/09	BEG Review of county rosters in connection with pending matters.	0.30 hrs \$27.00

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06/15/09	BEG	Review of file and correspondence to client regarding status. 0.50 hrs \$45.00
06/16/09	BEG	Receipt and review email correspondence to and from client. 0.30 hrs \$27.00
06/16/09	BEG	Review and revise supplemental discovery responses. 0.50 hrs \$45.00
06/17/09	EDS	(No Charge) Preparation of Supplemental Response to Discovery; Review of correspondence. 0.90 hrs \$0.00
06/17/09	IDG	Exchange e-mails with Eddie Sullivan; review file in preparation for meeting with Mr. Milauna. 0.80 hrs \$116.00
06/17/09	BEG	Emails to and from client regarding meeting with third party witness. 0.40 hrs \$36.00
06/17/09	BEG	Revise and transmit letter to defense attorney regarding potential settlement. 0.50 hrs \$45.00
06/17/09	BEG	Revise supplemental discovery to Defendants. 2.00 hrs \$180.00
06/17/09	IDG	Letter to defense attorney enclosing supplemental Answers to Interrogatories. 0.30 hrs \$43.50
06/17/09	BEG	Update file and record pertinent information concerning pending matters. 2.00 hrs \$180.00
06/17/09	BEG	Prepare discovery responses for service. 0.30 hrs \$27.00
06/18/09	EDS	(No Charge) Travel to and from Laurens, South Carolina; meet with Mr. Milan, Mr. Griffith. 4.20 hrs \$0.00
06/18/09	EDS	(NO CHARGE) Provide co-counsel with "tour" of acreage, site site of litigation. 0.80 hrs \$0.00
06/18/09	IDG	Receipt and review of John Ferguson's June 17, 2009 letter requesting extension to answer discovery. 0.10 hrs \$14.50
06/18/09	IDG	Travel to Laurens; meet Eddie Sullivan and Cecil Milan; view property. 4.00 hrs \$580.00
06/18/09	PKB	Prepare all documents necessary for the witness meeting and for production to the opposing parties. 0.80 hrs \$72.00
06/18/09	BEG	Review of documents in preparation for document production. 0.50 hrs \$45.00
06/29/09	BEG	Telephone conference with client regarding scheduling deposition. 0.20 hrs \$18.00
07/01/09	PKB	Several telephone calls to the Probate Court in an attempt to obtain an extension of time to file the closing documents. 0.50 hrs \$45.00
07/01/09	PKB	telephone call from betty at the Probate Court. Draft yet another Motion for Extension of Time to File Closing Documents as requested by Betty Coker in the Probate Court. Draft a letter to the probate Court enclosing the Motion. 0.40 hrs \$36.00
07/08/09	EDS	[NO CHARGE] Receipt and review correspondence from Mr. Jack D. Griffith regarding discovery. 0.20 hrs \$0.00
07/09/09	EDS	Revise correspondence. [NO CHARGE] 0.10 hrs \$0.00

001147	00101	10
07/09/09	JDG	Letter to John Ferguson. 0.30 hrs \$43.50
07/09/09	JDG	Letter to defense attorney concerning discovery responses. 0.30 hrs \$43.50
07/10/09	JDG	Receipt and review of voice mail from John Ferguson. 0.20 hrs \$29.00
07/10/09	JDG	Receipt and review voice mail from John Ferguson. 0.20 hrs \$29.00
07/13/09	JDG	Receipt and review letter and Answer to Interrogatories from John Ferguson. 0.50 hrs \$72.50
07/13/09	BEG	Receipt and review fax from defense counsel with answers to discovery and forward to client. 0.20 hrs \$18.00
07/14/09	EDS	(NO CHARGE) Receipt and review correspondence from Mr. Griffith regarding discovery. 0.10 hrs \$0.00
07/14/09	JDG	Exchange e-mails with Eddie Sullivan; review Will. 0.50 hrs \$72.50
07/14/09	BEG	Review and prepare correspondence with client and update file documents in connection with Defendants' discovery responses. 0.30 hrs \$27.00
07/14/09	BEG	Receipt of correspondence and discovery response and update file status. 0.20 hrs \$18.00
07/15/09	JDG	Letter to John Ferguson regarding discovery responses and Milam deposition. 0.30 hrs \$43.50
07/15/09	BEG	Review of documents and update file status. 0.40 hrs \$36.00
07/15/09	BEG	Exchange emails with John Ferguson about discovery and document production. 0.20 hrs \$18.00
07/17/09	BEG	Telephone conference with John Ferguson in connection with scheduling Milam deposition. 0.20 hrs \$18.00
07/20/09	JDG	Receipt and review documents from John Ferguson. 1.10 hrs \$159.50
07/20/09	JDG	Exchange e-mails with Eddie Sullivan. 0.40 hrs \$58.00
07/20/09	JDG	Receipt and review of John Ferguson's July 16, 2009 letter enclosing requested documents. 0.10 hrs \$14.50
07/20/09	BEG	Receipt and review discovery responses from defense attorney. 0.20 hrs \$18.00
07/20/09	BEG	Prepare documents for filing. 0.50 hrs \$45.00
07/21/09	EDS	Receipt and review correspondence from Mr. Jack D. Griffith re deposition. [NO CHARGE] 0.10 hrs \$0.00
07/21/09	BEG	Exchange emails with client regarding scheduling deposition. 0.20 hrs \$18.00
07/24/09	JDG	Receipt and review of the July 23, 2009 letter from John Ferguson enclosing additional information on Mary Moses. 0.10 hrs \$14.50
07/24/09	BEG	Receipt and review correspondence and enclosed documents from defense attorney and forward to client. 0.30 hrs \$27.00
07/27/09	JDG	Receipt and review of John Ferguson's July 24, 2009 letter regarding updated information on Mary Moses' judgments. 0.10 hrs \$14.50

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07/27/09	JDG	Receipt and review two letters from John Ferguson regarding Ms. Moses SLED record. 0.50 hrs \$72.50
07/27/09	BEG	Receipt and review correspondence from defense attorney regarding Moses judgments. 0.20 hrs \$18.00
07/28/09	EDS	Telephone conference with Bart Heard. [NO CHARGE] 0.40 hrs \$0.00
08/03/09	EDS	[NO CHARGE] Telephone conference with Mr. Copeland re option to purchase. 0.20 hrs \$0.00
08/03/09	JDG	Receipt and review of John Ferguson's July 31, 2009 letter regarding settlement position. 0.10 hrs \$14.50
08/07/09	BEG	Review of court motion roster regarding motion hearing and update status. 0.30 hrs \$27.00
08/07/09	BEG	Prepare correspondence to defense attorney. 0.30 hrs \$27.00
08/11/09	EDS	[NO CHARGE] Office conference with paralegal re deeds, affidavit of Charles Copeland; review of documents. 0.80 hrs \$0.00
08/11/09	BEG	Revise and mail correspondence to defense attorney. 0.40 hrs \$36.00
08/12/09	EDS	Travel to/from Laurens; meet with tree removal crew; meet with Mr. Copeland re option; preparation of contract; preparation of waiver. [NO CHARGE] 4.50 hrs \$0.00
08/13/09	EDS	Receipt and review correspondence from Mr. Ferguson re deposition. [NO CHARGE] 0.20 hrs \$0.00
08/13/09	JDG	Receipt and review of John Ferguson's August 12, 2009 letter. 0.10 hrs \$14.50
08/13/09	BEG	Receipt and review correspondence from defense attorney regarding mediation and deposition. 0.20 hrs \$18.00
08/17/09	BEG	Review county court website to determine status of pending rosters. 0.10 hrs \$9.00
08/18/09	BEG	Telephone conference with client regarding options and surveys. 0.20 hrs \$18.00
08/18/09	BEG	Review of documents regarding surveys for recording. 0.50 hrs \$45.00
08/21/09	BEG	Telephone conference with client regarding documents and document production and update file status. 0.60 hrs \$54.00
09/01/09	BEG	Review county court website to determine status of pending motion hearing. 0.10 hrs \$9.00
09/02/09	EDS	Receipt and review correspondence from Barbara Galemo re Copeland. [NO CHARGE] 0.10 hrs \$0.00
09/02/09	EDS	(NO CHARGE) Receipt and review correspondence to Mr. Ferguson. 0.10 hrs \$0.00
09/02/09	EDS	(NO CHARGE) Receipt and review Ferguson correspondence. 0.10 hrs \$0.00
09/02/09	EDS	(NO CHARGE) Receipt and review Barbara Galemo correspondence to Mr. Ferguson. 0.10 hrs \$0.00
09/02/09	EDS	(NO CHARGE) Telephone conference with Barbara Galemo regarding Mr. Copeland. 0.20 hrs \$0.00

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09/02/09	BEG	Update file in preparation for possible hearing on motions. 0.30 hrs \$27.00
09/02/09	BEG	Exchange emails with John Ferguson and client regarding motions hearing and Copeland matter. 0.60 hrs \$54.00
09/03/09	EDS	[NO CHARGE] Receipt and review correspondence from Barbara Galerno re John Ferguson letter. 0.10 hrs \$0.00
09/03/09	JDG	Receipt and review of copy of John Ferguson's September 2, 2009 fax to Clerk of Court withdrawing motion. 0.10 hrs \$14.50
09/03/09	BEG	Receipt and review letter from defense attorney withdrawing motions. 0.20 hrs \$18.00
09/11/09	BEG	Review county court website to determine whether any outstanding matters appear on pending rosters. 0.10 hrs \$9.00
09/17/09	EDS	Attempt to reach Mr. Copeland - left message; preparation for trip to Laurens; have plat approved by county; record plat of 323+ acres; travel to/from Laurens. [NO CHARGE] 4.40 hrs \$0.00
10/13/09	BEG	Review county court website to determine whether matter appears on any pending rosters. 0.10 hrs \$9.00
10/14/09	JDG	Letter to John Ferguson. 0.30 hrs \$43.50
10/14/09	JDG	Letter to John Ferguson. 0.30 hrs \$43.50
10/15/09	EDS	(NO CHARGE) Receive and review correspondence from Mr. Griffith; correspondence to Mr. Griffith. 0.10 hrs \$0.00
10/15/09	BEG	Review of correspondence regarding possible purchase of Estate property and update file status. 0.20 hrs \$18.00
10/19/09	EDS	(NO CHARGE) Receipt and review of correspondence from Rowland Milam regarding division of property; Telephone conference with Mr. Milam regarding sale. 0.30 hrs \$0.00
10/19/09	JDG	Receipt and review of John Ferguson's October 16, 2009 letter. 0.10 hrs \$14.50
10/19/09	BEG	Review of correspondence regarding possible sale of estate property and update case status. 0.20 hrs \$18.00
10/20/09	BEG	Telephone conference with and receipt and review of email from Eddie Sullivan containing correspondence from Rowland Milam regarding possible purchase of estate's real property. 0.30 hrs \$27.00
10/21/09	JDG	Letter to John Ferguson. 0.30 hrs \$43.50
10/22/09	BEG	Review of correspondence regarding potential sale of property and update status. 0.20 hrs \$18.00
10/26/09	EDS	(NO CHARGE) Correspondence; Receipt and review of correspondence from Mr. Griffith. 0.20 hrs \$0.00
10/26/09	BEG	Receipt and review email and attachment from client regarding potential real property sale from estate. 0.10 hrs \$9.00
10/29/09	BEG	Review county court website to determine whether any matters appear on pending rosters. 0.10 hrs \$9.00

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11/02/09	EDS	(NO CHARGE) Receipt and review correspondence from Rowland Milam regarding representation, other. 0.10 hrs \$0.00
11/04/09	BEG	Receipt and review email correspondence advising of representation of Rowland Milam and update case status. 0.30 hrs \$27.00
11/05/09	EDS	Receive and review of correspondence from Mr. Griffith regarding Rowland Milam proposal. (NO CHARGE) 0.20 hrs \$0.00
11/06/09	EDS	(NO CHARGE) Correspondence to Mr. Milam. 0.10 hrs \$0.00
11/08/09	JDG	(NO CHARGE) Receipt and review copy of letter from Ed Sullivan to Mr. Rowland Milam 0.20 hrs \$0.00
11/09/09	EDS	(NO CHARGE) Receive and review correspondence from Mr. Milam. 0.10 hrs \$0.00
11/11/09	BEG	Review county court website to determine whether any matters appear on pending rosters. 0.10 hrs \$9.00
11/30/09	BEG	Receipt and review of various correspondence regarding status. 0.40 hrs \$36.00
12/08/09	BEG	Update file. 0.20 hrs \$18.00
12/14/09	BEG	Receipt and review email correspondence with Rowland Milam. 0.20 hrs \$18.00
12/14/09	BEG	Review county court website to determine whether any matters appear on pending rosters. 0.10 hrs \$9.00
12/15/09	BEG	Review of correspondence and emails with client and update case status. 0.60 hrs \$54.00
12/15/09	BEG	Review of online rosters and upcoming terms of court to confirm case status. 0.40 hrs \$36.00
12/16/09	EDS	No Charge. Receipt of correspondence from Mr. Jack D. Griffith. 0.10 hrs \$0.00
12/16/09	JDG	Revise and prepare letter to John Ferguson regarding moving case along. 0.30 hrs \$43.50
12/16/09	JDG	Revise and prepare letter to Jim Bryan regarding Milam offer to purchase. 0.30 hrs \$43.50
01/11/10	BEG	Review court website to determine case status on any pending county rosters. 0.10 hrs \$9.00
01/26/10	BEG	Review county court website to determine whether any matters appear on pending rosters. 0.20 hrs \$18.00
02/02/10	BEG	Review of court rosters with update to file in connection with possible assignment to term of court. 0.20 hrs \$18.00
02/05/10	BEG	Review of Laurens County court rosters to ascertain trial status and update file. 0.30 hrs \$27.00
02/10/10	BEG	Review of Laurens County website to check status of case on pending trial roster. 0.30 hrs \$27.00
02/11/10	EDS	NO CHARGE - Receive and review correspondence from Mr. Griffith; correspondence to Mr. Griffith. 0.30 hrs \$0.00
02/11/10	JDG	Exchange e-mails with Eddie Sullivan 0.80 hrs \$116.00

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02/11/10	BEG	Receipt and review correspondence with client and update case status.	0.30 hrs	\$27.00
02/15/10	JDG	Exchange e-mails with Eddie Sullivan and John Ferguson.	0.60 hrs	\$87.00
02/15/10	BEG	Review of Laurens County trial roster and note status.	0.20 hrs	\$18.00
02/16/10	EDS	NO CHARGE Receive and review correspondence regarding roster.	0.40 hrs	\$0.00
02/16/10	JDG	E-mails to John Ferguson.	0.40 hrs	\$58.00
02/16/10	JDG	Review Kay file for details on trial preparation.	2.60 hrs	\$377.00
02/16/10	BEG	Prepare documents in connection with pending term of court.	0.80 hrs	\$72.00
02/16/10	BEG	Telephone conferences with office of clerk of court regarding status of non-jury roster and term of court.	0.30 hrs	\$27.00
02/16/10	BEG	Research county website concerning upcoming non-jury terms of court.	0.40 hrs	\$36.00
02/16/10	BEG	Review of correspondence with defense attorney and with client and update case status.	0.30 hrs	\$27.00
02/17/10	EDS	NO CHARGE Receive and review correspondence from Mr. Griffith.	0.20 hrs	\$0.00
02/17/10	EDS	NO CHARGE Review summary of position.	0.30 hrs	\$0.00
02/17/10	EDS	NO CHARGE Telephone call with Mr. Griffith regarding trial preparation.	0.20 hrs	\$0.00
02/17/10	JDG	Letter to Eddie Sullivan; telephone conference with Eddie regarding trial strategy.	1.00 hrs	\$145.00
02/24/10	JDG	Exchange e-mails with Eddie Sullivan.	0.60 hrs	\$195.00
03/01/10	EDS	(NO CHARGE) Receipt and review of correspondence regarding docket.	0.10 hrs	\$0.00
03/01/10	JDG	Receipt and review letter to beneficiaries from Eddie Sullivan.	0.20 hrs	\$29.00
03/02/10	EDS	(NO CHARGE) Receipt and review correspondence from Jack Griffith regarding beneficiary letter.	0.20 hrs	\$0.00
03/02/10	BEG	Exchange emails with client regarding attorney for defendants.	0.50 hrs	\$45.00
03/02/10	BEG	Letter to Attorney Ferguson via email attaching letter from Sullivan to beneficiaries.	0.30 hrs	\$27.00
03/03/10	EDS	(NO CHARGE) Receipt and review correspondence from Mr. Griffith regarding continuance.	0.10 hrs	\$0.00
03/03/10	EDS	(NO CHARGE) Correspondence; Receipt and review correspondence from Mr. Jack D. Griffith regarding trial strategy.	0.20 hrs	\$0.00
03/03/10	EDS	(NO CHARGE) Receipt and review correspondence to J. Ferguson.	0.10 hrs	\$0.00
03/03/10	BEG	Receipt and review email from Judge Hill granting continuance.	0.20 hrs	\$18.00

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03/03/10	BEG	Receipt and review email from Judge Hill granting continuance.	0.20 hrs	\$18.00
03/03/10	BEG	Letter to parties via email advising of granting of continuance by Judge Hill.	0.20 hrs	\$18.00
03/03/10	BEG	Fax to clerk of court transmitting copy of letter to Judge Hill requesting continuance.	0.20 hrs	\$18.00
03/03/10	BEG	Exchange messages via email with client regarding continuance and mediation.	0.30 hrs	\$27.00
03/03/10	BEG	Prepare documents for filing and payment of motion fee in connection with request for continuance.	0.40 hrs	\$36.00
03/03/10	IDG	Letter to clerk of court enclosing motion fee regarding request for continuance.	0.30 hrs	\$43.50
03/03/10	BEG	Exchange of emails with law clerk concerning continuance.	0.20 hrs	\$18.00
03/03/10	BEG	Review Laurens County trial roster and telephone conferences with clerk of court regarding status.	0.60 hrs	\$54.00
03/03/10	BEG	Exchange emails with client regarding trial and negotiations status.	0.30 hrs	\$27.00
03/03/10	BEG	Telephone conference with clerk of court regarding request for continuance.	0.20 hrs	\$18.00
03/03/10	IDG	Letter to Judge Hill requesting continuance.	0.30 hrs	\$43.50
03/03/10	BEG	Update file in preparation for potential trial.	0.50 hrs	\$45.00
03/04/10	EDS	Receipt and review correspondence from Mr. Jack D. Griffith regarding continuance.	0.10 hrs	\$14.50
03/05/10	BEG	Telephone conference with law clerk to Judge Griffith confirming continuance.	0.20 hrs	\$18.00
03/11/10	IDG	Receipt and review e-mail from John Ferguson regarding Kay Estate	0.30 hrs	\$43.50
03/11/10	BEG	Update case file in preparation for pending trial.	0.60 hrs	\$54.00
03/11/10	BEG	Review of court rosters with update to file in connection with possible roster assignment.	0.20 hrs	\$18.00
03/16/10	EDS	(NO CHARGE) Preparation of counteroffer.	0.90 hrs	\$0.00
03/16/10	EDS	[NO CHARGE] Receipt and review correspondence from Mr. Spearman regarding review of contract.	0.10 hrs	\$0.00
03/16/10	EDS	(NO CHARGE) Correspondence to Mr. Milam.	0.20 hrs	\$0.00
03/16/10	BEG	Receipt and review correspondence with attachments regarding potential sale of property.	0.80 hrs	\$72.00
03/17/10	EDS	(NO CHARGE) Receipt and review correspondence from Mr. Bryan.	0.10 hrs	\$0.00
03/19/10	BEG	Review of Laurens County rosters to ascertain case status.	0.20 hrs	\$18.00
03/22/10	EDS	Correspondence to Mr. Ferguson regarding settlement, mediation.	0.20 hrs	\$29.00
03/24/10	EDS	No Charge. Correspondence to Mr. Ferguson.	0.40 hrs	\$0.00

