

22993

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

RECEIVED

DEC 20 2016

APPEAL from Court of Common Pleas of CHARLESTON COUNTY

Court of Appeals

J.C. Nicholson, Circuit Court Judge

CASE NO. 2014-CP-10-5355
Appellate Case No. 2016-000748

In Re: Estate of Norman R. Knight, Jr., (deceased), Estate of Mildred C. Knight, (deceased), and Norman Robert 'Bobby' Knight, III, Appellants,

v.

Beatrice E. Whitten, as a special administrator, and Chloe Knight-Tonney, Claimant,
Respondents.

SUPPLEMENTAL RECORD ON APPEAL

Jackson Seth Whipper
WHIPPER LAW FIRM
P.O. Box 70070
N. Charleston, South Carolina 29415
Attorney for Appellants
(843) 740-7777

Beatrice A. Whitten, Special Administrator
1110A Queensborough Blvd.
Mt Pleasant, S.C. 29464
Attorney *pro se* for Respondent
(843) 881-1399

C. Mac Gibson, Jr.
1118 Savannah Highway
Charleston, S.C. 29407
Attorney for Respondent
(843) 852-4646

INDEX

RE: SUPPLEMENTAL RECORD ON APPEAL (S.R.O.A.)

CATEGORY	PAGES
1. INDEX:	i
2. ORDERS:	
2.1. ORDER Special Probate Judge Mary Blunt - August 5, 2008	001
3. TRANSCRIPT: Appellant's	002 - 018
4. TRANSCRIPT: Respondent's	019 - 059

The Supreme Court of South Carolina

2008 AUG -6 AM 9:38

PROBATE JUDGE
K. H. TOAL

ORDER

I find that the Honorable Irvin G. Condon, Judge of Probate and Tamara C. Curry, Associate Judge of Probate for Charleston County, are disqualified from any further hearings In Re: Estate of Norman Robert Knight, Jr., and therefore is unable to sit as judge of probate in this matter.

Pursuant to the provisions of S.C. Const. Art. V, §4, and S.C. Code Ann. §14-23-1080 (Supp. 1997),

IT IS ORDERED that the Honorable Mary Blunt, Associate Judge of Probate for Dorchester County, be, and hereby is, appointed as special probate court judge to sit in the above matter. As such special probate court judge, she shall have all the powers and duties appertaining to a probate court judge for Charleston County for the handling of the above matter.

JEAN H. TOAL, CHIEF JUSTICE

BY: Rosalyn Frierson
Rosalyn Frierson, Director
South Carolina Court Administration

August 5, 2008
Columbia, South Carolina

Deposition of Probate Hearing

1 spouse or dependent individual who is a successor to
2 title, those exemptions apply against any judgments
3 against that estate, so this is where we are.

4 THE COURT: There are three aspects to this.
5 First is that the title to the subject property is
6 vested in Norman R. Knight, III. Is it your assertion
7 that if it stood alone, it would be a ground for
8 dismissal of the petition?

9 MR. WHIPPER: Yes, Your Honor, it is.

10 THE COURT: Then let's hear argument from other
11 counsel. Is there any further argument on that
12 subject?

13 MR. WHIPPER: Well, Your Honor, it is. It's
14 past, and the property is not -- in other words, the
15 claim is against the estate of Norman R. Knight, Jr.,
16 and the property no longer is in the hands of Norman
17 R. Knight, Jr.

18 MS. WHITTEN: Your Honor, there is -- I mean,
19 just to clarify, there is no currently pending
20 petition for sale. I did file such a petition in
21 Dorchester County. It was ruled upon, and I was
22 moving for the sale. However, that was one of the
23 orders that was invalidated because it was issued by
24 the associate probate judge, and the other orders that
25 were invalidated related to --

Deposition of Probate Hearing

1 THE COURT: I understand. That's one of the
2 petitions I thought we were going to be rehearing.

3 MS. WHITTEN: No, sir. I have not refiled it
4 because that is dependent on whether these claims are
5 approved. That is why I had to bring the petition.
6 If the claims are not approved, there would be no
7 reason to sell the real estate, so I'm holding that to
8 see whether that will be needed. So I believe this is
9 actually moot because there is no pending petition for
10 sale, and if the claims are denied, I would have no
11 need to sell the real estate.

12 THE COURT: My understanding is what Judge
13 Dennis did was -- I just want to go to his order.

14 MS. WHITTEN: It's certainly not a clear path,
15 Judge.

16 THE COURT: Well, if what you're saying is
17 true, essentially -- my understanding of Judge Dennis'
18 order is that the matter was reversed, and his -- at
19 least his former order says it was remanded to the
20 probate court.

21 MS. WHITTEN: The later order from the Supreme
22 Court stated, Your Honor, that the associate judges
23 did not have jurisdiction, did not have the authority
24 to issue --

25 THE COURT: The later order from the Supreme

Deposition of Probate Hearing

1 Constitution. You and other lawyer legislators are
2 serving an invaluable public service by doing this,
3 and the Chief Justice has recognized that in affording
4 the protection she has, which I have recognized.

5 At the time we scheduled the hearing for
6 July 17, it was -- we're still under the two-week
7 rule, rather than the 30-day rule. And I am mindful,
8 even though that was changed, you didn't seek
9 additional time, and I appreciate that because that
10 has brought us to this hearing and hopefully will
11 allow us to go forward more expeditious while we can.

12 But the change of venue, though, is another
13 thing. Are you still asking for change of venue, -- a
14 formal change of venue?

15 MR. WHIPPER: I am, Your Honor.

16 THE COURT: You are?

17 MR. WHIPPER: I am.

18 THE COURT: Now, by change of venue, you mean
19 all proceedings must be held in Charleston?

20 MR. WHIPPER: In Charleston County. Your
21 Honor, I tell you -- again, Your Honor, the deal with
22 what we have in our system is important, and part of
23 the implications of what we have as our system is
24 that, for one thing, fortunately probate court judges
25 are elected officials, so they're elected by those

Deposition of Probate Hearing

1 people in the county that they serve. So looking at
2 that -- well, the first aspect, you think a person who
3 lives in Charleston County would be served by the
4 probate court.

5 THE COURT: Now, you're getting into a
6 different area. I thought your motion was simply to
7 change venue as in place of trial. But are you
8 challenging my -- because I didn't -- the Chief
9 Justice appointed me.

10 MR. WHIPPER: I'm making these points as a
11 matter of law. You can see that there's some
12 consistencies with having -- first legally -- having
13 whatever occurs in a probate court for the County of
14 Charleston to happen in Charleston County because
15 that's where the constituencies for the probate court
16 are. And so then there is the forum non conveniens
17 argument that everything involved with this particular
18 issue is located in Charleston County, so hence our
19 motion.

20 THE COURT: I am sensitive to that, which is
21 the main reason I scheduled this hearing. That, and
22 also in order to get a hearing under our belt as
23 quickly as possible.

24 Any argument on this motion?

25 MS. WHITTEN: None from me, Your Honor.

1 Q. And how much money is left in the
2 estate today?

3 A. Around \$7,000.

4 Q. And if the claim included Iris Albright
5 on behalf of Family Services, and Walter Kaufmann
6 as well as funeral expenses, is there any assets
7 besides the \$7,000 you just testified to available
8 to satisfy those claims?

