

APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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APPEAL FROM BERKELEY COUNTY
Master In Equity

SC Court of Appeals

Honorable Dale E. Van Slambrook

Case No.:2009-CP-08-1708

Valerie Green.....Appellant

v.

The Estate of Jake Green, a/k/a Jacob Green, Margaret Wilder (deceased), Mary Harrell, a/k/a Mary Cromedy (deceased), Henry Green (deceased), Thomas Henry Green, (deceased), Ethel Bengall, Rebecca Alls, (deceased), Rena Mae Green-Calvin, Barbara Green, Linda Cromedy, Walter Harrell, Laverne Green, Kathleen Pinkston, Robert Kinloch, Oliver Alls, Jackie Alls, Norman Alls, Isaac Alls (deceased), Isaac Alls, Jr., Evelyn Alls Terry, Patricia Spratton, Hazel Owens, Suzette Ford, Linda Beauford, Lanny Venning, Thomas Wilder (deceased), Thomas Wilder, Jr., Savona Green, Terrance Green, Nathaniel Green, Henry Green, Jr., Marcella Brown, Valerie Green, John Doe and Mary Roe, fictitious names to designate persons in the military service within the meaning of Title 50, United States Code, commonly referred to as The Service Members Civil Relief Act of 2003,as amended, if any, and the unknown heirs at law, devisees, widows, widowers, executors, personal representatives, successors and assigns firms or corporations of the Estate of Jake Green and any of the defendants who may be deceased, and all other persons claiming any right, title, estate, interest in or lien upon the real estate described in the complaint of the of in the complaint nor any part thereof, Defendants

Of whom The Estate of Jake Green a/k/a Jacob Green, Margaret Wilder (deceased), Mary Harrell, a/k/a Mary Cromedy (deceased), Henry Green (deceased), Thomas Henry Green, (deceased), Ethel Bengall, Rebecca Alls, (deceased), Rena Mae Green-Calvin, Barbara Green, Linda Cromedy, Walter Harrell, Laverne Green, Kathleen Pinkston, Robert Kinloch, Oliver Alls, Jackie Alls, Norman Alls, Isaac Alls (deceased), Isaac Alls, Jr., Evelyn Alls Terry, Patricia Spratton, Hazel Owens, Suzette Ford, Linda Beauford, Lanny Venning, Thomas Wilder (deceased), Thomas Wilder, Jr., Savona Green, Terrance Green, Nathaniel Green, Henry Green, Jr., Marcella Brown are the Respondents

AMENDED RECORD ON APPEAL

Willie B. Heyward
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Charleston, SC 29407
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Attorney for Appellants
SC Bar No.11063

Other Counsel of Record:
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1459 Stuart Engals Blvd., Suite 203A
Mount Pleasant, S. C. 29464

January 3, 2019

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STATE OF SOUTH CAROLINA)
COUNTY OF BERKELEY)

IN THE COURT OF COMMON PLEAS FOR THE
NINTH JUDICIAL CIRCUIT
2009 CP 08 1708

VALERIE GREEN,

PLAINTIFF,

vs.

THE ESTATE OF JAKE GREEN A/K/A)
JACOB GREEN, MARGARET WILDER)
(deceased), MARY HARRELL A/K/A)
MARY CROMEDY (deceased), HENRY)
GREEN (deceased), THOMAS HENRY)
GREEN, (deceased), ETHEL BENGALL,)
REBECCA ALLS, (deceased),)
RENA MAE GREEN-CALVIN, BARBARA)
GREEN, LINDA CROMEDY, WALTER)
HARRELL, LAVERNA GREEN, KATHLEEN)
PINKSTON, ROBERT KINLOCH, OLIVER)
ALLS, JACKIE ALLS, NORMAN ALLS,)
ISAAC ALLS (deceased), ISAAC ALLS,)
JR., EVELYN ALLS TERRY, PATRICIA)
SPRATTON, HAZEL OWENS, SUZETTE)
FORD, LINDA BEAUFORD, LANNY)
VENNING, THOMAS WILDER (deceased),)
THOMAS WILDER, JR., SAVONA GREEN,)
TERRANCE GREEN, NATHANIEL GREEN,)
HENRY GREEN, JR., MARCELLA BROWN,)
VALERIE GREEN, JOHN DOE AND MARY)
ROE, FICTITIOUS NAMES USED TO)
DESIGNATE PERSONS IN THE MILITARY)
SERVICE WITHIN THE MEANING OF TITLE)
50, UNITED STATES CODE, COMMONLY)
REFERRED TO AS THE SERVICE MEMBERS)
CIVIL RELIEF ACT OF 2003 AS)
AMENDED, IF ANY, AND THE UNKNOWN)
HEIRS AT LAW, DEVISEES, WIDOWS,)
WIDOWERS, EXECUTORS,)
ADMINISTRATORS, PERSONAL)
REPRESENTATIVES, SUCCESSORS AND)
ASSIGNS FIRMS OR CORPORATIONS OF)
THE ESTATE OF JAKE GREEN AND ANY OF)
THE DEFENDANTS WHO MAY BE DECEASED,)
AND ALL OTHER PERSONS CLAIMING ANY)
RIGHT, TITLE, ESTATE, INTEREST IN)

