

**IN THE STATE OF SOUTH CAROLINA
THE CIRCUIT COURT OF COMMON PLEAS
CLARENDON COUNTY**

RECEIVED

SEP 17 2018

SC Court of Appeals

FRANCES REANAY WILLIAM

Petitioner

Vs

Appellant Case

No. _____

SHIRELLE JUNIOUS

Representative for

The Estate of

Jarone Williams

Decedent

Respondent

SCAGR ON THE RECORD TO CORRECT DEFICIENCY

FROM THE COURT OF COMMON PLEAS FOR APPELLANT

Under Rule 201, CODE 62-1-308(1) Appellant/Petitioner, appeals the Probate Court of Clarendon County, Case Number 2017-ES-1400153, from the Probate Judge order sign on July 18, 2018. (Copy of the Oder was attach) to the Appeal Court of South Carolina.

The Petitioner who is the Appellant appealed the Probate Judge Order dismissing the petition and cancelling July 30, 2018 hearing.

The appellant received the following attached letter stating SC Code 62-1-308(1) deficiency of filing in the Court of Common Pleas must be corrected. 62-1-308 States except as provided in subsection (1), appeals from the probate court must be to the circuit court. 62-1-308(a) A person interested in a final order, sentence, or decree of a probate court may appeal to the circuit court. The first part of 62-1-308, states except as provided in subsection (1). There is no consent between the parties for jurisdiction on this appeal. Appeallant notes 62-1-308 refers to 62-1-303(a) (b)(c)(d)(e) and 62-1-100(2) which in a particular case in the interest of justice or because of infeasibility of application of the procedure of code to seek justice on this petition and appeal which the appeallant is seeking in this matter before these courts of South Carolina. The curcuit/court of common pleas probate court are part of the same jurisdiction and can render justice according to the law and code of South Carolina. The appellant appeals this matter to the court Common Pleas to correct the deficiency of the Appeals Court.

Submitted by

Frances Reanay Williams

Appeallant



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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September 04, 2018

Frances Reanay Williams
170 Windhaven Trail SW
Atlanta GA 30331

Re: In the Matter of Jarone Williams AKA Jerome Williams
Appellate Case No. 2018-001544

Dear Ms. Williams:

Upon reviewing your notice of appeal, the following deficiency has been noted under the South Carolina Appellate Court Rules (SCACR), and must be corrected within ten (10) days of the date of this letter or your appeal will be dismissed:

- You must provide proof pursuant to S.C. Code §62-1-308(1) that the parties consented in writing or on the record that the appeal would be to the Court of Appeals and not to the court of common pleas.

Very truly yours,


CLERK

cc: Shirelle Junious

STATE OF SOUTH CAROLINA)
)
COUNTY OF: CLARENDON)
)
IN THE MATTER OF:)
JARONE WILLIAMS AKA JEROME WILLIAMS)
(Decedent))

IN THE PROBATE COURT

ORDER of DISMISSAL

CASE NUMBER: 2017ES1400153

Frances Reanay Williams, Petitioner)
Vs)
Shirelle Junious, Personal Representative of)
The estate of Jarone Williams, Respondent)

It appears to this Court that the Petitioner, Frances Reanay Williams, filed a Summons and Petition in the above-captioned case on July 10, 2017. The Court's file reflects that the Petition was to contest the Will of the decedent.

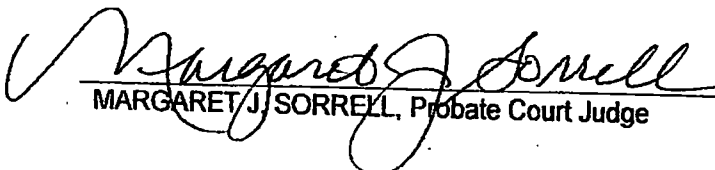
The Petitioner did not file a Proof of Service. This Summons and Petition would have needed to be served on not only the Personal Representative, but also on all interested parties, to wit: all devisees in the will and all heirs at law of the decedent.

An amendment to the original Petition was filed on August 7, 2017. There is no proof of service for the amendment.

Pursuant to the Rule 5 (d) of the South Carolina Rules of Court RCC, the Court finds that service was not perfected and accordingly, the action is dismissed, *sua sponte*, with prejudice. The previously scheduled hearing is cancelled.

AND IT IS SO ORDERED.

Executed this 18th day of July, 2018.


MARGARET J. SORRELL, Probate Court Judge

Manning, South Carolina

NOTE: Probate Court recommends that all interested parties be represented by counsel licensed to practice law in South Carolina. If any interested party wishes to represent him/herself, he/she will be required to adhere to the *South Carolina Rules of Civil Procedure* and *South Carolina Rules of Evidence*.