9 A. No, there isn't.

10 Q. And if this Court should accept Ms.
11 Tonney's claim for whatever amount, again there is
12 insufficient liquid funds to satisfy the claim,
13 correct?

14 A. That's correct.

15 Q. And it would be necessary for you to
16 sell the assets of the estate?

17 A. It might be.

18 Q. And at one point in Dorchester County
19 did you not attempt to try to get an appraiser to
20 do an appraisal of the two houses in North
21 Charleston?

22 A. Yes, I was actually directed by the
23 probate judge to do so.

24 Q. Was the appraisal ever conducted?

25 A. It was not. The appraiser conducted a

1 A. I would estimate about a month,
2 Mr. Gibson. I attempted contact on several
3 successive weekends. I went to go meet with
4 Mr. Knight and was either met with complete silence
5 at the door or I was told before I went there that
6 I would not be allowed to come in if I went there,
7 and after that happened several times, then I took
8 other action.

9 Q. Did you ever get to see Mr. Knight?

10 A. Not prior to removing him from his
11 home.

12 Q. You said prior to removing him. What
13 happened?

14 A. Not being able to see him, I informed
15 the Court that I was not able to discharge my
16 duties as guardian, and I informed the Court that I
17 thought it was an important exigent circumstance.
18 I went ex parte to the Court and filed an affidavit
19 that I was unable to contact my ward, and the Court
20 issued an order that I was permitted to remove him
21 from his home at that point.

22 Q. And did you remove him?

23 A. I did.

24 Q. How did you go about doing that?

25 A. With the cooperation of North

1 for him there?

2 A. Because it being one of the finest
3 local facilities, if someone's family is willing to
4 step in and fill the gap if there is going to be a
5 gap -- which, of course, it turns out there is no
6 gap, he died with an estate, as did Mrs. Knight,
7 but if there is going to be a gap and a family
8 member will step in, then I am happy to have a
9 family member step in.

10 MR. GIBSON: I have no further
11 questions.

12 THE COURT: Okay. Mr. Kaufmann, please
13 answer any questions Mr. Whipper may have.

14 CROSS-EXAMINATION

15 BY MR. WHIPPER:

16 Q. Mr. Kaufmann, it is my understanding
17 that when you were appointed as the guardian in
18 this case, that you were under a strict restriction
19 to consult with Mildred Knight regarding medical
20 decisions, healthcare decisions, and placement
21 decisions; is that correct?

22 A. Yes, sir.

23 Q. It goes without saying you did not
24 consult with her before you made all of these
25 decisions, did you?

1 Q. And then the next document is number
2 35, produced as part of the discovery. What does
3 document number 35 represent?

4 A. These are sweatshirts that I bought for
5 my father.

6 Q. And where did you purchase those from?

7 A. Parisian.

8 Q. And when did you make that purchase?

9 A. October 7th, 2006.

10 Q. And how much was that purchase?

11 A. \$26.74.

12 Q. And how was that purchase made?

13 A. With my personal check.

14 Q. Going to the next document, which would
15 be number 64, do you have that?

16 A. I do.

17 Q. And what does that document represent?

18 A. This is a recliner for my father.

19 Q. And when did you make that purchase?

20 A. February 1st, 2006.

21 Q. And where did the recliner go?

22 A. To Savannah House.

23 Q. That is where it was shipped to?

24 A. Yes.

25 Q. What was the total amount of the

1 questions. The time for review of documents should
2 have been before we commenced trial. So let's go
3 ahead and ask him the questions now. We are
4 delaying unduly.

5 Q. Mr. Knight, what is that document?

6 A. Well, it says it was in the Family
7 Court. It is an attorney fee affidavit signed by
8 Thad Vincent. So wanting to be paid for a Rule to
9 Show Cause.

10 Q. And then you have -- what is that?

11 A. It is an order for motion for
12 additional temporary relief.

13 Q. Okay. And turn the page.

14 A. And then there is an order for a Rule
15 to Show Cause.

16 Q. And turn the page. And does that order
17 attorneys' fees to be paid in that Rule to Show
18 Cause?

19 A. Yes, it says that Mama was supposed to
20 pay Thad Vincent \$1,298 for that.

21 MR. WHIPPER: Okay. Your Honor, we
22 would like to move that into evidence.

23 THE COURT: Okay. How many different
24 documents are there?

25 MR. WHIPPER: It is all one exhibit,

1 Judge.

2 THE COURT: But does it contain
3 multiple documents?

4 MR. WHIPPER: It does, your Honor.

5 THE COURT: We have done that before.
6 I just want to make sure we know what it is that we
7 are marking.

8 MR. GIBSON: Your Honor, objection to
9 relevancy. Paying attorneys' fees arising from a
10 Rule to Show Cause and deposing Mildred Knight has
11 nothing do with Ms. Tonney's claim.

12 THE COURT: To the extent that there is
13 a claim for attorneys' fees specifically paid to
14 Mr. Vincent, I will overrule the objection, and I
15 will have the clerk mark this document. It is all
16 stapled together. It includes an attorney fee
17 affidavit by Thad Vincent, a Family Court form
18 order, and a Family Court order from Rule to Show
19 Cause -- collectively marked Respondent's
20 Exhibit 13.

21 (RESPONDENT'S EXH. 13, ATTORNEY FEE
22 AFFIDAVIT AND FAMILY COURT ORDERS, was marked for
23 identification and received into evidence.)

24 BY MR. WHIPPER:

25 Q. Mr. Knight, what other attorneys' fees

1 orders are there in that particular case?

2 A. None.

3 Q. What is that document there? I show
4 you what has been marked as Claimant's Exhibit 6.

5 A. Yes, sir. It's Mr. Vincent's bill for
6 representing in the Family Court case.

7 Q. Okay. And are there any redactions on
8 that bill?

9 A. Yes, sir, telephone conference,
10 9/18/2007.

11 Q. All right. How much does he charge for
12 that?

13 A. \$106 for that one item.

14 Q. All right. And what was the date on
15 that?

16 A. The entry is September 18th, 2007.

17 Q. Okay. What is your opinion about
18 whether the estate should be charged with that
19 expense?

20 THE COURT: I have already ruled on
21 direct that that would not be allowed. The
22 redacted line items would not be allowed. Let's
23 move on to the next item.

24 Q. Now, we are going to have -- what
25 information -- whose funds were involved in paying S.R.O.A. 012

1 A. The other one was Queenie.

2 Q. So what came to mind with that Queenie?

3 A. When I saw Queenie's name, then that is
4 when Mom and Dad -- that is Louise Reynolds, like
5 she said, and Mom and Dad always took care of her.

6 MR. GIBSON: Your Honor, I am going to
7 object. He is talking about the Queenie account.
8 We have withdrawn --

9 THE COURT: Mr. Gibson, you were
10 present in the chambers conference where I told
11 Mr. Whipper he was going to ask questions, and
12 let's go ahead. The questions you were going to
13 ask about deposits into the Queenie account, I said
14 I would allow that. That is what I would like for
15 us to go ahead and get to. You may ask those
16 questions. You are aware of that, Mr. Gibson. I
17 am overruling your objection if we can get to that
18 question.