MASTER'S DECREE

MARY P. BROWN
CLERK OF COURT
SOUTH CAROLINA

2018 FEB - 1 AM 10:41

FILED
AD

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OR LIEN UPON THE REAL ESTATE)
DESCRIBED IN THE COMPLAINT OR IN)
THE COMPLAINT OR ANY PART THEREOF,)
)
DEFENDANTS.)
)
)
)
)

THE within matter was referred to me, Dale E. Van Slambrook, Master-in-Equity for Berkeley County, South Carolina by Order of Reference filed with this Court, for me to take testimony, report my findings and make a final decision in this matter.

Thereafter, a Reference was held in this matter on October 23, 2017. Present at the hearing was the Plaintiff, Valerie Green; Plaintiff's Attorney, Willie B. Heyward; Defendant, Nathaniel Collins; Defendant, Martha Greer a/k/a Marcella Greer f/k/a Martha Green; Defendant, Norman Alls; Mildred Johnson (aunt of Defendant, Martha Greer); and Ruthie Golden (daughter of Defendant, Ethel Bengall). A written report was submitted by Mr. Heyward for the Guardian Ad Litem, Kelvin M. Huger, Esq., for any and all infants and any other party or Defendant who may be a minor or incompetent.

Testimony was taken at the hearing and was recorded by the Court Reporter, Julie L. Bonomo, and thus preserved for the record. Statements of counsel were taken from both the attorney of Plaintiff and of Defendants. Evidence was also admitted in the form of exhibits

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provided by both the attorney of Plaintiff and of Defendants.

Testimony was taken from the Plaintiff, Valerie Green; Defendant, Nathaniel Collins; Defendant, Martha Greer; and Mildred Johnson, aunt of Martha Greer.

It appears from the Amended Lis Pendens, Amended Summons and Amended Complaint which were filed with this Court on December 29, 2016, and from evidence presented at the hearing that this is an action brought by the Plaintiff to quiet title to that certain real property described hereinafter, located in Berkeley County, South Carolina, and to partition said property amongst the rightful owners, and to obtain a deed or deeds vesting title to the subject property in those owners.

It further appears from the file that the Amended Summons and Amended Complaint were published pursuant to statute for the three consecutive weeks in *THE POST AND COURIER*, a newspaper of general circulation in Berkeley County, South Carolina and a newspaper designated most likely to give notice to the unknown heirs. The hearing was held with leave granted for further responses from unknowns to be had for 30 days following the re-publication of the Notice of Filing. It appears that from the file that such re-publication was published for the three consecutive weeks in *THE POST AND COURIER*, a newspaper of general circulation in Berkeley County,

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South Carolina and a newspaper designated most likely to give notice to the unknown heirs. It further appears that no unknown heirs or known heirs, who were served by publication, responded to the published notice. The Guardian ad Litem, Kelvin M. Huger, Esq., for the unknown Defendants, John Doe and Mary Roe, was appointed, filed Answers on their behalf and also presented testimony via written report received at the hearing.

Upon careful consideration of the pleadings filed in this matter, the applicable law, and the testimonies and statement of counsel and witnesses offered at the Reference, I make the following findings of facts and conclusions of law:

ONE: The real property, which is the subject of this action, is as follows:

ALL that certain piece, parcel or tract of land, situate, lying and being in the community of Huger, Berkeley County, State of South Carolina, being known and designated as 19.21 acres on that certain plat entitled "PLAT OF TMS# 238-00-00-001 (19.21 ACRES) SURVEYED AT THE REQUEST OF OLIVER ALLS," prepared by Kemp C. Ahrens, P.L.S., dated July 30, 2008, revised January 12, 2009 and recorded January 26, 2009 in Plat Cabinet N at Page 7Q in the Berkeley County Register of Deeds Office. Said tract having such size, shape, dimensions, buttings and boundings as will more fully appear by reference to said plat.

