

STATE OF SOUTH CAROLINA)
 COUNTY OF CHARLESTON)
 BETTY FISHER and LISA FISHER,)
 Plaintiffs,)
 vs.)
 BESSIE HUCKABEE, KAY)
 PASSAILAGUE SLADE, and)
 SANDRA BYRD,)
 Defendants.)
 In the Matter of the Estate of Alice)
 Shaw-Baker. Charleston County)
 Probate No.: 2009-ES-10-0378)

IN THE COURT OF COMMON PLEAS

CASE NO. 2009-CP-10-3010 **RECEIVED**

APR 13 2018

SC Court of Appeals

ORDER

FILED
 2018 APR 21 PM 4:48
 JULIE J. ARMSTRONG
 CLERK OF COURT
 BY _____

“In Hell there will be nothing but law...” (*Grant Gilmore*). “Justice delayed is justice denied.” (*William E. Gladstone*). Also, I reference *Dickens’ Bleak House* and *Kafta’s The Trial* for what Defendants and their attorneys must feel like after nine years of this frivolous litigation.

This case is before me following a jury trial that resulted in a Verdict upholding the Will of Alice Shaw-Baker, and rejecting the claim of the Plaintiffs that she had revoked that Will by her words and acts. I deny Plaintiffs’ post-trial motions regarding this, and confirm this Verdict.

Plaintiffs made equitable claims regarding the Estate. I deny all these claims based on my findings as to the credibility of the witnesses, and totality of the evidence. Essentially, I find no reason in believable facts and equity to do any of the acts requested. I make all these decisions by a standard of overwhelmingly clear and convincing evidence considering this case as a whole, and that is the only way one can ever begin to understand this case—as a whole. (See the Appendices, testimony and evidence.)

#1
 T.L.G.J.

The facts of this case began when a concerned neighbor and friends of Alice Shaw-Baker asked for help since they thought she was mentally and physically unable to care for herself, and as part of the process to appoint a conservator, notice of this proceeding was given to Plaintiffs. The actions of Plaintiffs and their attorneys resulted in this nine year legal nightmare for Defendants.

Since I am confident there will be an immediate appeal of my decisions, consistent with the prior acts of the Plaintiffs and their attorneys, I decline to write about the tortuous history and undisputed facts. I leave that to the Justices of the Supreme Court of South Carolina. They can find the facts in this equity case. It is sufficient for me to say and I do find that overwhelming facts, law and equities are against Plaintiffs' claims.

In addition to contesting the Will, Plaintiffs claim that Shaw-Baker's life insurance, S.C. Retirement Account, and Deferred Compensation account should be given to "animal charities," because she was an "animal lover," raised and showed Chihuahua dogs, and had shown a longtime interest in doing something like that. Plaintiffs ignore the fact that though she often talked about doing this, she never signed the documents that would have done so. She was an intelligent, fiercely independent, and resourceful lady who executed many Wills, had many communications with her excellent attorneys and agents for her life insurance and other non-probate assets. She never changed where that money was to go and it will go as she directed and not as Plaintiffs frivolously claim it should go by their deviously concocted suit. The trust involved in this case is the trust between genuine friends established over many years, and not a half-baked scheme by people and their attorneys who had minimum contacts with her or her friends prior to this lady's demented condition.

I trust the same people she trusted to "Do right because it is right." (*W. Clement Stone*).

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T.L.H.J.

Remaining are issues of attorneys fees, sanctions, and other appropriate relief. Any Restraining Order restraining Defendants from acting under the Will is vacated. I deeply regret signing two Orders almost nine years ago that were meant to be temporary for Plaintiffs, except for the bond requirement. That remains. All assets in Plaintiffs possession shall be immediately delivered to the Charleston County Clerk of Court, 100 Broad Street, Suite 106 Charleston, South Carolina 29401-2258, and be held by her until further Order. This is not stayed for any appeal. Also, Plaintiffs are to deliver the keys for the house at 306 Cassina Road, Charleston, South Carolina to the Charleston County Clerk of Court. Non-rent paying occupant shall vacate this house within one week after being notified to do so by Defendants attorney, and shall commit no waste. These actions are not stayed during an appeal under Rule 241, Rule 62, and S.C. Code Section 18-9-150.

Sanctions are governed by S.C. Code Section 15-36-10.

§ 15-36-10. Frivolous lawsuits; signing pleadings; imposition of sanctions; notice and opportunity to respond; reporting violations.

- (A) (1) A pleading filed in a civil or administrative action on behalf of a party who is represented by an attorney must be signed by at least one attorney of record who is an active member of the South Carolina Bar or who is admitted to practice in the courts of this State and must include the address and telephone number of the attorney signing the document.
- (2) A document filed in a civil or administrative action by a party who is not represented by an attorney must be signed by the party and must include the address and telephone number of the party.
- (3) The signature of an attorney or a pro se litigant constitutes a certificate to the court that:
- (a) the person has read the document;
 - (b) a reasonable attorney in the same circumstances would believe that under the facts his claim or defense may be warranted under the existing law or, if his claim or defense is not warranted under the existing law, a good faith argument exists for the extension, modification, or reversal of existing law;
 - (c) a reasonable attorney in the same circumstances would believe that his procurement, initiation, continuation, or defense of a civil cause is not intended merely to harass or injure the other party; and

#3
T.L.H.-J.

(d) a reasonable attorney in the same circumstances would believe his claim or defense is not frivolous, interposed for delay, or brought for any purpose other than securing proper discovery, joinder of parties, or adjudication of the claim or defense upon which the proceedings are based.

(4) An attorney or pro se litigant participating in a civil or administrative action or defense may be sanctioned for:

(a) filing a frivolous pleading, motion, or document if:

(i) the person has not read the frivolous pleading, motion, or document;

(ii) a reasonable attorney in the same circumstances would believe that under the facts, his claim or defense was clearly not warranted under existing law and that a good faith or reasonable argument did not exist for the extension, modification, or reversal of existing law;

(iii) a reasonable attorney presented with the same circumstances would believe that the procurement, initiation, continuation, or defense of a civil cause was intended merely to harass or injure the other party; or

(iv) a reasonable attorney presented with the same circumstances would believe the pleading, motion, or document is frivolous, interposed for merely delay, or merely brought for any purpose other than securing proper discovery, joinder of parties, or adjudication of the claim or defense upon which the proceedings are based;

(b) making frivolous arguments a reasonable attorney would believe were not reasonably supported by the facts; or

(c) making frivolous arguments that a reasonable attorney would believe were not warranted under the existing law or if there is no good faith argument that exists for the extension, modification, or reversal of existing law.

(B) (1) If a document is not signed or does not otherwise comply with this section, it must be stricken unless it is signed promptly or amended to comply with this section after the omission is called to the attention of the attorney or the party.

(2) If a document is signed in violation of this section, or an attorney or pro se litigant has violated subsection (A)(4), the court, upon its own motion or motion of a party, may impose upon the person in violation any sanction which the court considers just, equitable, and proper under the circumstances.

(C) (1) At the conclusion of a trial and after a verdict for or a verdict against damages has been rendered or a case has been dismissed by a directed verdict, summary judgment, or judgment notwithstanding the verdict, upon motion of the prevailing party, the court shall proceed to determine if the claim or defense was frivolous. An attorney, party, or pro se litigant shall be sanctioned for a frivolous claim or defense if the court finds the attorney, party, or pro se litigant failed to comply with one of the following conditions:

(a) a reasonable attorney in the same circumstances would believe that under the facts, his claim or defense was clearly not warranted under existing law and that a good faith or reasonable argument did not exist for the extension, modification, or reversal of existing law;

#4
T.L.H. J.

(b) a reasonable attorney in the same circumstances would believe that his procurement, initiation, continuation, or defense of the civil suit was intended merely to harass or injure the other party; or

(c) a reasonable attorney in the same circumstances would believe that the case or defense was frivolous as not reasonably founded in fact or was interposed merely for delay, or was merely brought for a purpose other than securing proper discovery, joinder of proposed parties, or adjudication of the claim or defense upon which the proceedings are based.

(2) Unless the court finds by a preponderance of the evidence that an attorney, party, or pro se litigant engaged in advancing a frivolous claim or defense, the attorney, party, or pro se litigant shall not be sanctioned.

(D) A person is entitled to notice and an opportunity to respond before the imposition of sanctions pursuant to the provisions of this section. A court or party proposing a sanction pursuant to this section shall notify the court and all parties of the conduct constituting a violation of the provisions of this section and explain the basis for the potential sanction imposed. Upon notification, the attorney, party, or pro se litigant who allegedly violated subsection (A)(4) has thirty days to respond to the allegations as that person considers appropriate including, but not limited to, by filing a motion to withdraw the pleading, motion, document, or argument or by offering an explanation of mitigation.

(E) In determining if an attorney, party, or a pro se litigant has violated the provisions of this section, the court shall take into account:

(1) the number of parties;

(2) the complexity of the claims and defenses;

(3) the length of time available to the attorney, party, or pro se litigant to investigate and conduct discovery for alleged violations of the provisions of subsection (A)(4);

(4) information disclosed or undisclosed to the attorney, party, or pro se litigant through discovery and adequate investigation;

(5) previous violations of the provisions of this section;

(6) the response, if any, of the attorney, party, or pro se litigant to the allegation that he violated the provisions of this section; and

(7) other factors the court considers just, equitable, or appropriate under the circumstances.

