

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ABBEVILLE COUNTY
Court of Common Pleas
Honorable Frank R. Addy, Jr., Judge

Case No. 2018-001067

Kenneth H. Kurowski,	Respondent,
	v.
Daniel D. Hawk,	Appellant.

RECORD ON APPEAL

Daniel D. Hawk, Appellant, Pro Se
3812 N County Line Rd.
Oneida, WI 54155
Cell: 920.664.5417

Hon. Curtis G. Clark, Esquire
414 Monument St., Suite A
Greenwood, SC 29646
Attorney for the Respondent

Mr. Clarence Rauch Wise, Esquire
305 Main St.
Greenwood, SC 29646
Attorney for the Respondent

RECEIVED
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SC Court of Appeals

STATE OF SOUTH CAROLINA)

COUNTY OF ABBEVILLE)

Daniel D. Hawk,)
(son))

Plaintiff,)

vs.)

Kenneth Howard Kurowski,)
(father, decedent, estate))

Defendant.)

IN THE COURT OF COMMON PLEAS

**ORDER DISMISSING THE
COMPLAINT OF PLAINTIFF**

Case No. 2018-CP-01-00069

2018 JUN -1 PM 10:29
STATE OF SOUTH CAROLINA

Date of Hearing: May 8, 2018
Presiding Judge: Frank R. Addy, Jr.
Plaintiff's Attorney: None, plaintiff *pro se* and not present
Defendant's Attorney: Curtis G. Clark, Attorney for Norma Kurowski,
personal representative of the Estate of Kenneth H. Kurowski
Court Reporter: Tara Scott

This matter came before me on motion of the attorney for Norma Kurowski, Personal Representative of the estate of Kenneth H. Kurowski, who answered on behalf of the named Defendant, who died in 2009 and whose estate has been and currently is being administered in the Abbeville County Probate Court, (hereinafter Defendant) seeking to dismiss the Complaint of the Plaintiff. Plaintiff, Daniel D. Hawk, filed a Complaint in the Court of Common Pleas for Abbeville County on March 5, 2018. Defendant timely filed an Answer, Affirmative Defenses, and Counterclaim on April 5, 2018, along with the Motion to Dismiss which is the subject of this hearing. Plaintiff filed a pleading entitled Motion to Reject Defendant's Motion to Dismiss on May 4, 2018, which the Court will recognize as a Return to Motion. The Motion to Reject Defendant's Motion to Dismiss, filed by Plaintiff, was also set for hearing at the same date and time as Defendant's Motion to Dismiss and was addressed as part of the

2/11

proceedings. Finally, an Affidavit of Default was filed by Mr. Clark on the morning of the hearing alleging that Plaintiff is in Default for lack of timely filing a Reply to the Counterclaim of Defendant.

Prior to the hearing the Plaintiff contacted the Abbeville Clerk of Court's office and requested that the Court allow him to participate in the hearing by telephone since he is a resident of Wisconsin. Plaintiff then contacted this judge's office with the same request. Both the Abbeville Clerk of Court and my (presiding judge's) administrative assistant informed Plaintiff that there is no telephone available in the Courtroom and therefore facilities to provide a speaker or recording capabilities are not available to the Court, and Plaintiff's request could not be accommodated. Mr. Hawk notified the Court that he would not be attending the scheduled Motion hearings.

Mr. Clark made a presentation as to why Defendant's Complaint, as well as Defendant's Motion to Reject Defendant's Motion to Dismiss, should not be dismissed. He noted:

A. Plaintiff is attempting to sue a deceased person. Kenneth Kurowski died a resident of Abbeville County, South Carolina, on August 22, 2009. Plaintiff Daniel Hawk was aware of the death of his father, Kenneth Kurowski and was named as a potential intestate heir in Norma J. Kurowski's Application for Informal Probate of decedent's Will (dated August 31, 2008)/Petition for Formal Appointment as Personal Representative of Kenneth Kurowski's estate that was filed in the Abbeville County Probate Court on November 5, 2009. Daniel Hawk's mother, Arletta Kurowski, also filed a Petition for Formal Appointment as personal representative of the estate.

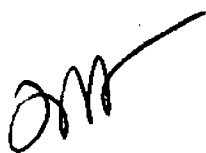
B. Kenneth Kurowski's estate was opened in, and was assigned Estate Case Number 2009 ES 01 00196 by the Abbeville County Probate Court. His Will was



admitted to Informal Probate on June 10, 2010, after a Hearing was held in the Probate Court on the competing Petitions seeking appointment as personal representative of Kenneth Kurowski's estate. Norma J. Kurowski was appointed as personal representative by Order of the Abbeville Probate Judge on June 25, 2012. A subsequent Amended Order dated October 25, 2012, corrected a scrivener's error, but confirmed her appointment. Neither Order was appealed, and Norma J. Kurowski still acts today as personal representative of the estate. She recently filed to close the estate and distribute the assets to herself as devisee, and as a partial reimbursement to herself for use of her personal funds to pay over \$80,000.00 on estate expenses and debts, per accountings filed in the estate, in an estate with assets worth only \$60,000.00 as shown on the estate Inventory.

C. Plaintiff complains that Norma Kurowski has filed a false death certificate for Kenneth Kurowski in that Norma Kurowski had herself listed as the "Surviving Spouse" on Kenneth Kurowski's South Carolina Death Certificate. Norma Kurowski would show that she has no authority to prepare or issue an official State of South Carolina death certificate, and did not participate in the preparation of the Death Certificate. Further, a review of the death certificate attached by Plaintiff to his complaint supports that the death certificate was prepared by Abbeville County Deputy Coroner Bobby Ray Fisher, based on information provided by the "Informant" listed on the death certificate; who is decedent's son, Brian L. Kurowski. Thus, this complaint lacks factual basis.

D. Daniel Hawk represents that his mother, Arletta Kurowski, was the legal wife of Kenneth Kurowski at his death because the two never were divorced prior to his later marriage to Norma Schoonober, now Norma Kurowski. Mr. Clark contends that Mr. Hawk seems to believe and promotes that Arletta Kurowski, being the surviving spouse



of decedent, is therefore also the sole heir of decedent's estate despite the fact that his deceased father left a Will dated October 30, 2008, that directed the transfer or distribution of the assets decedent owned at his death. Patricia A. Cornelius, a sister of Kenneth Kurowski who lives on the Oneida Indian tribal territory in Wisconsin, testified at the June 10, 2010, hearing that Kenneth Kurowski contacted her and another sister about preparing a will for him that left all of his estate to Norma Kurowski. Ms. Cornelius testified the sisters prepared a Will for decedent to that effect, and Kenneth's four sisters - who all are Oneida Indians and live on or near the tribal reservation in Wisconsin - brought that Will to South Carolina where Kenneth Kurowski reviewed it and signed it on October 30, 2008, before his four sisters as witnesses and before a Notary Public for South Carolina. Mr. Clark further points out that, even if decedent did not have a valid Will, the laws of intestacy for South Carolina would have not have left his entire estate to his wife since he has children. Finally, Daniel Hawk is filing to seek relief that even he alleges is due to his mother, Arletta Kurowski. Daniel Hawk therefore has no legal standing to sue for such relief.