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03/24/10	BEG	Review of various Laurens County terms of court to determine trial status. 0.40 hrs \$36.00
03/24/10	BEG	Exchange emails with Laurens County Clerk of Court regarding upcoming terms of court. 0.30 hrs \$27.00
03/25/10	BEG	Revise letter to attorney regarding status. 0.30 hrs \$27.00
03/25/10	BEG	Fax to Clerk of Court regarding pending terms of court. 0.30 hrs \$27.00
03/29/10	EDS	(NO CHARGE) Receipt and review correspondence regarding Summer term of court. 0.10 hrs \$0.00
03/29/10	BEG	Exchange emails with clerk of court regarding nonjury trial terms. 0.30 hrs \$27.00
03/31/10	EDS	(NO CHARGE) Receipt and review correspondence to John Ferguson regarding mediation. 0.20 hrs \$0.00
03/31/10	BEG	Revise letter to John Ferguson, transmit to client and prepare for mailing. 0.30 hrs \$27.00
04/06/10	JDG	Review file regarding document for requests. 1.50 hrs \$217.50
04/06/10	BEG	Review of Laurens County website to ascertain case status. 0.20 hrs \$18.00
04/07/10	EDS	(NO CHARGE) Correspondence to Mr. Griffith regarding mediation. 0.10 hrs \$0.00
04/07/10	EDS	(NO CHARGE) Correspondence to Mr. Griffith regarding mediation; Receipt and review of correspondence from mediation. 0.10 hrs \$0.00
04/08/10	EDS	No Charge. Receipt and review of correspondence from John Ferguson to Mr. Jack D. Griffith. 0.10 hrs \$0.00
04/09/10	BEG	Review and prepare for mailing correspondence to Attorney Ferguson scan for transmission to client. 0.30 hrs \$27.00
04/09/10	BEG	Receipt and review email correspondence regarding potential sale of property. 0.20 hrs \$18.00
04/14/10	EDS	(NO CHARGE) Correspondence to Mr. Griffith regarding Milam offer. 0.10 hrs \$0.00
04/14/10	BEG	Review of Laurens County rosters to ascertain case status. 0.20 hrs \$18.00
04/16/10	BEG	Receive correspondence and documents and update file with proposed contracts of sale. 0.20 hrs \$18.00
04/20/10	EDS	(NO CHARGE) Receipt and review correspondence from Mr. Griffith regarding mediation. 0.10 hrs \$0.00
04/20/10	EDS	(NO CHARGE) Receipt and review correspondence from Mr. Griffith to Mr. Ferguson regarding mediation. 0.10 hrs \$0.00
04/20/10	BEG	Receipt and review email correspondence in connection with scheduling mediation. 0.30 hrs \$27.00
04/21/10	EDS	(NO CHARGE) Receipt and review of correspondence from Mr. Jack D. Griffith regarding mediation. 0.10 hrs \$0.00
04/22/10	EDS	(NO CHARGE) Receipt and review of correspondence from Mr. Jack D. Griffith regarding mediation. 0.20 hrs \$0.00

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04/22/10	EDS	(NO CHARGE) Receipt and review of correspondence from Mr. Jack D. Griffith regarding mediation.	0.10 hrs	\$0.00
04/22/10	BEG	Receipt and review email correspondence with client and parties' attorneys regarding potential sale and mediation schedule.	0.40 hrs	\$36.00
04/23/10	EDS	(NO CHARGE) Receipt and review correspondence from Mr. Griffith to J. Ferguson regarding mediation.	0.10 hrs	\$0.00
04/23/10	BEG	Review of correspondence with Attorney Ferguson regarding mediation and update case status.	0.20 hrs	\$18.00
04/27/10	EDS	(NO CHARGE) Review of contract.	0.40 hrs	\$0.00
04/29/10	IDG	Receipt and review of Stuart Mauney's letter confirming mediation details.	0.10 hrs	\$14.50
04/29/10	BEG	Receipt and review correspondence with enclosures regarding mediation.	0.20 hrs	\$18.00
04/30/10	EDS	No Charge. Receipt and review of correspondence from Mr. Jack D. Griffith regarding sale of property.	0.10 hrs	\$0.00
05/01/10	EDS	(NO CHARGE) Receipt and review of correspondence from Mr. Griffith to John Ferguson regarding mediation.	0.10 hrs	\$0.00
05/04/10	EDS	(NO CHARGE) Review of executed contract.	0.20 hrs	\$0.00
05/04/10	EDS	(NO CHARGE) Correspondence to Mr. Jack D. Griffith regarding mediation.	0.10 hrs	\$0.00
05/04/10	EDS	No Charge. Receipt and review of correspondence regarding contracts.	0.10 hrs	\$0.00
05/04/10	BEG	Review of Laurens County trial rosters, pretrial conference schedules and index for follow-up.	0.20 hrs	\$18.00
05/05/10	IDG	Exchange e-mails with Eddie Sullivan and John Ferguson.	1.00 hrs	\$145.00
05/05/10	BEG	Exchange emails with client concerning completed contracts with signatures.	0.20 hrs	\$18.00
05/07/10	EDS	(NO CHARGE) Receipt and review of correspondence from Mr. Jack D. Griffith regarding mediation.	0.10 hrs	\$0.00
05/07/10	EDS	(NO CHARGE) Receipt and review of correspondence from Ms. Arnold (Presbyterian Home) regarding contract.	0.10 hrs	\$0.00
05/07/10	EDS	(NO CHARGE) Telephone conference with Ms. Arnold regarding contract.	0.10 hrs	\$0.00
05/07/10	EDS	(NO CHARGE) Correspondence to Mr. Milam, Mr. Bryan regarding contract.	0.20 hrs	\$0.00
05/07/10	EDS	(NO CHARGE) Correspondence to Ms. Arnold regarding contract.	0.20 hrs	\$0.00
05/07/10	BEG	Receipt and review various emails from client, attorneys and prospective purchaser.	0.20 hrs	\$18.00
05/07/10	BEG	Review of correspondence regarding status of matter and record for follow-up.	0.20 hrs	\$18.00
05/10/10	EDS	No Charge. Correspondence to Mr. Jack D. Griffith regarding mediation, update, other.	0.10 hrs	\$0.00

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05/10/10	EDS	(NO CHARGE) Receipt and review correspondence from Mr. Bryan regarding contracts, closing, other. 0.10 hrs \$0.00
05/10/10	EDS	No Charge. Receipt and review of correspondence from Mr. Milam regarding earnest money. 0.10 hrs \$0.00
05/11/10	EDS	No charge. Receipt and review of correspondence from Mr. Milam regarding earnest money. 0.10 hrs \$0.00
05/12/10	EDS	(NO CHARGE) Correspondence to beneficiaries regarding contracts and pleadings. 0.50 hrs \$0.00
05/13/10	EDS	No charge. Receipt and review of correspondence from Mr. Jack D. Griffith regarding letter to Mr. Copeland. 0.10 hrs \$0.00
05/13/10	EDS	No charge. Telephone conference with Mr. Heard regarding survey costs, other. 0.40 hrs \$0.00
05/13/10	EDS	(NO CHARGE) Correspondence to Ms. Copeland regarding option; hearing. 0.50 hrs \$0.00
05/13/10	BEG	Receipt and review numerous email correspondence regarding sales contracts and notification of beneficiaries and update file status. 0.50 hrs \$45.00
05/14/10	BEG	Receipt and review signed contracts in connection with sale of real property and update case documents. 0.20 hrs \$18.00
05/22/10	EDS	No charge. Receipt and review of correspondence from Mr. Jack D. Griffith regarding status; closing. 0.10 hrs \$0.00
05/24/10	EDS	(NO CHARGE) Preparation of Petition for Approval; preparation of Answer & Consent. 2.10 hrs \$0.00
05/24/10	EDS	(NO CHARGE) Office conference with Mr. Jack D. Griffith regarding strategy. 0.20 hrs \$0.00
05/24/10	EDS	(NO CHARGE) Correspondence to Mr. Bryan regarding extension. 0.10 hrs \$0.00
05/24/10	EDS	(NO CHARGE) Correspondence to Mr. Milam regarding approval of contract by church. 0.10 hrs \$0.00
05/24/10	EDS	(NO CHARGE) Receipt and review of correspondence from Mr. Milam regarding closing date. 0.10 hrs \$0.00
05/24/10	EDS	(NO CHARGE) Mr. Bryan regarding extension, closing, petition, other. 0.10 hrs \$0.00
05/24/10	EDS	(NO CHARGE) Preparation of Petition. 0.20 hrs \$0.00
05/25/10	EDS	(NO CHARGE) Telephone conference with Probate Court regarding petition, other. 0.10 hrs \$0.00
05/25/10	BEG	Receipt and review various email messages concerning potential sale of property and index for follow-up. 0.40 hrs \$36.00
05/26/10	EDS	(NO CHARGE) Correspondence to Mr. Bryan regarding original contracts. 0.20 hrs \$0.00
05/26/10	EDS	(NO CHARGE) Telephone conference with Mr. Jack D. Griffith regarding closing, other. 0.10 hrs \$0.00
05/26/10	BEG	Review of court rosters with update to file in connection with possible roster assignment. 0.10 hrs \$9.00

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05/27/10	EDS	(NO CHARGE) Telephone conference with Mr. Heard regarding petition; planning. 0.20 hrs \$0.00
05/28/10	EDS	(NO CHARGE) Correspondence to Mr. Jack D. Griffeth regarding issues, strategy. 0.20 hrs \$0.00
05/28/10	BEG	Receipt and review correspondence to and from client regarding status of pending sale and index for follow-up. 0.20 hrs \$18.00
06/01/10	EDS	(NO CHARGE) Correspondence to Rev. Hunter regarding Petition, Responses. 0.10 hrs \$0.00
06/01/10	EDS	(NO CHARGE) Correspondence to Ms. Arnold regarding pleading. 0.10 hrs \$0.00
06/01/10	IDG	(NO CHARGE) Work on Pleadings for the Kay Estate. 2.00 hrs \$0.00
06/02/10	EDS	No Charge. Preparation of Answer, pleadings. 0.40 hrs \$0.00
06/02/10	EDS	No Charge. Telephone conference with Mr. Fulmen, Presbytery attorney, regarding church corporate action. 0.40 hrs \$0.00
06/02/10	EDS	No Charge. Telephone conference with Ms. Blackmon regarding corporate vote. 0.40 hrs \$0.00
06/02/10	EDS	No Charge. Preparation of Answer and Consent. 0.50 hrs \$0.00
06/02/10	EDS	No Charge. Receipt and review of correspondence from Ms. Blackmon regarding "Cemetery Fund" issue. 0.20 hrs \$0.00
06/03/10	EDS	No Charge. Correspondence to/from Mr. Jack D. Griffeth regarding power of sale, consent to sale, other. 0.20 hrs \$0.00
06/03/10	EDS	(NO CHARGE) Preparation of Consents to Sale and Waiver of Hearing. 0.20 hrs \$0.00
06/03/10	IDG	Exchange emails with Eddie Sullivan, review options for case closing. 1.60 hrs \$232.00
06/03/10	BEG	Receipt and review various emails to and from client regarding status of proposed sale and court proceedings and index for follow-up. 0.20 hrs \$18.00
06/05/10	EDS	No Charge. Correspondence to Mr. Jack D. Griffeth regarding consents. 0.10 hrs \$0.00
06/14/10	EDS	No Charge. Revision of WH Milam consents. 0.20 hrs \$0.00
06/14/10	EDS	No Charge. Receipt and review of correspondence from Mr. Ferguson regarding consents. 0.20 hrs \$0.00
06/14/10	IDG	Exchange emails with Eddie Sullivan and John Ferguson regarding consults to sell estate property. 0.80 hrs \$116.00
06/14/10	BEG	Review of email correspondence with Attorney Ferguson regarding pending sale and index for follow-up. 0.20 hrs \$18.00
06/15/10	EDS	(NO CHARGE) Review of Presbyterian Home consent. 0.20 hrs \$0.00
06/15/10	EDS	(NO CHARGE) Correspondence to/from Presbyterian Home of South Carolina regarding consent. 0.20 hrs \$0.00
06/16/10	BEG	Receipt and review correspondence with attachments from client regarding consents to sale of property and index for follow-up. 0.20 hrs \$18.00

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06/17/10	VLB	Receipt and review Lisbon Presbyterian Church Cemetery Fund's Consent to Sale of Real Estate And Waive of Hearing.	0.10 hrs \$9.00
06/17/10	BEG	Review of county website with index in connection with possible roster assignment.	0.10 hrs \$9.00
06/21/10	BEG	Letter to John Ferguson via email requesting information regarding consents to sale of real estate from Moses and Brown.	0.20 hrs \$18.00
06/22/10	EDS	No Charge. Correspondence to Ms. Spearman regarding Brown and Moses consents; Revise of correspondence from Ms. Spearman regarding consents.	0.20 hrs \$0.00
06/22/10	EDS	No Charge. Correspondence to Mr. Arnold regarding Presbyterian Home consent.	0.10 hrs \$0.00
06/22/10	EDS	No Charge. Receipt and review of Brown and Moses consents.	0.10 hrs \$0.00
06/22/10	BEG	Exchange emails and telephone conference with client regarding status of consent forms.	0.20 hrs \$18.00
06/22/10	BEG	Receipt and review correspondence from Attorney Ferguson with enclosure of consents from Brown and Moses and forward to Ed Sullivan for filing with probate court.	0.30 hrs \$27.00
06/22/10	BEG	Prepare correspondence and enclosures for shipping to client for filing.	0.20 hrs \$18.00
06/23/10	VLB	Receipt from Mr. Ferguson the Consent and Waiver documents executed by Martha Brown and Mary Moses.	0.10 hrs \$9.00
06/24/10	EDS	No Charge. Correspondence to Judge Fridy regarding consents.	0.30 hrs \$0.00
06/24/10	BEG	Receipt and review letter to Rowland Milam regarding scheduling closing date.	0.10 hrs \$9.00
06/24/10	BEG	Telephone conference with client with exchange of emails regarding status of sales of property and potential dismissal of the civil action.	0.20 hrs \$18.00
06/25/10	EDS	No Charge. Correspondence to Mr. Bryan regarding closing.	0.10 hrs \$0.00
06/28/10	BEG	Receipt and review email exchanges regarding possible closing on real estate and index for follow-up.	0.20 hrs \$18.00
06/29/10	EDS	No Charge. Correspondence to Mr. Bryan regarding closing.	0.10 hrs \$0.00
06/29/10	EDS	No Charge. Correspondence to Mr. Milam regarding closing.	0.10 hrs \$0.00
06/29/10	EDS	No Charge. Telephone conference with Ms. Coker, probate court, regarding power of sale.	0.10 hrs \$0.00
06/29/10	EDS	No Charge. Conference to/from Mr. Jack D. Griffith regarding status of sale.	0.10 hrs \$0.00
06/30/10	EDS	(NO CHARGE) Correspondence to Mr. Milam regarding	0.10 hrs \$0.00

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		closing.	
06/30/10	BEG	Receipt and review email correspondence and letter to probate judge regarding status of matter and index.	0.20 hrs \$18.00
07/01/10	BEG	Receipt and review correspondence to Rowland Milam and index for pending activity.	0.10 hrs \$9.00
07/16/10	EDS	No Charge. Correspondence to Mr. Jack D. Griffeth; Receipt and review of correspondence from Mr. Jack D. Griffeth regarding settlement of case.	0.30 hrs \$0.00
07/16/10	JDG	Receipt and review UM from Eddie Sullivan and email to Eddie.	0.60 hrs \$87.00
07/16/10	BEG	Review of correspondence with client and draft Stipulation of Dismissal.	0.80 hrs \$72.00
07/19/10	LW	Draft Stipulation of Dismissal and Receipt and Release for Mr. Edward Sullivan.	1.00 hrs \$140.00
07/20/10	EDS	No Charge. Receipt and review of correspondence from Mr. Jack D. Griffeth regarding dismissal.	0.10 hrs \$0.00
07/21/10	EDS	No Charge. Planning regarding settlement; Receipt and review of from correspondence Mr. Jack D. Griffeth regarding settlement, case dismissal.	1.00 hrs \$0.00
07/21/10	EDS	No Charge. Receipt and review of proposed Stipulation of Dismissal, correspondence to Mr. Ferguson.	0.50 hrs \$0.00
07/21/10	JDG	Letter to Attorney Ferguson enclosing Stipulation of Dismissal with prejudice.	0.30 hrs \$43.50
07/21/10	BEG	Exchange and preparation for filing of numerous emails with client regarding pending dismissal and revisions to settlement documents and correspondence.	0.50 hrs \$45.00
07/22/10	EDS	(NO CHARGE) Preparation and review of Settlement and Release Agreement.	0.80 hrs \$0.00
07/22/10	BEG	Revise agreement and transmittal letter to defense attorney enclosing agreement and Stipulation of Dismissal.	0.40 hrs \$36.00
07/26/10	EDS	No Charge. Receipt and review of correspondence from Mr. Ferguson to his clients regarding Stipulation of Dismissal.	0.20 hrs \$0.00
07/26/10	BEG	Receipt and review correspondence from defense attorney to clients regarding settlement and dismissal, transmittal to client, and index for follow-up.	0.30 hrs \$27.00
08/03/10	JDG	Exchange emails with Eddie Sullivan regarding executed release.	0.60 hrs \$87.00
08/03/10	BEG	Receipt and review executed settlement documents and index for pending activity.	0.20 hrs \$18.00
08/03/10	BEG	Telephone conference with client regarding executed documents settlement civil suit.	0.20 hrs \$18.00
08/03/10	JDG	Letter to Eddie Sullivan enclosing settlement agreement.	0.30 hrs \$43.50
08/03/10	JDG	Letter to Clerk of Court filing Stipulation of Dismissal	0.30 hrs \$43.50

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	with prejudices.	
08/05/10	IDG Receipt and review email from eddie sullivan with executed settlement.	0.30 hrs \$43.50
08/06/10	BEG Receipt and review judgment from Clerk of Court with filed Stipulation of Dismissal and index.	0.20 hrs \$18.00
08/09/10	BEG Review of correspondence with enclosures regarding settlement agreement and index.	0.20 hrs \$18.00
Total fees for this matter		<u>\$14,538.00</u>

DISBURSEMENTS

Units

Total disbursements for this matter	<u>\$0.00</u>
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TIMEKEEPER SUMMARY

Sullivan, Edward D.	OF COUNSEL	76.40 hrs	0.00 /hr	\$0.00
Sullivan, Edward D.	OF COUNSEL	15.10 hrs	145.00 /hr	\$522.00
Griffeth, Jack D.	SHAREHOLDER	4.70 hrs	0.00 /hr	\$0.00
Griffeth, Jack D.	SHAREHOLDER	49.60 hrs	145.00 /hr	\$7,192.00
Griffeth, Jack D.	SHAREHOLDER	0.60 hrs	325.00 /hr	\$195.00
Floyd, Lee	ASSOCIATE	0.10 hrs	140.00 /hr	\$14.00
McCoy, Jonny D.	ASSOCIATE	2.00 hrs	90.00 /hr	\$180.00
McCoy, Jonny D.	ASSOCIATE	3.50 hrs	140.00 /hr	\$490.00
Wells, Logan M.	ASSOCIATE	1.00 hrs	140.00 /hr	\$140.00
Baker, Vickie L.	SENIOR PARALEGAL	0.20 hrs	90.00 /hr	\$18.00
Boatwright, Patty K.	SENIOR PARALEGAL	3.90 hrs	0.00 /hr	\$0.00
Boatwright, Patty K.	SENIOR PARALEGAL	8.30 hrs	90.00 /hr	\$747.00
Spearman, Barbara G.	SENIOR PARALEGAL	56.00 hrs	90.00 /hr	\$5,040.00

TOTAL FEES	<u>\$14,538.00</u>
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TOTAL DISBURSEMENTS	\$0.00
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LESS COURTESY DISCOUNT	\$7,750.00
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BALANCE DUE CURRENT BILL	\$6,788.00
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TOTAL CHARGES FOR THIS BILL	<u>\$6,788.00</u>
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Please remit all payments to the following address:

Collins & Lacy, PC
P.O. Box 12487
Columbia, S.C. 29211
(803)256-2660

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PLEASE REFERENCE OUR 16 DIGIT BILL NUMBER LOCATED AT THE TOP OF THIS BILL.