(F) In determining whether sanctions are appropriate or the severity of a sanction, the court shall consider previous violations of the provisions of this section.

(G) Sanctions may include:

(1) an order for the party represented by an attorney or pro se litigant to pay the reasonable costs and attorney's fees of the prevailing party under a motion pursuant to this section. Costs shall include, but not be limited to, the following: the time required of the prevailing party by the frivolous proceeding, and travel expenses, mileage, parking, costs of reports, and any additional reasonable consequential expenses of the prevailing party resulting from the frivolous proceeding;

(2) an order for the attorney to pay a reasonable fine to the court; or

#5
T.L.H. Jr.

(3) a directive of a nonmonetary nature, including injunctive relief, designed to deter a future frivolous action or an action in bad faith.

(H) If the court imposes a sanction on an attorney in violation of the provisions of this section, the court shall report its findings to the South Carolina Commission of Lawyer Conduct.

(I) This act shall not alter the South Carolina Rules of Civil Procedure or the South Carolina Appellate Court Rules.

(J) The provisions of this section shall not apply where an attorney or pro se litigant establishes a basis to proceed with litigation, or to assert or controvert an issue therein, that is not frivolous, which includes a good faith argument for an extension, modification, or reversal of the existing law.

(K) The provisions of this section apply in addition to all other remedies available at law or in equity.

(L) The amount requested for damages in a pleading may not be considered in a determination of a violation of the provisions of this section.

(M) All violations of the provisions of this section must be reported to the South Carolina Supreme Court and a public record must be maintained and reported annually to the Governor, Senate, and House of Representatives.

Plaintiffs' commencement and continuation of this action is sanctionable under Rule 11. As is set forth herein, it is clear to me that Plaintiffs' claims were entirely frivolous and, for that reason, I find Plaintiffs and their attorneys are subject to sanction under Rule 11, and the South Carolina Frivolous Proceedings Act.

Plaintiffs and their attorneys are subject to sanctions under the Court's inherent authority. As the United States Supreme Court held, Courts have an inherent authority to award attorney's fees where the losing party has "acted in bad faith, vexatiously, or for oppressive reasons." Plaintiffs' conduct through the case appears to have been nothing but vexatious, that is, brought without sufficient grounds, and the maintenance of this completely frivolous claim can only be characterized as unreasonable. Plaintiffs' claims were completely baseless and subject to sanctions based upon the inherent authority of courts to sanction litigants who act in bad faith, vexatiously, that is, without proper grounds, or for oppressive and improper purposes. It is not their actual intent to harm, but harm is the reasonable foreseeable outcome.

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T.L.H.S.

Some equate the judge's job to that of an umpire to call balls and strikes, and of referees to call offsides and out of bounds—a judge of physical facts. This ignores the elements of judgment and intent. These are part of calling a bean ball in baseball, a technical foul in basketball and un-sportsman like conduct in football. A judge, like these officials, must sometimes determine intent. This is at the heart of finding a frivolous suit.

I start with a procedural timeline found in Appendix 1. Plaintiffs have done nothing but delay justice and harass Defendants. As Justice Few recently wrote in a companion case: “This case was litigated in confusion from the beginning.” Appellate case No. 2016-000320, filed February 28, 2018.

The jury trial and non-jury trials are perhaps the best evidence of their frivolous actions. The claim that the Will was revoked should have never been filed. The only testimony on this came from Lisa Fisher. She and only she claims to have seen Ms. Shaw-Baker destroy a copy of her Will. Nothing corroborates this. If it did happen, I am sure Lisa Fisher would have saved every scrap, put these in an envelope, made a contemporary written summary of the events, and presented this at trial.

To me, her testimony is not believable and I count it as nothing. The only reason I do not call it perjury is that Alice Shaw-Baker is now deceased and unavailable, and I am aware of the standard for proof in a criminal trial. Even if it did happen as described, this was an act of an incompetent person with no legal effect. Also, Judge Curry's Order said she could not revoke her Will due to her incapacity. These two facts alone should have been enough to tell any reasonably competent lawyer not to file this suit. These were two huge legal stop signs with bright flashing red danger lights and said to any reasonably competent attorney, “Go no further and if you do, you travel at your own peril.”

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T.L.B.D.

I turn to the difficult issue of sanctions. This involves calculations of Defendants' losses for which Plaintiffs and their attorneys should pay, and some amount of money to tell them and persons who learn about this to not engage in similar conduct. Defendants' reasonable attorneys' fees are \$157,539.93. I Order Plaintiffs and their attorneys to pay these reasonable fees. In addition, Defendants have loss of opportunity costs of \$76,533.17 associated with all the assets they should have received almost nine years ago. Attorney's fees plus lost opportunity cost equal \$234,073.10. I Order a Judgment in favor of Defendants and against Plaintiffs and their attorneys, jointly and severally, for \$253,969.31, which includes prejudgment interest. (*See* Appendix, Court's Summary of Fees).

Sanctions for Lisa Fisher in addition to the foregoing are in the nature of punishment. The several Unfair Trade Practices statutes and the Constitution of the United States of America provide some guidance and limits. This is the worst case of frivolous acts that I have experienced. A deterrent is necessary to warn her and others. Therefore, I award three times actual damages to the Estate from Lisa Fisher being \$229,599.51, and Order a Judgment against her for this. These calculations have had to be made despite repeated efforts to get financial information from Plaintiffs including threats of contempt of court. John Hughes Cooper complied almost immediately. Also, John Hughes Cooper is denied his requested attorney's fees and costs. Additionally, he should repay to the Estate a sum of \$65,151.34 he was paid for work he says he did during the short period of time he was involved with the conservatorship. I cannot imagine what he did to earn this in what should have been a simple matter of filling out forms if anything. Additionally, Lisa Fisher's requested fees for alleged work that she did as conservator/attorney of \$67,814.50 is denied. Also, she should repay any money she received by her involvement in this frivolous case.

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T.M.H.G.

Summary of monetary sanctions and Judgments: \$253,969.31 against Lisa Fisher, John Hughes Cooper, and Betty Fisher and in favor of Bessie Huckabee, Kay Passailague, and Sandra Byrd; \$229,599.51 against Lisa Fisher and in favor of The Estate of Alice Shaw-Baker; \$65,151.34 against John Hughes Cooper and in favor of the Estate of Alice Shaw Baker.

I turn to additional sanctions. Lisa Fisher and Betty Fisher are enjoined and restrained from spending any money directly or indirectly controlled by them personally or through any corporation of which she is a part, with the exception of what I have Ordered her to immediately pay herein to the Clerk of Court. Of course, an exception is made for reasonable costs associated with their appeal, law practice, and ordinary living expenses.

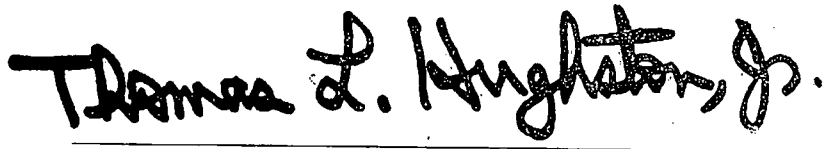
The frivolous actions of the attorneys will be reported to the South Carolina Commission on Lawyer Conduct.

I cannot conclude without mentioning the most egregious waste of Alice Shaw-Baker's money. On February 24, 2009, Lisa Fisher spent \$25,000 of her own money (later reimbursed from the Estate) in an attempt to fly Alice Shaw-Baker to California from the Medical University of South Carolina from her death bed supposedly for a beneficial visit. The real purpose undoubtedly was to have her die in California, ultimately avoid the jurisdiction of South Carolina Courts, control the Estate, defeat the Will, and benefit her mother and herself.

I hope that I have ruled on everything that is before me. I give up everything to the Supreme Court of South Carolina for their greater consideration and ultimate decisions.

IT IS SO ORDERED.

#9
March 21, 2018
Charleston, South Carolina


Thomas L. Hughston, Jr., Presiding Judge

APPENDIX 1

| | | |
|--------------------------|---|------------------------------------|
| STATE OF SOUTH CAROLINA |) | IN THE COURT OF COMMON PLEAS |
| |) | NINTH JUDICIAL CIRCUIT |
| COUNTY OF CHARLESTON |) | CIVIL ACTION NO.: 2009-CP-10-3010 |
| |) | |
| Betty Fisher, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | |
| |) | |
| |) | |
| Bessie Huckabee, et al., |) | COURT'S PROCEDURAL TIMELINE |
| |) | |
| Defendants. |) | |
| |) | |
| IN THE MATTER OF: |) | |
| ALICE SHAW-BAKER |) | |
| _____ |) | |

The following procedural outline for the above captioned case also includes the underlying Probate Case, 2009-ES-10-0378, and the separate but related Guardian and Conservator action in Probate Court, *Elisabeth Spencer v. Alice Shaw-Baker, et al.*, 2008-GC-10-0088.