E. Daniel Hawk appears to seek the "disqualification" or replacement of Abbeville County Probate Judge Mark Sumner as the presiding judge over the Estate of Kenneth Kurowski. Plaintiff cites as a reason for this relief that Judge Sumner stated he knew the decedent; but his request is most strongly based on Plaintiff's statement that the "foundation of this case rests in a fraudulent death certificate" for decedent, Kenneth Kurowski, that Plaintiff alleges was falsified by Norma Kurowski. Mr. Clark presented: (1) the Probate Court has no authority over the contents or issuance of death certificates; which are issued and/or are supervised by, and filed in the Division of Vital Records of the South Carolina Department of Health and Environmental Control;



(2) that the information on the death certificate has no influence or effect over the administration of an estate and/or the transfer of the probate assets in an estate which are governed by Will of the decedent and provisions of the South Carolina probate code; (3) that the "tribal and federal death benefits" Plaintiff alleges that Norma Kurowski has illegally obtained are non-probate assets, and therefore are (a) outside of the jurisdiction of the Probate Court, and (b) Norma Kurowski can show that she does not receive any tribal benefits, and the only federal benefit she receives are social security widow's benefits that Plaintiff's mother, Arletta Hawk or Arletta Kurowski, also is believed to receive; and (4) Plaintiff has never filed any pleadings requesting Judge Sumner to recuse himself from the Kenneth Kurowski estate or to transfer the administration of this estate to another county; and upon information and belief, in that Plaintiff has not provided a copy of this lawsuit to the Abbeville Probate Judge. Mr. Clark contended that, based at least in part on these representations, Plaintiff clearly seeks relief that should have been requested years ago and does not follow or comply with any applicable statutes, requirements, or legal directives for requesting such relief; and further that this court does not have the legal authority to grant the relief sought by Daniel Hawk.

Therefore, based upon the pleadings and the arguments of counsel, I make the following

RULING OF THE COURT

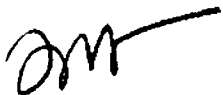
1. I find that the claims of the Plaintiff are time barred because the procedural requirements for filing for a change in venue or to move the administration of his father's estate to another county have not been met, and cannot be complied with at this date; and therefore, I find that this relief is not available to the Plaintiff. Further, I



find that Plaintiff failed to plead a factual basis for the relief requested; that much of the relief requested has nothing to do with estate law and/or procedure in this State; nor has anything to do with the administration of Kenneth Kurowski's estate administration.

2. Further, the Court would direct that should the Plaintiff seek to file a new Petition or Complaint, motion, or any other new pleading, whether as an individual or as agent for Arletta Kurowski or anyone else; that the Abbeville Clerk of Court is directed to forward that pleading, along with a copy of this Order, to the Civil Administrative Judge for the Eighth Judicial Circuit, who will then review and either approve or deny the filing of the document prior to the pleading actually being filed in the Clerk's office.

3. During this hearing the attorney for Kenneth Kurowski's personal representative requested that the two Lis Pendens be dismissed by this Court which had been previously filed by Daniel Hawk, as agent for Arletta Kurowski, in the Abbeville County Clerk of Court's Office in connection with two actions filed by Arletta Kurowski, and Daniel Hawk as her agent, in the Oneida Nation Trial Court in Wisconsin. Mr. Clark argued that the content of the two Lis Pendens, which are almost identical as to contents, state that Arletta Kurowski filed actions in the Oneida Indian Trial Courts in Wisconsin alleging that the decedent has injured Arletta Kurowski by his conduct. Both Lis Pendens state that the property owned by decedent at 201 Lake Secession Road, Abbeville, South Carolina, should belong to Arletta Kurowski as his legal wife. However, I find that the Lis Pendens are connected with pleadings filed in the Oneida Nation Trial Court, and not as part of the current case. At this date, I defer to the Oneida Trial Court to address the issue of the appropriateness of the Lis Pendens filed by Daniel Hawk as agent for Arletta Kurowski in the Office of the Abbeville County Clerk of Court. If the Oneida Trial Court does not address the Lis Pendens, Defendant may



file a later Motion with this court seeking to address or dismiss these Lis Pendens.

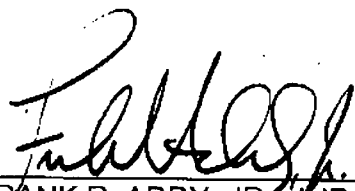
I also find that, should any new Lis Pendens be presented to the Office of the Abbeville Clerk of Court by Daniel Hawk, individually or as an agent for someone else, or Arletta Hawk, that these Lis Pendens also should be sent to the Civil Administrative Judge for review in the same manner as any additional pleadings that are attempted to be filed by the Plaintiff.

4. The Abbeville County Probate Court remains in charge of the administration of the Estate of Kenneth Kurowski, and may take such actions as the Abbeville Probate Judge deems necessary and/or appropriate to continue with the administration and ultimate closing of the estate of Kenneth Kurowski.

IT IS SO ORDERED.

May 29, 2018

Greenwood, South Carolina


FRANK R. ADDY, JR., JUDGE
EIGHTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA

COUNTY OF ABBEVILLE

IN THE MATTER OF

CASE NUMBER

KENNETH HOWARD KUROWSKI

2009 ES 01 00196

FILED PROBATE COURT
STATE OF SOUTH CAROLINA
COUNTY OF ABBEVILLE

2012 OCT 16 PM 3:08

C. MARK SUMNER
JUDGE OF PROBATE

AMENDED ORDER

WHEREAS, in order to correct a scrivener's error in paragraph 7 of the Order dated June 25, 2012 and filed the same day in the Probate Court for Abbeville County;

THEREFORE, this Amended Order is being issued to fix the above error.

Date of Hearing:
Presiding Judge:
Attorney for Norma J. Kurowski:
Attorney for Arletta Kurowski:

**Certified To Be A True Copy
Of The Records Of This Office**

C. Mark Sumner
Judge of Probate, Abbeville County
Date March 27, 2018

June 10, 2010
C. Mark Sumner
Curtis G. Clark
Travis W. Moore

This matter is before me on the Applications for Formal Appointment of each of the purported "wives" of the decedent. Present at the hearing were Norma J. Kurowski and her attorney, and Arletta J. Kurowski and her attorney; as well as witnesses named below.

FINDINGS OF FACT

1. I find that all petitions have been properly filed and served and that the decedent was domiciled in Abbeville County, South Carolina. Therefore, jurisdiction and venue are proper in this Court.

2. Thomas E. Nelson, who notarized the decedent's purported Will, testified that he was present when the decedent signed the Will dated October 30, 2008, and submitted by Mrs. Norma J. Kurowski, hereinafter wife # two. Mr. Nelson stated that Kenneth Kurowski was personally known to him. He further stated that he was present when Mr. Kurowski signed the document before the Court and notarized his signature. He identified the original of the will as being the document signed by the decedent. I find his testimony to be credible and dispositive of the issue before the Court.