TASK CODE SUMMARY

Task Code	Task	This Bill
		\$12,427.00
L110	Fact Investigation/Development	\$425.00
L120	Analysis/Strategy	\$419.00
L140	Document/file management	\$224.00
L160	Settlement/Non-binding ADR	\$140.00
L190	DO NOT USE	\$72.50
L210	Pleadings	\$169.00
L250	Other Written Motions and Subm	\$81.00
L310	Written Discovery	\$580.50



August 17, 2010

Billed through 08/17/10

Bill Number 001147 00100 53900 EDS

Federal Tax ID: 57-0989944

Executor of Estate:
Edward Sullivan
P.O. Box 12487
Columbia, SC 29211

Collins & Lacy, PC
P.O. Box 12487
Columbia, S.C. 29211
(803)256-2660

REGARDING: Estate of Marion Kay (DOD 05.03.07)

FOR PROFESSIONAL SERVICES RENDERED

12/05/07	EDS	(NO CHARGE) Travel to and from Laurens; visit site, telephone conversation with Mr. Henderson regarding appraisal.	9.00 hrs	\$0.00
12/06/07	EDS	(NO CHARGE) Office conferences with paralegal regarding LC Farm Service.	0.30 hrs	\$0.00
12/07/07	PKB	Research and prepare the Inventory and Appraisal to be filed with the Probate Court.	2.00 hrs	\$180.00
12/09/07	EDS	(NO CHARGE) Correspondence regarding Mr. Garrett.	0.10 hrs	\$0.00
12/11/07	EDS	(NO CHARGE) Correspondence regarding LC Farm Service; office conference regarding appraisal; court filing.	0.60 hrs	\$0.00
12/11/07	PKB	Telephone call to Laurens County Farm Service regarding the information they requested.	0.20 hrs	\$18.00
12/11/07	PKB	(NO CHARGE) Telephone call to Hoyt Hanvey Jewelers regarding the estate appraisal.	0.10 hrs	\$0.00
* 12/11/07	PKB	Research the value of the 1890 silver dollar contained in the estate.	0.60 hrs	\$54.00
12/11/07	PKB	Prepare an extension request for the inventory and appraisement to be filed with the Court. Prepare the Motion for Extension.	0.20 hrs	\$18.00
12/11/07	PKB	Telephone call to Betty Coker regarding the Motion for Extension. Revise the letter and Motion for extension.	0.30 hrs	\$27.00
* 12/12/07	PKB	Research coin collectors/evaluators in the area.	0.40 hrs	\$36.00
* 12/12/07	PKB	Telephone calls to the Columbia and Laurens area coin dealers to obtain appraisal information for the 1890 Morgan Silver Dollar.	0.40 hrs	\$36.00
* 12/12/07	PKB	Prepare a memo to Mr. Edward Sullivan regarding the	0.10 hrs	\$9.00

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		coin appraisers information.		
	12/13/07	PKB	Revise the Inventory & Appraisement to reflect the tax assessor's information and other bond/certificate information that was not included previously. Research the joint owners of the 300+ acres held in the estate.	0.90 hrs \$81.00
*	12/13/07	PKB	Research the value of the 296 shares of Heritage Bancorp, Inc. owned by the Estate.	0.20 hrs \$18.00
	12/13/07	PKB	Research the current market value as reported by the County for the real estate holdings of the estate.	0.60 hrs \$54.00
	12/18/07	EDS	(NO CHARGE) Travel to and from Laurens; visit site; telephone conference with appraiser.	3.80 hrs \$0.00
	12/20/07	EDS	(NO CHARGE) Office conferences with staff regarding appraisal.	0.20 hrs \$0.00
	12/20/07	PKB	Research the taxes that are due on the estate's real property.	0.20 hrs \$18.00
	12/31/07	PKB	Research the property taxes for the land interest of the estate TMS#4500000003. Prepare a letter to Martha Brown enclosing repayment of 1/2 of the property taxes.	0.20 hrs \$18.00
	01/02/08	EDS	(NO CHARGE) Make deposit; Telephone conference with timber dealer.	0.40 hrs \$0.00
	01/04/08	EDS	(NO CHARGE) Office consultation with Mr. Larry Nelson regarding security cameras.	0.10 hrs \$0.00
	01/04/08	EDS	(NO CHARGE) Correspondence; telephone conference with Mrs. Curry.	0.40 hrs \$0.00
	01/04/08	MLNI	Research surveillance equipment for Edward Sullivan.	0.10 hrs \$12.00
	01/08/08	EDS	(NO CHARGE) Visit site; telephone conference with insurance agent; travel.	5.00 hrs \$0.00
	01/09/08	EDS	(NO CHARGE) Receipt and review of correspondence regarding appraisal.	0.30 hrs \$0.00
*	01/09/08	PKB	Telephone call to Jewelers to obtain the date the appraisal will be complete.	0.20 hrs \$18.00
	01/09/08	PKB	Telephone call to Sandy at Ball's office to get the name of a Court Reporter in the Port Royal area. She was unavailable. Telephone call to National Court Reporters, Inc. to "tentatively" schedule a court reporter for a deposition tomorrow.	0.50 hrs \$45.00
	01/11/08	EDS	(NO CHARGE) Correspondence regarding appraisal.	1.20 hrs \$0.00
	01/15/08	EDS	(NO CHARGE) Telephone conference with appraisers; planning; receipt and review of correspondence.	1.00 hrs \$0.00
	01/17/08	EDS	(NO CHARGE) Receipt and review of correspondence regarding appraisal.	0.50 hrs \$0.00
*	01/17/08	PKB	Telephone call from Hoyt Hanvey Jewelers regarding the preliminary appraisal they faxed last week.	0.10 hrs \$9.00
	01/17/08	PKB	Review the information from Major & Company appraisers.	0.20 hrs \$18.00

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03/24/08	EDS	Several office conferences with staff regarding correspondence; two telephone conferences with Mr. Wilson.	1.30 hrs	\$0.00
03/25/08	EDS	(NO CHARGE) Several (two) telephone conferences with Mr. McNair; planning; correspondence.	0.30 hrs	\$0.00
03/25/08	PKB	Continue preparing the accounting and the inventory and appraisement based on the latest information. Review the file information produced by Mr. Edward Sullivan today.	2.40 hrs	\$216.00
03/25/08	PKB	Research and prepare the receipts of jewelry and other goods for the heirs to sign upon distribution of personal property as directed in the will.	1.90 hrs	\$171.00
03/26/08	PKB	Review the remaining file material produced by Mr. Edward Sullivan this morning. File the documents reviewed over the past two days in their proper place. Update the accounting and inventory accordingly.	0.40 hrs	\$36.00
03/27/08	EDS	(NO CHARGE) Receipt and review of correspondence.	0.10 hrs	\$0.00
03/27/08	PKB	Order 3 more full color copies of the land appraisal to be made by IKON at the request of Mr. Edward Sullivan. Prepare the work order and the work copy for pick up.	0.20 hrs	\$18.00
3/28/08	EDS	(NO CHARGE) Correspondence.	0.10 hrs	\$0.00
03/31/08	EDS	(NO CHARGE) Two telephone conferences with Ms. Brown regarding appraisal; meeting.	0.20 hrs	\$0.00
04/01/08	EDS	(NO CHARGE) Telephone conference with CPA regarding tax return.	0.20 hrs	\$0.00
04/07/08	EDS	(NO CHARGE) Receipt of message from surveyor; attempt to reach surveyor, left message; planning.	1.20 hrs	\$0.00
04/08/08	EDS	(NO CHARGE) Meeting with surveyor; meeting with appraiser; retrieve items from safe deposit box; meeting with Ms. Copeland, Mr. Copeland.	3.20 hrs	\$0.00
04/09/08	EDS	(NO CHARGE) Preparation for meeting; review of documents; Telephone conference with consultant; telephone conference regarding tax returns.	1.10 hrs	\$0.00
04/10/08	EDS	(NO CHARGE) Preparation for meeting; office conference with Ms. Moses, Ms. Brown; telephone conference with Mr. Hunter.	4.50 hrs	\$0.00
04/11/08	EDS	(NO CHARGE) Planning; telephone conference with Ms. Copeland.	0.80 hrs	\$0.00
04/14/08	EDS	(NO CHARGE) Office conference with staff; telephone conference with Mr. Moore.	1.10 hrs	\$0.00
04/15/08	EDS	(NO CHARGE) Telephone conference with Mr. Heard; Telephone conference with Rev. Hunter; planning; Telephone conference with counsel.	1.60 hrs	\$0.00
04/17/08	EDS	(NO CHARGE) Telephone conference with Ms. Moses; correspondence.	0.40 hrs	\$0.00
04/17/08	EDS	(NO CHARGE) Office conference with Ms. McElvee	1.50 hrs	\$0.00

Date	Initials	Description	Hours	Amount
04/17/08	PKB	00100 regarding issues; preparation for meeting.	2.90 hrs	\$261.00
04/21/08	EDS	Review and file the Estate mail. Verify that all bills have been paid and request payment for the ones that haven't been paid. Update the inventory & Appraisement. Balance the Estate account at NBSC Bank. Update the Accounting.	1.40 hrs	\$0.00
04/21/08	EDS	(NO CHARGE) Telephone conference with Ms. Callen regarding sale of real estate; research.	0.60 hrs	\$87.00
04/22/08	EDS	Telephone conference with Robert Fuller; research.	1.20 hrs	\$0.00
04/22/08	EDS	(NO CHARGE) Telephone conference with bank regarding status; Receipt and review of correspondence; Office conference with paralegal regarding coins, accounting; Telephone conference with Mr. Major.	1.20 hrs	\$0.00
04/22/08	EDS	(NO CHARGE) Planning.	1.20 hrs	\$0.00
04/22/08	PKB	(NO CHARGE) File review.	0.10 hrs	\$0.00
04/22/08	PKB	Review the letter from Robert Fuller to Lisbon Presbyterian Church.	0.10 hrs	\$9.00
04/22/08	PKB	Update both Palmetto Bank accounts and the NBSC bank account and reconciliations prepare them for filing.	1.90 hrs	\$171.00
04/22/08	PKB	Telephone call to Palmetto Bank to obtain a copy of the missing bank statements for the Estate Account. Review the bank statements they faxed today. Update the reconciliation spreadsheets, the Inventory & Appraisal and the Accounting.	0.50 hrs	\$45.00
04/22/08	PKB	Locate a reliable and accurate website to value the estates coin collection.	0.20 hrs	\$18.00
04/22/08	PKB	Locate a value for all of the coins of the Estate and create a spreadsheet for the information collected. Update the Inventory.	2.00 hrs	\$180.00
04/23/08	EDS	(NO CHARGE) Review of bank information regarding new account.	0.30 hrs	\$0.00
04/23/08	EDS	(NO CHARGE) Review of title issues; planning.	0.70 hrs	\$0.00
04/25/08	EDS	(NO CHARGE) Correspondence with Ms. Callen regarding title issues; Telephone conference with Ms. Brown.	2.10 hrs	\$0.00
04/26/08	EDS	(NO CHARGE) Meeting with Ms. Copeland; visit site; telephone conference with Rev. Hunter; telephone conference with Ms. Moses.	1.20 hrs	\$0.00
04/28/08	EDS	(NO CHARGE) Telephone conference with Ms. Moses; Telephone conference with Ms. Brown; office conference with Mr. Larry Nelson; review of documents; conference with Ms. Baker; conference with Mr. Callen.	3.50 hrs	\$0.00
4/28/08	MLNI	Obtain residential history of Mary Moses from database #3.	0.20 hrs	\$24.00
4/28/08	MLNI	Obtain comprehensive report of Mary Moses from database #3.	0.20 hrs	\$24.00

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04/28/08	MLNI	Obtain SLED criminal history report of Mary Moses. 0.40 hrs \$48.00
04/28/08	MLNI	Obtain additional data of Mary Moses from database #1. Cross-reference data with comprehensive report and collect new data. 0.40 hrs \$48.00
04/28/08	MLNI	Obtain civil and criminal records from Greenville County Circuit Court regarding Mary Moses. 0.50 hrs \$60.00
04/28/08	MLNI	Obtain civil and criminal records from Greenville County Summary Court regarding Mary Moses. 0.50 hrs \$60.00
04/28/08	MLNI	Obtain civil and criminal records from Spartanburg County Circuit Court regarding Mary Moses. 0.20 hrs \$24.00
04/28/08	MLNI	Obtain civil and criminal records from Spartanburg County Summary Court regarding Mary Moses. 0.10 hrs \$12.00
04/28/08	MLNI	Obtain civil and criminal records from Pickens County Circuit Court regarding Mary Moses. 0.20 hrs \$24.00
04/28/08	MLNI	Obtain civil and criminal records from Pickens County Summary Court regarding Mary Moses. 0.10 hrs \$12.00
04/28/08	PKB	Telephone call to Michelle at NBSC to discuss the letter from Computershare listing several items needed from the Bank before the estate can receive it's dividends. 0.10 hrs \$9.00
04/29/08	EDS	(NO CHARGE) Office conference with Ms. Callen regarding title issues; title documents; other; office conference with Ms. Vickie Baker. 2.50 hrs \$0.00
04/30/08	EDS	(NO CHARGE) Receipt and review of correspondence; planning regarding division of real estate. 1.20 hrs \$0.00
04/30/08	PKB	Prepare a response to Computershare with the information requested. Prepare the letter of instruction to be certified by the bank and enclosed with the letter to Computershare. Review and complete the Highly Erodible Land Conservation and Wetland Conservation Certification. 0.80 hrs \$72.00
05/01/08	EDS	(NO CHARGE) Telephone conference with Mr. Heard. 0.20 hrs \$0.00
05/01/08	MLNI	Research Rowland Miliam in databases #1 and #3 regarding residential and financial history. 0.60 hrs \$72.00
05/05/08	EDS	(NO CHARGE) Correspondence. 0.10 hrs \$0.00
05/05/08	PKB	Review the incoming mail on the estate including the 2 NBSC bank account statements. 0.10 hrs \$9.00
05/06/08	EDS	(NO CHARGE) Correspondence. 0.20 hrs \$0.00
05/07/08	EDS	(NO CHARGE) Correspondence with counsel; planning. 1.80 hrs \$0.00
05/07/08	PKB	Complete the inventory and appraisal. 0.20 hrs \$18.00
05/08/08	EDS	(NO CHARGE) Receipt and review of inventory and appraisal; Telephone conference with Probate Court; Telephone conference with Mr. Bodiford; Telephone conference with Ms. Brown; planning. 3.40 hrs \$0.00
05/08/08	PKB	Complete the inventory and Appraisal. Prepare the 1.10 hrs \$99.00

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		letter to the Court filing the Inventory and Appraisement and the Proof of Delivery to Heirs.	
05/08/08	PKB	Telephone call to the Probate Court to obtain an extension to file the inventory and appraisal in this matter as the value of the land is still in debate. Prepare the motion for extension and the letter to the Court enclosing the Motion.	0.40 hrs \$36.00
05/08/08	PKB	Telephone call from the Court advising of Motion status and requesting payment for the copies that have been sent to date.	0.20 hrs \$18.00
05/08/08	PKB	Balance the various bank accounts check books.	0.50 hrs \$45.00
05/08/08	PKB	Prepare a copy of all documentation that backs up the Inventory figures.	0.50 hrs \$45.00
05/09/08	EDS	(NO CHARGE) Review of inventory and appraisal; correspondence; review of documents; office conference with paralegal.	3.20 hrs \$0.00
05/09/08	PKB	Continue preparing a copy of all documentation that verifies the information on the Inventory. Research the tax assessor's value of the properties at the date of death. Revise the inventory and appraisal. Revise the Proof of Delivery. Review the file material in an attempt to locate a life insurance policy that was paid out to Ms. Copeland. Telephone call from patsy Copeland concerning the life insurance proceeds she received.	2.80 hrs \$252.00
05/12/08	EDS	(NO CHARGE) Telephone conference with Probate Court; office conference with paralegal; Receipt of message from Mary Moses; planning.	1.50 hrs \$0.00
05/13/08	EDS	(NO CHARGE) Office conference with law clerk regarding issues, research.	0.40 hrs \$0.00
05/13/08	EDS	(NO CHARGE) Telephone conference with Ms. Moses; Telephone conference with Rev. Hunter; planning; attempt to reach appraiser; Telephone conference with Mr. Wilson.	2.10 hrs \$0.00
05/13/08	IY	Researched a testator's ability to devise an interest in property in the form of an option if her co-tenant has the right of first refusal.	2.00 hrs \$150.00
05/13/08	PKB	Prepare a letter to the court enclosing the notarized Proof of Delivery and Inventory cover sheet.	0.10 hrs \$9.00
05/14/08	EDS	(NO CHARGE) Planning; office conference with Mr. Daves regarding title issues.	2.20 hrs \$0.00
05/14/08	PKB	Review the telephone message from Betty Coker at the Probate Court. Return her call to answer her questions concerning the inventory.	0.10 hrs \$9.00
05/20/08	EDS	(NO CHARGE) Telephone conference with Rev. Hunter; Receipt and review of correspondence; planning.	0.80 hrs \$0.00
05/23/08	EDS	(NO CHARGE) Meet with Session of Lisbon Church.	1.80 hrs \$0.00
05/23/08	EDS	(NO CHARGE) Visit and inspect Kay premises.	1.20 hrs \$0.00

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05/28/08	EDS	(NO CHARGE) Attempt to reach Ms. Brown.	0.10 hrs	\$0.00
06/03/08	EDS	(NO CHARGE) Planning.	0.90 hrs	\$0.00
06/04/08	EDS	(NO CHARGE) Planning.	0.30 hrs	\$0.00
06/04/08	EDS	(NO CHARGE) Telephone conference with beneficiary.	0.30 hrs	\$0.00
06/05/08	EDS	(NO CHARGE) Telephone conference with beneficiary; planning.	0.50 hrs	\$0.00
06/11/08	PKB	Locate the funeral bill and a copy of the payment. Prepare a letter to the Court requesting the final bill and payment be filed in the estate.	0.60 hrs	\$54.00
06/11/08	PKB	Review teh letter of teh Probate Court requesting all closing documents. Prepare the Motion for Extension of Time to File all remaining documents and close the Estate. Prepare a letter to the Court enclosing the Motion.	0.40 hrs	\$36.00
06/12/08	EDS	(NO CHARGE) Review and revision of Motion for Extension; correspondence.	0.50 hrs	\$0.00
06/12/08	PKB	Revise the Motion for Extension.	0.10 hrs	\$9.00
06/13/08	EDS	(NO CHARGE) Telephone conference with Mr. Burney.	0.20 hrs	\$0.00
06/14/08	EDS	(NO CHARGE) Correspondence.	0.20 hrs	\$0.00
5/14/08	EDS	(NO CHARGE) Correspondence.	0.20 hrs	\$0.00
06/25/08	EDS	(NO CHARGE) Telephone conference with Mr. Hunter regarding status.	0.40 hrs	\$0.00
06/26/08	EDS	(NO CHARGE) File review.	0.10 hrs	\$0.00
06/26/08	PKB	Draft a reply to Hunter Hampton concerning their attorney's opinion regarding the sale of the real estate.	0.50 hrs	\$45.00
06/30/08	EDS	(NO CHARGE) Correspondence.	0.20 hrs	\$0.00
07/03/08	EDS	(NO CHARGE) Receipt and review of correspondence; correspondence.	0.20 hrs	\$0.00
07/07/08	EDS	(NO CHARGE) Telephone conference with Mr. Talbert; Telephone conference with appraiser; correspondence.	1.90 hrs	\$0.00
07/15/08	EDS	(NO CHARGE) Receipt and review of correspondence regarding tax assessment.	0.10 hrs	\$0.00
07/16/08	EDS	(NO CHARGE) Receipt and review of correspondence, documents; office conference with staff regarding personal effects.	0.50 hrs	\$0.00
07/16/08	PKB	Telephone call to Hoyt Hanvey Jewelers.	0.10 hrs	\$9.00
07/18/08	EDS	(NO CHARGE) Correspondence.	0.20 hrs	\$0.00
07/18/08	PKB	(NO CHARGE) Review the faxes from Patsy Copeland concerning the items to be given to the heirs. Insure that all lists match the receipts and prepare receipts for those items not previously designated. Prepare a list of items not designated a specific beneficiary.	1.60 hrs	\$0.00
07/21/08	EDS	(NO CHARGE) Telephone conference with Mr. Bower; planning regarding personal effects.	0.70 hrs	\$0.00