LEGEND:
Circuit Court Case=No Emphasis
Underlying Probate Case=Underlined
Guardian and Conservator action=*Italics*

2008

July 31, 2008—*Elisabeth Spencer files Petition for Appointment of Conservator and Petition for Appointment of Guardian and Petition for Emergency Appointment of Guardian.*

August 4, 2008—*Order granting petition for emergency appointment of guardian and appointing Walter Kaufman.*

August 18, 2008—*Order appointing Family Services, Inc. as Conservator and Order appointing Walter Kaufman and Jane Orenstein as co-guardians.*

August 19, 2008—*John Hughes Cooper files Petition to Appoint Lisa Fisher as Conservator and Petition to Appoint Lisa Fisher as Guardian.*

August 21, 2008—*Elisabeth Spencer Answers and objects to petition to appoint Lisa Fisher.*

September 8, 2008—*Alice Shaw-Baker and Lisa Fisher file Motion for Temporary Restraining Order to enjoin the removal of Alice Shaw-Baker from her home.*

September 9, 2008—*Lisa Fisher answers petition filed by Elisabeth Spencer.*

September 16, 2008—*Judge Curry grants temporary restraining order preventing the removal of Alice Shaw-Baker from her home and removes Walter Kaufman as guardian and appoints Lisa Fisher as co-guardian with Jane Orenstein. Judge Curry further ordered the guardians to make Alice Shaw-Baker's house habitable, contact the conservator Family Services, Inc., to arrange an inventory of and take possession of Alice's financial records, arrange for a caretaker, and to inform Alice she can no longer smoke cigarettes inside home.*

September 30, 2008—*Judge Curry Orders (1) Peter A. Kouten to visit home of Alice Shaw-Baker to observe conditions and report to the court; (2) Appointment of physician/Examiner L. William Mulbry, M.D., and Rebecca McCrudden; (3) Appointment of Peter A. Kouten as attorney and guardian ad-litem for Alice Shaw-Baker.*

October 8, 2008—*Attorney John Hughes Cooper files Affidavit by physician Shanon Honney, M.D., attesting to her finding that Alice Shaw-Baker is not incapacitated.*

October 9, 2008—*Peter Kouten files visitor report stating, among other things, Ms. Shaw-Baker presented well and the house appeared clean.*

October 13, 2008—*Conservator Family Services, Inc., files inventory and appraisal reflecting total net worth of \$388,055.13.*

October 26, 2008—*Court's designated Medical Examiner, Dr. William Mulbry, files report stating Alice Shaw-Baker is incapacitated and requires appointment of guardian and conservator*

October 29, 2008—*Alice Shaw-Baker and Lisa Fisher file memo in support of appointment of Lisa Fisher as Guardian and Conservator.*

November 10, 2008—*Judge Curry issues several orders awarding fees to: (1) temporary co-guardian Jane Orenstein in the amount of \$2,832.90; (2) temporary co-guardians Orenstein and Kaufmann in the amounts of \$2,571.00 and \$1,747.00; and (3) Attorney C. Mac Gibson for representation of Elisabeth Spencer in the amount of \$7,192.18;*

November 12, 2008—*Judge Curry order granting fees to Court appointed GAL Peter Kouten in the amount of \$3,915.84.*

November 19, 2008—*Judge Curry enters order appointing Lisa Fisher as sole guardian and conservator of Alice Shaw-Baker and Lisa Fisher files \$401,700 bond.*

December 2, 2008—*Peter Kouten files monthly visitor's report.*

December 5, 2008—*Judge Curry awards cost to court appointed GAL Peter Kouten in the amount of \$585.00*

December 18, 2008—*Judge Curry authorizes Family Services, Inc., to withdraw \$1,067.00 to pay Jane Orenstein and Family Services files petition for discharge of conservatorship.*

December 19, 2008—*Family Services, Inc., files final accounting for period from 08/14/2008–12/18/2008 showing receipts of \$247,964.99 and Disbursements of \$247,964.99.*

December 30, 2008—*Letter from John Hughes Cooper stating that Ms. Orenstein appeared at Alice's residence without being invited or making arrangements.*

2009

January 8, 2009—*Judge Curry Order granting fees to Peter Kouten in the amount of \$690.00 and Lisa Fisher files Neuropsychological Report of L. Randolph Waid, Ph. D.*

January 29, 2009—*Conservator Lisa Fisher files annual report and accounting for period 10/29/08–12/31/08 stating ending balance is \$158,522.01*

February 25, 2009—*Alice Shaw-Baker's date of death.*

February 27, 2009—*Judge Curry order permitting Lisa Fisher to reimburse herself \$44,530.00 in attorney's fees incurred for representation in this action. Attached is John Hughes Cooper's Affidavit of Attorney's Fees totaling \$44,530.00. In addition, Judge Curry issued order granting GAL fees in the amount \$1,320.00 and discharging GAL.*

March 2, 2009—*Bessie Huckabee files a petition for discharge and a motion for order of termination of conservatorship, filing of final accounting, and distribution of estate assets to court-appointed PR.*

March 10, 2009—Application for informal probate of will and appointment filed in probate court.

March 11, 2009—*Judge Condon issues certificate of appointment of Bessie Huckabee as Personal Representative of the Estate of Alice Shaw-Baker.*

March 25, 2009—*Judge Curry order granting fees by court-appointed GAL in the amount of \$735.00.*

April 27, 2009—Betty Fisher and Lisa Fisher file motion for removal to circuit court and a verified complaint in the probate court alleging (1) Constructive trust; (2) Declaratory Judgment; (3) Undue Influence; (4) Fraud; (5) unjust enrichment; (6) promissory estoppel; (7) Removal of Bessie Huckabee as PR; and (8) appointment of Betty Fisher as PR. In addition, Lisa Fisher files motion for approval of attorney's fees in the amount of \$6,607.50, and a memo and affidavit in support.

April 29, 2009—*Lisa Fisher files a memo in opposition to petition for discharge and motion for order of termination of conservatorship and filing of accounting and distribution of estate assets to court-appointed PR, and files a motion for continuance and memo in support.*

May 1, 2009—Plaintiffs file Motion for Restraining Order in Probate Court.

May 7, 2009—*Lisa Fisher files amended motion for approval of attorney's fees in the amount of \$6,090.00 for 32.7 hours worked from November 3, 2008 – February 19, 2009, and a memo and affidavit in support.*

May 9, 2009—Plaintiffs file amended notice of motion and motion for restraining order in probate court.

May 11, 2009—*Judge Curry issues order terminating Lisa Fisher's conservatorship, ordering her to provide an accounting, and to turn over all estate assets in her possession to Personal Representative, Bessie Huckabee.*

May 13, 2009—Judge Curry issues Order of Removal to Circuit Court.

May 14, 2009—*Motion for Temporary Injunction filed by Plaintiff.*

May 19, 2009—*Plaintiff files amended notice of hearing for Motion for Temporary Injunction.*

May 21, 2009—*Lisa Fisher files pro hac vice Application and Defendant SC Deferred Compensation Program files Reply to Temporary Injunction indicating it has no position.*

May 22, 2009—*Defendant ING files Reply to Temporary Injunction indicating it has no position and Judge Hughston's form 4 Order temporarily restraining P.R. from doing anything regarding the estate is filed.*

May 26, 2009—Letter from Supreme Court filed certifying Lisa Fisher paid \$250 *pro hac vice* application fee, and *Lisa Fisher files final conservator accounting in the probate court. In addition, Judge Condon grants Lisa Fisher a 90 day extension to deliver assets to PR.*

May 28, 2009—Defendant Bessie Huckabee filed motion for reconsideration of Judge Hughston's May 22, 2009 Order granting Plaintiff's Temporary Injunction, and Defendant National Life Insurance Company files separate Answer and Counterclaim and Cross-Claim by way of Rule 22 Interpleader for insurance benefits in the amount of \$21,454.67.

May 29, 2009—Plaintiffs file Reply to National Life Insurance Company's counterclaim.

June 4, 2009—Plaintiffs file memo in opposition to Defendant Huckabee's Motion for Modification and Reconsideration of Temporary Injunction.

June 5, 2009—Defendants Bessie Huckabee, Kay Passailaigue, Sandra Byrd file Answer to Plaintiffs' Complaint.

June 8, 2009—Plaintiffs' Reply to ING Institutional Plan Services' Counterclaim.

June 10, 2009—Judge Hughston's Order granting Modification of Temporary Restraining Order is filed. The order mutually restrained both parties from disbursing or distributing assets from the estate pending a trial on the merits on all issues in controversy.

June 12, 2009—SC Deferred Compensation Commission's Answer, Counterclaim and Cross-claim by way of Rule 22 Interpleader for funds in the amount of \$74,002.33

June 15, 2009—Defendant State Budget and Control Board, SC Retirement System's Answer, Counterclaim and Cross-claim by way of Rule 22 Interpleader for funds in the amount of \$6,189.36

June 16, 2009—Judge Condon grants Defendant Bessie Huckabee's motion for 120 day extension to file inventory and appraisal in probate court.

June 18, 2009—Judge Jefferson grants Lisa Fisher's *pro hac vice* admission. Additionally, Plaintiffs appeal Judge Hughston's **interlocutory** order granting modification of the temporary injunction on the basis that the TRO is "fundamentally flawed." Effective disposition of the case was severely hindered from this point forward.