**IN THE STATE OF SOUTH CAROLINA
THE COURT OF COMMON PLEAS**

**FRANCES REANAY WILLIAMS
PETITIONER**

VS

APPELLANT CASE

NO. _____

**SHIRELLE JUNIOUS
REPRESENTATIVE**

**For the Estate of
Jarone Williams
Decedent**

RESPONDENT

RECEIVED

SEP 17 2018

SC Court of Appeals

Under Rule 201, Code 62-1-308(1) The Probate Court of Clarendon County, Case number 2017-ES-1400153, from the Probate Judge order sign on July 18, 2018. (Copy of the Order is attach) this notice of appeal is made by the appellant.

The petitioner who is the Appellant appeal the Probate Judge order dismissing the petition and cancelling July 30, 2018 hearing .

Order of Probate Judge

Margaret J. Sorrell

**Signed on July 18, 2018 dismissing the
petition and cancelling the hearing on July 30, 2018. In case no.
2017-ES-1400153.**

NOTICE OF APPEAL BY THE APPELLANT FRANCES REANAY WILLIAMS.

Under Rule 203, Code 62-1-308(1) the Appellant makes this notice of appeal to the South Carolina Court of Common Pleas to appeal the order of the Probate Judge of Clarendon County in case number 2017ES1400153. To make a motion for a new hearing (rule 59, SC RCP) reversed the order and remanded to the Probate Court of Clarendon County. The judge dismiss the petition base on rule 5 (d) stating service was not perfect in this petition. This an error and must be correct. The conduct of Judge is a violation Canon 3, A Judge shall perform the duties of judicial office impartially and diligently, A, B(1) (2) and (5). These errors must be corrected that were made by the judge in this probate petition filed by legal heir of decedent the appellant.

Interest of
Frances Reanay Williams
Appellant

The Appellants appeals the judgment of the Probate Judge order sign on July 18, 2018, dismissing the petitioner petition base on rule 5. To dismiss a petition base on rule 5 a motion has to be filed no motion was ever file and served on the petitioner by the respondent. The respondent file and answer to the amendment complaint filed in the probate court on this petition. The petitioner filed a motion to enter final judgment in July 2018, exhibit M-5 showed the petitioner/appellant proof of service to the respondent. This judge omitted evidence, submitted in this case, that showed the will was fraud by the Supreme Court of South Carolina Office of Disciplinary Counsel and dismiss the case with prejudice to silent the petitioner this act on the part of this judge must be correct. The question must be answer on how the respondent knew the Judge would dismiss the petition before the order was signed and enter in this matter. A copy of the order is included in this matter before this appeals court. This order must be over turn and remanded

base errors made by the Judge in this case. This is a civil action, the criminal act of the respondent occurred when the respondent swear before the probate court of Clarendon that this was the will of Jarone Williams and the Supreme Court investigation of Attorney Moore proved the will is a fraud. The complaint and the and Supreme Court finding was made a part of the petition contesting the will. The Court of Common Pleas could address the fraud of the will and Power of Attorney the medical record of Jarone Williams shows the signature on the will and power of attorney was not decedant signature, the matter before the court are will these issues be address to allow prosecution of the respondent and two other parties for criminal act in the probate court on this will.

Notice of Appeal to
Appellate Court Submitted By

Frances Reanay Williams
Appellant
170 Windhaven Trail SW
Atlanta, Georgia 30331
404 346 3164

I certified that I have on this day by certificate mail with tracking to show delivery to Appellee did mail to the appellee on this day Notice of Appeal and Brief to support the notice of Appeal.

Mail to
Shirelle Junious
6967 Alex Harvin Highway
Summerton, South Carolina 29148

with sufficient postage attached thereto as evidence of mailing with a tracking

**IN THE COURT OF COMMON PLEAS THE STATE
SOUTH CAROLINA**

FRANCES REANAY WILLIAMS

Appellant

Vs

Appellate case

NO. _____

SHIRELLE JUNIOUS

Appellee

**APPELLANT BRIEF AND ENUMERATION OF ERRORS FOR
MOTION FOR TRIAL AND REVERSE REMAND BACK TO
PROBATE COURT:**

STATEMENT OF FACTS:

The appellant is the only lawful legal living heir of the decedent born in the marriage of the decedent to the appellant mother. The appellant brother pass March, 2015 and mother May, 2015, within six weeks of each other. The appellant is the only lawful legal heir of the decedent.

The appellee file the a copy of the will on June 8, 2017. The appellant obtain a copy of the will and question the format of the will and the fact that appellant Middle name was misspell, middle name put as her first name in the will, that appellant father knew how to spell her name and would not make the mistake of putting her middle name for appellant first name. The attorney who made the will signed as a witness and the notary and stated the will was signed in his office on April 7, 2018. The decedent was a patient on April 7th was not able to travel to the Attorney office on the day of signing of the will. The appellant question the signature on the will not being the appellant father the decedent signature.