19 Q. And so the Queenie account, what did
20 that mean to you about the deposits in that
21 account?

22 A. In June and July of 2004, when Mom and
23 Dad were getting the powers of attorney revoked,
24 they had Louise Reynolds' power of attorney. We
25 went to the bank, and that is when Mama found

1 out -- we all were there, Wachovia Bank. The
2 lady's name was Judy, and she had informed us that
3 the only thing Mom and Dad left in the lockbox for
4 Louise were her bonds that she had bought since she
5 was in the Navy, so maybe \$160,000 or \$180,00 worth
6 of them.

7 Q. How much?

8 A. A hundred and sixty to eighty thousand.
9 It was hard to tell the exact value because the
10 face value is so old, you are supposed to get the
11 interest calculated, is what Judy said, and then
12 they will issue new bonds.

13 Q. And so what did you determine from
14 making that visit?

15 A. That because Chloe and Linda had gotten
16 Louise's power of attorney when they got Mama's in
17 January of 2004, that that money had been taken
18 away from there. The reason Mom and Dad never
19 cashed any of those bonds -- I think this will get
20 to the end of it real quick and make everybody
21 happy --

22 MR. GIBSON: Objection, your Honor. It
23 calls for speculation.

24 THE COURT: Mr. Gibson, let's get
25 through this. Let's go ahead and let him answer

1 it.

2 A. Louise was kind of next door, part of
3 our family, took meals over. She came over.
4 One day in that year after Mary passed away -- that
5 was her partner, lady partner, and Louise fell
6 down. We found her out in front of Mama's house.
7 She was coming over, and she scratched her head and
8 broke her glasses. We got her in the house, got
9 her to the doctor, and he sent her from his office
10 straight to assisted living, and then Mom and Dad
11 took care of her until my sisters used their power
12 of attorney to stop Mama from going to see Louise.

13 Q. So the power of attorneys for Ms.
14 Reynolds also came to Ms. Tonney at the same time
15 as your mother and father?

16 A. Yes.

17 Q. The only access to that account was
18 through --

19 A. Ms. Reynolds' money?

20 Q. But the only access was through?

21 A. Through Chloe Tonney and Linda Jones.

22 Q. And Chloe called Ms. Louise --

23 A. Well, Louise was Queenie, Daddy was
24 Cooter Brown, Chloe used the name Rowenna.

25 Q. So who took custody of the money?

1 A. The last time we knew where the money
2 was at -- there is one other part to that. Mary --
3 that was her partner, she had about the same amount
4 of money in bonds. They lived together for their
5 whole life. And Mary took care of her sister's
6 son, and so when Mary passed away -- she was
7 younger than Louise, so they never thought she
8 would pass away first, and then Mom and Dad saw to
9 it that Robert got the half of the bonds that he
10 was supposed to get that had his name on it. But
11 they never did anything with Louise's because she
12 was in a nursing home. I have her will, and I am
13 supposed to see to it that that gets done with.

14 Q. And that's why you felt that Queenie
15 account would hold that money?

16 A. Yes.

17 MR. WHIPPER: I have nothing further.

18 THE COURT: Okay. Thank you.

19 Any cross-examination on that?

20 MR. GIBSON: No cross-examination.

21 THE COURT: Sir, you are now excused.

22 You may step down.

23 (The witness was excused.)

24 THE COURT: Okay, any more witnesses to
25 call at this time, Mr. Whipper, in defense of the

1 entire case and make a ruling on the merits based
2 on a preponderance of the evidence in the case,
3 which has not been done; therefore, I will -- at
4 least my findings have not been done, so I will
5 deny the motion for a directed verdict or the
6 motion in effect to grant the petition without
7 consideration of the respondent's evidence. That
8 would not be appropriate, so I am going to deny
9 your motion, and I will consider all of the
10 evidence and reach a decision based on the
11 preponderance of the evidence as determined in that
12 case.

13 All right, so those two motions are
14 denied. What we have agreed upon is, there is a
15 lot of evidentiary exhibits to go through. There
16 is testimony of various witnesses to be considered.
17 We had testimony over the course of two different
18 days of trial. All counsel have agreed to the
19 following procedure: Within 30 days from tomorrow,
20 and that is by May 29th of this year, 30 days from
21 tomorrow, each petitioner -- the attorney for each
22 petitioner will submit closing argument in writing
23 by brief or memorandum by May 29th, and that is
24 both on the petition for allowance of claim and
25 the petition for removal of the personal

1 representative. Within 15 days after service of
2 the respective briefs, opposing counsel will have
3 the right within 15 days from the date of such
4 service to file argument in reply. Argument will
5 then be closed, and the Court will review the
6 evidence and all of the arguments submitted and
7 reach a decision at the earliest possible date,
8 which will be communicated to the parties, and the
9 successful parties' attorneys will be directed to
10 prepare an appropriate order or orders.

11 So with that, I would like to thank you
12 for the cooperation of counsel in arriving at these
13 stipulations. I thank everyone for their time and
14 attention. The attorneys have all done an
15 excellent job of presentation, and that always
16 makes the Court's job a lot easier. So we will --
17 I would like to thank the court reporter for her
18 services in the matter, and I would like to thank
19 the deputy for his services, and we will now
20 adjourn this proceeding. So we stand adjourned.

21 (The hearing was adjourned at 4:16.)
22
23
24
25

1 Family Services, did Mr. Knight have sufficient
2 funds to provide for his everyday necessary care?

3 A. Yes, he did.

4 Q. At some point was there -- well, let me
5 ask this --

6 A. We were starting to run low.

7 Q. And did you ever have to contact Chloe
8 Tonney for any assistance on her father's behalf?

9 A. Yes, I did.

10 Q. And why was that necessary?

11 A. When Mr. Knight was moved over to
12 Bishop Gadsden, there was really not sufficient
13 funds to maintain him in Bishop Gadsden for an
14 extended period of time, and Ms. Tonney and I
15 talked frequently about this, and she assured me
16 that if there were not sufficient funds in the
17 conservatorship account to meet his needs, that she
18 would pay the difference.

19 Q. And was Family Services involved as the
20 conservator at the time Mr. Knight was removed from
21 his home to Savannah House?

22 A. Yes, they were.

23 Q. Was there any discussion between you
24 and Ms. Tonney as to the need to buy personal items
25 for her father?

1 A. She did buy personal items for him and
2 furniture.

3 Q. And was that necessary expense for
4 Mr. Knight?

5 A. Yes, it was.

6 Q. And do you know to your knowledge
7 whether Mr. Knight had any clothes or any medicine
8 taken with him to Savannah House?

9 A. My understanding was that Mr. Knight
10 was removed from the home with just the articles of
11 clothing he wore.

12 Q. And was there an understanding between
13 you and Ms. Tonney as to any money that she had
14 spent on behalf of her father would be treated as a
15 loan?

16 A. Yes.

17 Q. Was there a discussion between you
18 Ms. Tonney with regard to the legal fees that
19 Ms. Tonney was paying to Thad Vincent on behalf of
20 her father?

21 A. Ms. Tonney submitted a letter to me
22 saying that she had paid Attorney Vincent's fees
23 and that she was considering it a loan and that it
24 was prime plus two.