June 19, 2009—Plaintiff Beatty Fisher files Motion to set aside void order of informal appointment of Bessie Huckabee as Personal Representative and Defendant Bessie Huckabee files a Motion to reconsider *pro hac vice* application of Lisa Fisher.

June 30, 2009—Defendants ING Institutional Plans Services and SC Deferred Compensation Commission file Motion for Interpleader and to Deposit Funds into Court.

July 10, 2009—Defendant National Life Insurance Company files Motion for Interpleader and to Deposit Funds into Court.

June 16, 2009—Judge Condon grants 120 day extension for PR to file inventory and appraisalment.

July 21, 2009—*Lisa Fisher files Motion for approval of fees and Expenses in the amount of \$67,814.50 and memo in support in the Probate Court.*

July 27, 2009—*Letter from attorney Kouten stating that the most recent accounting lacks specificity.*

July 30, 2009—Defendant State Budget and Control Board, South Carolina Retirement System's Motion for Interpleader and to Deposit Funds into Court.

August 19, 2009—*Judge Curry grants 90 day extension for Lisa Fisher to turn over assets.*

August 21, 2009—Attorney General Henry Dragan McMaster Answers Plaintiffs' Complaint.

August 28, 2009—Not in any file but according to a memo filed by Plaintiff, Defendant filed a Motion for Appointment of Special Administrator.

September 4, 2009—Lisa Fisher files proof of claim in the amount of \$67,814.50 on the basis of fees and expenses owed for guardian and conservator.

September 21, 2009—Plaintiff Betty Fisher files memo in opposition to Huckabee's Motion for appointment of special administrator.

September 23, 2009—Consent Orders of Interpleader as to ING, S.C. Deferred Compensation, and National Life Insurance Company. Plaintiff also files memo in opposition to Defendants' motion for reconsideration of order granting Lisa Fisher's *pro hac vice* application.

October 12, 2009—Defendants' file Motion to Disqualify Counsel Lisa Fisher and a Consent Order of Interpleader as to State Budget and Control Board is filed.

October 22, 2009—Judge Condon grants 180 day extension for PR to file inventory and appraisalment.

October 27, 2009—Plaintiff files objection to Bessie Huckabee's Motion for an extension to file inventory and appraisalment.

November 3, 2009—Letter from probate court to Plaintiffs' attorney acknowledging receipt of the objection to Defendant's motion for extension but explaining to Plaintiffs that the extensions are necessary for the court's monthly reporting requirements to court administration despite removal of the case to circuit court.

November 20, 2009— *Judge Curry grants 90 day extension for Lisa Fisher to turn over assets.*

December 1, 2009—Plaintiff files memo in opposition to Defendant's Motion to Disqualify.

December 2, 2009—Defendant files memo in support of motion to disqualify counsel.

December 4, 2009—Defendants' Motion to Disqualify Counsel is Denied with leave granted to re-file if facts change.

December 21, 2009—Letter from Defendant's attorney to clerk requesting that the court correct the caption on the most recent notice of entry of judgment is filed.

December 29, 2009—Letter from Lisa Fisher to clerk objecting to Defendant's request to correct caption and objecting to line in Defendant's letter informing the clerk to contact his office in regard to any questions on the matter as amounting to *ex parte* communication is filed.

2010

May 7, 2010—Judge Condon grants 180 day extension for PR to file inventory and appraisal, and closing documents.

May 12, 2010— *90 day extension to turn over assets granted by Judge Curry.*

May 17, 2010—Plaintiff files objections regarding Bessie Huckabee's Motion for an Extension filed on or about May 5, 2010.

August 10, 2010—*Judge Curry grants 90 day extension for Lisa Fisher to turn over assets.*

November 1, 2010—*Probate Judge grants 90 day extension to turn over assets.*

November 10, 2010—*Judge Condon grants 90 day extension for Lisa Fisher to turn over assets.*

November 16, 2010—Judge Curry grants 120 day extension for PR to file closing documents.

2011

February 24, 2011—*Jude Curry grants 90 day extension for Lisa Fisher to turn over assets.*

March 21, 2011—*Letter from Attorney Kouten alerting court that accountings for the years 2009 or 2010 had not been filed.*

March 31, 2011—*Letter from Judge Curry requesting Lisa Fisher to furnish the probate court with a 2009 and 2010 annual accounting.*

April 7, 2011—Judge Condon grants 180 day extension for PR to file closing documents.

May 20, 2011—*Bessie Huckabee files Motion to Appoint Special Fiduciary for Conservatorship Assets.*

June 1, 2011—*Lisa Fisher files Motion to Strike and Memo in opposition to Bessie Huckabee's Motion to Appoint Special Fiduciary.*

June 2, 2011—Court of Appeals file Order dismissing Plaintiff's appeal of the appointment of Bessie Huckabee as PR of the estate of Alice Shaw-Baker and affirming Judge Hughston's order modifying prior temporary restraining order.

August 12, 2011—*Lisa Fisher files objection to Court's Consideration of Huckabee's Motion to Appoint Special Fiduciary.*

September 21, 2011—*Lisa Fisher files objection to proposed order by Bessie Huckabee.*

September 28, 2011—*Judge Curry issues Order appointing special fiduciary Heyward Harvey and denying Lisa Fisher's Motion to strike and for extension to turn over assets.*

September 29, 2011—*Lisa Fisher files objection to second, duplicate proposed order by Bessie Huckabee.*

October 7, 2011—*Lisa Fisher files Motion for reconsideration of probate court order appointing special fiduciary and denying motion to strike, and Betty Fisher files motion to set aside probate court order appointing special fiduciary and memo in support. Additionally, Lisa Fisher files a renewed motion for approval of fees and expenses of guardian and conservator.*

October 13, 2011—Judge Condon grants 120 day extension for PR to file closing documents.

October 14, 2011—*Judge Curry issues order Denying Lisa Fisher's Motions for reconsideration and renewed motion for approval of expenses of guardian and conservator. In addition, Judge Curry issues orders freezing any and all assets under the name of Alice Shaw-Baker and/or Lisa Fisher or Alice Shaw-Baker individually being held with Edward Jones Investments, Wachovia, Farmers Merchants Bank, or Bank of America until Heyward Harvey takes control as special fiduciary.*

October 20, 2011—*Certificate of appointment is filed certifying Heyward Harvey is the duly qualified special fiduciary and Lisa Fisher files a motion to alter or amend the orders freezing assets and a motion to alter or amend denial of renewed motion for approval of fees and expenses of guardian and conservator.*

October 25, 2011—*Betty Fisher appeals Judge Curry's order appointing a special fiduciary and order denying motion to set aside order and Lisa Fisher appeals order appointing special fiduciary and denying motion to strike and order denying motion for reconsideration of order appointing special fiduciary.*

November 9, 2011—*Judge Curry issued order denying motion to alter or amend denial of renewed motion for approval of fees and expenses on the basis that Lisa Fisher's role as a conservator ended by order dated May 11, 2009, and Ms. Fisher withdrew monies from the conservatorship without having the legal fiduciary authority to do so. Additionally, Judge Curry issues order denying motion to alter or amend the orders freezing assets.*

November 21, 2011—*Lisa Fisher appeals Judge Curry order denying motion to alter or amend orders freezing assets and denial of motion to alter or amend denial of renewed motion for approval of fees and expenses of guardian and conservator.*

2012

February 14, 2012—Judge Condon grants 180 day extension for PR to file closing documents.

May 6, 2012—*Judge Curry informs Bank of America that temporary restraining order freezing accounts is still in effect until further order of the court.*

July 19, 2012—Defendant Bessie Huckabee files a Motion for Hearing on validity of Alice Shaw-Baker's last will and Testament.

July 30, 2012—Supreme Court Order denying certiorari.

August 1, 2012—Plaintiffs file motion to disqualify and remove Defendants counsel and memo in support.

September 5, 2012—Judge Condon grants 180 day extension for PR to file inventory and appraisal, and closing documents.

September 13, 2012—Bessie Huckabee files inventory and appraisal.

September 14, 2012—Defendant Bessie Huckabee files copy of the Inventory and Appraisal that was filed in the probate court.

October 4, 2012—Lisa and Betty Fisher file objections to the Inventory and Appraisal filed by Bessie Huckabee in both circuit and probate case.

October 4, 2012—Betty Fisher also files objection to Inventory and Appraisal filed by Bessie Huckabee.

November 28, 2012—Defendant's attorney files memo in opposition to Plaintiff's motion for disqualification and removal of counsel.

2013

March 12, 2013—Judge Condon grants 180 day extension for PR to file closing documents.

August 6, 2013—W. Westbrook Wills III files notice of appearance.

September 3, 2013—Defendant's Motion for Summary Judgment is granted in case # 2009-CP-10-1332

September 16, 2013—Judge Condon grants 180 day extension for PR to file closing documents.

September 27, 2013—Defendant Bessie Huckabee files Motion to Bifurcate along with Affidavit by Bessie Huckabee.

October 4, 2013—Plaintiffs file objection to Westbrook Wills' Notice of Appearance and file objection to Defendant's motion to bifurcate.

October 14, 2013—Consent order filed substituting Westbrook Wills III in place of Peter Kouten as counsel for Defendants.