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07/22/08	EDS	(NO CHARGE) Preparation for meeting with Mr. Rheney.	1.30 hrs \$0.00
07/22/08	PKB	Print and verify all receipts. Gather all lists for Mr. Edward Sullivan's meeting with Copeland and Attorney in Laurens tomorrow.	0.80 hrs \$72.00
07/23/08	EDS	(NO CHARGE) Travel to and from Laurens; office conference with Ms. Copeland, Mr. Rheney regarding personal effects; review of judgment; review of Probate file.	4.90 hrs \$0.00
07/24/08	EDS	(NO CHARGE) Correspondence.	0.20 hrs \$0.00
07/24/08	EDS	(NO CHARGE) Office conference with staff regarding correspondence to recipients of personal effects; correspondence.	1.20 hrs \$0.00
07/28/08	EDS	(NO CHARGE) Receipt and review of correspondence.	0.30 hrs \$0.00
07/29/08	EDS	(NO CHARGE) Telephone call regarding bequests, recipients; office conference with paralegal.	0.30 hrs \$0.00
07/30/08	EDS	(NO CHARGE) Preparation for meeting.	2.00 hrs \$0.00
07/31/08	EDS	(NO CHARGE) Travel to and from Newberry/Laurens; meeting with Ms. Copeland, Mr. Moore, appraiser, others; office conference with Palmetto Bank; visit property; meet with prospective buyer; meet with Mr. Copeland.	8.80 hrs \$0.00
08/01/08	EDS	(NO CHARGE) Receipt of message; office conferences with staff regarding meeting with heirs.	0.30 hrs \$0.00
08/08/08	EDS	(NO CHARGE) Telephone conference with Mr. White; Receipt and review of correspondence.	0.40 hrs \$0.00
08/11/08	EDS	(NO CHARGE) Telephone conference with Mr. Wilson; Receipt and review of message from Rev. Hunter.	0.30 hrs \$0.00
08/12/08	EDS	(NO CHARGE) Correspondence.	0.10 hrs \$0.00
08/12/08	EDS	(NO CHARGE) Review of file status.	0.10 hrs \$0.00
08/27/08	EDS	(NO CHARGE) Review of tax information; office conference with Mr. Bodiford regarding tax returns; other; review of insurance policy; payment of premium.	1.20 hrs \$0.00
08/28/08	EDS	(NO CHARGE) Receipt of message from Mr. Major; Telephone conference with Mr. Major.	0.20 hrs \$0.00
09/02/08	EDS	(NO CHARGE) Receipt and review of Income Tax Return.	0.30 hrs \$0.00
09/02/08	EDS	(NO CHARGE) Telephone conference with Mr. Wilson regarding proposed division; correspondence.	0.40 hrs \$0.00
09/02/08	EDS	(NO CHARGE) Receipt and review of correspondence; proposed subdivision.	0.90 hrs \$0.00
09/03/08	EDS	(NO CHARGE) Receipt and review of correspondence; office conference with staff regarding Release.	0.30 hrs \$0.00
09/04/08	EDS	(NO CHARGE) Telephone conference with appraiser; Telephone conference with Mr. Wilson; Telephone conference with Rev. Hunter; Telephone conference with	2.40 hrs \$0.00

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		Mr. Heard; Telephone conference with Ms. Brown; Telephone conference with Ms. Moses; Review of proposal; Planning.	
09/05/08	AMW	Receipt and review Receipt / Release with Waiver.	0.10 hrs \$9.00
09/11/08	EDS	(No Charge). Attempt to reach salvage dealer; left message.	0.20 hrs \$0.00
09/11/08	EDS	(NO CHARGE) Correspondence.	0.50 hrs \$0.00
09/11/08	EDS	(No Charge) Planning; correspondence.	2.00 hrs \$0.00
09/12/08	EDS	(No Charge). Correspondence regarding property division; planning; review of sketches.	1.40 hrs \$0.00
09/15/08	EDS	(NO CHARGE) Review and execution of Estate tax return.	0.30 hrs \$0.00
09/15/08	PKB	Review the letter from Carolina Cash Company enclosing a refund due to the Estate.	0.10 hrs \$9.00
09/17/08	EDS	(NO CHARGE) Planning.	0.30 hrs \$0.00
09/19/08	PKB	Review the letter from Lisbon Church regarding the division of the real estate involved in this matter.	0.10 hrs \$9.00
09/21/08	EDS	(NO CHARGE) Correspondence.	0.10 hrs \$0.00
10/23/08	EDS	(NO CHARGE) Correspondence; travel to Laurens; telephone calls with Mrs. Moses; inspection of premises.	0.40 hrs \$0.00
09/24/08	EDS	(NO CHARGE) Telephone conference with Laurens Agricultural office; execution of application.	1.00 hrs \$0.00
09/26/08	EDS	(NO CHARGE) Receipt and review of correspondence.	0.10 hrs \$0.00
10/01/08	EDS	(NO CHARGE) File review.	0.10 hrs \$0.00
10/02/08	PKB	Review the bill from the accountant, Clifton Bodiford.	0.10 hrs \$9.00
10/07/08	EDS	(NO CHARGE) Attempt to reach appraiser; left message.	0.10 hrs \$0.00
10/07/08	EDS	Telephone conference with auctioneer; Telephone conference with counsel; Correspondence with Mr. Griffith.	0.50 hrs \$0.00
10/13/08	EDS	(NO CHARGE) Receipt and review of correspondence; review of proposed division.	0.40 hrs \$0.00
10/13/08	PKB	Review the new land division proposal from Major & Company.	0.20 hrs \$18.00
10/14/08	EDS	(NO CHARGE) Correspondence.	0.40 hrs \$0.00
10/15/08	EDS	(NO CHARGE) Correspondence.	0.30 hrs \$0.00
10/16/08	EDS	(NO CHARGE) Planning.	2.00 hrs \$0.00
10/20/08	EDS	(NO CHARGE) Receipt and review of correspondence; North Carolina correspondence; review of executed receipts, release and waiver.	0.60 hrs \$0.00
10/21/08	EDS	(NO CHARGE) Telephone conference with Hampton Hunter; planning; Receipt and review of correspondence.	0.50 hrs \$0.00
10/21/08	PKB	Review the receipt and releases received today from 2 of the people who received personal property from the	0.10 hrs \$9.00

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	Estate.		
10/23/08	EDS	(NO CHARGE) Inspection of premises.	
10/27/08	PKB	Review the receipt and releases received today to ensure accuracy and completion.	0.40 hrs \$0.00
10/28/08	EDS	(NO CHARGE) Inspect premises; meeting with Ms. Milam.	0.10 hrs \$9.00
10/29/08	EDS	(NO CHARGE) Telephone conference with Ms. Brown regarding conference, hay; planning; Receipt and review of correspondence.	2.30 hrs \$0.00
10/30/08	EDS	(NO CHARGE) Correspondence; Telephone conference with Ms. Brown.	0.50 hrs \$0.00
11/05/08	EDS	(NO CHARGE) Office conference with Mr. Howe.	0.40 hrs \$0.00
11/05/08	JDG	Receipt and review of a copy of Eddie Sullivan's letter to parties.	0.70 hrs \$0.00
11/05/08	PKB	Telephone call to Terry howe's office concerning today's meeting.	0.10 hrs \$14.50
11/12/08	EDS	Receipt and review of correspondence regarding Accounting.	0.10 hrs \$9.00
11/12/08	PKB	Attempt to obtain the latest bank statements in preparation to update the accounting.	0.20 hrs \$0.00
11/17/08	EDS	(NO CHARGE) Receipt and review of correspondence; correspondence.	0.50 hrs \$45.00
12/01/08	EDS	Office conference with paralegal regarding Request for Extension.	0.10 hrs \$0.00
12/01/08	PKB	Prepare an extension of time request to be filed with the court.	0.20 hrs \$0.00
12/02/08	PKB	Draft the letter to the court filing the Motion for Extension of Time to file Final Closing Documents	0.20 hrs \$18.00
12/05/08	EDS	(NO CHARGE) Telephone conference regarding property.	0.10 hrs \$9.00
12/31/08	EDS	(NO CHARGE) Review of Tax notice.	0.30 hrs \$0.00
01/05/09	EDS	(NO CHARGE) Receipt and review of correspondence; correspondence.	0.20 hrs \$0.00
01/05/09	PKB	Review the letter received from Martha Brown concerning the division of the real estate.	0.30 hrs \$0.00
01/05/09	PKB	Review the previously prepared accounting and verify its accuracy. Prepare all supporting documents.	0.10 hrs \$9.00
01/06/09	PKB	Continue revising and updating the accounting for the estate. Create a spreadsheet incorporating all bank accounts into one for easier transfer to the accounting form for the court.	0.60 hrs \$54.00
01/07/09	EDS	(NO CHARGE) Receipt and review of e-mail correspondence regarding taxes.	4.40 hrs \$396.00
01/12/09	EDS	(NO CHARGE) Preparations and mailing of property	0.10 hrs \$0.00
			0.60 hrs \$0.00

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	taxes.	
01/13/09	EDS (NO CHARGE) Telephone conference regarding depositions.	0.30 hrs \$0.00
01/19/09	EDS (NO CHARGE) Receipt and review of e-mail correspondence regarding sale of property.	0.20 hrs \$0.00
01/27/09	EDS (NO CHARGE) Telephone conference with Bart Heard regarding status.	0.30 hrs \$0.00
01/28/09	EDS (NO CHARGE) Telephone conference with Frank McNair.	0.30 hrs \$43.50
02/02/09	EDS (NO CHARGE) Receipt and review of e-mail correspondence.	0.10 hrs \$0.00
02/03/09	EDS (NO CHARGE) Receipt and review of correspondence.	0.20 hrs \$0.00
02/03/09	EDS (NO CHARGE) Correspondence; Receipt and review of correspondence.	0.40 hrs \$0.00
02/04/09	EDS Receipt and review correspondence, Motion to Dismiss. [No charge]	1.00 hrs \$0.00
02/04/09	PKB Draft a letter to the Court enclosing a copy of the Common Please Complaint in this matter. Gather the Complaint and prepare it for forwarding to the court.	0.30 hrs \$27.00
7/05/09	EDS Receipt and review correspondence; correspondence. [No charge]	0.60 hrs \$0.00
02/11/09	EDS (NO CHARGE) Receipt and review of correspondence.	0.10 hrs \$0.00
02/11/09	JDG E-mail to Barbara Galeno; conference regarding case management regarding Presbyterian Home	0.30 hrs \$43.50
02/19/09	EDS Preparation of Amended Complaint, correspondence.	0.90 hrs \$0.00
03/04/09	PKB Review the homeowner's policy prior to issuing payment to ensure proper and complete coverage.	0.60 hrs \$54.00
03/16/09	PKB Telephone call to American Modern Home Insurance Company concerning the termination letter we received. Several telephone calls from the Taylor Agency concerning the payment on this account.	0.40 hrs \$36.00
03/27/09	EDS Telephone conference with counsel regarding various items; correspondence; research. [NO CHARGE]	0.50 hrs \$0.00
06/11/09	EDS [NO CHARGE] Receipt and review correspondence re account.	0.10 hrs \$0.00
06/15/09	EDS (NO CHARGE) Correspondence to Mr. Jack D. Griffith; Receipt and review correspondence from Mr. Jack D. Griffith.	0.20 hrs \$0.00
06/16/09	EDS (No Charge) Receipt and review of Griffith correspondence.	0.10 hrs \$0.00
06/16/09	EDS (No Charge) Correspondence regarding production of documents.	0.30 hrs \$0.00
5/17/09	EDS (No Charge) Receipt and review of correspondence regarding meeting with Mr. Milam.	0.10 hrs \$0.00

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06/17/09	EDS	(No Charge) Attempts to reach Rowland Milan; Telephone conference with Mr. Milan; telephone calls regarding planning of meeting; correspondence.	0.50 hrs \$0.00
06/18/09	EDS	(NO CHARGE) Inspect site, downed trees.	0.40 hrs \$0.00
06/26/09	EDS	(No Charge) Telephone call regarding crop payment; review of contract.	0.50 hrs \$0.00
06/26/09	EDS	(NO CHARGE) Telephone call regarding tree clearing.	0.20 hrs \$0.00
06/29/09	EDS	(No Charge) Review of FSA contract; Telephone conference with U.S. Department of Agriculture; office conference with U.S. Department of Agriculture; Receipt and review of correspondence.	1.50 hrs \$0.00
06/29/09	BEG	Receipt and review email correspondence regarding discovery.	0.20 hrs \$18.00
06/30/09	EDS	[NO CHARGE] Telephone conference with US Agriculture re extension.	0.10 hrs \$0.00
07/06/09	EDS	Receipt and review correspondence; correspondence. [NO CHARGE]	0.20 hrs \$0.00
07/07/09	PKB	Review the letter from Plaintiff's counsel requesting additional documentation for Dr. Barrett's simulation.	0.10 hrs \$9.00
07/08/09	EDS	Receipt and review correspondence re removal of trees / storm debris. [NO CHARGE]	0.10 hrs \$0.00
07/13/09	EDS	Receipt and review Ferguson correspondence; review of answer to interrogatories. [NO CHARGE]	0.20 hrs \$0.00
07/15/09	EDS	Receipt and review correspondence; telephone conference with Ms. Copeland re option; Receipt and review Ferguson email. [NO CHARGE]	0.50 hrs \$0.00
07/15/09	EDS	(NO CHARGE) Receipt and review correspondence.	0.10 hrs \$0.00
07/16/09	EDS	(NO CHARGE) Receipt and review correspondence regarding trees.	0.10 hrs \$0.00
07/20/09	EDS	Telephone conference re lot clean-up; correspondence. [NO CHARGE]	0.40 hrs \$0.00
07/20/09	BEG	Review Laurens County rosters to determine status of pending matters.	0.20 hrs \$18.00
07/24/09	PKB	Several telephone calls to Laurens County probate Court in an effort to locate the latest Extension of Time to File.	0.20 hrs \$18.00
07/24/09	PKB	Review the Order received from the court today and docket accordingly.	0.20 hrs \$18.00
07/27/09	EDS	(NO CHARGE) Receipt and review documents.	0.30 hrs \$0.00
08/03/09	IPR	Continue research to determine payment.	0.70 hrs \$52.50
08/04/09	IPR	Read Corpus Juris Secundum article re: payment of counsel of services related to estate, for possible use by Mr. Edward Sullivan.	0.20 hrs \$15.00
08/10/09	EDS	Receipt and review proposed correspondence to Mr. Ferguson; revision of letter. [NO CHARGE]	0.20 hrs \$0.00

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08/11/09	EDS	[NO CHARGE] Receipt and review correspondence to John Ferguson.	0.20 hrs \$0.00
08/11/09	EDS	[NO CHARGE] Preparation for trip to Laurens re trees, other.	0.50 hrs \$0.00
08/11/09	VLB	Preparation of Affidavit of Charles P. Copeland regarding his desire not to exercise his right of first refusal of the property identified under the Option to Purchase of the Last Will and Testament of Marion Milan Kay.	0.50 hrs \$45.00
08/11/09	VLB	Preparation of Quit Claim Deed from Charles P. Copeland to Edward D. Sullivan, Personal Representative of the Estate of Marion Milan Kay containing preamble clauses regarding Mr. Copeland's desire not to exercise his right of purchase of certain real estate identified in the Option to Purchase contained in the Last Will and Testament of Marion M. Kay.	0.70 hrs \$63.00
08/11/09	PKB	Review the agreement requirement and draft the agreement between the laborer contracted to clear the fallen trees and the Estate. Complete the Quitclaim Draft prepared by Vickie Baker.	0.80 hrs \$72.00
08/12/09	JER	Assist Mr. Edward Sullivan in drafting Waiver and Indemnification Agreement for company hired to remove tree from Estate property.	0.20 hrs \$15.00
08/12/09	PKB	Meet with Mr. Edward Sullivan concerning the Quitclaim Deed and Services Agreement. Continue drafting the services agreement and the deed.	0.50 hrs \$45.00
08/13/09	EDS	(NO CHARGE) Attempt to reach Ag office - left message.	0.10 hrs \$0.00
08/14/09	EDS	Telephone conferences with US Department of Agriculture re program; Receipt and review contracts; execution of contract. [NO CHARGE]	0.60 hrs \$0.00
08/21/09	EDS	[NO CHARGE] Review of documents; preparation of deed; telephone conference re Copeland option.	1.60 hrs \$0.00
08/24/09	EDS	Preparation of deed.	0.40 hrs \$58.00
08/24/09	VLB	Review of deeds and plats regarding lands into the Kay Estate for chain of ownership for preparation of Quit Claim Deed and Deed of Distribution.	1.00 hrs \$90.00
09/04/09	PKB	Complete the Farm Report and draft a letter returning the same to the USDA.	0.30 hrs \$27.00
09/14/09	EDS	Receipt and review correspondence re insurance.	0.10 hrs \$14.50
09/29/09	EDS	[NO CHARGE] Telephone conference with Mr. Rowland Milam regarding sale of property; telephone conference with Mr. Weatherford regarding sale of property.	0.40 hrs \$0.00
09/30/09	EDS	Review and execute contract with US Department of Agriculture; telephone conference with Ms. Johnson re document.	0.30 hrs \$43.50