25 Q. And that is what has been marked as

1 Petitioner's Exhibit Number 7. Is this indeed the
2 letter you are referring to?

3 A. Yes, it is.

4 Q. Did you have any objection to the
5 arrangement that Ms. Tonney made with Family
6 Services?

7 A. No, I did not.

8 Q. Ms. Albright, did you feel that it was
9 necessary for Ms. Tonney to pay legal fees on
10 behalf of her father?

11 A. Mr. Knight did not have the funds to
12 pay these fees and maintain his care.

13 Q. And do you know what happened by way of
14 the Family Court action?

15 A. Yes. There was an order issued that
16 Mr. Knight was to pay half of his civil service
17 funds to Mrs. Knight.

18 Q. And as a result of that, did that have
19 an impact on his financial ability to live at
20 Savannah House as well as Bishop Gadsden?

21 A. It did.

22 Q. As a result of that financial burden,
23 you made contact with Ms. Tonney?

24 A. Yes.

25 Q. For assistance?

1 A. Yes.

2 Q. Did she agree to assist her father?

3 A. Yes, she did.

4 Q. I have given you a letter from
5 Ms. Tonney to you dated March 15th, 2006, which has
6 been marked -- stamped number 1 as well number 2
7 for discovery purposes. Are you familiar with that
8 letter?

9 A. Yes, I am.

10 Q. All right. And did you in fact receive
11 this letter?

12 A. I did.

13 Q. Okay. And do you need a moment to
14 review the letter to understand the content?

15 A. I am pretty familiar with it. I
16 reviewed it last night.

17 Q. Okay. And in this letter -- what was
18 the purpose of this letter? Was it to confirm an
19 arrangement between you and Ms. Tonney?

20 A. It was to confirm that Ms. Tonney would
21 supplement for anything that her father needed that
22 the conservatorship could not pay.

23 Q. I direct your attention to the third
24 paragraph on the first page. The information that
25 Ms. Tonney provided in the letter, is all of the

1 information in there accurate, to the best of your
2 knowledge?

3 A. Yes, it is.

4 Q. And did you have any objection or did
5 you write a letter in response to this not agreeing
6 to what she had said?

7 A. No, not that I recall.

8 MR. GIBSON: Your Honor, at this time I
9 would move this as Petitioner Exhibit Number 13

10 THE COURT: You are not offering in
11 evidence the copy of the Family Court order?

12 THE COURT: A copy of the letter just
13 identified from Chloe Tonney to Family Services,
14 Inc., dated March 15, 2006, will be received and
15 admitted into evidence as Petitioner's Exhibit 13.

16 (PETITIONER'S EXH. 13, 3/15/06 LETTER,
17 was marked for identification and received into
18 evidence.)

19 Q. Ms. Albright, what kind of arrangement
20 had been made between Family Services and Bishop
21 Gadsden as far as payment for Norman Knight, Jr.?

22 A. We did not make any arrangements as far
23 as payment is concerned. Ms. Tonney signed the
24 guarantor statement.

25 Q. Was there an understanding that Family

1 Service as conservator for Mr. Knight would submit
2 payment to Bishop Gadsden?

3 A. That is correct, yes.

4 Q. And how was it determined how much as a
5 conservator could be paid out of Mr. Knight's
6 account to Bishop Gadsden?

7 A. I would look at the funds that were
8 available at the beginning of every month and
9 forecast out what would need to be paid as far as
10 the funds that needed to be paid for Mrs. Knight
11 and prescriptions and items like that, and then I
12 would send the rest to Bishop Gadsden.

13 Q. And was there any conferences between
14 you and Ms. Tonney as to how much she needed to pay
15 to satisfy the account?

16 A. There were times when I would have to
17 call her -- at one point I told her that after I
18 paid everything that I could, Mr. Knight would only
19 have 67 cents in his account, and Ms. Tonney sent a
20 check for a thousand dollars.

21 Q. Who did she send a check to? Was a
22 check made payable to Family Services?

23 A. Give me one moment.

24 Q. That is the check that Family Services
25 received from Ms. Tonney?

1 A. That is correct, yes.

2 Q. And that is the check that has stamp
3 number 3 from Chloe Tonney and Frederick Tonney
4 dated 5/29/07 for a thousand dollars. What was the
5 reason for Ms. Tonney sending the check to Family
6 Services?

7 A. Because Mr. Knight had a balance in his
8 account of 67 cents and he wouldn't have had
9 sufficient money to pay any additional bills that
10 came in, such as prescription, hygiene items, and
11 things like that.

12 Q. Every time that you would contact
13 Ms. Tonney for money, was she willing to provide
14 for her father?

15 A. Absolutely.

16 MR. GIBSON: Your Honor, I am going to
17 move this check as Petitioner's Exhibit Number 14.

18 THE COURT: Any objection?

19 MR. WHIPPER: Objection, your Honor.
20 Again, unless -- I am sorry, no objection.

21 THE COURT: Without objection, the
22 check of Chloe Tonney, number 2594, will be
23 received and admitted in evidence as Petitioner's
24 Exhibit 14.

25 (PETITIONER'S EXH. 14, CHECK 2594, was

1 you do as a conservator, you were also instructed
2 by a court order to discuss all of your decisions,
3 any major decisions, with Mildred Knight; isn't
4 that true?

5 A. That's true, yes.

6 Q. What discussions did you have with
7 Mildred Knight about Bishop Gadsden?

8 A. I did not have a discussion with
9 Mrs. Knight about Bishop Gadsden.

10 Q. Would I be wrong to say to you -- to
11 ask you, or to say to you that Ms. Tonney and Bobby
12 Knight, III, didn't get along?

13 A. I would say you would be correct.

14 Q. And excepting these letters or these
15 notations about loans or whatever, you never sent
16 any of that stuff to Mrs. Knight, did you?

17 A. No, I did not. Mrs. Knight did not want
18 to hear from me.

19 Q. Now, when you made the decision or had
20 to change how you were going to deal with Mrs.
21 Knight in her home, were there any kinds of letters
22 or anything saying that you will now be responsible
23 for A, B, C, D, E, F and G?

24 A. I believe I notified Mrs. Knight that
25 she would be responsible for them. I also notified

1 lawyer; you know, he doesn't have 5,000"?

2 A. Ms. Tonney and I spoke very frequently
3 about the fact that he did not have substantial
4 moneys, and she was very much -- that she wanted to
5 provide for her father in the way that he was used
6 to being -- the way he used to live and that she
7 would take care of that.

8 Q. And did you not have any discussions
9 with her about simply getting a court order to have
10 his personal effects turned over to her?

11 A. Personal effects turned over to --

12 Q. Mr. Knight, Jr.'s, personal effects,
13 his clothing he left at the house, his shoes, his
14 shirt, his bathrobe.

15 A. Mr. Whipper, I tried to get a hospital
16 bed moved from that house for Mr. Knight, and I was
17 refused.

18 Q. When you say you tried to get it, how
19 did you try to get it?

20 A. We contacted the family to have the
21 hospital bed moved, and they would not allow the
22 hospital bed moved.

23 Q. And you are saying you never got an
24 order from Judge Young in any way telling you what
25 to do after August of '05 in terms of paying bills?