2014

February 4, 2014—Judge Nicholson files Order Denying Plaintiff's Motion to Disqualify.

February 6, 2014—Plaintiffs file supplemental memo in opposition to motion to bifurcate.

February 18, 2014—Plaintiffs file motion to reconsider order denying motion to disqualify, memo in support, and affidavit by Lisa Fisher.

March 24, 2014—Judge Condon grants 180 day extension for PR to file closing documents.

May 7, 2014—Judge Nicholson files order denying Plaintiffs' Motion to reconsider denial of motion to disqualify.

June 10, 2014—Plaintiffs file notice of appeal regarding Judge Nicholson's denial of Plaintiffs' Motion to Disqualify.

August 18, 2014—Defendants file Motion for hearing and *Judge Nicholson's order affirming probate court's order appointing special fiduciary, freezing assets, and denying motions to reconsider.*

September 19, 2014—*Betty Fisher files notice of intent to appeal Judge Nicholson's order.*

October 8, 2014—Judge Condon grants 180 day extension for PR to file closing documents.

2015

April 13, 2015—Judge Condon grants 120 day extension for PR to file closing documents.

August 31, 2015—Judge Condon grants 120 day extension for PR to file closing documents and accounting.

2016

January 19, 2016—Judge Condon grants 180 day extension for PR to file closing documents.

June 22, 2016—Remittitur from Supreme Court filed denying Plaintiffs petition for writ of cert.

June 27, 2016—Court of Appeals Order is filed denying plaintiffs' petition for rehearing.

August 19, 2016—Judge Condon grants 180 day extension for PR to file closing documents.

August 22, 2016—Court of Appeals Order is filed granting costs in the amount of \$500 to the Defendants.

December 21, 2016—*Court of Appeals release unpublished opinion Affirming the circuit court's affirmance of the probate court's order appointing a special fiduciary, freezing assets, and denying motions to reconsider, and remanding Lisa Fisher's request for fees to the probate court.*

2017

January 17, 2017—Consent Motion for May 15, 2017, date certain.

February 16, 2017—*Letter from Defendants attorney requesting that Lisa Fisher be required to provide annual accountings of the estate's assets for the years 2011, 2012, 2013, 2014, 2015, and 2016.*

February 24, 2017—*Betty and Lisa Fisher's petition for rehearing in the Court of Appeals is denied.*

March 21, 2017—*Fisher's attorney responds to letter asking for accounting by stating the matter is beyond the jurisdiction of the probate court due to pending appeals.*

March 28, 2017—*Lisa and Betty Fishers' petition for writ of cert regarding the Court of Appeals December 21, 2016 unpublished opinion is filed in the SC Supreme Court.*

April 4, 2017—*Bessie Huckabee files motion for accounting.*

April 25, 2017—Judge Curry signs order substituting Jessica Crowley for Peter A. Kouten and attorney for Bessie Huckabee.

April 26, 2017—Judge Condon grants 90 day extension for PR to file closing documents.

May 12, 2017—*Order from probate court is filed substituting Jessica Crowley as counsel for defendants in place of Peter Kouten.*

May 30, 2017—Supreme Court Order filed denying Defendants motion to strike portions of the petitioner's brief.

August 2, 2017—Defendants file motion for summary judgment.

August 4, 2017—Defendants file amended motion for summary judgment.

August 16, 2017—*Date of Supreme Court Order disqualifying Judge Condon and the Associate Probate Judges of Charleston County, and transferring probate case to Judge Fulp in Beaufort.*

October 2, 2017—Plaintiff's file motion to change venue to Beaufort county, vacate date certain, and for a stay of all hearings pending Supreme Court ruling on petition for cert. Lisa Fisher also files affidavit in support of motion.

October 18, 2017—affidavit by Joann Hadwin and attorney Donald Budman filed attesting to validity of will.

October 19, 2017—Defendants file memo in opposition to plaintiffs' motion to change venue, vacate date certain, and for a stay. Additionally, Judge Jefferson files Order denying motion to change venue, vacate date certain, and for a stay on the following grounds: (1) Date certain trial was set to begin in three days; (2) two weeks had already been allotted for trial; and (3) motion to stay ruling on writ of cert pertaining to another case with the same parties but was unrelated to the present case.

October 23, 2017—Plaintiffs file motion to disqualify Judge Hughston on the grounds that he granted the modified temporary restraining order which was requested by the parties, motion for reconsideration of order denying motion to change venue, vacate date certain, and for stay on all matters. Plaintiffs also file notice of appeal of order denying motion to change venue, vacate date certain, and to stay. In addition, Judge Jefferson files order denying plaintiffs motion for reconsideration.

October 26, 2017—Jury verdict finding Alice Shaw-Baker's Last Will and Testament valid.

November 3, 2017—Plaintiffs file motion for date certain to hear severed trial on other causes of action, for a new trial, and for reconsideration of denial of Plaintiffs motion to amend its complaint to conform to evidence to reform the will as well a memo and affidavit in support.

November 6, 2017—Defendants file post-trial motions for sanctions under SC Frivolous Proceedings Act and Defendants file Motion to Dissolve Temporary Restraining Order.

November 16, 2017—Court of Appeals order dismissing Plaintiffs appeal of Judge Jefferson's order denying motion to change venue, vacate date certain, and to stay, and on denial of plaintiff's motion to disqualify Judge Hughston on the grounds that such matters are not immediately appealable.

December 6, 2017—Plaintiffs file memo in opposition to Defendants' post-trial motions.

December 27, 2017—Order assigning all matters to Judge Hughston.

2018

January 2, 2018—Defendant files renewed motion for summary judgment on remaining causes of action and response to plaintiffs' memo in opposition to Defendants' post-trial motions.

January 25, 2018—Judge Hughston requiring parties to furnish him with all information regarding the most recent accounting to the Probate Court.

January 30, 2018—Judge Hughston order checking on status of updated accounting and scheduling a pre-trial hearing.

February 5, 2018—Letter from Defendants in regard to Judge Hughston's order for an updated accounting.

February 6, 2018—Judge Hughston's order requiring Plaintiffs to furnish any missing information to him at pre-trial hearing and all bank records relative to Conservator accounts.

February 8, 2018—date of letter sent to Judge Hughston from Lisa Fisher objecting to Defendants letter, furnishing requested materials, arguing prejudice, and expressing concerns over imposing on Supreme Court jurisdiction.

February 9, 2018—Judge Hughston's filed reply letter to Lisa Fisher stating that what he has requested is relevant and ordered her to provide accounting in simple form.

February 14, 2018—Accounting by Lisa Fisher is filed.

February 16, 2018—Judge Hughston email changing pretrial hearing to Beaufort for everyone's convenience.

February 22, 2018—Judge Hughston order requiring any discovery done in the present case or any corresponding case be turned over to him.

February 26, 2018—Lisa Fisher files amended accounting with attachments, motion to strike Feb. 2, 2018 letter from Defendants' counsel, affidavit of John Hughes Cooper, memo in opposition to Defendants' renewed motion for summary judgment, pre-trial brief, and an affidavit of Albert Bilbrey.

February 28, 2018—Plaintiffs file reply to Defendants' Response to Plaintiffs' Post-Trial Motions. Additionally, Judge Hughston files order confirming the parties had a pre-trial hearing as scheduled and ordering both parties to be prepared to present evidence they wish to present at Trial on March 12 concerning any legal and factual matters.

March 7, 2018—Correspondence from Defendants' attorney to Judge Hughston is filed that raises the issue of Plaintiffs' standing and cites the South Carolina Supreme Court's decision in a companion case declaring Plaintiffs did in fact lack standing to bring claims on behalf of the estate.

March 14, 2018—Judge Hughston files Order confirming his oral Order requiring Lisa Fisher to produce financial statements showing her net worth and net income for 2017, and informing her that failure to do so may result in civil contempt of court.

APPENDIX 2

Court's Summary of Expenditures and Fees

Initial Value of Estate (Family Service's Inventory and Appraisal)

| | |
|------------------------------|----------------------|
| Real Estate: | \$ 92,200.00 |
| Investments: | \$ 233,788.01 |
| Anticipated Annual Receipts: | \$ 35,308.82 |
| Life Insurance: | \$ 9,625.56 |
| Annuities: | \$ 17,133.24 |
| TOTAL NET WORTH: | <u>\$ 388,055.63</u> |

Family Services' Conservatorship Final Accounting (Aug. 14, 2008 – Dec. 18, 2008)

| | |
|---------------------|---|
| Total Receipts: | \$ 247,964.99 |
| Total Expenditures: | <u>\$68,341.85</u> [28% of Liquidated Estate] |
| FINAL BALANCE: | <u>\$ 179,623.14</u> |

Lisa Fisher's Conservatorship Accounting (Dec. 18, 2008 – Jan. 10, 2018)

| | |
|--|---|
| Total Receipts (Liquidated Estate): | \$ 312,046.40 |
| Total Expenditures (credited BOA \$1000 Investment): | <u>\$ 172,033.14</u> [55% of Liquidated Estate] |
| FINAL BALANCE: | <u>\$ 140,013.26</u> [Assumed Current Balance of Liquidated Estate] |