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10/12/09	EDS (NO CHARGE) Preparation of analysis for 2008 Estate Income Tax Return.	0.30 hrs \$0.00
10/19/09	VLB Receipt and review statement for services from Clifton D. Bodiford for the preparation of 2008 federal and state tax returns for the Estate of Ms. Kay.	0.10 hrs \$9.00
11/09/09	EDS (NO CHARGE) Correspondence to Mr. Milam regarding proposed terms.	0.20 hrs \$0.00
11/10/09	PKB Receipt and review of the letter from Mr. Burney regarding property distribution receipts.	0.10 hrs \$9.00
11/10/09	PKB Telephone call to Mr. Burney's office to request that the statement of Mary Moses be forwarded to our office immediately.	0.10 hrs \$9.00
11/24/09	PKB Draft the Motion for Extension of Time to File Closing Documents. Draft a letter to the Court filing the same.	0.20 hrs \$18.00
12/01/09	PKB Receipt and review of the letter from Rhett Burney and the enclosed statement of Mary Moses.	0.30 hrs \$27.00
12/15/09	PKB Scan the appraisals for the 3.7+ and 6.2+ acres to be sent to Mr. Milam as requested.	0.30 hrs \$27.00
12/22/09	PKB Draft a letter to the Court requesting another extension of time to file closing documents. Draft the extension of time request.	0.20 hrs \$18.00
12/30/09	PKB Receipt and review of the signed extension of time to file closing documents.	0.10 hrs \$9.00
01/04/10	PKB Receipt and review of the letter from Martha Brown regarding the property taxes for the real property of the estate.	0.20 hrs \$18.00
01/04/10	PKB Draft a letter to Martha Brown enclosing 1/2 payment of the property taxes.	0.20 hrs \$18.00
01/04/10	PKB Verify that the 2009 Laurens County Real Property Taxes have been paid.	0.10 hrs \$9.00
01/06/10	EDS NO CHARGE - Office conference with paralegal regarding status.	0.20 hrs \$0.00
01/06/10	PKB Put the file back in order as many of the folders are empty and the documents have been crammed in various boxes in no specific order.	4.00 hrs \$360.00
01/07/10	PKB Continue putting the file back in order as many of the folders are empty and the documents have been crammed in various boxes in no specific order. Notify all magazine subscription, etc. of Ms. Kay's passing and to stop all mailings.	2.90 hrs \$261.00
01/08/10	EDS NO CHARGE - Receive and review correspondence from Mr. Milam regarding purchase of property.	0.10 hrs \$0.00
01/13/10	EDS (NO CHARGE) Telephone call with Mr. Milam regarding proposed purchase of property.	0.10 hrs \$0.00
01/14/10	EDS (NO CHARGE) Correspondence to Mr. Milam regarding	0.10 hrs \$0.00

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	proposed purchase.	
02/11/10	EDS NO CHARGE - Correspondence to Mr. Rowland Milam.	0.10 hrs \$0.00
02/12/10	EDS NO CHARGE - Visit and inspect homeplace.	0.90 hrs \$0.00
02/19/10	EDS NO CHARGE Correspondence to beneficiaries regarding roster date.	0.60 hrs \$0.00
02/23/10	EDS Telephone conference with Mr. Bryan re: Contract; Receipt and review of Contract. [No charge]	0.90 hrs \$0.00
02/23/10	EDS (NO CHARGE) Telephone conference with Mr. Heard re: Contract.	0.10 hrs \$0.00
02/24/10	EDS Receipt and review of correspondence from Mr. Heard re: Offer. [No charge]	0.10 hrs \$0.00
02/24/10	EDS Receipt and review of correspondence from Mr. Griffith re: Offer. [No charge]	0.10 hrs \$0.00
02/25/10	EDS Telephone conference with Reverend Hunter re: offering strategy. [No charge]	0.00 hrs \$0.00
02/25/10	EDS Correspondence to P. Milam; receipt and review of correspondence from Mr. Milam. [No charge]	0.00 hrs \$0.00
03/01/10	EDS No Charge. Correspondence to beneficiaries.	1.40 hrs \$0.00
03/01/10	BEG Review online court roster regarding trial term of court and prepare correspondence in connection with potential sale of property.	1.20 hrs \$108.00
03/15/10	EDS (NO CHARGE) Receipt and review correspondence from Jim Bryan.	0.10 hrs \$0.00
03/23/10	EDS (NO CHARGE) Correspondence to Mr. Bryan regarding offer.	0.10 hrs \$0.00
03/31/10	EDS (NO CHARGE) Correspondence to Jim Bryan regarding status of negotiations.	0.10 hrs \$0.00
04/09/10	EDS (NO CHARGE) Travel to Laurens; visit site, telephone call with Rowland Milam regarding contract and offer.	2.10 hrs \$0.00
04/12/10	EDS NO CHARGE - Telephone call with Mr. Wham regarding property.	0.10 hrs \$0.00
04/12/10	EDS (NO CHARGE) Correspondence to/from Mr. Griffith regarding Milam offer.	0.20 hrs \$0.00
04/13/10	EDS No Charge. Correspondence to Jim Bryan regarding Milam contract.	0.10 hrs \$0.00
04/14/10	EDS No Charge. Office conference with Mr. Heard regarding proposed sale; Telephone conference with Mr. Heard, Mr. Griffith regarding strategy, fees.	1.20 hrs \$0.00
04/14/10	EDS (NO CHARGE) Office conference with Mr. Heard regarding litigation issues, Telephone conference with Mr. Griffith regarding Heard regarding fees, strategy.	0.30 hrs \$0.00
04/14/10	EDS (NO CHARGE) Receipt and review of correspondence from Mr. Griffith regarding sale.	0.10 hrs \$0.00
04/14/10	EDS No Charge. Correspondence to Jim Bryan regarding	0.10 hrs \$0.00

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	contracts.		
04/14/10	EDS	(NO CHARGE) Receipt and review of correspondence from Mr. Milan.	0.10 hrs \$0.00
04/14/10	EDS	(NO CHARGE) Receipt and review of correspondence from Mr. Bryan.	0.10 hrs \$0.00
04/15/10	EDS	No Charge. Telephone conference with Mr. Heard regarding offer.	0.20 hrs \$0.00
04/15/10	EDS	No Charge. Telephone conference with Mr. Hunter regarding Milan offer, other issues.	0.40 hrs \$0.00
04/16/10	EDS	(NO CHARGE) Revision of contracts; correspondence to Jim Bryan regarding contracts.	0.80 hrs \$0.00
04/20/10	EDS	(NO CHARGE) Correspondence to Mr. Griffeth regarding mediation.	0.10 hrs \$0.00
04/21/10	EDS	No charge. Correspondence to Mr. Jack D. Griffeth regarding proposed sale, strategy.	0.10 hrs \$0.00
04/23/10	EDS	(NO CHARGE) Receipt and review correspondence from Mr. Milan regarding offer; correspondence to Mr. Milan.	0.20 hrs \$0.00
04/26/10	EDS	(NO CHARGE) Telephone conference with Rowland Milan regarding negotiations, purchase price, review of contract.	0.40 hrs \$0.00
04/26/10	EDS	No Charge. Receipt and review of correspondence from Mr. Milan; to correspondence Mr. Milan.	0.40 hrs \$0.00
04/26/10	EDS	(NO CHARGE) Correspondence to Mr. Milan regarding Agreement; Receipt and review of correspondence regarding Agreement.	0.20 hrs \$0.00
04/29/10	EDS	(NO CHARGE) Drafted correspondence to Mr. Milan and Mr. Bryan regarding contracts.	0.20 hrs \$0.00
05/04/10	EDS	No charge. Correspondence to Mr. Milan regarding contract.	0.10 hrs \$0.00
05/10/10	EDS	No Charge. Telephone call with Ms. Copeland regarding contract.	0.20 hrs \$0.00
05/12/10	EDS	(NO CHARGE) Receipt and review executed contracts; execution of contracts.	0.20 hrs \$0.00
05/25/10	EDS	(NO CHARGE) Correspondence to Mr. Bryan regarding closing date; other.	0.30 hrs \$0.00
05/25/10	EDS	(NO CHARGE) Research regarding petition, other; planning.	0.40 hrs \$0.00
06/02/10	BEG	Receipt, review and prepare file copies of various email correspondence with attachments for indexing and follow-up.	0.50 hrs \$45.00
06/03/10	EDS	No Charge. Preparation and review of Consents of Sale.	1.00 hrs \$0.00
06/03/10	EDS	(NO CHARGE) Correspondence to/from Ms. Stomski regarding consent to sale.	0.20 hrs \$0.00
6/04/10	EDS	(NO CHARGE) Revision of consents.	0.30 hrs \$0.00

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06/07/10 EDS	(NO CHARGE) Receipt and review of correspondence from Lisbon Presbyterian Church.	0.10 hrs \$0.00
06/07/10 EDS	No Charge. Correspondence to Lisbon Church regarding consents.	0.10 hrs \$0.00
06/07/10 EDS	No Charge. Correspondence to Mr. Milam regarding consents.	0.10 hrs \$0.00
06/07/10 EDS	(NO CHARGE) Receipt and review of correspondence from Mr. Milam regarding closing.	0.10 hrs \$0.00
06/08/10 EDS	No Charge. Receipt and review of e-mail correspondence from Lisbon Church regarding consent.	0.30 hrs \$0.00
06/08/10 EDS	No Charge. Review of consents.	0.30 hrs \$0.00
06/09/10 EDS	No Charge. Receipt and review e-mails from Sandra McNair regarding equipment; correspondence to Ms. McNair.	0.20 hrs \$0.00
06/09/10 EDS	No Charge. Receipt and review of correspondence from Rowland Milam regarding equipment.	0.10 hrs \$0.00
06/09/10 EDS	No Charge. Telephone conference with Mr. Milam regarding equipment, closing.	0.10 hrs \$0.00
06/14/10 EDS	No Charge. Correspondence to Ms. McNair regarding shop equipment.	0.20 hrs \$0.00
06/16/10 EDS	No Charge. Telephone conference with Probate Court regarding extension, consents.	0.10 hrs \$0.00
06/16/10 EDS	(NO CHARGE) Correspondence to Ms. Arnold regarding Presbyterian Home of South Carolina.	0.10 hrs \$0.00
06/16/10 EDS	(NO CHARGE) Telephone conference with Mr. Heard regarding personal effects, other issues.	0.20 hrs \$0.00
06/16/10 EDS	No Charge. Receipt and review of correspondence from Ms. Arnold regarding consent.	0.20 hrs \$0.00
06/22/10 EDS	No Charge. Correspondence to court regarding extension.	0.10 hrs \$0.00
06/23/10 EDS	No Charge. Correspondence to staff regarding Presbyterian Home consent; Receipt and review of correspondence from staff.	0.10 hrs \$0.00
06/24/10 EDS	No Charge. Correspondence to/from Ms. Stomski regarding Power of Sale, other.	0.20 hrs \$0.00
06/24/10 EDS	No Charge. Attempt to reach Mr. Coker regarding Power of Sale.	0.10 hrs \$0.00
06/25/10 EDS	No Charge. Telephone conference with Mr. Stomski regarding power of sale, other.	0.20 hrs \$0.00
06/25/10 EDS	No Charge. Review of correspondence to Judge Fridy regarding consents, power of sale.	0.30 hrs \$0.00
06/26/10 EDS	No Charge. Receipt and review of correspondence from Mr. Milam regarding closing.	0.10 hrs \$0.00
06/27/10 EDS	No Charge. Receipt and review correspondence from Mr. Milam regarding closing.	0.10 hrs \$0.00

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06/27/10	EDS	No Charge. Correspondence to Mr. Milam regarding closing.	0.10 hrs \$0.00
07/06/10	EDS	No Charge. Receipt and review of correspondence from Mr. Miles regarding closing.	0.10 hrs \$0.00
07/06/10	EDS	No Charge. Receipt and review of correspondence from Mr. Bryan regarding possession of premises.	0.10 hrs \$0.00
07/06/10	EDS	No Charge. Settlement Statement, contracts.	0.80 hrs \$0.00
07/06/10	EDS	No Charge. Preparation of deeds; review of title work.	1.00 hrs \$0.00
07/06/10	EDS	(NO CHARGE) Correspondence to Mr. Milam regarding closing, premises.	0.10 hrs \$0.00
07/08/10	EDS	No Charge. Correspondence to Mr. Bryan regarding closing.	0.30 hrs \$0.00
07/08/10	EDS	No Charge. Preparation for closing; Telephone conference with bank regarding wiring instructions.	0.20 hrs \$0.00
07/15/10	EDS	No Charge. Correspondence to Mr. Blackmon; Receipt and review of email correspondence from Mr. Blackmon regarding sale of property.	0.20 hrs \$0.00
07/15/10	EDS	No charge. Correspondence to Ms. Blackmon regarding sale of property.	0.10 hrs \$0.00
7/16/10	EDS	No Charge. Receipt and review of executed settlement statement.	0.10 hrs \$0.00
07/16/10	EDS	No Charge. Receipt and review of correspondence from Mr. Milam regarding keys.	0.10 hrs \$0.00
07/19/10	EDS	(NO CHARGE) Receipt and review of correspondence, documents from Mr. Bryan regarding closing.	0.20 hrs \$0.00
07/22/10	EDS	(NO CHARGE) Correspondence to Mr. Milam regarding keys.	0.20 hrs \$0.00
07/22/10	EDS	(NO CHARGE) Office conference with staff regarding keys.	0.30 hrs \$0.00
07/27/10	EDS	No Charge. Office conference with Mr. Hamlin regarding closing of Estate.	0.50 hrs \$0.00
07/28/10	EDS	No Charge. Correspondence to Mr. Milam regarding keys.	0.10 hrs \$0.00
08/07/10	EDS	Preparation of accounting.	0.50 hrs \$72.50
Total fees for this matter			\$6,312.50

DISBURSEMENTS

Units

Total disbursements for this matter

\$0.00

TIMEKEEPER SUMMARY

Sullivan, Edward D.	OF COUNSEL	173.30 hrs	0.00 /hr	\$0.00
---------------------	------------	------------	----------	--------

001147

00100

Sullivan, Edward D.	OF COUNSEL	7.80 hrs	145.00 /hr	21
Griffeth, Jack D.	SHAREHOLDER	0.40 hrs	145.00 /hr	\$319.00
Nelson, Larry - Investigator	INVESTIGATOR	3.50 hrs	120.00 /hr	\$58.00
Rourke, James P.	LAWCLERK	1.10 hrs	75.00 /hr	\$420.00
Young, Isabelle	LAWCLERK	2.00 hrs	75.00 /hr	\$82.50
Baker, Vickie L.	SENIOR PARALEGAL	2.30 hrs	90.00 /hr	\$150.00
Boatwright, Patty K.	SENIOR PARALEGAL	1.70 hrs	0.00 /hr	\$207.00
Boatwright, Patty K.	SENIOR PARALEGAL	54.20 hrs	90.00 /hr	\$0.00
Spearman, Barbara G.	SENIOR PARALEGAL	2.10 hrs	90.00 /hr	\$4,878.00
Stobbe, Andrea M.	SENIOR PARALEGAL	0.10 hrs	90.00 /hr	\$189.00
				\$9.00

TOTAL FEES

\$6,312.50

TOTAL DISBURSEMENTS

\$0.00

LESS COURTESY DISCOUNT

\$3,250.00

BALANCE DUE CURRENT BILL

\$3,062.50

TOTAL CHARGES FOR THIS BILL

\$3,062.50

Please remit all payments to the following address:

Collins & Lacy, PC
P.O. Box 12487
Columbia, S.C. 29211
(803)256-2660

PLEASE REFERENCE OUR 16 DIGIT BILL NUMBER LOCATED AT THE TOP OF THIS BILL.

TASK CODE SUMMARY

Task Code	Task	This Bill
L110	Fact Investigation/Development ..	\$805.00
L120	Analysis/Strategy	\$2,766.00
L130	Experts/consultants	\$386.50
L140	Document/file management	\$18.00
L150	Budgeting	\$693.00
L160	Settlement/Non-binding ADR	\$0.00
L190	DO NOT USE	\$0.00
L210	Pleadings	\$42.00
L250	Other Written Motions and Subm	\$108.00
L310	Written Discovery	\$1,341.00
L320	Document production	\$9.00
L330	Depositions	\$90.00
L440	Other trial preparation and su	\$0.00
		\$54.00



Edward D. Sullivan | Direct Dial: 803.255.0459 | E-Mail: esullivan@collinsandlacy.com
Of Counsel

May 13, 2010

Mr. Charles Copeland
5067 Lisbon Road
Mountville, SC 29370

*Re: Estate of Marion M. Kay
ES No.: 2007ES3000208
C&L File No.: 1147-100*

Dear Chuck:

As we've discussed, the last will of Marion M. Kay provides that you have an option to purchase real estate she owned at her death. At the time of her death, Ms. Kay owned a 10-acre tract and home (the "Homeplace") and a 1/2 undivided interest in approximately 330 acres (the "Farm").

The Estate has entered into 3 contracts with Rowland Milam for the sale and purchase of its interest in the real estate (the 10 acre home place is broken down into 2 parcels for this purpose - one being the house and 6+ acres and the other being the remaining 3+ acres on the opposite side of Lisbon Road). The purchase prices contained in the contracts are as follows:

<u>Property</u>	<u>Purchase price</u>	<u>Appraisal</u>
330+ acres (1/2 interest)	\$292,500	\$307,000
6.238 acres, house and buildings	\$57,000	\$64,000
3.762 acres	\$17,500	\$20,000

Please review the enclosed contracts and call if you have any questions. You will note that the closing of the transactions is contingent upon approval of the Probate Court and at least one-half of the beneficial interests in the Estate.

In the next few days I plan to petition the Probate Court for its approval of these contracts. You (and all persons named in the will) will receive a copy of that petition, as well as a proposed response for you to sign if you approve the contracts and the transactions contemplated therein and agree for the transactions to close notwithstanding the option granted to you in the Will. If everyone approves, I do not believe a hearing will be necessary, and we can move forward with the closing.

On the other hand, if you are interested in pursuing the option as it is written in the will, please let me know and we'll ask the probate court to set a hearing.

Collins & Lacy, P.C. | 1330 Lady Street, Sixth Floor (29201) PO Box 12487 | Columbia, SC 29211
ph 803.256.2660 f 803.771.4484 www.collinsandlacy.com

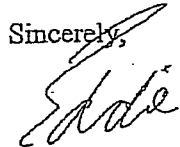
Exhibit 8

Mr. Charles Copeland
May 13, 2010
Page 2

As you know, I am the personal representative of the estate. As such, I cannot, and do not, offer legal counsel in this matter. Please consult with an attorney if you feel you need to do so.

If you have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in cursive script, appearing to read "E. D. Sullivan", written over the word "Sincerely,".

Edward D. Sullivan

EDS:cmh
Enclosures

Edward D. Sullivan | Direct Dial: 803.255.0459 | E-Mail: esullivan@collinsandlacy.com
Of Counsel

May 2, 2008

Mrs. Martha Milam Brown
2205 Pine Knoll Circle
Conyers, GA 30208

Mrs. Mary Leona Milam Moses
Post Office Box 371
Mauldin, SC 29662

Mr. Charles Copeland
5067 Lisbon Road
Mountville, SC 29370

Re: Estate of Marion M. Kay
ES No.: 2007ES3000208
C&L File No.: 1147-100

Dear Martha, Mary Leona and Chuck:

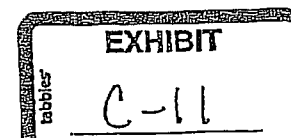
This correspondence is to outline the proposal for settling the Estate of Marion M. Kay.

1. Chuck Copeland has an option to buy Marion's real estate. Chuck has agreed to pay the fair market value of \$1500 per acre as per the recent appraisal for 46.85 acres more or less that extends behind his home. The Estate and Mary Leona and Martha would convey the property to Chuck in exchange for the purchase price and the release of any further option to buy additional real estate.

2. The 4.59 acres or so that were not previously deeded to the heirs of W.H. Milam at the corner of South Harper Extension and Lisbon Road would be deeded out as per a purported agreement between the heirs of A.B. Milam and the heirs of W.H. Milam.

3. The remainder of the real property would be divided into four tracts based on the concept that I previously discussed with Martha and Mary Leona, the exact lines of which will be determined.

4. After dividing the real property, the portion belonging to the Estate of Marion M. Kay would be offered for sale to Mary Leona and/or Martha at the appraised value as per the recent appraisals, adjusted for the aforementioned 4.59 acres as described above. In exchange for that offer, the heirs of W.H. Milam, i.e. Martha and Mary Leona, would release their right of first refusal. At that time Martha and/or Mary Leona could buy out Marion's real estate or



choose not to. I would suggest that after the land is divided, Martha and/or Mary Leona would have sixty (60) days to close if they so elect. If Martha and/or Mary Leona do not close the sale within sixty (60) days, the real property will be offered for sale to the highest bidder.