1 A. I would estimate about a month,
2 Mr. Gibson. I attempted contact on several
3 successive weekends. I went to go meet with
4 Mr. Knight and was either met with complete silence
5 at the door or I was told before I went there that
6 I would not be allowed to come in if I went there,
7 and after that happened several times, then I took
8 other action.

9 Q. Did you ever get to see Mr. Knight?

10 A. Not prior to removing him from his
11 home.

12 Q. You said prior to removing him. What
13 happened?

14 A. Not being able to see him, I informed
15 the Court that I was not able to discharge my
16 duties as guardian, and I informed the Court that I
17 thought it was an important exigent circumstance.
18 I went ex parte to the Court and filed an affidavit
19 that I was unable to contact my ward, and the Court
20 issued an order that I was permitted to remove him
21 from his home at that point.

22 Q. And did you remove him?

23 A. I did.

24 Q. How did you go about doing that?

25 A. With the cooperation of North

1 Charleston police, a SWAT team.

2 Q. And when he was removed, what did he
3 take with him?

4 A. He was in a wheelchair, and he was
5 wearing some clothes, very light clothing. He may
6 have had a sheet or blanket over his lap, but that
7 was all.

8 Q. What about his medicine?

9 A. No medicine, no other clothing, nothing
10 else ever came out of that house.

11 Q. And where was he taken to?

12 A. To Savannah House, which was
13 prearranged.

14 Q. And how did the arrangement with the
15 Savannah House come about?

16 A. I had had several wards that had lived
17 at Savannah House prior to that period of time, and
18 so I chose that location and just coordinated that
19 they would be prepared to accept him when he got
20 there.

21 Q. Were you the one that made that
22 decision as to where his placement would be?

23 A. Yes.

24 Q. And was that also the role of guardian?

25 A. Yes.

1 Q. And at the time, or just prior to
2 Mr. Knight going to Savannah House, did you have a
3 chance to look at the room he was going into?

4 A. Yes, I was familiar with the rooms at
5 Savannah House.

6 Q. And does Savannah House provide
7 furniture, beds?

8 A. They do not. They normally have a
9 little bit of furniture that they can let somebody
10 borrow for a few days until arrangements are made.
11 Sometimes people come out of a hospital or
12 somewhere directly to there, and so sometimes they
13 will offer, you know, a temporary piece of
14 furniture or two, but normally not furnished at
15 all.

16 Q. What kind of accommodations were made
17 for Mr. Knight at the time he arrived at Savannah
18 House?

19 A. Well, there was a bed put in his room
20 that again was a loaner bed from the facility, but
21 it was not his own hospital bed that he had had at
22 home.

23 Q. What about furniture?

24 A. There was no furniture other than the
25 bed in the room and perhaps a nightstand at that

1 point, something borrowed and just put in there
2 temporarily.

3 Q. At some point in time was there
4 furniture ever put in the room?

5 A. Yes.

6 Q. How did that come about?

7 A. Ms. Tonney purchased the furniture and
8 provided it for him.

9 Q. And was there a discussion between you
10 and Ms. Tonney with regard to the placement of the
11 furniture?

12 A. Yes, there was.

13 Q. And did you feel the need that there be
14 furniture for the room?

15 A. Absolutely.

16 Q. And did you have any objection to
17 Ms. Tonney furnishing the room?

18 A. No, I was very grateful for her
19 assistance through the rest of her father's life.
20 She and her sister doted on their father and took
21 amazing care of him.

22 Q. And how long did Mr. Knight remain at
23 Savannah House?

24 A. Approximately six months.

25 Q. And how was he doing there?

1 Very involved.

2 Q. Was Mr. Knight wheelchair-bound?

3 A. Yes, he was.

4 Q. And did he need physical therapy?

5 A. Need is difficult to say. He benefited
6 from physical therapy certainly, and it was
7 something that would keep range of motion and
8 comfort even if he wasn't able to walk.

9 Q. And that was in his best interest?

10 A. I certainly thought it was in his best
11 interest to have it, yes.

12 Q. I have what is marked as Petitioner's
13 Exhibit Number 3 in this case. Are you familiar
14 with that letter?

15 A. Yes, I am.

16 Q. And your name is on that letter from
17 Thad Vincent?

18 A. Correct, I am one of the addressees of
19 the letter.

20 Q. And why would you be one of the
21 recipients of this letter?

22 A. In my position as Mr. Knight's
23 guardian, it was between me and Ms. Albright to
24 decide whether or not he should have legal
25 representation for the Family Court case.

1 Q. And what was that decision?

2 A. The decision was that he should have
3 representation.

4 Q. Did that include as to Thad Vincent and
5 Mary Ann Hall?

6 A. Yes, Mr. Vincent and Ms. Hall.

7 Q. Why did you feel that Mr. Knight needed
8 legal representation?

9 A. It might be a lawyer bias, but I think
10 anybody involved in a Family Court case should be
11 represented.

12 Q. And you had no objection to Ms. Tonney
13 assisting her father with financial responsibility?

14 A. No, I didn't.

15 Q. In all of the payments and action
16 undertaken by Ms. Tonney, was it for the benefit
17 for her father?

18 A. Yes, absolutely.

19 Q. Did Ms. Tonney keep in touch with you
20 in discussion of what would be best for her father?

21 A. All of the time.

22 Q. And did you have the authority to
23 refuse his admission to Bishop Gadsden?

24 A. Yes, I did.

25 Q. And why did you feel it would be best

1 for him there?

2 A. Because it being one of the finest
3 local facilities, if someone's family is willing to
4 step in and fill the gap if there is going to be a
5 gap -- which, of course, it turns out there is no
6 gap, he died with an estate, as did Mrs. Knight,
7 but if there is going to be a gap and a family
8 member will step in, then I am happy to have a
9 family member step in.

10 MR. GIBSON: I have no further
11 questions.

12 THE COURT: Okay. Mr. Kaufmann, please
13 answer any questions Mr. Whipper may have.

14 CROSS-EXAMINATION

15 BY MR. WHIPPER:

16 Q. Mr. Kaufmann, it is my understanding
17 that when you were appointed as the guardian in
18 this case, that you were under a strict restriction
19 to consult with Mildred Knight regarding medical
20 decisions, healthcare decisions, and placement
21 decisions; is that correct?

22 A. Yes, sir.

23 Q. It goes without saying you did not
24 consult with her before you made all of these
25 decisions, did you?

1 A. I disagree with that.

2 Q. Tell me how you disagree.

3 A. Well, I consulted with her as often as
4 she would speak with me, but that was not very
5 often. Most of the time she initiated contact.
6 She discussed visitation with her husband. We
7 discussed those issues not infrequently, but the
8 dynamic between Mrs. Knight and Mr. Bobby Knight
9 and myself went south so early on in the process
10 that we did not have good open lines of
11 communication as I did with Mr. Knight's daughters.

12 Q. Now, at the time you came in in August,
13 were you aware that Mrs. Knight had been the
14 guardian and the conservator?