Improper Expenditures From Estate

| | |
|--|---------------------|
| Monies spent after May 11, 2009 order terminating conservatorship: | \$ 39,549.43 |
| Charitable contributions prior to May 11, 2009, without a court order (§62-5-424(C)(9)): | \$ 105.00 |
| Air ambulance day before death (§62-5-424(C)(8)): | \$ 25,000.00 |
| Unapproved legal fees: | \$ 13,941.59 |
| Caregiver expenses more than a month after Alice-Shaw Baker death (§62-5-424(C)(8)): | \$ 1,000.00 |
| Charge for "Hair" after date of death (§62-5-424(C)(8)): | \$ 200.00 |
| TOTAL: | <u>\$ 79,796.02</u> |

Credits

| | |
|------------------------------|--|
| Lawn Care: | \$ 2,370.00 |
| Taxes and Insurance: | \$ 7,892.85 |
| TOTAL: | <u>\$ 10,262.85</u> |
| TOTAL IMPROPER EXPENDITURES: | <u>\$ 69,533.17</u> [22% of Liquidated Estate] |

Sanctions on Improper Expenditures/Loss of Opportunity Costs

| | |
|--|---------------------|
| Total Improper Expenditures: | \$ 69,533.17 |
| Loss Rent from One year following Date of Death: | \$ 7,000 |
| TOTAL SANCTIONS ON IMPROPER EXPENDITURES: | <u>\$ 76,533.17</u> |

Accumulated Attorney's Fees from February 2009 – February 2018

| | |
|---|---|
| Plaintiffs (not including any fees from Lisa Fisher): | \$157,297.42 |
| Defendants: | <u>\$ 157,539.93</u> |
| TOTAL: | <u>\$314,837.35</u> [81% of Estate's Initial Net Worth] |

Total Sanctions

| | |
|---|----------------------|
| Improper Expenditures and Loss Opportunity | \$ 76,533.17 |
| Defendants' Attorney's Fees | <u>\$ 157,539.93</u> |
| TOTAL: | <u>\$ 234,073.10</u> |
| Prejudgment Interest | 8.50% |
| TOTAL SANCTIONS ON ATTORNEY'S FEES AND IMPROPER EXPENDITURES: | <u>\$ 253,696.31</u> |

Other Noteworthy Figures

Outstanding Fee Request

| | |
|------------------------------|---------------------|
| Lisa Fisher Conservator Fees | <u>\$ 67,814.50</u> |
|------------------------------|---------------------|

Total Fees to Date

| | |
|---|---|
| Total Accumulated attorney's fees from Feb. 2009 – Feb. 2018: | \$ 314,837.35 |
| Lisa Fisher pending request for Conservator Fees: | \$ 67,814.50 |
| Payment to JH Cooper (Lisa Fisher Accounting): | \$ 12,941.59 |
| Payment to JH Cooper (Lisa Fisher Accounting): | \$ 75.00 |
| Payment to JH Cooper (Lisa Fisher Accounting): | \$ 139.75 |
| Payment to JH Cooper (Lisa Fisher Accounting): | \$ 1,000.00 |
| Payment to JH Cooper (Lisa Fisher Accounting): | \$ 375.00 |
| Payment to JH Cooper (Lisa Fisher Accounting): | \$ 44,530.00 [Approved by Feb. 27, 2009 Order for fees through Oct. 31, 2008] |
| Lisa Fisher Reimbursement for Legal Fees: | <u>\$ 6,090.00</u> |
| TOTAL: | <u>\$447,803.19</u> [115% of Estate's Initial Net Worth] |

APPENDIX 3

| | | |
|--|----|------------------|
| Alice Shaw-Baker Death: | | 25-Feb-09 |
| Order Terminating Conservatorship: | | 11-May-09 |
| Total Expenditures Post Death: | \$ | 99,015.29 |
| Total Expenditures from Feb. 25-May 11, 2009: | \$ | 59,465.86 |
| Total Expenditures Post May 11, 2009: | \$ | 39,549.43 |

(*Figures do not include funeral expenses*)

Admin expenses

| | | |
|--------------------------------|-------------|--------------------|
| 3/3/2009 Betty Fisher | Postage | \$ 9.36 |
| 3/20/2009 Bety Fisher | Postage | \$ 9.36 |
| 6/2/2009 Farmers & Merchant | Check Order | \$ 23.35 |
| 5/19/2009 Lisa Fisher | Legal | \$ 75.00 |
| 5/23/2009 Lisa Fisher | Postage | \$ 210.00 |
| 10/14/2009 Bond Services of CA | Bond Fee | \$ 1,465.00 |
| 10/7/2010 Bond Services of CA | Bond fee | \$ 1,465.00 |
| 1/18/2011 Lisa Fisher | Unknown | \$ 6.59 |
| 1/18/2011 Lisa Fisher | DMV | \$ 12.15 |
| 1/18/2011 Lisa Fisher | tapa | \$ 12.90 |
| 1/24/2011 Betty Fisher | unknown | \$ 26.10 |
| 3/15/2011 Deluxe Check | Check order | \$ 20.00 |
| 4/8/2011 fee | Bank Charge | \$ 27.50 |
| 5/31/2011 Lisa Fisher | Fedex | \$ 39.09 |
| 6/6/2011 Lisa Fisher | copies | \$ 22.42 |
| 4/28/2015 | Bank Charge | \$ 80.00 |
| 4/28/2015 | Bank Charge | \$ 244.00 |
| Total: | | \$ 3,747.82 |
| Before Order: | | \$ 3,686.31 |
| After Order: | | \$ 61.51 |

Donations

| | | |
|------------------------------------|---------|-----------|
| 3/4/2009 Catholic relief service | Charity | \$ 100.00 |
| 3/6/2009 Blessed Sacrament | Charity | \$ 100.00 |
| 3/11/2009 Missionary Obiates | Charity | \$ 150.00 |
| 3/9/2009 American Antivivesectin | Charity | \$ 150.00 |
| 3/9/2009 PCRM | Charity | \$ 150.00 |
| 3/6/2009 Chihuahua Rescue | Charity | \$ 150.00 |
| 3/11/2009 Charleston Animal | Charity | \$ 150.00 |
| 3/13/2009 Friends of Animals | Charity | \$ 150.00 |
| 3/18/2009 LCA | Charity | \$ 150.00 |
| 3/18/2009 National Antivivisection | Charity | \$ 150.00 |
| 3/16/2009 PETA | Charity | \$ 150.00 |

| | | |
|-----------------------------------|---------|-----------|
| 3/12/2009 Best friends of animals | Charity | \$ 150.00 |
| 3/19/2009 Chihuahua Rescue | Charity | \$ 150.00 |
| 3/12/2009 Chihuahua Rescue | Charity | \$ 150.00 |
| 3/12/2009 ASPCA | Charity | \$ 150.00 |
| 3/13/2009 Blessed Sacrament | Charity | \$ 150.00 |
| 3/26/2009 No Kill | Charity | \$ 150.00 |

Total: \$ 2,450.00
Before Order: \$ 2,450.00
After Order: \$ -

Medical Expenses

| | | |
|-----------------------|---------------------------------|-------------|
| 3/23/2009 ATC Health | Medical | \$ 783.00 |
| 3/17/2009 Lifeline | Medical | \$ 76.00 |
| 5/18/2009 Lisa Fisher | Maxim Medical | \$ 255.00 |
| 5/26/2009 Lisa Fisher | Medication Reimbursment | \$ 512.30 |
| 5/23/2009 Lisa Fisher | Medical Evaluation Reimbursment | \$ 5,000.00 |

Total: \$ 6,626.30
Before Order: \$ 859.00
After Order: \$ 5,767.30

Caregiver

| | | |
|-------------------------------------|------------------------|-------------|
| 3/3/2009 Mona Dayhoff | Caregiver | \$ 165.00 |
| 3/3/2009 Candace Rickborn | Caregiver | \$ 1,840.00 |
| 3/5/2009 Candace Rickborn | Caregiver | \$ 100.00 |
| 3/3/2009 Candace Rickborn | Caregiver | \$ 250.00 |
| 3/11/2009 Candace Rickborn | Caregiver | \$ 1,020.00 |
| 3/13/2009 Candace Rickborn | Caregiver | \$ 250.00 |
| 3/31/2009 Candace Rickborn | Caregiver | \$ 250.00 |
| 4/2/2009 Candace Rickborn | Caregiver | \$ 250.00 |
| 4/13/2009 Candace Rickborn | Caregiver | \$ 250.00 |
| 4/23/2009 Candace Rickborn | Caregiver | \$ 250.00 |
| 4/29/2009 Candace Rickborn | Caregiver | \$ 250.00 |
| 5/26/2009 betty fisher | Caregiver/reimbursment | \$ 500.00 |
| 5/19/2009 lisa fisher | Caregiver | \$ 165.00 |
| 5/7/2009 Candace Rickborn | Caregiver | \$ 250.00 |
| 5/12/2009 Candace Rickborn | Caregiver | \$ 250.00 |
| 5/18/2009 Candace Rickborn | Caregiver | \$ 250.00 |
| 5/19/2009 Lisa Fisher Reimbursement | Caregiver | \$ 895.00 |
| 5/18/2009 Candace Rickborn | Caregiver | \$ 250.00 |
| 5/23/2009 Candace Rickborn | Caregiver | \$ 250.00 |

| | | |
|-------------------------------------|-----------|--------------------|
| 5/23/2009 Lisa Fisher Reimbursement | Caregiver | \$ 65.00 |
| Total: | | \$ 7,750.00 |
| Before Order: | | \$ 5,125.00 |
| After Order: | | \$ 2,625.00 |