3. Patricia A. Cornelius, sister of the decedent, testified that she was present when Mr. Kurowski signed the document and acknowledged that her brother believed it to be his Last Will and Testament. I find that Mrs. Cornelius' testimony to be credible and dispositive of the issue before the Court.

4. Further, Arletta Kurowski, hereinafter wife # one, testified that she and decedent were married in Wisconsin on October 18, 1958, the children born to that marriage, and that there had been no divorce. Wife # two testified that she and decedent were married in Illinois on December 24, 1962, that they had two sons. She further testified that Mr. Kurowski and his family moved to South Carolina and purchased property in October, 1993.

5. Norma Kurowski also testified that the Will, executed by her husband was intended to be his Last Will and

Testament and that it was his intention that she be appointed as Personal Representative of his Estate.

6. Therefore, I find, based on all the above testimony, that Mr. Kurowski signed the document entitled "Last Will and Testament". No evidence was produced which would show that he had been coerced or was the subject of undue influence in the execution of the document; and as to his intention, he believed that this would serve as his Will.

7. S.C. Code Ann. section 62-2-601 states, "the intention of the Testator as expressed in his Will controls the legal effect of his dispositions". While this hearing concerned the appointment of a Personal Representative for the estate and not to determine the validity and provisions of the Will as to distributions; I do however find that Mr. Kurowski believed that it was his Will, and through this "Will" it appears that he appointed Mrs. Norma J. Kurowski to serve as the Personal Representative of his Estate. See also S. C. Code Ann section 62-3-203 which also grants Norma J. Kurowski the priority to serve.


8. Therefore, at this time I find that Norma J. Kurowski should be, and therefore is, appointed as Personal Representative of the Estate of Kenneth Howard Kurowski.

WHEREFORE,

1. Norma J. Kurowski is hereby appointed as Personal Representative for the Estate of Kenneth Howard Kurowski.
2. Any and all other issues before the Court shall be heard or addressed in the future.

AND IT IS SO ORDERED.

October 25, 2012
Abbeville, South Carolina


C. MARK SUMNER, JUDGE
FOR THE PROBATE COURT FOR
ABBEVILLE COUNTY

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENWOOD)

AFFIDAVIT OF STEVE A. JACKSON

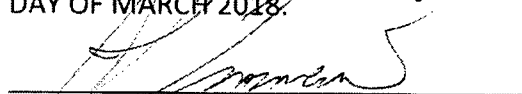
After first being duly sworn, STEVE A. JACKSON, would make and affirm the following statement:

My name is Steve A. Jackson. I am the owner of the Chandler-Jackson Funeral Home and Cremation Services, located at 208 South Main Street, Abbeville, South Carolina 29620.

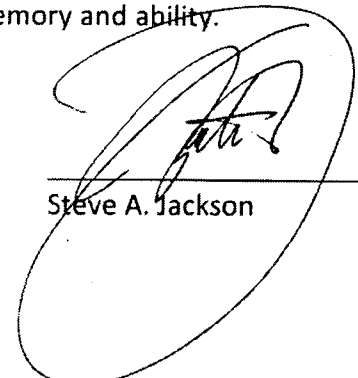
Chandler-Jackson Funeral Home and Cremation Services, were contacted to handle the services for Kenneth Howard Kurowski, whom died on August 22, 2009. The entire cost for our services was Five Thousand Four Hundred- Seven and No/100 (\$5,407.00) Dollars. I certify that the Oneida Tribe of Oneida, WI, mailed a check directly to Chandler-Jackson Funeral Home and Cremation Services, in the amount of Five Thousand and No/100 (\$5,000.00) Dollars which was applied directly to the Kenneth Kurowski's services on September 17, 2009, leaving a balance of Four Hundred-Seven and No/100 (\$407.00) Dollars; that was paid by Norma Kurowski from her personal funds, which paid the balance in full.

I state that I have reviewed the statements and contents of the above affidavit, and they are true and accurate to the best of my memory and ability.

STEVE A. JACKSON PERSONALLY
APPEARED BEFORE ME AND SIGNED
THE ABOVE AFFIDAVIT ON THIS 21st
DAY OF MARCH 2018.



Notary Public for South Carolina
My Commission Expires: 9-9-18



Steve A. Jackson

WARNING: IT IS A FELONY TO COPY OR REPRODUCE THIS CERTIFICATE. STATE STATUTE 63.24(1)

State of Wisconsin
Certificate of Marriage

Local Register Number

Filing Date

665

GROOM

Name: Kenneth H. Kurowski
(Please print)
Residence: ^{Town} R. 1 Oneida-T. Oneida
^{Village}
^{City}
County: Outagamie State: Wisconsin
Date of Birth: June 9, 1936 Age: 22 Color: White
Birthplace: Green Bay Brown Wisconsin
^{County} ^{City} ^{State}
Marital status: Single Number of previous marriages: None
 Widowed
 Divorced
Relationship to Bride: None
Occupation: Concrete Silo Builder
Father's name: Peter Kurowski
Mother's maiden name: Grace Skenandore
Was a special dispensation issued? NO
License No. 503 Issued: October 18, 19 58 by Mollie E. Pfeffer County Clerk

BRIDE

Name: Arletta J. Hawk
(Please print)
Residence: ^{Town} R. 2 West DeFors-T. Oneida
^{Village}
^{City}
County: Outagamie State: Wis.
Date of Birth: January 9, 1937 Age: 21 Color: White
Birthplace: Milwaukee Milwaukee Wisconsin
^{County} ^{City} ^{State}
Marital status: Single Number of previous marriages: None
 Widowed
 Divorced
Relationship to Groom: None
Occupation: Meat Wrapper
Father's name: Arthur Hawk
Mother's maiden name: Priscilla Jordan
Bride's maiden name:

CERTIFICATE OF MARRIAGE:

I, G. Colyer Brittain hereby certify
(Please Print)
that on the 18th day of October, 1958, at
the Church of the Holy Apostles within the
Oneida County of Outagamie State of Wisconsin
the above named groom and bride were by me united in marriage as authorized by a Marriage License issued for that purpose by the
Clerk of Outagamie County, State of Wisconsin, numbered 503 and dated the
18th day of October, 19 58.
Official designation: VICAR
My credentials are filed in the office of Clerk of
Circuit Court Brown County

Place of Marriage:

County of: Outagamie
Town (or) Village (or) City: Oneida

We, the undersigned, were present at the marriage of the above named groom and bride, as set forth in the foregoing certificate, at their request, and heard their declarations that they took each other for husband and wife.
Witnesses: Fredy Hawk Signatures of Two Witnesses: Priscilla Jordan
Mollie E. Pfeffer Local Registrar
Filed with Local Registrar: Oct. 21, 1958



Sarah R. Van Camp
SARAH R. VAN CAMP
OUTAGAMIE COUNTY REGISTER OF DEEDS

I certify that this document contains a true and correct reproduction of facts on file with the Wisconsin Vital Records Office.