After payment of expenses and claims, if any, the proceeds from these sales would be distributed according to the Will of Marion M. Kay.

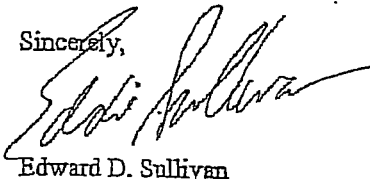
I expect to meet with the appraiser and the surveyor next week to determine the property lines of the division so that the heirs of W.H. Milam and the Marion Kay Estate receive equal value of road frontage, open land and timber. I will then get with Mary Leona and Martha to establish the agreement as to the exact boundary lines of the tracts and the total purchase price as adjusted for the 4.59 acres.

All of the foregoing is subject to necessary court approval, if any. If you agree with the foregoing in principle, let me know as soon as possible. I will send out copies of the plats, settlement statements and prepare the appropriate contracts for your review.

As I am sure you're all aware, I am the Personal Representative for the Estate. Therefore, my fiduciary duty and obligations are to the Estate. I cannot, and do not, act as anyone's attorney in any matter relating to the Estate of Marion M. Kay. Please govern yourselves accordingly.

I'm hopeful that we're to the point where we can resolve all issues with this proposal. If you have any questions, please do not hesitate to call.

Sincerely,



Edward D. Sullivan

EDS:bre

Cc: Neely Blackmon, Lisbon Presbyterian Church
Bart Heard
Marla Orlas
Presbyterian Home of South Carolina-Clinton

Sheri Neely

From: Kim Harbison [delivery@yousendit.com]
 Sent: Friday, May 18, 2012 10:37 AM
 To: Sheri Neely
 Subject: Kay Estate

Files have been sent to you

from kharbison@dghlaw.net via YouSendIt.

Mr. Ferguson,

The documents were too large to send by regular email so I am sending them using yousendit. You will have until June 1, 2012 to download these documents.

I have attached the 2-02-2011 hearing transcript and the 2-21-2011 hearing transcript as well as the court reporter's changes for both. I have also attached the invoices for both which according to the Judge's Order half will be paid by each party out of the distribution of the settlement.

If you have any questions, please do not hesitate to call.

Thank you,
 Sheri Neely
 Legal Assistant
 Law Office of Daryl G. Hawkins
 803-733-3531
sneely@dghlaw.net

6 files were sent to you.



2011-02-02 Court Reporter changes to transcript.pdf



2011-02-02 Hearing Transcript.ptx



2011-02-21 Court reporter re changes to Hearing transcript.msg



2011-02-21 Hearing Transcript.pdf



2011-02-25 - Inc - Probate Ct encl Short Ct Reportg

bill \$285 for hearing.pdf



2011-05-27 - Inc - Garber Reportg encl Invoice
\$1592.10 for transcript.pdf

Size: 11.03 MB Files will be available for download until June 01, 2012 07:36 PDT.

© 2003-2012 YouSendIt Inc. 1919 S. Bascom Ave, 3rd Floor, Campbell, CA 95008
[Privacy](#) | [Terms](#)

Sheri Neely

From: Sheri Neely
Sent: Friday, May 18, 2012 11:11 AM
To: Edward Sullivan (esullivan@esullivanlaw.com); John R. Ferguson (jferg@backroads.net); Kim Harbison; Sheri Neely
Subject: Kay Estate

Mr. Ferguson,

failed to mention in the "yousendit" correspondence that we have been in the process of trying to order the latest hearing (1/11/2012) transcript and still have not received it.

Per the Judge's Order, we will instruct the court reporter to bill us for half of the bill and you for the other half of the bill.

Thank you,

Sheri Neely
Legal Assistant

Law Office of Daryl G. Hawkins, LLC
Post Office Box 11906
Columbia, South Carolina 29211-1906

1 Elmwood Avenue, Suite 305
Columbia, SC 29201-2150

Phone: 803.733.3531 | Fax : 803.744.1949 | : sneely@dghlaw.net
www.hawkinslawfirm.com

DARYL G. HAWKINS
CHARLES E. USRY
KRISTIN J. MCARTHUR

LAW OFFICE OF
DARYL G. HAWKINS, LLC
1331 Elmwood Avenue • Suite 305 (29201)
Post Office Box 11906
Columbia, South Carolina 29211

TELEPHONE
803.733.3531

FACSIMILE
803.744.1949

May 21, 2012

Ms. Sonya Grice (via email sonya.grice@sc.rr.com)
Ms. Mary Hoskins (via email mhoskins@garberreporting.com)
Garber Reporting
Columbia, SC

RE: Marion M. Kay Estate
January 11, 2012 hearing
Laurens County probate court

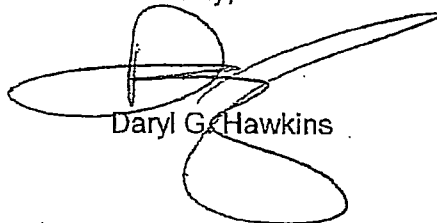
Ladies:

This is to follow up on our recent email to Ms. Grice ordering the above-reference transcript. Please provide the transcript to me at your earliest (non-expedited rates) convenience.

By Order of Judge Hocker dated March 27, 2012, Mr. Ferguson's clients are to pay for ½ of your charges for this transcript. Accordingly, please divide the invoice for this matter and submit an invoice for ½ of the charges to Mr. Ferguson and the balance to Eddie Sullivan. Please note that \$400 has previously been paid toward these charges.

If you have any questions, please do not hesitate to call.

Sincerely,



Daryl G. Hawkins

Cc: Edward D. Sullivan via email
John Ferguson via email

Sheri Neely

From: esullivan@esullivanlaw.com
Sent: Thursday, June 28, 2012 10:12 AM
To: Kim Harbison; Sheri Neely
Subject: [FWD: RE: kay estate transcript]

Ladies-

see below string of emails- how should we get ferguson a copy of the latest transcript?

E

Sullivan Law Firm, PC
 Edward D. Sullivan
 PO Box 11714
 Columbia, SC 29211
 Office phone 803.451.2775
 Cell phone 803.261.8475
 Fax 803.451.2770

----- Original Message -----

Subject: RE: kay estate transcript
From: "sonya grice" <sonyagrice@sc.rr.com>
Date: Thu, June 28, 2012 9:45 am
To: <esullivan@esullivanlaw.com>

I was incorrect. Mr. Ferguson was not provided a copy, per Mr. Hawkins' letter of May 21, 2012. I just reviewed my instructions to my office and it was to only deliver the transcript to Mr. Sullivan and divide the invoice with Mr. Ferguson. Please contact Ciel at Garber Reporting for any clarification. I am providing her a copy of Mr. Hawkins' letter, dated May 21, 2012 now.

From: esullivan@esullivanlaw.com [<mailto:esullivan@esullivanlaw.com>]
Sent: Thursday, June 28, 2012 8:59 AM
To: sonya grice
Cc: 'Ciel Englert'
Subject: RE: kay estate transcript

ok-

now i just need to know if a transcript was sent to Ferguson as well

E

Sullivan Law Firm, PC
 Edward D. Sullivan
 PO Box 11714

Columbia, SC 29211
 Office phone 803.451.2775
 Cell phone 803.261.8475
 Fax 803.451.2770

----- Original Message -----

Subject: RE: kay estate transcript
 From: "sonya grice" <sonyagrice@sc.rr.com>
 Date: Wed, June 27, 2012 8:48 pm
 To: <esullivan@esullivanlaw.com>
 Cc: "'Ciel Englert'" <CEnglert@garberreporting.com>

Hi,

I forwarded this message to Ciel because the office staff handles the invoicing. I asked her to respond to your question because she will know the answer better than I. I sent your email to her at the end of the day today so she will probably get back to you tomorrow.

Sonya

From: esullivan@esullivanlaw.com [mailto:esullivan@esullivanlaw.com]
Sent: Wednesday, June 27, 2012 3:51 PM
To: sonya grice
Cc: Kim Harbison; Sheri Neely; Daryl Hawkins
Subject: kay estate transcript

sonya-

received latest transcript-

did you send a copy to ferguson in laurens?

got the bill for 341.76- is that 1/2 of the total?

we had earlier paid \$400 i believe

thanks

Eddie

Sullivan Law Firm, PC
 Edward D. Sullivan
 PO Box 11714
 Columbia, SC 29211
 Office phone 803.451.2775

Sheri Neely

From: Kim Harbison
Sent: Thursday, June 28, 2012 11:40 AM
To: John R. Ferguson (jferg@backroads.net)
Cc: Sheri Neely
Subject: Kay Estate - January 11, 2011 Transcript
Attachments: 2011-01-11 Hearing Transcript.ptx

Per the Court's direction, attached is the PTX of the hearing transcript from January 11, 2011.
 Do you have the exhibits? We have scanned exhibits I can send if you don't have them.

Kimberly E. Harbison
Legal Administrator
 Law Office of Daryl G. Hawkins, LLC
 1331 Elmwood Avenue, Suite 305
 Columbia, South Carolina 29201-2150

Mailing Address:
 Post Office Box 11906
 Columbia, South Carolina 29211-1906

☎: 803.733.3531 | 📠: 803.744.1949 | ✉: <mailto:kharbison@dghlaw.net>
www.dghlaw.net

Forget about all the reasons why something may not work. You only need to find one good reason why it will. -DR. ROBERT ANTHONY

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IRS CIRCULAR 230 NOTICE: Internal Revenue Service regulations generally provide that, for the purpose of avoiding federal tax penalties, a taxpayer may rely only on formal written advice meeting specific requirements. Any tax advice in this message, or in any attachment to this message, does not meet those requirements. Accordingly, any such tax advice was not intended or written to be used, and it cannot be used, for the purpose of avoiding federal tax penalties that may be imposed on you or for the purpose of promoting, marketing or recommending to another party any tax-related matters.

Sheri Neely

From: esullivan@esullivanlaw.com
Sent: Monday, July 02, 2012 12:45 PM
To: sonya grice
Cc: Kimberly Shark; Sheri Neely
Subject: Kay Estate - 1/11/12 hearing transcript/exhibits

Sonya-

I'm told the transcript you sent reflect exhibits "retained by court reporter"-

will you scan and email to us?

thanks

Eddie

Sullivan Law Firm, PC
Edward D. Sullivan
PO Box 11714
Columbia, SC 29211
Office phone 803.451.2775
Cell phone 803.261.8475
803.451.2770

Sheri Neely

From: jferg [jferg@backroads.net]
 Sent: Tuesday, July 10, 2012 9:06 AM
 To: Kim Harbison
 Subject: Re: Kay Estate - January 11, 2011 Transcript

My understanding of the order was that I would receive a copy of what you received, which would include a printed version of the transcript. Is this forthcoming? If not, I can have one done and send you a bill for half. Let me know.

<—Original Message—>

From: Kim Harbison [kharbison@dghlaw.net]
 Sent: 6/28/2012 11:40:13 AM
 To: jferg@backroads.net
 Cc: Sheri Neely
 Subject: Kay Estate - January 11, 2011 Transcript

Per the Court's direction, attached is the PTX of the hearing transcript from January 11, 2011. Do you have the exhibits? We have scanned exhibits I can send if you don't have them.

Kimberly E. Harbison
Legal Administrator

Attorney at Law
 v Office of Daryl G. Hawkins, LLC
 1331 Elmwood Avenue, Suite 305
 Columbia, South Carolina 29201-2150

Mailing Address:
 Post Office Box 11906
 Columbia, South Carolina 29211-1906

☎: 803.733.3531 | 📠: 803.744.1949 | ✉: <mailto:kharbison@dghlaw.net>
www.dghlaw.net

Forget about all the reasons why something may not work. You only need to find one good reason why it will. -DR. ROBERT ANTHONY

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IRS CIRCULAR 230 NOTICE: Internal Revenue Service regulations generally provide that, for the purpose of avoiding federal tax penalties, a taxpayer may rely only on formal written advice meeting specific requirements. Any tax advice in this message, or in any attachment to this message, does not meet those requirements. Accordingly, any such tax advice was not intended or written to be used, and it cannot be used, for the purpose of avoiding federal tax penalties that may be imposed on you or for the purpose of promoting, marketing or recommending to another party any tax-related matters.

Sheri Neely

From: jferg [jferg@backroads.net]
 Sent: Tuesday, July 10, 2012 9:14 AM
 To: Kim Harbison
 Subject: Re: RE: Kay Estate - January 11, 2011Transcript

Thank you.

<-----Original Message----->

From: Kim Harbison [kharbison@dghlaw.net]
 Sent: 7/10/2012 9:11:38 AM
 To: jferg
 Cc: Sheri Neely, Kim Harbison
 Subject: RE: Kay Estate - January 11, 2011Transcript

I don't really understand that if we have to pay our ½ to copy ours, but I will print you a copy and mail it to you today.

From: jferg [mailto:jferg@backroads.net]
 Sent: Tuesday, July 10, 2012 9:06 AM
 To: Kim Harbison
 Subject: Re: Kay Estate - January 11, 2011Transcript

My understanding of the order was that I would receive a copy of what you received, which would include a printed version of the transcript. Is this forthcoming? If not, I can have one done and send you a bill for half. Let me know.

<-----Original Message----->

From: Kim Harbison [kharbison@dghlaw.net]
 Sent: 6/28/2012 11:40:13 AM
 To: jferg@backroads.net
 Cc: Sheri Neely
 Subject: Kay Estate - January 11, 2011Transcript

Per the Court's direction, attached is the PTX of the hearing transcript from January 11, 2011. Do you have the exhibits? We have scanned exhibits I can send if you don't have them.

Kimberly E. Harbison
Legal Administrator
 Law Office of Daryl G. Hawkins, LLC
 1331 Elmwood Avenue, Suite 305
 Columbia, South Carolina 29201-2150

Mailing Address:
 Post Office Box 11906
 Columbia, South Carolina 29211-1906

☎: 803.733.3531 | ☎: 803.744.1949 | ✉: mailto:kharbison@dghlaw.net

eri Neely

From: Kim Harbison
Sent: Tuesday, July 10, 2012 9:17 AM
To: 'jferg'
Cc: Kim Harbison; Sheri Neely
Subject: RE: Kay Estate - January 11, 2011Transcript
Attachments: 2012-01-11 Hearing Transcript.pdf

I have a copy for you printing right now already, but here is a PDF version of the transcript for your convenience. The attachment was an E-Tran and you can download the free E-Tran program by going here:

<http://store.westlaw.com/software/ebundle/viewer/default.aspx>

From: jferg [mailto:jferg@backroads.net]
Sent: Tuesday, July 10, 2012 9:13 AM
To: Kim Harbison
Subject: Re: Kay Estate - January 11, 2011Transcript

I am not able to open this attachment.

—Original Message—>

From: Kim Harbison [kharbison@dghlaw.net]
Sent: 6/28/2012 11:40:13 AM
To: jferg@backroads.net
Cc: Sheri Neely
Subject: Kay Estate - January 11, 2011Transcript

Per the Court's direction, attached is the PTX of the hearing transcript from January 11, 2011. Do you have the exhibits? We have scanned exhibits I can send if you don't have them.

Kimberly E. Harbison

Legal Administrator

Law Office of Daryl G. Hawkins, LLC
 1331 Elmwood Avenue, Suite 305
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www.dghlaw.net

Don't forget about all the reasons why something may not work. You only need to find one good reason why it will. -DR. ROBERT PHONY

COX FERGUSON AND WHAM, LLC

ATTORNEYS AT LAW

P.O. Box 286

LAURENS, SOUTH CAROLINA 29560-0286

W. REID COX, JR.
JOHN R. FERGUSON
ALLEN M. WHAM

PHONE: (864) 984-2126

FAX: (864) 984-7372

E-MAIL: jferg@backroads.net

2013 JUL 31 P 12:44

July 31, 2013

The Hon. Frank R. Addy, Jr.
Circuit Court Judge
528 Monument St., Rm. 210
Greenwood, SC 29646

LAURENS COUNTY
CLERK OF COURT

COPY

Re: Appeal of In the Matter of Marion M. Kay, 2012-CP-30-258

Dear Judge Addy:

I hope I may be allowed some brief comments in response to the Personal Representative's Reply to Addendum to Response of Appellants Moses and Brown. I ask the Court to consider what holdings below the Personal Representative did not contest, what he argues now which was not argued to the Court below, the disallowance of a reopening of the record in the Order Disposing of Post-Trial Motions and the PR's paucity of citations to the record in making his points, which indicates the degree to which the record offers him support. Sputtering in indignation is not an argument of the merits. I will try to avoid repeating what I have already said, which is incorporated by reference, when I can avoid it.

As to the Introductory Statement:

1. The PR sought 4.8 times the usual statutory fee for himself. At the hearing he claimed entitlement to 31% of the Estate in commissions, attorney fees and expenses (Final Order # 12), and he has since claimed to be entitled to even more for defending his malfeasance.
2. The record speaks for itself. Judge Hocker found that the necessity for the paralegal time was incomprehensible, i.e., not proven.
3. The PR's letter to Mr. Copeland (Defendants' Ex. 1) suggested to Mr. Copeland that he seek a hearing two years after his option had expired to litigate that option, which would prevent settlement of the Estate. This was against the interests of the Estate.
4. The discounts and write offs on legal fees, which were largely made after the PR knew he would be forced to justify his and his law firm's charges, were then used to boost his PR commission request. Because the charges were not necessary to begin with, the PR is not entitled to any credit for reducing them. Judge Hocker said that there was no need for a partition action. He took into account the huge charges of the PR to handle this and the fact that the heirs could have resolved it themselves much more easily and cheaply, by a reference if need be. The initial cost would have been split among the heirs seeking partition and would have been a fraction of what the PR charged. The PR's deed of distribution would have been after the Copeland option expired, so that would not have been a factor. The PR has tried to sneak in numerous factors not argued to the court below to justify his fee.

July 31, 2013
Page 2

I. Real Estate Matters

The letter the PR sent Mr. Copeland inviting him to seek a hearing in the Probate Court to contest matters relating to his expired option is in the record. Although the PR claims he was just trying to benefit the beneficiaries, in truth he was much more dedicated to benefitting himself. The PR repeatedly seeks to justify his handling of the Copeland option by saying he knew the Testatrix's intent, but the best evidence of that is the Will, which does not support his position. He argues without proof that Lisbon Presbyterian Church, which has a 50% share of the Estate, voted to approve his actions. He has provided written acceptances of his position from heirs Heard, Orias and Presbyterian Home. Where is the acceptance from Lisbon Presbyterian Church? (See Ex. C-9, Letter of Robert Fuller for an explanation of Presbyterian procedure in such matters.)

II. Personal Property Matters

Assuming for the sake of argument that the stated personal property values were within the allowable range, the PR consistently sought to boost those values for his own benefit. There was no benefit to the Estate from his efforts to minutely value the personalty. His write offs on the excess charges came after he knew that there would be a judicial examination of his work. Again the PR asserts facts not found in the record (e.g., all 3 dresses were donated to the museum).

III. Odd and Inappropriate Charges

There are many attempts here to add to the record to explain his charges instead of citing to the appellate record. This is improper. The PR makes no explanation of why it was necessary to go through "decades" of old business documents, nor does he explain why the decedent would be receiving magazines three years after she died.

IV. Enhanced Charging

The record speaks for itself about what was charged and why the PR claims he charged it. Contrary to claims that they were bitter and obstructionist, Ms. Moses and Ms. Brown did not impede the sale of the land when a buyer was found. Nor did they attempt to litigate the 5 acre question until the PR forced them to with his partition action. Again the PR improperly attempts to add to the appellate record here. The PR had previously argued that he had no duty to provide interim accountings (Personal Representative's Grounds for Appeal, p. 35, #6). Now he tells the Court that he sought extensions to file them so as not to miss his deadlines (Reply to Addendum, p. 13, i).