Personal Expenses

| | | |
|--------------------------------|---------------------|--------------------|
| 3/16/2009 Chase | Unknown | \$ 711.02 |
| 3/27/2009 Barbara Ann Thompson | Hair | \$ 200.00 |
| 4/30/2009 Post & Courier | Newspaper | \$ 14.25 |
| 5/19/2009 Lisa Fisher | Reimburse Purchases | \$ 62.32 |
| 5/23/2009 Lisa Fisher | Costs for Alice | \$ 450.00 |
| 6/1/2009 Post & Courier | Newspaper | \$ 14.25 |
| 6/30/2009 Post & Courier | Newspaper | \$ 14.25 |
| 7/30/2009 Post & Courier | Newspaper | \$ 14.25 |
| 8/31/2009 Post & Courier | Newspaper | \$ 14.25 |
| 9/29/2009 Post & Courier | Newspaper | \$ 14.25 |
| 10/29/2009 Post & Courier | Newspaper | \$ 14.25 |
| 12/3/2009 Post & Courier | Newspaper | \$ 14.25 |
| 12/29/2009 Post & Courier | Newspaper | \$ 14.25 |
| 1/29/2009 Post & Courier | Newspaper | \$ 16.25 |
| 3/1/2010 Post & Courier | Newspaper | \$ 16.25 |
| Total: | | \$ 1,584.09 |
| Before Order: | | \$ 925.27 |
| After Order: | | \$ 658.82 |

Insurance and Taxes

| | | |
|-------------------------------------|------------------------------|-------------|
| 5/19/2009 Lisa Fisher | Reimburse State Farm Car Ins | \$ 235.21 |
| 7/21/2009 State Farm Ins | Insurance | \$ 22.49 |
| 9/19/2009 State Farm Ins | Car Insurance | \$ 244.78 |
| 9/19/2009 State Farm Ins | Homeowners | \$ 375.75 |
| 11/6/2009 Charleston Co. Treasurer | Tax | \$ 31.43 |
| 12/29/2009 State Farm Ins | Homeowners | \$ 375.75 |
| 3/23/2010 State Farm Ins | Car Insurance | \$ 250.26 |
| 4/1/2010 State Farm Ins | Homeowners | \$ 390.00 |
| 4/16/2010 Charleston Co. Treasurer | Tax | \$ 388.62 |
| 7/17/2010 State Farm Ins | Homeowners | \$ 390.00 |
| 9/21/2010 State Farm Ins | Car Insurance | \$ 270.35 |
| 9/24/2010 State Farm Ins | Homeowners | \$ 390.00 |
| 11/22/2010 Charleston Co. Treasurer | Tax | \$ 1,381.44 |

| | | |
|-------------------------------|---------------|--------------------|
| 12/31/2010 State Farm Ins | Homeowners | \$ 390.00 |
| 3/25/2011 State Farm Ins | Car Insurance | \$ 270.35 |
| 5/3/2011 State Farm Ins | Homeowners | \$ 393.99 |
| 7/20/2011 Blueprint Ins Group | Insurance | \$ 1,737.34 |
| 9/19/2011 State Farm Ins | Insurance | \$ 15.60 |
| 10/7/2011 State Farm Ins | Insurance | \$ 339.49 |
| Total: | | \$ 7,892.85 |
| Before Order: | | \$ - |
| After Order: | | \$ 7,892.85 |

Home Maintenance

| | | |
|----------------------------|-------------|-----------|
| 4/9/2009 Village Plumbing | Repair | \$ 380.00 |
| 4/27/2009 John Gamble | Security | \$ 350.00 |
| 4/30/2009 B Smith | Lawn | \$ 60.00 |
| 5/14/2009 Hugh Haines | Lawn | \$ 60.00 |
| 5/18/2009 Hugh Haines | Lawn | \$ 60.00 |
| 5/23/2009 John Gamble | Security | \$ 200.00 |
| 6/19/2009 Hugh Haines | Lawn | \$ 60.00 |
| 8/8/2009 Hugh Haines | Lawn | \$ 60.00 |
| 9/13/2009 Hugh Haines | Lawn | \$ 75.00 |
| 10/13/2009 Hugh Haines | Lawn | \$ 60.00 |
| 11/20/2009 John Gamble | Security | \$ 500.00 |
| 1/15/2010 Hugh Haines | Lawn | \$ 60.00 |
| 1/15/2010 Hugh Haines | Lawn | \$ 60.00 |
| 2/2/2010 Village Plumbing | Repair | \$ 125.00 |
| 2/28/2010 Candace Rickborn | Carpet | \$ 40.00 |
| 3/11/2010 Charles Cooper | Lawn | \$ 60.00 |
| 3/11/2010 Village Plumbing | Maintenance | \$ 100.00 |
| 4/5/2010 Village Plumbing | Maintenance | \$ 100.00 |
| 4/13/2010 Charles Cooper | Lawn | \$ 60.00 |
| 5/1/2010 Charles Cooper | Lawn | \$ 60.00 |
| 5/21/2010 Charles Cooper | Lawn | \$ 60.00 |
| 5/21/2010 Charles Cooper | Lawn | \$ 60.00 |
| 5/19/2010 Village Plumbing | Maintenance | \$ 76.00 |
| 7/15/2010 Charles Cooper | Lawn | \$ 60.00 |
| 7/15/2010 Charles Cooper | Lawn | \$ 60.00 |
| 7/16/2010 Charles Cooper | Lawn | \$ 60.00 |
| 7/30/2010 Charles Cooper | Lawn | \$ 60.00 |
| 8/25/2010 Charles Cooper | Lawn | \$ 60.00 |
| 8/30/2010 Charles Cooper | Lawn | \$ 60.00 |
| 9/15/2010 Charles Cooper | Lawn | \$ 60.00 |

| | | |
|-----------------------------|----------|-----------|
| 9/30/2010 Charles Cooper | Lawn | \$ 60.00 |
| 8/12/2010 John Gamble | Security | \$ 900.00 |
| 9/14/2010 John Gamble | Security | \$ 100.00 |
| 10/15/2010 Charles Cooper | Lawn | \$ 60.00 |
| 10/15/2010 Charles Cooper | Lawn | \$ 60.00 |
| 11/15/2010 Charles Cooper | Lawn | \$ 60.00 |
| 11/1/2010 Charles Cooper | Lawn | \$ 80.00 |
| 12/27/2010 Village Plumbing | Repair | \$ 280.00 |
| 12/16/2010 John Gamble | Security | \$ 100.00 |
| 1/7/2011 John Gamble | Security | \$ 300.00 |
| 2/25/2011 John Gamble | Security | \$ 200.00 |
| 4/1/2011 Charles Cooper | lawn | \$ 60.00 |
| 4/1/2011 Charles Cooper | lawn | \$ 60.00 |
| 4/1/2011 Charles Cooper | lawn | \$ 60.00 |
| 4/21/2011 Charles Cooper | lawn | \$ 60.00 |
| 5/2/2011 Charles Cooper | lawn | \$ 60.00 |
| 5/6/2011 John Gamble | Security | \$ 100.00 |
| 5/9/2011 Charles Cooper | Lawn | \$ 60.00 |
| 5/2/2011 Charles Cooper | Lawn | \$ 60.00 |
| 4/21/2011 Charles Cooper | Lawn | \$ 60.00 |
| 5/6/2011 John Gamble | Security | \$ 100.00 |
| 5/31/2011 Charles Cooper | Lawn | \$ 60.00 |
| 6/2/2011 Charles Cooper | Lawn | \$ 60.00 |
| 7/1/2011 Charles Cooper | Lawn | \$ 60.00 |
| 6/28/2011 Charles Cooper | Lawn | \$ 60.00 |
| 7/18/2011 Charles Cooper | Lawn | \$ 60.00 |
| 7/26/2011 John Gamble | Security | \$ 100.00 |
| 7/12/2011 Charles Cooper | Lawn | \$ 75.00 |
| 8/1/2011 Charles Cooper | Lawn | \$ 60.00 |
| 8/1/2011 Charles Cooper | Lawn | \$ 100.00 |
| 8/17/2011 Charles Cooper | Lawn | \$ 60.00 |
| 8/17/2011 John Gamble | Security | \$ 200.00 |
| 9/7/2011 Charles Cooper | Lawn | \$ 60.00 |
| 9/26/2011 Charles Cooper | Lawn | \$ 60.00 |
| 10/6/2011 Charles Cooper | Lawn | \$ 60.00 |

| | | |
|----------------------|--|--------------------|
| Total: | | \$ 7,101.00 |
| Before Order: | | \$ 790.00 |
| After Order: | | \$ 6,311.00 |

Utilities

| | | |
|---------------|---------|-----------|
| 4/1/2009 AT&T | Utility | \$ 129.77 |
|---------------|---------|-----------|