15 A. Yes, sir, that was my understanding,
16 yes, sir.

17 Q. Do you think that she had any concerns
18 about why she was no longer the guardian?

19 A. I couldn't answer that. That would be
20 speculation on my part.

21 Q. She never told you anything about that?

22 A. I don't recall.

23 Q. Were you aware that one of the
24 girls had complained to DSS about the care that
25 Mr. Knight was receiving?

1 presented to the Court, that being from Walgreens,
2 which included some of his briefs?

3 A. Yes.

4 Q. Would you look at the second page,
5 Ms. Tonney, which is the receipt from Harris
6 Teeter, which is stamped number 22?

7 A. Yes.

8 Q. And we had most of the redactions.
9 Before we get into that, were these items that were
10 purchased for the benefit of your father?

11 A. Yes.

12 Q. And did you feel that these items were
13 essential for his needs?

14 A. Yes. At Savannah House there was a
15 small kitchenette in each room, and because of his
16 digestive situations, he was required to have small
17 meals and snacks in between regular meals, which
18 Savannah House did not offer.

19 Q. And so you took it upon yourself to buy
20 various items for your father?

21 A. Yes.

22 Q. And these items were purchased at
23 Harris Teeter, and they were purchased by a check?

24 A. Yes.

25 Q. What was the amount purchased?

1 A. \$132.75.

2 Q. Okay. And down at the bottom, a check
3 number, do you know what that represents?

4 A. Yes, a check written off my and my
5 husband's bank account.

6 Q. Okay. And as part of the order for
7 the judge, did you make an effort to retrieve that
8 check to present to this Court?

9 A. I did.

10 THE COURT: To clarify my order, if the
11 check had been sought in discovery, then it had to
12 be unredacted.

13 MR. GIBSON: You couldn't get the
14 check.

15 THE COURT: Okay.

16 Q. You made an inquiry with the Bank of
17 America with regard to this particular check you
18 had issued to Harris Teeter?

19 A. Yes, I did.

20 Q. And what I have presented to you is a
21 note from Bank of America stamped number 62 as far
22 as the discovery. Is this the correspondence you
23 received from Bank of America?

24 A. It is.

25 Q. If you could indicate to the Court what

1 this statement from Bank of America represents.

2 A. Indicating that they do not retain
3 records beyond five years and cannot provide those.

4 Q. In that same letter, it makes a
5 reference to what check number?

6 A. 1673.

7 Q. And that's the same check you had
8 issued to Harris Teeter?

9 A. Yes.

10 Q. And do you remember when that check was
11 issued?

12 A. I do not. It was within -- it was
13 probably within the first week or two that my
14 father went to Savannah House, which was January of
15 2006.

16 Q. So you made a good-faith effort to try
17 to obtain a copy of the check?

18 A. I did.

19 Q. And you continued to purchase more
20 items for your father; is that correct?

21 A. I did.

22 Q. Okay. And you have in front of you
23 several receipts from Dillard's identified as stamp
24 number 23 and 24 for discovery?

25 A. Yes.

1 Q. And what was the purpose of you going
2 to Dillard's?

3 A. To buy clothing for my father.

4 Q. And this is the time he was first
5 admitted to Savannah House?

6 A. Yes.

7 Q. And did you feel the need to buy your
8 father some clothes?

9 A. Yes. He had no clothes except what he
10 left his home with.

11 Q. In regard to what appears to be a
12 receipt on the left side of the document number 23,
13 all of the clothes on this receipt were purchased
14 for your father?

15 A. Yes.

16 Q. And what was the total amount of the
17 clothes?

18 A. On that receipt, \$197.56.

19 Q. And how was that paid for?

20 A. With my credit card, a Visa.

21 Q. And that is your name below that?

22 A. Yes.

23 Q. And going to the next column, again all
24 of those clothes that were purchased were for the
25 benefit of your father?

1 A. Yes.

2 Q. Did you keep any of those clothes for
3 your own personal use?

4 A. No.

5 Q. How about for your husband?

6 A. Wrong size. No.

7 Q. And what was the total amount of that
8 purchase?

9 A. \$142.71.

10 Q. And how was that paid for?

11 A. With my credit card, a Visa.

12 Q. And what I want to do is, if I may, go
13 back over to the first column. I apologize. What
14 was the date of the purchase?

15 A. February 4th, 2006.

16 Q. And that was the time your father was
17 at Savannah House?

18 A. The first week of his residency, yes.

19 Q. Going to the next page, which is
20 document number 24, and what did you purchase at
21 that time?

22 A. Bedding for my father.

23 Q. And what was the total amount of that
24 purchase?

25 A. \$137.39.

1 Q. And how was that paid for?

2 A. With my credit card.

3 Q. And when was that purchased?

4 A. February 5th, 2006.

5 Q. And when you made the purchase from
6 Dillard's, were you in touch with Iris Albright,
7 the conservator for your father?

8 A. I was.

9 Q. Any objection from her making those
10 purchases?

11 A. No.

12 Q. Did you believe the purchases were
13 necessary for your father's well-being?

14 A. Yes.

15 Q. According to the next page, document
16 number 25, produced as part of the discovery, is it
17 Sears?

18 A. Yes.

19 Q. And what did you purchase from Sears?

20 A. Pants.

21 Q. For whom?

22 A. My father.

23 Q. Did you keep any pants?

24 A. No.

25 Q. How about for your husband?

1 A. No.

2 Q. And when were the pants purchased?

3 A. June 4th of 2006.

4 Q. And what was the total amount of the
5 purchase?

6 A. \$63.81.

7 Q. And how was that paid for?

8 A. Check.

9 Q. Whose check?

10 A. My check.

11 Q. At that point in time, did you have any
12 funds of your father in any of your accounts?

13 A. No.

14 Q. Did you have credit cards in the name
15 of your father at that time?

16 A. No.

17 Q. Going over to the next column, what did
18 you purchase?

19 A. One pair of pants.

20 Q. And for whom?

21 A. My father.

22 Q. And that was for your father only?

23 A. Yes.

24 Q. And what was total amount purchased?

25 A. \$21.38.

1 Q. And how was that paid for?

2 A. My credit card.

3 Q. Did your father have a Sears credit
4 card?

5 A. He did.

6 Q. Did you have possession of it?

7 A. No.

8 Q. So it was with your own personal
9 account?

10 A. Yes.

11 Q. And when was this purchased?

12 A. April 14th, 2007.

13 Q. And were those items delivered to your
14 father?

15 A. Yes.

16 Q. Did you have any discussion with
17 Ms. Albright about the purchase?

18 A. Yes.

19 Q. Any objection?

20 A. No.

21 Q. Going to the next page, the document
22 number 26, what did you purchase at Sears?

23 A. More pants.

24 Q. And when did you make the purchase?

25 A. February 2nd, 2006.

1 Q. And was the purchase solely for your
2 father?

3 A. Yes.

4 Q. Did you keep any of the items?

5 A. No.

6 Q. And how was that purchase made?

7 A. With my credit card.

8 Q. Whose MasterCard?

9 A. Mine.

10 Q. Did you have a MasterCard in the name
11 of your father?

12 A. No.

13 THE COURT: Just in order to move us
14 along, you have previously asked her if she had any
15 credit cards belonging to her father, and now that
16 question is repeated with every item, so I think
17 that has been asked and answered. I don't want
18 hear that.