14325069

Date Issued:

FEB 26 2018

MARRIAGE LICENSE
THE PEOPLE OF THE STATE OF ILLINOIS
LAWRENCE

(Who and Person legally authorized to solemnize Marriage)

GREENING
MARRIAGE MAY BE CELEBRATED

RECEIVED
JAN 9 06
C. M. SUMNER

Between Mr. Kenneth Kurowski of Fort Leonard Wood
in the County of Dubaski and State of Missouri
of the age of 26 years and Miss Norma Jean Schoonover
of Bridgport in the County of Lawrence and State of Missouri
of the age of 19 years

Section 6a of "An Act to
revise the law in relation
to marriages," as amended,
has been complied with.

Witness William F. Hensley, County Clerk
and the seal of said County at his Office in Lawrenceville, in said County

By Pat Groves Deputy 24th day of December A.D. 1962
William F. Hensley County Clerk.

State of Illinois } ss.
LAWRENCE COUNTY

I Court Hester
a Justice of the Peace hereby
certify that Mr. Kenneth Kurowski and
Mrs Norma Jean Schoonover were united in Marriage by me at
Lawrenceville in the County of Lawrence,
and State of Illinois on the 24th day of December A.D. 1962.

THIS LICENSE SHALL BE VOID UNLESS
MARRIAGE IS SOLEMNIZED WITHIN
30 DAYS OF THE DATE HEREOF

Court Hester
Justice of the Peace

NOTE: MARRIAGE CEREMONY MUST BE SOLEMNIZED IN LAWRENCE COUNTY

STATE OF SOUTH CAROLINA
CERTIFICATION OF VITAL RECORD

DEATH CERTIFICATION

STATE FILE NUMBER : 139-09-025072

DECEDENT'S NAME: *KENNETH HOWARD KUROWSKI*

SEX: MALE

AKA's: NA

SOCIAL SECURITY NUMBER: 396-38-1211

ARMED FORCES: YES

DATE OF BIRTH: JUNE 09, 1936

AGE: 73 YEARS

TYPE OF PLACE OF DEATH: DECEDENT'S HOME

COUNTY OF DEATH: ABBEVILLE

NAME AND ADDRESS OF PLACE OF DEATH: 201 LAKE SECESSION ROAD, ABBEVILLE, SC 29620

PLACE OF DISPOSITION: WITH FAMILY

DISPOSITION LOCATION: ABBEVILLE, SOUTH CAROLINA

METHOD OF DISPOSITION: CREMATION

DECEDENT'S RESIDENCE: 201 LAKE SECESSION ROAD, ABBEVILLE, ABBEVILLE COUNTY, SC, 29620

PLACE OF BIRTH: WISCONSIN

MARITAL STATUS: MARRIED

SURVIVING SPOUSE'S NAME: NORMA SCHOONOVER

FATHER'S NAME: PETER PAUL KUROWSKI

MOTHER'S NAME PRIOR TO FIRST MARRIAGE: GRACE MARGARET SKENANDORE

INFORMANT'S NAME: BRIAN L KUROWSKI

RELATIONSHIP: FAMILY MEMBER

MAILING ADDRESS: 670 LAKE SECESSION RD, ABBEVILLE, SC, 29620

FUNERAL HOME: CHANDLER-JACKSON FUNERAL HOME, 208 S MAIN ST, ABBEVILLE, SC, 29620

FUNERAL DIRECTOR: STEVEN A JACKSON

LICENSE NUMBER: 1513

EMBALMER'S NAME: NA

LICENSE NUMBER: NA

ACTUAL OR PRESUMED DATE OF DEATH : AUGUST 22, 2009

MANNER OF DEATH : NATURAL

ACTUAL OR PRESUMED TIME OF DEATH: 2220

CAUSE OF DEATH - PART I

MAL-NEO-LUNG

OTHER SIGNIFICANT CONDITIONS - PART II:

NA

CORONER CONTACTED? YES

AUTOPSY PERFORMED? NO

AUTOPSY AVAILABLE? NA

DATE OF INJURY: NA

TIME OF INJURY: NA

INJURY AT WORK? NA

PLACE OF INJURY: NA

LOCATION OF INJURY: NA

HOW THE INJURY OCCURRED?

NA

CERTIFIER NAME AND TITLE: DEP. CORONER BOBBY RAY FISHER

LICENSE NUMBER: NA

CERTIFIER'S ADDRESS: NA

DATE FILED: AUGUST 28, 2009

DATE OF ISSUANCE: FEBRUARY 09, 2018

SPECIAL INSTRUCTIONS :

NA

SC06629602

This is a true certification of the facts on file in the Division of Vital Records, SC Department of Health and Environmental Control.

Catherine E. Heigel
Catherine E. Heigel
Director and State Registrar

Shae R. Sutton
Shae R. Sutton
Assistant State Registrar

This is watermarked paper. Do not accept without noting watermark. Hold to light to verify watermark.

Revision Date: 07/31/2015



CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

STATE OF SOUTH CAROLINA)
)
 COUNTY OF ABBEVILLE)
)
Daniel D. Hawk (son))
) PLAINIFF)
3812 N County Line Rd)
) STREET ADDRESS)
Oneida, WI 54155)
) CITY, STATE ZIP)
920.664.5417)
) TELEPHONE)
)
 VS.)
Kenneth H. Kurowski (father, decedant, estate))
) DEFENDANT(S))
201 Lake Secession Rd)
) STREET ADDRESS)
Abbeville, SC 29620)
) CITY, STATE ZIP)
864.446.8554)
) TELEPHONE)

COMPLAINT

I, Daniel D. Hawk, the plaintiff in this civil action do make the following claims:

1. I believe the defendant, Kenneth H. Kurowski (decedant), is a resident of Abbeville County, and resides at 201 Lake Secession Rd upon death which is within Judge C. Mark Sumner's magisterial jurisdiction or this Complaint is properly filed in Abbeville County.