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|---|---------|-----------|
| 4/15/2009 SCE&G | Utility | \$ 211.58 |
| 4/30/2009 AT&T | Utility | \$ 53.83 |
| 4/16/2009 Charleston Water | Utility | \$ 39.22 |
| 5/13/2009 SCE&G | Utility | \$ 105.00 |
| 5/1/2009 Lisa Fisher Water Reimburse | Utility | \$ 215.88 |
| 5/19/2009 Lisa Fisher Comcast Reimburse | Utility | \$ 204.40 |
| 5/18/2009 Charleston Water | Utility | \$ 36.30 |
| 6/16/2009 SCE&G | Utility | \$ 56.14 |
| 6/16/2009 Charleston Water | Utility | \$ 40.69 |
| 7/9/2009 AT&T | Utility | \$ 84.27 |
| 7/16/2009 SCE&G | Utility | \$ 115.00 |
| 7/10/2009 Charleston Water | Utility | \$ 42.52 |
| 7/21/2009 Lisa Fisher Comcast Reimburse | Utility | \$ 201.12 |
| 8/17/2009 SCE&G | Utility | \$ 115.00 |
| 8/25/2009 AT&T | Utility | \$ 42.23 |
| 9/3/2009 AT&T | Utility | \$ 124.13 |
| 8/11/2009 Charleston Water | Utility | \$ 39.98 |
| 8/20/2009 Comcast | Utility | \$ 64.71 |
| 10/6/2009 SCE&G | Utility | \$ 115.00 |
| 9/10/2009 Charleston Water | Utility | \$ 49.83 |
| 9/9/2009 Comcast | Utility | \$ 64.71 |
| 10/14/2009 AT&T | Utility | \$ 8.13 |
| 10/30/2009 SCE&G | Utility | \$ 115.00 |
| 10/16/2009 Charleston Water | Utility | \$ 52.38 |
| 11/13/2009 SCE&G | Utility | \$ 115.00 |
| 11/10/2009 Comcast | Utility | \$ 64.71 |
| 11/6/2009 Charleston Water | Utility | \$ 40.37 |
| 11/20/2009 Comcast | Utility | \$ 64.71 |
| 12/14/2009 AT&T | Utility | \$ 88.46 |
| 12/15/2009 Charleston Water | Utility | \$ 32.95 |
| 12/15/2009 AT&T | Utility | \$ 88.46 |
| 12/16/2009 SCE&G | Utility | \$ 115.00 |
| 12/15/2009 Comcast | Utility | \$ 64.71 |
| 2010 SCE&G | Utility | \$ 115.00 |
| 2010 Charleston Water | Utility | \$ 36.88 |
| 2010 Comcast | Utility | \$ 64.71 |
| 2010 AT&T | Utility | \$ 42.40 |
| 2010 SCE&G | Utility | \$ 115.00 |
| 2010 AT&T | Utility | \$ 66.36 |
| 2010 Charleston Water | Utility | \$ 52.00 |
| 2010 Comcast | Utility | \$ 68.06 |

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|-----------------------|---------|-----------|
| 2010 SCE&G | Utility | \$ 115.00 |
| 2010 AT&T | Utility | \$ 44.87 |
| 2010 Charleston Water | Utility | \$ 44.02 |
| 2010 Comcast | Utility | \$ 68.06 |
| 2010 SCE&G | Utility | \$ 115.00 |
| 2010 Charleston Water | Utility | \$ 62.46 |
| 2010 Comcast | Utility | \$ 68.06 |
| 2010 SCE&G | Utility | \$ 115.00 |
| 2010 AT&T | Utility | \$ 107.73 |
| 2010 Charleston Water | Utility | \$ 61.19 |
| 2010 Comcast | Utility | \$ 68.08 |
| 2010 SCE&G | Utility | \$ 115.00 |
| 2010 AT&T | Utility | \$ 55.87 |
| 2010 Charleston Water | Utility | \$ 63.03 |
| 2010 Comcast | Utility | \$ 68.07 |
| 2010 SCE&G | Utility | \$ 152.00 |
| 2010 AT&T | Utility | \$ 55.23 |
| 2010 Charleston Water | Utility | \$ 50.63 |
| 2010 Comcast | Utility | \$ 68.07 |
| 2010 SCE&G | Utility | \$ 152.00 |
| 2010 Charleston Water | Utility | \$ 44.02 |
| 2010 SCE&G | Utility | \$ 152.00 |
| 2010 AT&T | Utility | \$ 45.59 |
| 2010 Charleston Water | Utility | \$ 45.11 |
| 2010 Comcast | Utility | \$ 136.14 |
| 2010 SCE&G | Utility | \$ 152.00 |
| 2010 AT&T | Utility | \$ 86.65 |
| 2010 Comcast | Utility | \$ 68.06 |
| 2010 SCE&G | Utility | \$ 152.00 |
| 2010 Charleston Water | Utility | \$ 34.87 |
| 2010 Charleston Water | Utility | \$ 38.35 |
| 2010 Comcast | Utility | \$ 68.06 |
| 2010 SCE&G | Utility | \$ 152.00 |
| 2010 AT&T | Utility | \$ 42.24 |
| 2010 Charleston Water | Utility | \$ 45.49 |
| 2010 Comcast | Utility | \$ 68.06 |
| 2011 SCE&G | Utility | \$ 152.00 |
| 2011 AT&T | Utility | \$ 42.31 |
| 2011 Charleston Water | Utility | \$ 44.94 |
| 2011 Comcast | Utility | \$ 68.06 |
| 2011 SCE&G | Utility | \$ 152.00 |

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|-----------------------|---------|-----------|
| 2011 AT&T | Utility | \$ 87.86 |
| 2011 SCE&G | Utility | \$ 152.00 |
| 2011 Charleston Water | Utility | \$ 42.43 |
| 2011 Comcast | Utility | \$ 136.69 |
| 2011 AT&T | Utility | \$ 44.05 |
| 2011 SCE&G | Utility | \$ 152.00 |
| 2011 Charleston Water | Utility | \$ 99.52 |
| 2011 Comcast | Utility | \$ 71.66 |
| 2011 Charleston Water | Utility | \$ 74.27 |
| 2011 SCE&G | Utility | \$ 152.00 |
| 2011 AT&T | Utility | \$ 88.04 |
| 2011 AT&T | Utility | \$ 43.83 |
| 2011 Comcast | Utility | \$ 71.67 |
| 2011 Comcast | Utility | \$ 71.67 |
| 2011 Charleston Water | Utility | \$ 78.01 |
| 2011 AT&T | Utility | \$ 105.00 |
| 2011 Comcast | Utility | \$ 42.41 |
| 2011 Charleston Water | Utility | \$ 71.67 |
| 2011 Charleston Water | Utility | \$ 37.96 |
| 2011 SCE&G | Utility | \$ 105.00 |
| 2011 AT&T | Utility | \$ 43.16 |
| 2011 Charleston Water | Utility | \$ 37.96 |
| 2011 Comcast | Utility | \$ 71.67 |
| 2011 Charleston Water | Utility | \$ 19.38 |
| 2011 SCE&G | Utility | \$ 105.00 |
| 2011 Charleston Water | Utility | \$ 19.38 |
| 2011 AT&T | Utility | \$ 43.09 |
| 2011 Comcast | Utility | \$ 71.67 |
| 2011 Charleston Water | Utility | \$ 17.35 |
| 2015 Charleston Water | Utility | \$ 47.40 |
| 2016 Charleston Water | Utility | \$ 55.25 |
| 2017 Charleston Water | Utility | \$ 58.26 |

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| Total: | | \$ 9,318.23 |
| Before Order: | | \$ 650.28 |
| After Order: | | \$ 8,667.95 |

Professional Services

| | | |
|-------------------------|----------------------|--------------|
| 3/9/2009 JH Copper | Legal | \$ 44,530.00 |
| 4/29/2009 W Triggs | Accountant | \$ 450.00 |
| 5/23/2009 Lisa Fisher | Reimburse legal fees | \$ 6,090.00 |
| 5/9/2010 William Triggs | Accountant | \$ 940.00 |

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|--------------------------|------------|--------------------|
| 6/16/2011 Triggs & Reese | Accountant | \$ 325.00 |
| 8/11/2011 Triggs & Reese | Accountant | \$ 210.00 |
| <hr/> | | |
| Total: | | \$52,545.00 |
| Before Order: | | \$44,980.00 |
| After Order: | | \$ 7,565.00 |

Final thoughts about this case:

“... When a festive occasion our spirit unbends,
We should never forget the profession’s best friends.
So we’ll pass round the wine,
And a light bumper fill,
To the jolly testator who makes his own will.”

~Lord Charles Neaves

Sadly, if Alice Shaw-Baker had spent a little more time with her attorney, she would have accomplished her goal as stated to her friend, Kay Passailague Slade, “I don’t want lawyers involved.” Tragic outcome. No self-respecting lawyer would toast this.

I close with “A Prayer for Lawyers” by Samuel Johnson:

Almighty God, the Giver of wisdom, without whose help resolutions are vain, without whose help study is ineffectual, enable me if it be Thy will to attain such knowledge as may qualify me to direct the doubtful and instruct the ignorant; to prevent wrongs and terminate contentions; and grant that I may use that knowledge which I shall attain to Thy glory and my own salvation for Jesus Christ’s sake. Amen.