19 MR. GIBSON: Thank you, your Honor.

20 Q. The next item on document number 27,
21 what is that?

22 A. That was a Citadel print. My father
23 was a graduate of the Citadel, and he had various
24 pieces of Citadel paraphernalia in his home, and I
25 purchased this print because he had nothing to hang

1 on his walls, and I felt that was something that
2 would look familiar to him.

3 Q. When was that purchase made?

4 A. That purchase was made the 4th of
5 February 2006.

6 Q. And how was that paid for?

7 A. With my Visa.

8 Q. For how much?

9 A. \$260.93.

10 Q. And the next document is document
11 number 28 as part of the discovery. What is that
12 document?

13 A. That is a receipt from the Bombay
14 Company for a side table for my father.

15 Q. And when was that purchased?

16 A. February 4th, 2006.

17 Q. And where did that side table go to?

18 A. It went with him to Bishop Gadsden, and
19 then from there, it was moved to a storage
20 facility, where we -- it was torn up. We ended up
21 giving it away, taking it to the Goodwill.

22 Q. How much did you pay for that?

23 A. \$179.

24 Q. And how was that paid for?

25 A. With my Visa.

1 Q. And the next item, item number 29,
2 starting on the left side first, what did you
3 purchase at Walmart?

4 A. Various housekeeping things, telephone
5 for Daddy, kitchen-type items, batteries, some
6 food.

7 Q. And when did you make those purchases?

8 A. February 2nd, 2006.

9 Q. And what was the total amount
10 purchased?

11 A. \$133.60.

12 Q. And how was that paid for?

13 A. With my Visa.

14 Q. Is that your signature down at the
15 bottom?

16 A. It is.

17 Q. Go to the next column. What did you
18 purchase for -- what kind of items did you
19 purchase?

20 A. Again, more housewares-type items for
21 his kitchenette, and some snacks.

22 Q. For your father?

23 A. It looks like, yes. Oh, and a small
24 television.

25 Q. And you are not claiming credit for the

1 television in this matter, are you?

2 A. No, I have a television.

3 Q. And how much did you pay for that?

4 A. \$322.82.

5 Q. And you wish for the Court to deduct
6 \$248 from that amount?

7 A. Yes.

8 Q. And how was that purchase made?

9 A. With my Visa.

10 Q. Going to the next page, document number
11 30, what kind of purchase did you make there?

12 A. Again, these were houseware-type items,
13 placemat for Daddy as well as some bathroom items.

14 Q. And when did you make the purchase?

15 A. February 4th, 2006.

16 Q. Were all of these purchases made
17 shortly after your dad was removed from his
18 personal residence?

19 A. Mostly, yes.

20 Q. And how much did you pay for those
21 items?

22 A. \$59.50.

23 Q. How was the purchase made?

24 A. With my credit card.

25 Q. Going to the next item, document number

1 64, will you tell the Court what that is?

2 A. Yes, that is a larger television I
3 bought for Daddy.

4 Q. I am sorry, say that again.

5 A. A larger television that I bought for
6 Daddy.

7 Q. I am sorry, I am looking at document
8 number 64. I am sorry.

9 A. Sorry. I went to 34. I have got 64.

10 Q. I am getting ahead of myself.

11 MR. WHIPPER: The packet that I was
12 given does not have 64 in it.

13 THE COURT: Mine doesn't either.

14 MR. GIBSON: I am sorry, this is one
15 with the unredacted. You can have that.

16 THE COURT: The redacted version of
17 which document I have? Or the unredacted version.

18 MR. GIBSON: Your Honor, I had the
19 redacted and unredacted version. The redacted
20 version is document number 31.

21 THE COURT: I don't have 31.

22 MR. GIBSON: Do you have 64, your
23 Honor?

24 THE COURT: No. Mine are skipping from
25 30 to 34, and then I have 34, 35, 31, 32 -- I am

1 sorry, it was stuck to the back of 32. Okay, I am
2 with you. I have got 64. Do you need 64?

3 MR. WHIPPER: He just gave it to me.

4 THE COURT: Have you moved on from 34,
5 which is the Best Buy \$320.99, the television?
6 Have you moved on from that?

7 MR. GIBSON: Yes, sir. Your Honor,
8 let's go back to number 34. I apologize for the
9 inconvenience.

10 THE COURT: Is that the television?

11 MR. GIBSON: Yes, your Honor.

12 Q. What is document number 34?

13 A. This is a receipt for a larger
14 television for Daddy. He wanted a larger
15 television.

16 Q. When was that purchased?

17 A. July 15th of 2007.

18 Q. And where was your father residing at
19 that time?

20 A. At Bishop Gadsden.

21 Q. What was the total amount of the
22 purchase?

23 A. \$320.99.

24 Q. How was that paid for?

25 A. With my husband's credit card.

1 Q. And then the next document is number
2 35, produced as part of the discovery. What does
3 document number 35 represent?

4 A. These are sweatshirts that I bought for
5 my father.

6 Q. And where did you purchase those from?

7 A. Parisian.

8 Q. And when did you make that purchase?

9 A. October 7th, 2006.

10 Q. And how much was that purchase?

11 A. \$26.74.

12 Q. And how was that purchase made?

13 A. With my personal check.

14 Q. Going to the next document, which would
15 be number 64, do you have that?

16 A. I do.

17 Q. And what does that document represent?

18 A. This is a recliner for my father.

19 Q. And when did you make that purchase?

20 A. February 1st, 2006.

21 Q. And where did the recliner go?

22 A. To Savannah House.

23 Q. That is where it was shipped to?

24 A. Yes.

25 Q. What was the total amount of the

1 purchase?

2 A. \$1,777.49.

3 Q. How was that purchase made?

4 A. By me, cash.

5 Q. And when you say cash, did any part of
6 that cash come from your father's account?

7 A. No.

8 Q. And did that recliner remain with your
9 father for the duration of his life?

10 A. It did.

11 Q. And going to document number 32, what
12 does that document represent?

13 A. These are other furniture items for my
14 father, lamp, a cabinet for him to have some of
15 his -- keep some of his clothing in, an end table.

16 Q. And where were these items purchased
17 from?

18 A. From Stuckey Brothers.

19 Q. When were those items purchased?

20 A. February 3rd, 2006.

21 Q. And do you know where those items were
22 delivered to, where your father was residing?

23 A. To Savannah House.

24 Q. And what was the total amount?

25 A. Total amount for item 32, \$2,624.99.

1 Q. And how was that purchase made?

2 A. Cash, my check.

3 Q. And going to item number 33, what does
4 that represent?

5 A. That is a small desk and cabinet.
6 Again, my father was used to having a desk and
7 needed the storage.

8 Q. Was the furniture delivered to where
9 your father was residing?

10 A. Yes, at Bishop Gadsden.

11 Q. And when was that purchase made?

12 A. July 22nd of 2006.

13 Q. And what was the total amount of the
14 purchase?

15 A. \$658.01.

16 Q. And how was that purchase made?

17 A. Cash, by check.

18 MR. GIBSON: Your Honor, at this time I
19 would move all of these items as Petitioner's
20 Exhibit Number 12 collectively that we had
21 discussed earlier here.

22 THE COURT: So everything you have
23 identified, I think that includes everything that
24 was in the package that you originally submitted,
25 doesn't it?