2. I make this complaint on the following:

a. An Application for Settlement of probate has been made on behalf of the Defendant see County of Abbeville case no. 2009 ES 0100196 such that the Proposal for Distribution and the Accounting are flawed and illegal. For example, the foundation for this case rests in a fraudulent Death Certificate such that Norma Schoonober is certified as the surviving spouse and of course that death certificate statement is false see Kenneth Kurowski and Arletta J. Hawk marriage certificate. Both Kenneth and Arletta are Oneida Nation federally enrolled tribal citizens. Kenneth and Arletta were married on the Oneida Nation Indian Reservation in Wisconsin.

b. When Norma falsified the Death Certificate she did so knowing that she would receive tribal and federal death benefits that were not legally hers to accept inferring theft. The FBI has been notified.

c. When Norma falsified the Death Certificate the Death Certificate coroner-certifier was aware that Norma was not the legal spouse but unethically and illegally decided to allow Norma to remain on the Death Certificate as the legal surviving spouse depriving my mother, Arletta death and estate benefits because Norma was from South Carolina and my mother, Arletta is from Wisconsin. Further, there is evidence that the coroner went to see

Judge Sumner stating that what he had done was wrong and that he was afraid he would get in trouble.

d. In probate court, the notary failed to witness the trust power document that was said to have been signed by Kenneth. This trust power document is invalid.

e. Related to validity of probate, Judge Sumner stated he knew Kenneth but yet, did not recuse himself especially when the Death Certificate was falsified.

f. Related to probate, many of the SC Title 62 laws were violated. For example, the Plaintiff has met with deceased father such that discussion of hunting, fishing, and military items were discussed yet, he had no assests upon death, not even a penny. This infers fraud. In other words section 62-7-809 states the trustee must control and protect trust property. Apparently, my father did not even have a watch. No judge would find this statement credible.

g. Norma has never provided full estate accounting inferring violations of 62-7-810 inter alia.

h. Norma has not been impartial violations of section 62-7-803 and the 14th Amendment Equal Protections such that estate is managed for her heirs and not all the heirs.

i. Norma has violated section 62-7-804 such that a prudent person would have impartially divested this simple estate within two years. Kenneth died on August 22, 2009. No judge would find this prudent and acceptable. The reason for the length of time can be reasoned by anyone with an equitable moral turpitude as a methodical illegal depletion of estate to prevent Kenneth's Wisconsin's family from receiving a single dime. For this reason Norma has violated secton 62-7-805.

j. The Court must now have an understanding of severity of problems stemming from the flawed act of falsifying a Native American Death Certificate.

k. This SC Court should be concerned about a falsified federally enrolled Native American death certificate because of violations of the American Indian Religious Freedom Act 42 U.S.C. 1996. Furthermore, there are now concurrent legal proceeding being held in the Oneida Judiciary, Oneida Nation Reservation, Wisconsin see 18-TC-004 and 18-TC-005. And this Court ought to expect further tribal and federal proceedings regarding this estate case. For these reasons supra the Plaintiff respectfully asks this Court to transfer this case to another county probate court as described below.

_(Attach supplement if necessary)

3. I believe, because of the above information, that I am entitled to and do request a judgment for \$_____ and/or other relief as below requested:

A. The first relief, pursuant to SC Code section 62-1-303(e) based on this complaint and the items listed supra that this Court disqualify Judge Sumner from the matters of case no. 2009 ES 0100196 that all pleadings i.e. Proposal for Distribution be held in abeyance.

B. The second relief, pursuant to SC Code section 62-1-303(c) based on this complaint that this case be transferred to another SC county (not Abbeville or Greenwood). The latter county probate jude was prior lawyer for Arletta. In other words, this Court ought to find in favor of the Plaintiff that in the interest of justice that this case should be located in another court of probate in SC, and Order the Transfer of the proceeding and files to the other SC probate Court as this Court deems fair and just.

C. The third relief, because of Norma's fraudulent moral turpitude that Norma be removed as executor of estate 2009 ES 0100196 and that Daniel Hawk (son) be appointed executor until new proceedings commence as so Ordered and Tranferred by this Court.

D. The Plaintiff certifies an ADR exception under Rule 3(b)(1) extraordinary relief and (2) temporary relief.

E. The Plaintiff certifies this Complaint is being personally served upon the estate attorney Curtis G. Clark, 414 Monument St. Suite A, Greenwood, SC, 29646.

F. The Plaintiff certifies this Complaint is filed under the Court of Common Pleas Civil Action Coversheet and marked ADR exempt, and marked Special 699 as "Move Probate to Another County".

G. The Plaintiff certifies this Complaint is being filed with a Post Office Money Order in the Amount of \$150.00 USD.

H. Death Certificate of decendant (Kenneth Howard Kurowski) and Kenneth and Arletta J. Hawk marriage license attached.

including any costs resulting in this action.

I state under penalty of perjury that the above is correct and truthful, except those based on my information and belief.

Dated: February 27, 2018

Signature of Plaintiff (or his attorney)

STATE OF SOUTH CAROLINA
COUNTY OF ABBEVILLE

IN THE COURT OF COMMON PLEAS

DANIEL D. HAWK,)
)
 PLAINTIFF,)
)
 -VS-)
)
 KENNETH H. KUROWSKI,)
)
 DEFENDANT.)
 _____)

CASE NO.: 2018-CP-01-00069

TRANSCRIPT OF RECORD

MAY 8, 2018

ABBEVILLE, SOUTH CAROLINA

BEFORE:

THE HONORABLE FRANK R. ADDY, JR., JUDGE

APPEARANCES:

ATTORNEY FOR PLAINTIFF:

(NO APPEARANCE ON BEHALF OF PLAINTIFF)

ATTORNEY FOR DEFENDANT:

CURTIS CLARK, ESQUIRE

ALSO PRESENT:

MARK SUMNER, PROBATE JUDGE

TARA T. SCOTT, CVR
CIRCUIT COURT REPORTER

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EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVIDENCE</u>
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(NO EXHIBITS INTRODUCED DURING HEARING)

1 THE COURT: My secretary notified me this morning that
2 Mr. Hawk has been in contact with my office and was not
3 intending to appear today. She replied back, after speaking
4 to me, that that the motion to dismiss would still be going
5 forward. We didn't have logistical capability to telephone
6 him in while the hearing was taking place. And, of course,
7 it would still be going forward. He replied back this
8 morning, and then also called my office while I was there
9 this morning, again saying he was not able to attend. He
10 was confident that I would make a right decision, and he
11 would review the electronic docketing concerning any
12 decision that the Court made. I understand that the
13 Defendant/Estate in this case, that Mr. Kurowski passed
14 away, I think, in 2009.

15 Mr. Clark, I'll be happy to hear your motion of
16 dismissal at this point, sir.

17 MR. CLARK: Thank you, Your Honor. And, Your Honor,
18 also if I may, just for clarity on the record, there are two
19 motion hearings that are set in this matter, back to back.
20 My first is my motion to dismiss, and then a motion to
21 reject my motion to dismiss that was filed by Mr. Hawk, and
22 I'm going to combine my presentation and address both of
23 those together, if it pleases the Court.

24 THE COURT: Sure.

25 MR. CLARK: Your Honor, if I may approach. I'm going

1 to hand up a photocopy of the death certificate for Your
2 Honor's benefit. This is basically the gist of Mr. Hawk's
3 complaint in here. He has said that the foundation of his
4 case rests on a fraudulent death certificate, that Ms. Norma
5 Kurowski, who is seated to my left, certified or listed
6 herself as the surviving spouse. Your Honor, the death
7 certificate itself, if you look about halfway down the top
8 section, shows that the informant for the information on the
9 death certificate is Brian L. Kurowski, not Norma Kurowski.
10 Brian is a son of the decedent in here. And so, we don't --
11 Ms. Norma Kurowski did not provide this information, so
12 therefore was not able to certify the information that was
13 provided on this death certificate in here.