V. What the PR Charged

The statutory commission of 5% provides a useful baseline for what a reasonable fee should look like in a normal case. The PR does not have unbounded discretion to pick a fee for himself just because he gave himself extensive powers in the Will he drafted. By presenting his fee for approval, he waived any argument that he did not need Court approval and that a different procedure should have been employed for the same court to look at the same issues. The bottom line is that the PR himself testified that he set his fee before he even started work and charged toward that target regardless of what work he was doing for the Estate. The PR does not retract his previous statement that the judge below did not give a basis for his award of a 10% fee, and this award is not supported by the facts and the judge's express conclusions. The PR's reliance on S.C. Code Section 62-3-719 (c) is misplaced. The Will did not specify a definite fee for the PR; it said that his fee should be "reasonable", and the PR submitted that question to the court, along with the reasonableness of the Collins and Lacey charges. The PR admits that some of his time was charged by Collins and Lacey

July 31, 2013
Page 3

(p. 16, k), but he does not deal with the double billing issue. He also wants credit for remitting some of the overcharges; he should have remitted all of them.

Several places in his brief the PR claims that heirs having an 80% interest in the Estate wanted things handled his way. This would be true only if the Lisbon Presbyterian Church was in agreement, but he has failed to provide any proof that they agreed. Such an agreement would have required a favorable vote of the church Session and of the congregation, and this has not occurred. The PR provided some hearsay statements that the pastor agreed with him, but he never put the pastor on the stand and the pastor by himself did not have the power to bind the church anyway.

VI. The PR's Lack of Good Faith

It is instructive that the PR does not respond to much of the evidence against him. As to the issue of the 5 acres (assuming for the sake of argument that it is actually relevant to the good faith issue), he did not argue this to the court below. The hearing took place before the sale to Mr. Milam took place, so the Appellants were forced to preserve their rights. This issue is not part of the appeal.

In discussing the reasonable compensation issue, the PR once again tries to introduce into the record things which were not argued to the court below. Appellants have cited to places in the record so that the Court on appeal can see what the PR actually did argue. Once again the PR tries to argue that Lisbon Presbyterian Church agrees with him, but he has presented no evidence for this. The PR himself testified that there was very little legal work to be done, and he also testified he was aware that the Probate Court hearing was, among other things, about his fees.

The PR cites Judge Hocker's conclusion that he did not find bad faith, but this conclusion is not supported by the facts in the record or by Judge Hocker's own factual findings. By no stretch of the imagination- or of stretched facts and law- can the PR's charges be considered "reasonable". They are in fact looting by the PR contrary to his fiduciary and other duties. This Court can make its own findings of fact, because the issues are in Equity: "[T]he essential character of the matters before the court were matters of equity." Personal Representative's Grounds for Appeal, p. 19.

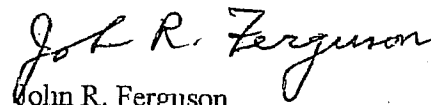
I do not want to get too bogged down in the transcript issue. For whatever reason, I did not receive the transcripts on May 18, 2012 as alleged. It was not until a year later that I received them. I have not alleged bad faith on the part of the PR or his counsel stemming from this; I merely raised it to explain why I had not earlier filed my Addendum. Without waiving my position that appeals should be on the record, I am enclosing copies of some e-mails and letters relevant to the issue (which ultimately is not part of this appeal). As stated, I have already paid the court reporter \$ 331.22 for the transcripts, which is what she billed me for. Let me know when/if you want me to hunt up the cancelled check. If the Court finds that more is owed, it will be paid as well.

Finally, I ask the Court to note that the PR provided no explanation for the \$ 3331 attorney fee he paid, in defiance of Judge Hocker's clear ruling on p. 7(f) of the Final Order. He did not offer any explanation of why he ignored the order to pay my fee while paying the disputed Collins and Lacey fee, and he ignored the issue of the increase in value of the stocks and bonds. I do not concede that he is entitled to any fee, but he certainly is not entitled to more than the statutory minimum of 5% if he is entitled to anything.

July 31, 2013
Page 4

I you determine that anything needs to be clarified, please let me know.

Sincerely,



John R. Ferguson
Counsel for Appellants
Brown and Moses

JRF/wp
Encl.

CC: Daryl G. Hawkins, Esq. ✓

STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

IN THE MATTER OF MARION M. KAY

IN THE COURT OF COMMON PLEAS

Case Number 2012-CP-30-258

**Personal Representative's
Response to Request for
Attorneys Fees by Counsel for
Appellants Moses and Brown**

Personal Representative Edward D. Sullivan (the "PR") continuing to rely on oral argument, and incorporating, previously filed Grounds for Appeal and Memorandum of Law related to the Attorney's Fee Requests, respectfully submits this Response to Request for Attorneys Fees by Counsel for Appellants Moses and Brown:

INTRODUCTION

Counsel for Brown and Moses seeks an award of fees and costs pertaining to their attorney's actions in responding to a Petition to Settle the Estate of Marion M. Kay filed by the PR on November 12, 2010. His request should be denied or limited for the following reasons:

1. Attorney's fees of Brown and Moses were denied by Judge Hocker's Order of March 27, 2012.
2. An award of legal fees, if any, pursuant to the Common Fund Doctrine should be based on a percentage and limited to a reasonable percentage of the "common fund".
3. The interests of Brown and Moses attempted to be advanced by their counsel are not identical to those of the other beneficiaries and, in at least one respect, are in direct opposition to those beneficiaries.

4. The affidavit of counsel for Brown and Moses includes hours that are improper for consideration including (1) time that pre-dates the Petition for Settlement and therefore is not related (2) time spent on an appeal filed by Brown and Moses that was voluntarily dismissed by request of counsel for Brown and Moses in the face of a Motion to Dismiss for failure to timely file the appeal (3) time devoted to interfering with efforts of the PR to settle this matter with other beneficiaries and (4) time related to appeal of probate court orders.

5. An award of attorneys fees to counsel for Brown and Moses in the amount sought would be an unreasonable fee in light of the facts and circumstances.

6. An award of attorney's fees pursuant to the Common Fund Doctrine is not appropriate in this matter since Brown and Moses did not maintain a suit for the creation, recovery, preservation or increase in a common fund or common property. In fact, they filed no action at all, but simply requested a hearing, without stating any grounds, for the Court to have a hearing on the PR's Petition for Settlement of the Estate.

7. Although Brown and Moses argue ability to pay as a reason for awarding fees, ability to pay is not a consideration in an award of fees pursuant to the Common Fund Doctrine. Additionally, an increase in the requested hourly rate from \$200 to \$250 is unwarranted. The work performed, when considering factors of the nature, extent and difficulty of the services rendered does not rise to a level of suggesting the Court should apply any loadstar; or identify any "unreasonably" or "especially" difficult legal matter. The only significant

arguments made by Brown and Moses in opposition to the PR's request for approval of fees and commissions are that:

- (1) The fees are too much; and
- (2) The PR should have deeded property directly to residual beneficiaries and should not have sought a partition action. Neither argument required any special skills or abilities. An award of 50% or more of the "common fund" is inequitable in light of all of the facts and circumstances and in review of the useful work performed towards a reduction of fees/commissions sought by the PR.

Arguments by Brown and Moses that paralegal time was unreasonably expended on valuation of personal property has already been shown in the prior Reply Memorandum of the PR to be false and inaccurate.

8. While Brown and Moses' counsel frequently references "fraud" and "fraudulent conduct", he never once even attempts to actually analyze either of these concepts or how they could conceivably apply to this matter. This is not thorough or quality legal analysis on any scale.

LAW/ANALYSIS

- I. The lower Court denied attorneys fees for work allegedly performed in relation to the Motion to Re-Open Record, Accept Additional Evidence and/or to Alter or Amend Judgment.

In his order of March 27, 2012, Judge Hocker denied any additional fees to Brown and Moses for their counsel's work subsequent to the Court's May 24, 2011 Order. See, p. 3, Order of March 27, 2012. This Order held that attorney's fees sought by Ms. Moses and Ms. Brown were denied because the Court found that "...the Common Fund Doctrine does not apply because no extra assets were generated for the Estate." If no further increase in assets for the benefit of the

residual beneficiaries occurs, then the same argument prevents any additional fees.

II. An award of attorneys fees pursuant to the common fund doctrine is not appropriate in this matter since Brown and Moses did not file an action

“The common fund doctrine allows a court in its equitable jurisdiction to award attorneys’ fees to a party who, at his own expense, successfully maintains a suit for the creation, recovery, preservation or increase of a common fund or common property.” Layman v. State of South Carolina and the South Carolina Retirement System, 376 S.C. 434, 658 S.E.2d 320 (2008) at 451, 329. In this case, however, counsel for Brown and Moses has not maintained a suit. In fact, in response to the PR’s Petition for Settlement, he filed no pleading at all. Instead, he wrote a letter and requested a hearing.

In the cases briefed citing Common Fund fee awards, the counsel involved took the risk of a contingency fee award if they were successful. Brown and Moses have never suggested their counsel was working on a contingency fee basis. Neither have they expended any significant funds for expenses. They took no risk as is normally the case for Plaintiffs and their counsel in cases where common fund issues arise. Accordingly, an award of fees pursuant to the common fund doctrine is improper.

III. The interests of Brown and Moses attempted to be advanced by their counsel are not those of the other beneficiaries and in many respects are in direct opposition to those beneficiaries.

Counsel for Brown and Moses has continuously taken a position directly opposed to the interests of the other beneficiaries in asserting a claim to a 5 acre parcel of land. See Feb. 21, 2011 Transcript at pp. 73:12 – 80:7; Jan. 11, 2012 transcript pp. 67:21 – 73:9. See, Probate Order dated March 27, 2012, p. 3. In doing so, he does not pursue a common benefit to create a common fund but would in fact take away from monies otherwise due to the other beneficiaries. The PR has successfully opposed this claim and neither Brown, Moses nor their counsel should benefit from attempts to reduce the monies otherwise due to other beneficiaries.

Further evidence that the interests of Brown and Moses and their counsel are not identical to the interests of the other beneficiaries is the fact that Brown and Moses take the position that this Court should favor them above the other beneficiaries simply because certain beneficiaries have reached a settlement with the PR. See, Addendum to the Response of Appellants, pp. 13-14, Item VII (I).

Counsel for Brown and Moses has pursued a claim for 5 acres for the benefit of Brown under the guise of pursuing a common fund that would benefit all beneficiaries. An award of fees to counsel for Brown and Moses should be barred or reduced based on this consideration and such would be a basis and ground to be taken into consideration in a percentage fee award as discussed below.

IV. Any fees allowed pursuant to the common fund doctrine should be based on a percentage of the "common fund" received.

"Historically, common fund attorney fees were calculated as a percentage of the fund. Attorney fees were thus determined almost exclusively by reference to the result obtained by the lawyer." Bennet A. McConaughy, Back to the Future: Use of Percentage Fee Arrangements in Common Fund Litigation, 12 Puget Sound L. Rev. 43, 44 (1988). Subsequently due to criticism that this method resulted in awards disproportionate to the efforts expended in generating the recovery, trial courts shifted to other methodologies, including hourly based fee methodologies. However, this resulted in abuse as well, and in 1985 federal courts, specifically the United States Courts of Appeal for the Third and Ninth Circuits, evaluated alternative methodologies. In evaluating hourly fee methodologies, their investigation cited "excess hours, duplicative or unjustifiable work, early settlement disincentive, lack of flexibility and predictability, and an increase burden on the judicial system as disadvantages to this method of setting fees." Id. at 44,45. "Both reports approve the use of percentage fee arrangements in common fund cases." Id. at 45.

In common fund cases, use of the hourly base methodologies has generated problems more serious than those they were designed to resolve. Id. at 49. A court should examine the amount of any common fund in relation to how an hourly fee award would affect the balance remaining for those for whom the fund has allegedly been created for the benefit of.

The Ninth Circuit recognizes 25% of a fund recovered for the benefit of a class as the "benchmark" for fee awards in common fund cases. See Hanlon v. Chrysler Corp., 150 F.3d 1011, 1029 (9th Cir. 1998).

The Second Circuit has held that the common benefit fund is a holdback, not a levy and that the hold back amount represents the maximum that plaintiff's counsel may receive from the fund. Mary Katherine Bedard, Attorney fee awards and the common fund doctrine: Hands in the Plaintiffs' Pockets?, www.plaintiffmagazine.com (May 2008) citing In re Zyprexa Prods. Liab. Litig., 467 F.2d 256, 266 (2d Cir. 2006).

Furthermore, a lawyer is not entitled to compensation from a common fund for work an attorney did not perform or hours he did not spend. An attorney is not entitled to compensation for hours a reasonable attorney would not have spent, or work done so poorly that it is of no value to the common benefit. No amounts are paid to attorney from the set-aside until the attorney demonstrates that he has worked for the common benefit. Id. citing cases therein.

While there is no fee agreement here between Brown and Moses or their counsel and the Estate, the general principle is that lawyers should not receive unreasonable fees. A comparison to Rule 1.5 of Rule 407, SCRCP providing that a lawyer shall not make an arrangement for, charge, or collect an unreasonable fee or unreasonable amount for expenses is warranted in considering an award of hourly fees or on a contingency basis, if awarded at all. Id.

In the Matter of Larry Laverne Hanna, 301 SC 310, 391 SE2d 728 (1990), previously cited by Brown and Moses in their Brief of Appellants of Moses and Brown (filed July 26, 2012), the SC Supreme Court found that an attorney retaining "...85% of the proceeds from [a settlement], standing alone, warrants the recommended sanction of disbarment." It would appear by comparison or

analogy that a fee of 50% or more of a "common fund" would be excessive under SC law endorsed by Moses and Brown in their own briefs filed with the Court.

The probate court awarded counsel for Brown and Moses nearly 50% of the common fund, twice as much as the 25% benchmark recognized in the Ninth Circuit. Counsel for Brown and Moses now seeks additional fees. In light of the percentage limitations in "common fund" cases, the court should deny this request and reduce the prior award of the probate court to the appropriate percentage

V. An award of attorneys fees to counsel for Brown and Moses in the amount sought would be an unreasonable fee.

An award of fees in excess of 25% of the common fund is an unreasonable fee per se in light of the total amount of the alleged fund and the amount of such fund that would go to an attorney. See, Section IV above. See also, In the Matter of Larry Laverne Hanna, 301 SC 310, 391 SE2d 728 (1990).

Brown and Moses misrepresent the record to this Court in Section VI of their July 31, 2013 correspondence to this Court that the PR paid \$3,331.00 to the PR's counsel (the undersigned) after being ordered by the probate court that the PR is personally responsible for these fees. This is false. The PR previously explained at the recent hearing and again in his Reply to Addendum to Response of Appellants Moses and Brown, Section VII, Item j. at page 22, that these fees were paid prior to the probate court's ruling, and were in fact refunded to the Estate (as reflected as a receipt by the Estate on Interim Accounting 5) pending final ruling in this matter. Secondly, counsel for Brown and Moses again

complains in his July 31, 2013 correspondence to the Court that the PR "ignored the issue of the increase in value of the stocks and bonds". This is false. This was in fact explained in the PR's Reply to Addendum to Response to Appellants Moses and Brown, Section VI, item k at page 17. The Investment Account held with Palmetto Trust and Investment Group is shown on the Inventory and Appraisal, Supplemental 1, and the "Gain on Sale of Investment Fund-Palmetto Bank" is reflected in the receipts in Interim Accounting 1. Third, counsel for Brown and Moses once again raises the issue of transcripts in his letter of July 31, 2013 to the Court. A detailed explanation concerning the transcripts is provided in the PR's Reply to Addendum to Response of Moses and Brown, Section VII, Item m at page 23, as well as Exhibit 10. Fourth, counsel for Brown and Moses has corresponded with the other Estate beneficiaries in an attempt to thwart the good faith efforts of the PR to settle this matter and wind up the Estate. (See, Exhibit 1.) Despite this obstruction by counsel for Brown and Moses, the PR has reached agreements in principle with The Presbyterian Home of South Carolina, Bart Heard and Marla Orias.

These are just a few examples which are reflections of the lack of "skill requisite to perform the legal services properly" and "the ability of the lawyer performing the services." Accordingly, this Court should not award legal fees or costs to counsel for Brown and Moses under the common fund doctrine or any other theory of recovery.

- VI. The affidavit of counsel for Brown and Moses includes hours that are improper including (1) time that pre-dates the Petition for Settlement and therefore is not related (2) time spent on an appeal that was dismissed by request of counsel for Brown and Moses (3) time devoted to interfering with efforts of the PR to settle this matter with other beneficiaries and (4) time related to appeal of probate court orders.

The Petition for Settlement was filed by the PR on November 12, 2010. The affidavit of counsel for Brown and Moses submitted to the court below included 18.50 hours dating from January 30, 2008 to November 5, 2009, pre-dating the Petition for Settlement that gave rise to this matter. The probate court awarded legal fees for those 18.50 hours. The PR respectfully submits that this was an abuse of discretion and should be reversed.

Additionally, counsel for Brown and Moses filed an appeal of the Probate Court's original Order at the time the PR moved for reconsideration. The PR moved to dismiss the appeal of Mary Moses and Martha Brown and remand the case to the Probate Court due to the Appellant not having timely filed in the Circuit Court their Notice of Intent to Appeal. See, Motion to Dismiss Appeal and for Remand by PR Edward Sullivan filed June 30, 2011. This appeal was later dismissed voluntarily by Brown and Moses and the case was remanded for consideration of the PR's motion. No award of fees should be granted for time spent on that appeal by Brown and Moses.

Furthermore, there are at least two time entries (.4 hours on 4/18/13 and .40 hours on 4/24/13) related to the efforts of counsel for Brown and Moses to undermine the efforts of the PR to settle with the other Beneficiaries. (See, letter from John Ferguson to The Presbyterian Home of South Carolina attached as **Exhibit 1.**) These charges are improper.

Finally, any time pertaining to the appeal of the original Probate Court Order by Brown and Moses should not be considered for an award of fees based on the common fund doctrine.

- VII. Ability to pay is not a consideration in an award of fees pursuant to the common fund doctrine. An increase in the requested hourly rate from \$200 to \$250 is unwarranted.

Counsel for Brown and Moses makes reference to the ability to pay his fees by his clients. This is not a consideration under the common fund doctrine. Additionally, counsel has requested his hourly rate should be \$250 rather than the previous request of \$200, a 25% increase; however, no explanation or corroboration is provided. See also, Section IV above.

CONCLUSION

For the foregoing reasons, the Court should reverse the award of legal fees by the Probate Court to counsel for Brown and Moses because the common fund doctrine does not apply and there is no other theory of recovery of legal fees. Alternatively, the Court should allow an award of fees for only the time devoted to the hearings of February 2, 2011 and February 21, 2011. In any event, such award should not exceed a reasonable percentage of the "common fund".

[Signature Page to Follow]

Respectfully submitted,

LAW OFFICE OF DARYL G. HAWKINS, LLC

By: 
Daryl G. Hawkins
SC Bar No. 2844

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August 9, 2013

Attorneys for the Personal Representative

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April 18, 2013

Presbyterian Home of S.C.
2817 Ashland Rd.
Columbia, SC 29210

Re: Marion Kay Estate

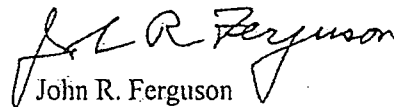
Gentlemen:

I am disappointed that you did not respond to my April 9 letter. I assume from that that you have decided to accept Mr. Sullivan's settlement offer, even though it gives you less than you should receive.