1 Bishop Gadsden invoice of October 31, 2007, and the
2 accompanying check of Chlce Tonney, number 3363,
3 will be admitted collectively as Petitioner's
4 Exhibit Number 17.

5 (PETITIONER'S EXH. 17, 10/31/07 BISHOP
6 GADSDEN INVOICE AND CHECK 3363, was marked for
7 identification and received into evidence.)

8 Q. Ms. Tonney, did your father receive
9 physical therapy while he was at Bishop Gadsden?

10 A. He did.

11 Q. Was there a need for physical therapy?

12 A. There was a need. He had doctor's
13 orders for physical therapy.

14 Q. And I present to you document number
15 55. Can you indicate to the Court what document
16 number this is?

17 A. Yes, it's an invoice from Bishop
18 Gadsden Rehab for my father's physical therapy.

19 Q. And the time period from 11/16/2006 up
20 to February 12th, 2007?

21 A. That's right.

22 Q. And what was the total amount of that
23 invoice?

24 A. \$445.50.

25 Q. Did you issue a check for that amount?

1 A. I did.

2 Q. Is that check represented on document
3 number 55?

4 A. It is.

5 Q. And was that check written out by you?

6 A. Actually this check was written out by
7 my sister.

8 Q. And that was sent to Bishop Gadsden
9 Rehab?

10 A. Yes.

11 THE COURT: Did you want to move for
12 the introduction?

13 MR. GIBSON: I am going to do it
14 collectively.

15 THE COURT: Okay.

16 Q. Ms. Tonney, I present to you the
17 document number 52 as well as 61. Going to
18 document number 61, what does that document
19 represent?

20 A. An additional invoice for physical
21 therapy for my father from February 19th, 2007, to
22 April 2nd, 2007.

23 Q. Were these invoices sent to you, or
24 were they sent to the conservator and in turn sent
25 to you?

1 A. They were actually left in my father's
2 room.

3 Q. And what was the amount of the invoice
4 which is represented on document number 61?

5 A. \$243.30.

6 Q. And did you make a payment?

7 A. I did.

8 Q. Is that payment represented on document
9 number 52?

10 A. It is.

11 Q. And did you issue that check?

12 A. Yes.

13 Q. Did that check clear to Bishop Gadsden
14 Rehab?

15 A. Yes, it did.

16 Q. I present to you document number 65.
17 What is that document?

18 A. That's a check to Bishop Gadsden Rehab,
19 \$405.

20 Q. And what's the date of that check?

21 A. October 10th, 2007.

22 Q. And what was the purchase for that
23 check?

24 A. Again, to cover rehab services for my
25 father.

1 Q. Do you have an invoice with that?

2 A. I do not.

3 Q. Now, was that check issued by you?

4 A. Yes.

5 Q. And according to this document in your
6 possession, did that check clear?

7 A. Yes.

8 Q. And if you look on that check in the
9 left-hand corner, what does it say?

10 A. Daddy.

11 Q. That was for the benefit of your
12 father?

13 A. Yes.

14 Q. What's the total amount of that check?

15 A. \$405.

16 Q. I am presenting to you a document
17 stamped number 66. What is that document?

18 A. An additional check for physical
19 therapy for my father.

20 Q. And what's the date of that check?

21 A. December 15th, 2007.

22 Q. And did you issue that check to Bishop
23 Gadsden Rehab?

24 A. Yes.

25 Q. What is the total amount of that check?

1 A. \$244.92.

2 Q. And based on the document that you have
3 in your possession, does it show that check
4 cleared?

5 A. Yes.

6 MR. GIBSON: Your Honor, at this time I
7 would ask to move documents in regard to Bishop
8 Gadsden Rehab as being documents 60, 55, 61, 52,
9 65, 66, as Petitioner's Exhibit Number 18.

10 THE COURT: Okay. Is there any
11 objection?

12 MR. WHIPPER: Your Honor, same
13 objections as to the original issues. There are no
14 originals here on anything.

15 THE COURT: If I understand this,
16 Mr. Gibson, you only have an invoice for one sum,
17 for \$243.30. I am talking about this batch here
18 that you are asking to admit as Exhibit Number 18.
19 Am I correct, is that the only invoice that
20 supports those payments, is the invoice of April 3,
21 2007, to Bishop Gadsden?

22 MR. GIBSON: I have two invoices.

23 THE COURT: No, I mean in this last
24 batch, I have only been given one. I am sorry,
25 yes. You have got the invoice. The other invoice

1 check?

2 A. \$279.

3 MR. GIBSON: Your Honor, at this time I
4 would move this as Petitioner's Exhibit Number 19.

5 THE COURT: Okay. Mr. Whipper, any
6 objection, or if it's the same objection as the
7 last, you may restate that.

8 MR. WHIPPER: Same objection as the
9 last, your Honor.

10 THE COURT: My ruling will be the same
11 then. The Collins Office Supply invoice and the
12 attached check of Chloe Tonney will be admitted as
13 Petitioner's Exhibit Number 19.

14 (PETITIONER'S EXH. 19, COLLINS OFFICE
15 SUPPLY INVOICE AND CHECK, was marked for
16 identification and received into evidence.)

17 Q. Ms. Tonney, in regard to all of the
18 expenses that you have testified to and have put
19 forth as support, all of those expenses were for
20 the benefit of your father?

21 A. Yes.

22 Q. And were those expenses paid out with
23 the consent of Iris Albright?

24 A. Yes.

25 Q. And upon your father's passing, did you

1 file a creditor's claim?

2 A. I did.

3 Q. And do you recall whether that
4 creditor's claim was accepted or not?

5 A. It was not.

6 Q. And as a result of that, what did you
7 do?

8 A. I requested a hearing.

9 Q. Ms. Tonney, I represent to this is the
10 creditor's claim you have filed with the Charleston
11 County Probate Court?

12 A. Yes.

13 Q. What is the amount of the creditor's
14 claim?

15 A. \$61,249.46.

16 Q. And as a result of that claim being
17 denied, you have filed a petition to have that
18 claim allowed?

19 A. Yes.

20 MR. GIBSON: Your Honor, I would ask to
21 move that as Petitioner's Exhibit --

22 THE COURT: Well, that creditor's claim
23 is already a matter of record. Why do we have to
24 admit it in evidence?

25 MR. GIBSON: I am just trying to cover

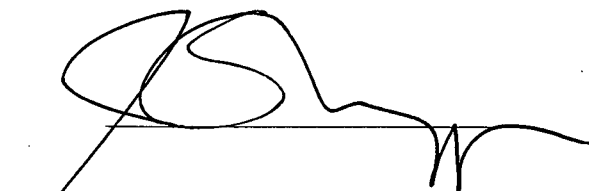
The undersigned hereby certifies that the Supplemental Record on Appeal (S.R.O.A.) contains all material proposed to be included by any of the parties and not any other material.

Submitted By:

WHIPPER LAW FIRM

December 27, 2016

North Charleston, SC

A handwritten signature in black ink, appearing to read 'J. Whipper', written over a horizontal line.

Jackson Seth Whipper
Attorney for Appellants
P.O. Box 70070
North Charleston, SC 29415

(843) 740-7777