14 The second -- Mr. Hawk's position basically is based on
15 three things. That there's this fraudulent death
16 certificate that was issued. That his mother, Arletta
17 Kurowski was Kenneth Kurowski's wife at the time of his
18 death. Just to -- a little bit of a background. Mr.
19 Kurowski was first married to Arletta Kurowski. He then
20 subsequently, several years later, married Ms. Norma
21 Kurowski when -- and that was in the state of Illinois on
22 that marriage license, and we have provided that as part of
23 the record for Probate Court, at least, if not to this
24 record. He's listed this as his first marriage. Discovered
25 later on that he was married to Arletta first and had a

1 child or two, possibly three, subject to that -- or from
2 that first marriage. Mr. Kurowski had not obtained a
3 divorce prior to meeting and marrying Ms. Norma Kurowski.
4 We are told later on he did seek assistance of an attorney.
5 Again, this was in the '60s, possibly early '70s. Paid an
6 attorney to obtain a divorce. We're not sure exactly who
7 the attorney is or where, but we cannot find a divorce on
8 record for the first marriage in here. So Mr. Kurowski
9 resided the remainder of his natural life with Norma
10 Kurowski, but probably from a legal standpoint, he was
11 married to Arletta Kurowski. That would be his official
12 surviving spouse in here.

13 And then finally, the third point in here is that --
14 excuse me, Your Honor. But as a caveat, Mr. Hawk is not
15 happy that we will not -- that we refer to Norma Kurowski,
16 as a wife and to Kenneth Kurowski as her husband, and he
17 wants to have all that relationship and language stricken
18 from any proceedings.

19 And then finally, that Kenneth and Arletta Kurowski are
20 Native American Indians. They are a member of the Oneida
21 trip of Wisconsin. And for some reason, Mr. Hawk feels like
22 that gives them some heightened authority to be able to --
23 or heightened protection in the law.

24 He finally takes the position that that Arletta
25 Kurowski, as the surviving spouse or widow, is entitled to

1 Mr. Kenneth Kurowski's estate. That is in total disregard
2 of the fact that Mr. Kurowski had a Will, although there's
3 some question about the construction on the Will. But we
4 had -- Judge Sumner had a hearing on the Will in July the
5 10th of 2010. Mr. Kurowski had a sister or two who attended
6 that hearing and testified. Basically, Your Honor, he
7 called his sisters who are Oneida Indians and live in
8 Wisconsin. He had a terminal illness. He knew he was going
9 to pass away within months. Asked them to prepare a Will.
10 They brought the Will down. All four of his sisters brought
11 it down. He reviewed it. He executed it. They testified
12 that they were the four witnesses, and he had a local
13 gentleman as a notary to witness that Will. Based on that
14 testimony, Judge Sumner admitted the Will to informal
15 probate as requested by Norma Kurowski in her application on
16 that date, July the -- excuse me, June 10, 2010.

17 Later on an order was issued to appoint Norma Kurowski
18 as the personal representative. That part of the Will, I
19 think, is fairly clear that he intended for her to be the
20 personal representative of the estate. There was no appeals
21 of those orders. Ms. Arletta Kurowski was represented by
22 Attorney Travis Moore in that proceeding. And, of course,
23 as Your Honor is aware, he is now the Probate Judge in
24 Greenwood County. There were no other appeals. No other
25 filings. No other pleadings that were filed by Arletta

1 Kurowski or Daniel Hawk, or anybody else from the Wisconsin
2 family, as Mr. Hawk kind of informally refers to them, or
3 his first family.

4 So, this estate has proceeded since that time on the
5 basis that Ms. Kurowski was going to receive everything.
6 Part of the problem was a practical problem, Your Honor.
7 That Mr. Kenneth Kurowski's assets were encumbered, and were
8 fairly highly encumbered at the time of his death. He had
9 an estate that was worth only about \$60,000 according to
10 inventory that was prepared and filed. He had a mortgage on
11 his land. He had a mortgage on his mobile home, or lien on
12 his mobile home. He had a lien on his car. Ms. Norma
13 Kurowski, since the time of death, as advanced over \$80,000
14 to pay on these liens in here. And in part recently, or
15 early this year, filed to conclude his estate and receive
16 all these assets, not only as being the recipient under his
17 Will, but also having advanced the funds to fully pay off
18 all the assets, and has really advanced more money than the
19 assets were worth on the inventory.

20 When she filed that, Mr. Hawk has filed a number of
21 lawsuits. He's filed this lawsuit here. He's filed three
22 lawsuits in the Ananta Trial Court -- Ananta Tribal Trial
23 Courts against the Kenneth Kurowski or his estate, or Norma
24 Kurowski individually, alleging all kinds of various things
25 that I won't get into for this purpose in here.

1 I understand from some of the documents he's filed or
2 sent, he's even filed an action, or is attempting to file an
3 action in Illinois to address or set aside their marriage or
4 whatever. So Mr. Hawk -- and nobody other than Norma
5 Kurowski has paid anything on any of the estate debts,
6 including the balance due on the funeral bill, court costs,
7 et cetera. If Norma Kurowski hadn't advanced the funds, we
8 really wouldn't be here arguing about an estate, Your Honor,
9 because there would be no estate. The creditors would have
10 taken the assets of the estate in here.

11 Mr. Kurowski has sent a notice of intent to move
12 probate to another county, to Judge Sumner. I don't believe
13 he has served -- upon our information and belief, he has not
14 served Judge Sumner with any kind of request to recuse,
15 request to transfer this. But he's gone straight to this
16 court and filed that action in here. If you'll look at
17 paragraph three on page two of my motion to dismiss,
18 basically we state in here that Mr. Hawk cites no specific
19 reasons -- first of all, he seeks no monetary relief, but he
20 seeks either the disqualification of Judge Sumner or the
21 transfer of this estate to another county, and then the
22 removal of Ms. Norma Kurowski and the appointment of him as
23 personal representative to allow this estate to go forward
24 after doing nothing for nine years in here. Almost nine
25 years.

1 Along that line, I would just note that we understand
2 Mr. Hawk is a convicted felon and probably couldn't serve as
3 personal representative. But moving on to the main issues.
4 He states that the foundation of this case rests in a
5 fraudulent death certificate, as we've already pointed out.
6 He tries to show that the Probate Court -- or, excuse me.
7 In response we would show that the Probate Court has no
8 authority over the issue of death certificates. We would
9 show that the -- or call to the Court's attention that the
10 information on the death certificate has no influence or
11 affect over the administration of the estate of Kenneth
12 Kurowski, or the transfer of the probate assets of the
13 estate, that the tribal and federal death benefits that he
14 states that Ms. Norma Kurowski had illegally -- seeks are
15 non-probate assets. It wouldn't be under the jurisdiction
16 of the probate court, and therefore are outside of the
17 jurisdiction of the Probate Court. And secondly, we would
18 deny that Ms. Norma Kurowski has received any benefits,
19 particularly in tribal benefits in here. And the only
20 federal benefits she's received are widow benefits, or
21 spousal benefits, due to the time that they were married or
22 together.