Although as a Presbyterian I am disappointed at this approach to justice and to stewardship, I accept that this is your right. However, I want to avoid any implication that you accept that this settlement is all you are entitled to, because Mr. Sullivan will attempt to use that implication to prejudice my clients. I therefore ask that you sign the enclosed statement, which I believe accurately sets out your position. (If you want to re-word it, let me know.) This costs you nothing and allows you to do what you want to do without damaging my clients' interests.

Thank you for your help.

Sincerely,


John R. Ferguson

JRF/wp
Encl.
CC: Mary Moses
Martha Brown

THE STATE OF SOUTH CAROLINA
In the Court of Common Pleas
APPEAL FROM LAURENS COUNTY
Probate Court

2012-CP-30-258

Donald B. Hocker, Associate Probate Judge

Mary M. Moses and Martha M. Brown. Appellants

STATEMENT OF PRESBYTERIAN HOME OF S.C.

We are an heir of the late Marion Kay. Although we realize that we might be entitled to more money if we stayed with the case, We are tired of it and want our money. We have therefore decided to accept what the Personal Representative has offered. This does not indicate that we agree with his position; it just means that we want to be out of the whole thing.

Authorized Representative
Presbyterian Home of S.C.

April _____, 2013

COX FERGUSON AND WHAM, LLC

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2013 AUG 13 P 4:34
August 13, 2013

The Hon. Frank R. Addy, Jr.
Circuit Court Judge
528 Monument St., Rm. 210
Greenwood, SC 29646

LAURENS COUNTY
CLERK OF COURT

Re: In the Matter of Marion M. Kay, 2012-CP-30-258

Dear Judge Addy:

This letter is my reply to the Personal Representative's Response to Request for Attorney's Fee by Counsel for Appellants Moses and Brown. Because brevity is important at this stage and because the lack of merit of many of the PR's arguments is self-evident, I will not respond to those matters which are adequately covered in my previous filings. Should the Court desire more argumentation on a given point, please let me know.

It should be noted initially that the PR is attempting to argue matters which are not within the Court's jurisdiction to decide. "In reviewing an appeal from the probate court, the circuit court must apply the same rules of law as an appellate court would apply." *Ulmer v. Ulmer*, 369 S.C. 486, 490, 632 S.E.2d 858 (2006). In his Final Order #21, Judge Hocker found that the undersigned's hours through the hearing were "necessary" and all "related to the merits of the matter". In #4 under Conclusions of Law (p. 6 of the Final Order), Judge Hocker found that I preserved and protected a common fund. There was no appeal from these findings, so they are the law of the case. *Fickling v. City of Charleston*, 372 S.C. 597, 600, 643 S.E.2d 110 (2007). An appellate court cannot consider issues on appeal which have not been preserved for appellate review. *Ulmer v. Ulmer*, 369 S.C. 486, 632 S.E.2d 858 (2006). This means that the propriety of the award to the undersigned in the orders below is not properly before this court.

Likewise, the PR now attempts to argue theories which were not argued to the Court below, such as the nature and computation of a common fund award; ability to pay as a proper factor in an attorney fee award and an alleged conflict of interest by the undersigned. This is improper. "[A]n issue cannot be raised for the first time on appeal...." *B&A Development, Inc. v. Georgetown County*, 372 S.C. 261, 271, 641 S.E.2d 888 (2007).

It is true that the judge below denied attorney fees for work done after the hearing (including for the considerable time spent drafting and re-drafting the orders). His Honor justified this by finding that the post-trial work did not generate any new assets. (See p. 3 of the March 27, 2012 order.) This overlooks the fact that a common fund award can be based upon a preservation of the common fund. The PR had sought an additional \$ 13,447.05 (Final Order #14), which the undersigned

August 13, 2013
Page 2

successfully blocked. Much of the post-trial work has been devoted to preventing the PR from reversing the gains the heirs have previously made in court, and any use of a percentage to compute the award would have to take this into account. The Estate clearly benefitted from my work.

Although I do not believe that the PR raised below the issue that I am not entitled to attorney fees because I did not "file an action," with a full reservation of rights, I will respond; because this argument highlights the meretricious approach of the PR to the issues of this case. An action is just a contested question before a court. *Young v. Southern Bell Tel. & Tel. Co.*, 75 S.C. 326, 55 S.C. 765 (1906). See also *Branyan v. Kay*, 33 S.C. 283, 11 S.E. 970 (1890). Having invited me to ask him to bring the matter before the Court with a motion, the PR cannot now claim that I should have filed a motion or other action myself. The contested questions were fully litigated in court without objection.

Having the PR claim that I did not provide a common benefit or had a conflict of interest because the interests of my clients were not (allegedly) always perfectly aligned with those of the other beneficiaries (which was not argued below) is entertaining in light of the PR's own approach to conflicts of interest and fiduciary duty. He cites no precedent for such a bar, and the factual conflict he cites was a minor side issue. I do not recall that counsel for Defendant Bart Heard ever even expressed an opinion on this matter. As to my suggestion that the heirs who are willing to accept the PR's disadvantageous terms should be treated differently, my position is simply that the Court should give them what they are asking for and no more. All of them were served with a copy of my response, and none of them has filed an objection to this.

The Court can judge for itself the sufficiency of the PR's previous responses, but the PR is not in a position to complain that I pointed out his previous lack of a response to material questions. I ask the Court to look at the date of the sale of the stocks and bonds- well before there was anything contested happening in the Estate- and to take note that the considerable proceeds from the sale of these securities apparently wound up in the PR's pocket. Had he instead held these securities, the Estate would have benefitted.

The PR has gotten so creative in his positions that even he cannot keep them straight. In his Personal Representative's Reply to Addendum to Response to Appellants Moses and Brown he assured the Court repeatedly that Lisbon Presbyterian Church, which has a 50% interest in the Estate, supports his position. (See p. 5, para. 4; p. 13, para. 1; p. 15, para. c; and p. 19, para. m,n,o.) But in the Personal Representative's Response to Request for Attorneys Fees by Counsel for Appellants Moses and Brown we are finally told (p.9), "the PR has reached agreements in principle with The Presbyterian Home of South Carolina, Bart Heard and Marla Orias." Having had his assertion challenged by the undersigned, the PR's alleged agreement with Lisbon Presbyterian is now nowhere to be found. For the PR, candor to the tribunal is a malleable concept according to the needs of the moment. The Court should take this into account in assessing the PR's bad faith.

It is for this Court to say whether my efforts were of assistance to it in understanding what the PR did. There are hundreds of pages of documents in the record with an abundance of numbers to be analyzed. This was not an easy case to deal with, and the amount of time called for was

August 13, 2013
Page 3

to a large extent caused by the PR's misdeeds. If the Court determines that my work was helpful to preserving and perhaps expanding the common fund, I should be compensated for that; and that compensation should not come from my clients alone. If my work was totally unnecessary for the Estate and for the Court, the Estate should not pay for it.

As to the time spent on the appeal which got backtracked, much of that work was useful for the appeal when it was reinstated, and the PR's motion to dismiss this appeal was withdrawn during the hearing on it. The PR's Exhibit 1 does not support his accusation that I interfered with settlement. It shows that I tried to gain a more nuanced understanding of Presbyterian Home's position, but that organization did not respond to me and apparently desires to settle on disadvantageous terms. It is my belief that I have the same right to communicate with unrepresented parties on settlement as the PR. Had the PR shared with me his communications with Presbyterian Home, he would have less cause to complain that I interfered with his efforts.

The PR takes me to task for making reference to the ability to pay in my attorney fee affidavit. Whether this is mentioned in the common fund cases or not, it is unquestionably a factor in attorney fee request cases. The PR did not appeal the use of the *Glasscock* factors by the Court below, and a court of Equity can take this factor into account. As to the increase in my hourly rate from \$ 200 to \$ 250 since 2008 when I began my representation, this amount is not excessive for attorneys of my experience and qualifications, both of which benefitted the Estate.

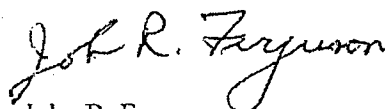
CONCLUSION

The PR's new-found tender regard for the interests of the heirs of the Marion Kay Estate is touching, but it comes too late. Once again he has tried to sneak in arguments which he did not make to the Court below and which are therefore not properly before this Court. This Court should examine the issues which are properly before it to determine a just and equitable outcome for these appeals. In doing so, it should fully vindicate the rights of the heirs, who have been grievously injured by the PR's blatant and pervasive violation of his fiduciary duty as brought to light by the efforts of the undersigned. The Court should not forget the aid provided by the undersigned in shedding light on where the PR buried the bodies of his wrongdoing and should provide for the undersigned's proper compensation. I did not delegate my work, and I make no apologies for being thorough.

Finally, the PR and his attorney have made a prolonged, detailed and hostile review of the undersigned's time sheets. I take it as high praise that the result of this intensive line-by-line scrutiny is that they have been able to direct the Court's attention to only two line items totaling less than an hour, which the facts show to have been warranted. I thank them for this affirmation.

August 13, 2013
Page 4

Sincerely,


John R. Ferguson

JRF/wp

CC: Daryl G. Hawkins, Esq. ✓

Mary M. Moses

Martha M. Brown

THE STATE OF SOUTH CAROLINA
 In the Court of Common Pleas
APPEAL FROM LAURENS COUNTY
 Probate Court

2012-CP-30-258

Donald B. Hocker, Associate Probate Judge

In the Matter of the Estate of Marion M. Kay

Mary M. Moses and Martha M. Brown. Appellants

Edward D. Sullivan as Personal Representative. Respondent

MOTION TO ALTER, AMEND OR REHEAR

TO: EDWARD D. SULLIVAN, RESPONDENT AND YOUR COUNSEL

YOU WILL PLEASE TAKE NOTICE that the undersigned will move the Court to alter or amend its Order herein filed August 21, 2013 or to rehear the matter as follows:

1. Under Rule 241, SCACR and S.C. Code Section 18-9-130 the Personal Representative was under an obligation to make the disbursements called for by the Final Order filed May 24, 2011 without delay. His refusal pay the undersigned and his clients as called for by the order automatically triggered post-judgment interest of 7.25% under S.C. Code Section 34-31-20(B). ("A money decree or judgment of a court enrolled or entered **must draw interest** according to law.") The Court must first of all impress upon the PR his duty to pay this interest to avoid further hearings and then provide a way to pay it which does not penalize Ms. Moses and Ms. Brown.

2. The same post-judgment interest law must be applied to the money which the PR was ordered to return to the Estate (\$42,475.00). It would be incredibly unjust for the PR to ignore the Court's order, have the use of the money for more than two years and then make the Estate pay for his misuse of its money.

3. During the appeal the PR filed with the Court statements from heirs Presbyterian Home, Bart Heard and Marla Orias in which

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they waived their entitlement to any portion of the \$ 42,475 the PR was ordered to return to the Estate (and therefore the interest on it). If the PR is not to pay the interest out of his personal funds, Appellants contend that this money provides a way to pay post-judgment interest without penalizing them.

4. Once the PR submitted the issue of his fee to the Probate Court, it was obligated to proceed under S.C. Code Section 62-3-719, which states that the expected PR fee is 5%. Subsection a allows a higher fee if there is a finding of "extraordinary services". The Probate Court never made such a finding, never made factual findings supporting the 10% figure and instead made many other findings indicating that the PR had performed his duties poorly to the detriment of the Estate. There is no factual or legal basis to award the PR a 10% fee, and the amount of the 10% fee was increased by the PR's costly and inflated valuations. The PR's award must be reduced.

5. The Court did not rule on the issue of the loss to the Estate from the PR's early taking of over \$ 60,000 in Estate stocks and bonds for his personal use. He had testified that the value of those securities had been rising, and the Estate should benefit.

6. The Final Order found that the undersigned should be compensated for his work below, but a necessary part of that work was the drafting and re-drafting of the orders below for which he was not compensated. This should be remedied.

The undersigned therefore moves the Court to rule on these issues in a way which will benefit the Appellants Brown and Moses.

COX FERGUSON & WHAM LLC
Attorneys for the Appellants

By: _____

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August 28th, 2013

STATE OF SOUTH CAROLINA
 COUNTY OF LAURENS
 2013 SEP 25 P 2:30
 Case Number 2012-CP-30-258

IN THE MATTER OF MARION M. KAY
 LAURENS COUNTY
 CLERK OF COURT
 Personal Representative's
 Response to Appellants Brown and Moses'
 Motion to Alter, Amend or Rehear

Personal Representative Edward D. Sullivan (the "PR") respectfully submits this Response to Appellants Brown and Moses to Alter, Amend or Rehear.

By its Order filed August 21, 2013, this Court affirmed the previous Order of the Probate Court in this matter. Brown and Moses now move the Court "to alter or amend" its Order or "rehear the matter". As "grounds", Brown and Moses list (1) post-judgment interest; (2) a purported obligation of the probate court to proceed pursuant to S.C. Code Section 62-3-719 because the PR allegedly "submitted the issue of his fee to the Probate Court"; (3) a purported "loss to the Estate from the PR's taking of over \$60,000 in Estate stocks and bonds for his personal use"; and (4) compensation allegedly due to counsel for Brown and Moses for re-drafting orders. This motion should be denied for the following reasons.

The purpose of Rule 59(e), SCRCP, to alter or amend the judgment is to request the trial judge to "reconsider matters properly encompassed in a decision on the merits." Arnold v State, 309 S.C. 157, 420 S.E.2d 834 (1992). However, Moses and Brown seek to add new grounds and new claims that are improper under Rule 59. (See, Items 1, 2, 3, 4 5 and 6.) Those issues simply were not presented to the court in their briefs or arguments before or at the hearing. Furthermore, Moses and Brown have not set forth with particularity the relief or order sought as required by Rule 7(b), SCRCP. The

prayer for relief states "[t]he undersigned therefore moves the Court to rule on these issues in a way which will benefit the Appellants Brown and Moses" which is so vague that it fails to meet the requirements of the Rule. Accordingly, their motion should be denied.

The arguments of Brown and Moses are generally incomprehensible and lack citations where any specific matters were addressed in their (Revised) Grounds for Appeal.

As to the motion to "rehear," Rule 59(a), SCRCP, provides "[a] new trial may be granted to all or any of the parties and on all or part of the issues . . . (2) in an action tried without a jury, for any of the reasons for which rehearings have heretofore been granted in the courts of South Carolina." However, Moses and Brown do not provide any reasons or cite any authority as justification for a new hearing. (In fact, their "Motion to Alter, Amend or Rehear" does not cite Rule 59 or any other authority as a specific basis for the motion. The PR presumes their motion is made pursuant to Rule 59.) In addition, Rule 7(b), SCRCP, provides "[a]n application to the court for an order shall be by motion which, unless made during a hearing or trial in open court with a court reporter present, shall be made in writing, shall state with particularity the grounds therefor, and shall set forth the relief or order sought. . . ." Brown and Moses have failed to set forth with particularity the grounds for a new hearing. Furthermore, Brown and Moses have not set forth or specified the relief sought other than the Court "rule on these issues in a way which will benefit the Appellants Brown and Moses."

Since this matter is an appeal from the Probate Court, Rule 221, SCACR, by analogy, provides the standard that must be met to warrant rehearing:

a) Rehearing. . . . A petition for rehearing shall be in accordance with Rule 224, and shall state with particularity the points supposed to have been overlooked or misapprehended by the court. . . .

; see also Kennedy v. South Carolina Retirement Sys., 349 S.C. 531, 564 S.E.2d 322 (2001) (stating "[i]n order to prevail on a petition for rehearing, appellants must demonstrate the Court overlooked or misapprehended their argument.").

To the extent one could consider time spent "redrafting" orders as included in a Ground for Appeal related to attorney's fees generally, the Motion must first be denied for lack of specificity, and second because the awards of such fees are largely in the discretion of the court. If counsel for Brown and Moses did such work then no one would be more familiar with the reasonableness, quality and usefulness of such work than the judge who apparently requested it and read it.

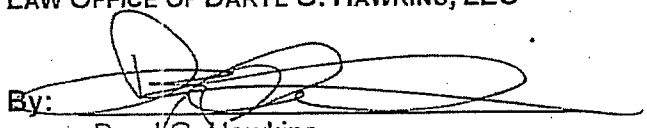
No proof or evidence is provided in the motion as to item 3.

Brown and Moses' motion to rehear fails to meet the requirement that they show with particularity how the Court's Order affirming the Order of the Probate Court overlooks or misapprehends their arguments made in their Grounds for Appeal and supporting briefs. Therefore, Moses and Brown have not met their burden of demonstrating the Court misconstrued or disregarded specific points or issues presented in their arguments. Brown and Moses have offered no compelling basis on which this Court should reconsider or reverse its Order affirming the probate court's rulings on any issue.

Accordingly, the Motion of Moses and Brown to Alter, Amend or Rehear should be denied.

Respectfully submitted,

LAW OFFICE OF DARYL G. HAWKINS, LLC

By: 

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SC Bar No. 2844

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September 20, 2013

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TRANSMITTANCE TO THE NORTH CAROLINA

In the Court of Common Pleas
2017 SEP 24 P 12:13

APPEAL FROM LAURENS COUNTY
Probate Court

LAURENS COUNTY
CLERK OF COURT
2017 SEP 30-258

Donald B. Hocker, Associate Probate Judge

In the Matter of the Estate of Marion M. Kay

Mary M. Moses and Martha M. Brown. Appellants

Edward D. Sullivan as Personal Representative. Respondent

REPLY TO PERSONAL REPRESENTATIVE'S RESPONSE TO
MOTION TO ALTER, AMEND OR REHEAR

Although the undersigned moved under both Common Pleas and appellate rules to cover all the bases, it is likely that this matter is under the appellate court rules. See *Ulmer v. Ulmer*, 369 S.C. 486, 490, 632 S.E.2d 858 (2006) and S.C. Code Section 62-1-308(d). Appellants' filing was sufficiently detailed to meet all applicable requirements, and all the issues raised are properly before the Court. See also the Conclusion of Addendum to Response of Appellants, which is incorporated herein by reference.

The attorney fee question was extensively briefed and argued, so this Court must reject Respondent's invitation to amnesia. Post-judgment interest is a matter of law for the Court and requires no further development of the record. Those issues had not arisen before the Probate Court, and so they have to be dealt with on appeal. While they could be resolved on remand, this is a needless extra step which might delay a final resolution of the case.

Respondent claims that there is no evidence at to issue No. 3, but it was Respondent's own filings with this Court of statements from heirs Presbyterian Home, Bart Heard and Marla Orias which raised the issue presented. Respondent has therefore waived his right to object that there is no proof or evidence supporting No. 3, and he is also estopped to raise this defense after arguing the issue. See for example I. on p. 23 of Personal Representative's Reply to Addendum to Response of Appellants Moses and Brown.

For all these reasons, the objections of Respondent are insufficient, and Appellants respectfully submit that they should be awarded the relief they seek.

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September 24, 2013

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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Case Tracking No. 2013-2319

**APPEAL FROM LAURENS COUNTY
COURT OF COMMON PLEAS**

Civil Action No. 2012-CP-30-258
The Honorable Frank R. Addy, Circuit Court Judge

In the Matter of the Estate of Marion M. Kay

Edward D. Sullivan, as Personal Representative
of the Estate of Marion M. Kay Appellant-Respondent,

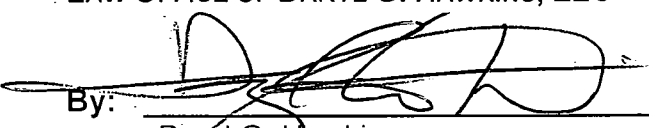
vs.

Martha Brown and Mary Moses Respondents-Appellants.

CERTIFICATE OF COUNSEL

Pursuant to Rule 210(g), SCACR, counsel for Appellant-Respondent certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

LAW OFFICE OF DARYL G. HAWKINS, LLC

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September 8, 2014

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