The appellant file the petition on July 10, 2017, contesting the will. The appellant filed a complaint with Supreme Court of South Carolina Office of

Disciplinary Counsel against Attorney Dwight Moore, who drew up the will, Shirelle Junious, and Audrey Walter the witness on the will. The complaint was file with the petition contesting the will as exhibit A. The Supreme Court of South Carolina Office of Disciplinary Counsel, did investigation on Attorney Dwight Moore action on filed in the complaint. The letter from the office stated the complaint was not dismissed, but the disposition is confidential under the provision of the Rules for Lawyer Disciplinary Enforcement, Rule 413 SCACR. The appellant filed a complaint on the Judge and Judge office in handling of this petition challenging the will and the handling of the power of attorney. The office of Supreme Court of South Carolina office of Disciplinary Counsel stated they could not get involved with pending civil actions in court.

Appellant perfected service to appellee on Wednesday July 19, 2017 at 3:29 pm. The appellee filed an answer to the amended petition which acknowledge service. The appellant filed a motion to enter a judgment on the petition, Exhibit M5 the appellant showed the probate court evidence of the post office certified receipts showing service to appellee, Dwight Moore, and Audrey Walter. A fact the probate judge overlook and dismiss the the case with prejudices. The appellee did not file a motion stating the appellee was not properly served. The probate judge took upon the judge the action to bring in an issue of service not being perfected an action the appellee had not pursue with a motion being filed in the petition, and filed an answer to amendment which is a writing. The order dismissing the petition should have never been done and hearing on July 30, 2018 cancel by the probate Judge.

Sufficient documents was submitted in the petition that showed the will submitted by the appellee was a fraud. A fact the probate judge over in dismissing petition with prejudice.

ENUMERATION OF ERRORS

1. Pursuant to rule 5(d) of the South Carolina rules of Court RCC the court finds service was not perfected and accordingly, the action is dismissed, sua sponte, with prejudice error by judge dismissing the case.

2. No motion was filed by appellee stating service was not perfected, an answer was file to the amended petition by appellee which is a writing.showing service was perfected error by judge.
3. Proof of service evidence was submitted with the amended petition showing service perfected error made by probate judge.
4. The behavior and order violates Cannon 3 the order is not impartially and fair, judge bias on any basis in a proceeding impairs the fairness of the proceeding and brings the judiciary into disrepute this is an error.
5. The order violates Cannon 3 B(2) and (5) a judge shall be faithful to the law, in dismissing the petition overlook the Supreme Court of South Carolina office of Disciplinary Counsel finding of the will being a fraud and the did not meeting statutory requirement this is an error.
6. The judge must explain how the appellee was able to say the petition was being dismiss before the judge signed the order on July 18, 2018 this conduct must be address by this court and this error of conduct address.
7. The order must be overrule and case remand reverse back to probate court, the appelland address the probate office in the complaint filed in the petition in the filing of the will and power of attorney not meeting the statutory requirement of the code for a will and a power of attorney this error must be corrected.

Base on the evidence submitted in the case by the appellant showing the Supreme Court of South Carolina Office of Disciplinary Counsel found the Attorney in who drew up the will being contesting, that will was a fraud, the appellant had shown from the complaint the Notice of Final Disposition by the Supreme that this will is a fraud. The question is why the Probate Judge of Clarendon dismiss the petition on a motion that was not file, overlook an answer was filed by the appellee. The appellee has a copy of the petition showing service was perfected by the appellant evidence, submitted a second time in Motion to enter a final judgment in the petition. The fact that a father knows his child name that he had a hand in naming, a parent would never confuse his child middle and first name. As people did who drew up the fraudulent will, the will has been proven to be fraud by the evidence appelland submitted by going after the attorney who drew up and have the Supreme Court investigate him and enter a final Disposition on

the matter. For this Judge to state no evidence of service has not been perfected the Judge must look to her conduct and office and asked why because the proof was filed by appellant. The appeal Court must look at the evidence presented in this case the Judge action in dismissing the case and reverse the order and remanded the case back to the probate court. The appellee Shirelle Junious, the Attorney Dwight Moore and Judge actions must be look at not just from civil aspect but criminal actions in this case. It is a fact Attorney Dwight Moore plead guilty for his actions of draw up the fraudulent will and seek protection under Rule 413. For both parties to continue to take steps in trying to deny the appellant the appellant rightful inheritance under appellant father estate. Can not be allow this Judge order allows two criminals to get away with a crime. Though this is a Civil matter in contesting the will of the decedent the respondent/appellee actions are criminal a fraud and statement before the probate court stating the will is a valid will when the testimony by Attorney to Supreme Court the will is a fraud the Judge should have proceed with the hearing to obtain the necessary evidence with the court reporter request to obtain sufficient for prosecution in this case. The Judge should have never dismiss this case with the evidence submitted, that will is a fraud with prejudice. The appeal Court must overturn and remand back to probate Court this order.

The errors made must be corrected. The will violates 62-2-502(2)(3) see the complaint the appellant filed and made a part of evidence in the contesting of the will review the evidence and see what Supreme Court investigation found in the Attorney actions in this will. Service was perfected by the appellant and evidence was submitted a second in the motion to enter a judgment and Appellee filed an answer.

Submitted by

Frances Reanay Williams
Appellant

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Label 228, March 2016

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