23 And finally, that Plaintiff, Mr. Hawk, had never
24 requested Judge Sumner to either recuse himself or transfer
25 this estate to another county prior to filing this action

1 with the Probate Court. So we believe that there is no
2 basis for the Court to grant the authority, or grant the
3 relief that Mr. Hawk requests in here.

4 I can go forward further, Your Honor, if you would like
5 me to, but I believe in gist that pretty well states our
6 case in this matter. We did file answer -- just to call the
7 Court's attention. We did file an answer, affirmative
8 defenses and counterclaims. This morning I filed an
9 affidavit of default as well that he did not file a reply to
10 the counterclaims in that answer.

11 THE COURT: All right.

12 MR. CLARK: I'm sorry, Your Honor. May I address one
13 other issue?

14 THE COURT: Sure. Go right ahead.

15 MR. CLARK: Technically, in connection with two of the
16 actions he filed in the Oneida Judiciary - or Oneida Trial
17 Court, he has filed a lis pendens here in Abbeville County.
18 Those are recorded in 18-LP-01-005, and I have copies if the
19 Court would like to look at them. And also 2018-LP-01-008.
20 Again, just to read very briefly from the lis pendens, he
21 states that these are filed -- and these lis pendens are in
22 the name of Arletta Kurowski, but signed by him as her agent
23 on here. And those lis pendens state that they're being
24 filed to readdress injuries suffered as a result of
25 Respondents -- and Respondents is Kenneth Kurowski in both

1 of these, conduct. That Respondent has unlawfully taken
2 title to Petitioner's property. He then states that
3 Petitioner Arletta Kurowski is the legal wife of Respondent,
4 and therefore is the owner of the property known as 201 Lake
5 Secession Road in Abbeville. He lists the Abbeville Tax Map
6 System number for the property, and containing approximately
7 10.4 acres of land with a metal building.

8 We would ask the Court -- and I'm not quite sure if
9 this comes under the jurisdiction of this Court or this
10 case. But we would seek to have those lis pendens dissolved
11 or removed as part of any action that relief is -- if the
12 Court feels comfortable in granting that relief.

13 THE COURT: Can I see those real quick?

14 MR. CLARK: Yes, sir, Your Honor.

15 THE COURT: Mr. Clark, let me ask you one quick
16 question. This is for my edification. The actions that
17 were filed in the Tribal Court -- and understand my
18 knowledge of tribal law is -- to say it's limited is an
19 overstatement. It's probably non-existent. Are these
20 actually pending up there somewhere, or have you been able
21 to find out anything about those actions?

22 MR. CLARK: Your Honor, I'm actually now a proud member
23 of the Oneida Judiciary Tribal Bar. They've allowed me to
24 participate by phone in these proceedings after I was --
25 applied and was admitted pro hac vice to participate in

1 these proceedings. In Monday of a week ago, whatever date
2 that was, Your Honor, the Court held jurisdictional hearings
3 on the three cases that were filed by Ms. -- officially by
4 Ms. Arletta Kurowski. The jurisdictional issues under the
5 Tribal Code of Laws -- The Oneida Tribal Code of Laws, are
6 subject matter jurisdiction, territorial jurisdiction, and
7 personal jurisdiction. Basically they limit themselves to
8 anything that occurs within the reservation, I'm using that
9 term loosely as far as territory is concerned, or somebody
10 that directly does business with the reservation. Subject
11 matter deals with Oneida Code of Laws, or the Oneida Tribal
12 Constitution, and you can file for directed -- declaratory
13 judgment in that.

14 Basically, we presented to that Court that we don't
15 feel like those Courts have any of those three jurisdictions
16 concerning this estate and Ms. Normal Kurowski. We are
17 awaiting a ruling from the Court on them. So they are -- at
18 this time they are open and ongoing, but they are -- that's
19 where they stand.

20 THE COURT: Okay. But the suits that underlie the
21 basis for the lis pendens, are you getting the feel that
22 they may be going away themselves and that'll take care of
23 the lis pendens?

24 MR. CLARK: I would hope so, Your Honor, because those
25 are directly the number -- the case numbers reflected on

1 there --

2 THE COURT: Right.

3 MR. CLARK: -- are 18-TC numbers and those are the
4 Trial Court case numbers for two of the cases. I think four
5 and five is also up there, and seven that is involved. So
6 I'm hoping -- we've asked the Court there to -- if the Court
7 dismisses it for lack of territory, or give the other
8 jurisdictions to also dismiss -- or address the lis pendens.
9 But I'm trying the "belt and suspenders" approach and bring
10 it to this Court's attention since this Court does have
11 general jurisdiction, of course, in Abbeville County, and
12 the Abbeville Clerk's Office is where these lis pendens were
13 filed.

14 THE COURT: Okay. Well, to the extent that the
15 Plaintiff is asserting claims that should have been asserted
16 a long time ago for elective share or some share of the
17 estate, or what have you, clearly those are time barred.
18 Just so the record is clear, I am going to make the email
19 chain between Mr. Hawk and my office and Mr. Clark, I'll add
20 that to the file so that those communications are a part of
21 the record. It's clear in this case that Mr. Kurowski
22 passed away testate. That's water under the bridge. As
23 well as been probated. All assets have gone to your client,
24 Mr. Clark, in this particular case. And as you correctly
25 point out, she has invested more in the estate than, in all

1 likelihood, the assets were worth. So for the reasons
2 stated in your motion to dismiss, in addition to the reasons
3 I just put on the record, the Court will grant your motion.

4 Is this the first time -- what I would like to avoid is
5 -- in my experience sometimes, and this looks a lot like the
6 situation that sometimes occurs when people become overly
7 litigious when they don't get what they want. Is this the
8 first time that this kind of action has been brought against
9 your client or this estate, or has this been an ongoing
10 issue, or does the Court need to undertake any sort of
11 special directive to the Clerk of Court that if Mr. Hawk, or
12 someone purporting to act on his behalf, if they were to
13 file some other action with this Court that the Chief Admin
14 Judge should review it before it goes any further, or has
15 this been kind of a one time thing where somebody got a burr
16 in their saddle?

17 MR. CLARK: Your Honor, this is the first set of
18 pleadings that -- first pleadings that either Ms. Arletta
19 Kurowski or Daniel Hawk has filed. I will say that in some
20 of the filings, I think in connection with the proceedings
21 today, Mr. Hawk has stated that -- if I can kind of look
22 through my notes real quickly in here. And it may have been
23 as part of his complaint even. Under K of his complaint,
24 number -- number two, subparagraph K, he states, "The South
25 Carolina Court should be concerned about a falsified Native

1 American death certificate. Also, their concurrent legal
2 proceedings held within the Oneida judiciary." He even
3 says, "This Court ought to expect further Tribal and Federal
4 proceedings regarding this estate case." And then for those
5 reasons he asks the Court to transfer the case to another
6 county in here. So, he pretty clearly states, Your Honor,
7 that I don't think this is -- unfortunately, this is going
8 to be probably the end of this matter.

9 THE COURT: All right. That was kind of my concern
10 reading between the lines. Mr. Clark, if you would, at your
11 leisure, just prepare me a very brief order. I'll issue a
12 Form 4 granting your motion to dismiss today, and I'll also
13 include in my Form 4 order, and I'll ask you to include in
14 your order, a request to the Clerk of Court's Office that
15 should Mr. Hawk bring another action in this Court that
16 prior to that action being received and officially filed,
17 the Chief Admin Judge for Civil purposes, whoever that must
18 be -- whoever that may be, must review it and make a
19 decision on whether that particular cause of action should,
20 in fact, be received by the Court. I'd much prefer to avoid
21 frivolous filings and, candidly, this action seems to be
22 precisely that.

23 As it relates to the two lis pendens, is your client in
24 the position -- is she needing to sell this property at this
25 particular point in time or anything?

1 MR. CLARK: No, sir. She's residing in the property,
2 but we are concerned about future title searches, and in the
3 case she needs to borrow money to make repairs or some
4 circumstance would arise in which she may need to use these
5 assets as collateral for a loan.

6 THE COURT: Okay.

7 MR. CLARK: And, excuse me, Judge. I'm sorry.

8 THE COURT: Sure.

9 MR. CLARK: While I kind of have the floor. May I also
10 put in not only the actions brought by Mr. Hawk, but by
11 either Arletta Kurowski or other parties in which Daniel
12 Hawk is acting as agent, because most of the -- if not all
13 of the proceedings particularly in Oneida Tribal Courts are
14 done in Arletta's name, but the pleadings are signed by
15 Daniel Hawk as agent for her.

16 THE COURT: That's a good point. That'll be perfectly
17 fine. So even if Arletta were to file -- or Mr. Hawk were
18 to file in a representative capacity for Arletta, then those
19 pleadings would also need to be reviewed by the Circuit
20 Court.

21 MR. CLARK: Thank you, Your Honor.

22 THE COURT: Out of deference to the Oneida Tribal
23 Court, Mr. Clark, at this point in time I don't know that I
24 am necessarily going to be able to dismiss the lis pendens.
25 Any future lis pendens though would be subject to the same

1 rule as it relates to Mr. Hawk or Mr. Hawk acting in some
2 capacity on behalf of Arletta. So the Clerk will need to
3 refrain from filing any future lis pendens. From what
4 you're telling me, now that you're a member of the Oneida
5 Tribal Bar, I'm confident this matter will be resolved
6 favorably for your client. I am unfamiliar with laws of the
7 Nation of the Oneida people, but I'm confident that they
8 will acknowledge that probate needs to take place in
9 Abbeville County at the very least. So let's leave it at
10 that. If you have a problem getting these dismissed at a
11 later point in time you can repetition the Court and we'll
12 take it from there. Okay?

13 MR. CLARK: Thank you, Your Honor.

14 THE COURT: Very good.

15 THE CLARK: Your Honor, if I could --

16 THE COURT: Sure.

17 THE CLARK: -- just to complete the record. Judge
18 Sumner is here at our request in case there's something he
19 needs to provide the Court from the estate. Currently
20 pending is a demand for a hearing pursuant to Ms. Norma
21 Kurowski's petition for settling the estate. Unfortunately,
22 Mr. Hawk was quick to file his demand, but has not filed his
23 filing fee -- or paid his filing fee despite requests. So
24 that's kind of being held in limbo on the shoulders of our
25 wise Probate Judge to determine what the next step may be on

1 that. So all I'm saying is I anticipate possibly some other
2 fallout depending on the outcome of addressing Mr. Hawk's
3 demand for a hearing.

4 THE COURT: All right. I trust that Judge Sumner will
5 take care of his end of things in a fair and reasonable way.
6 I have no doubt about that. Good enough. Thanks.

7 MR. CLARK: Thank you, Your Honor.

8 - - - END OF REQUESTED TRANSCRIPT OF RECORD - - -

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Certificate of Reporter

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I, the undersigned, Tara T. Scott, Official Court Reporter for the Eighth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial/hearing of the captioned case, relative to appeal, in the Court of Common Pleas Circuit Court for Abbeville County, South Carolina, on the 8th day of May, 2018.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

Tara T. Scott

Tara T. Scott, CVR
Circuit Court Reporter
August 17, 2018

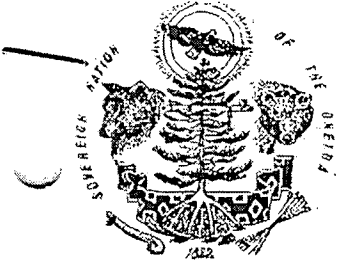
Oneida Tribe of Indians of Wisconsin

ENROLLMENT DEPARTMENT

P.O. BOX 365, ONEIDA, WI 54155-0365

PHONE: (920)869-6200 * 1-800-571-9902 FAX: (920)869-2995

<http://enrollment.oneidanation.org>



SEPTEMBER 11, 2009

CHANDLER-JACKSON FUNERAL HOME
& CREMATION SERVICES
PO BOX 1158
ABEYVILLE SC 29620-1158

Enclosed is a check for the funeral expenses for KENNETH KUROWSKI.

Check Amount: \$5,000.00

Check Number: 1513689

Check Date: 9/10/2009

Thank you for assisting our tribal members in their time of need, it is greatly appreciated. If you have any questions, please call me at (920) 869-6200.

Sincerely,

Jodie Skenandore
Burial Fund Coordinator

Enclosure



Chandler - Jackson

FUNERAL HOME AND CREMATION SERVICES

Invoice Date: 9/17/2009
 Estate of: Kenneth Howard Kurowski
 Date of Death: August 22, 2009

<u>Professional Services</u>		3,810.00
Use of all facilities, Motor Equipment Cremation & container, Memorial Service		
<u>Cemetery Equipment</u>		275.00
Tents, Grass carpet, chairs		
<u>Cash Advance Items</u>		
10 Certified Death Certificates	\$	39.00
Obituaries Notices	\$	202.00
Index-Journal	\$	152.00
Bridgeport Ill Leader	\$	-
Press & Banner	\$	50.00
Lawrenceville, Ill Daily Rec	\$	-
	\$	-
Memorial Flowers		N/A
Hair Dresser		-
*Clothing		-
Other Video	\$	150.00
*Rental Casket	\$	525.00
*Urn	\$	275.00
Honorarium Rev. Bruce Moore	\$	75.00


* SC Sales Tax (7%) \$56.00

Total \$5,407.00

Payment Received	Insurance Payment 9/17/09	\$	5,000.00
Payment Received	Payment 9/17/09	\$	407.00
	Total Payments Received	\$	5,407.00

Current Balance Due

\$0.00

 **PAID** *CWS*