BEING the same property conveyed to Jacob Green by deed of Isaac Collins dated July 10, 1908 and recorded January 25, 1912 in the Berkeley County ROD Office.

TMS# 238-00-00-001



ELEVEN: Henry Green is deceased having left as his sole heir at law, his son, Henry Green, Jr. Henry Green, Jr. is also deceased. By clear, credible and convincing evidence taken at the hearing, it is established that Henry Green, Jr. had three children at the time of his death and are his heirs at law. Those children are as follows: Nathaniel Collins, Martha Greer and Valerie Green.

TWELVE: Mary Harrell a/k/a Mary Cromedy is deceased leaving as her heirs at law, her children: Robert Kinloch, Kathleen Pinkston, Laverna Green, Linda Cromedy and Walter Harrell.

THIRTEEN: Renamae Green is alive.

FOURTEEN: That the living heirs of Jacob Green a/k/a Jake Green are as follows, with their respective interests in the property indicated:

1. Ethel Bengall (16.666%)
2. Renamae Green (16.666%)
3. Nathaniel Collins (5.555%)
4. Martha Greer (5.555%)
5. Valerie Green (5.555%)
6. Thomas Wilder, Jr. (5.555%)
7. Savona Green (5.555%)

8. Terrance Green (5.555%)
9. Robert Kinloch (3.333%)
10. Kathleen Pinkston (3.333%)
11. Laverna Green (3.333%)
12. Linda Cromedy (3.333%)
13. Walter Harrell (3.333%)
14. Oliver Alls (1.667%)
15. Jackie Alls (1.667%)
16. Norman Alls (1.667%)
17. Evelyn All Terry (1.667%)
18. Patricia Spratton (1.667%)
19. Hazel Owens (1.667%)
20. Suzette Ford (1.667%)
21. Linda Beauford (1.667%)
22. Lanny Venning (1.667%)
23. Isaac Alls, Jr. (1.667%)

FIFTEEN: The Defendants, as well as the unknown Defendants, have been served personally or served by publication. All Defendants except those unknown Defendants have responded through their attorney David M. Low or have otherwise made notice of appearance to the Court. The unknown Defendants have not responded or otherwise made any notice of appearance to the Court. The unknown Defendants are in default.

6.2

SIXTEEN: Title to said property should be quieted and confirmed in the names of the living heirs of Jacob Green a/k/a Jake Green as cited in Item 14 above.

SEVENTEEN: By agreement of the parties, which was taken before me and preserved in the record, partition in kind is desired if Defendants can reach agreement with Plaintiff, Valerie Green, as to the disposition of her share. It is contemplated that Defendants will by agreement reach a value as to the share of Plaintiff. Upon payment to Plaintiff of that amount, Plaintiff will convey her interest in the subject property to those purchasers. After such conveyance, a deed of conveyance shall be rendered by me as Master-in-Equity for Berkeley County, South Carolina, confirming and quieting title in the subject property in the names of the living heirs of Jacob Green a/k/a Jake Green as cited in Item 14 above, and respective of those who acquired the interest of Valerie Green.

EIGHTEEN: If agreement cannot be had and/or Plaintiff refuses to convey her share in the subject property to any of the other living heirs of Jacob Green a/k/a Jake Green this Court will hold further hearings as necessary in this matter to make a judicial determination as to the value of the property pursuant to a partition of interests by judicially ordered sale. It is noted that Defendants have

heretofore filed a Notice of right to purchase pursuant to S.C. Code Ann. §15-61-25(A) with the Court.

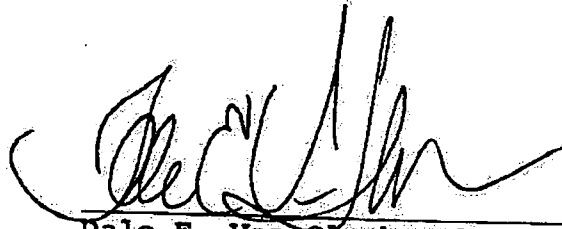
NOW, THEREFORE, IT IS HEREBY

ORDERED, ADJUDGED AND DECREED that Ethel Bengall, Renamae Green, Nathaniel Collins, Martha Greer, Valerie Green, Thomas Wilder, Jr., Savona Green, Terrance Green, Robert Kinloch, Kathleen Pinkston, Laverna Green, Linda Cromedy, Walter Harrell, Oliver Alls, Jackie Alls, Norman Alls, Evelyn All Terry, Patricia Spratton, Hazel Owens, Suzette Ford, Linda Beauford, Lanny Venning and Isaac Alls, Jr. are the living heirs of Jacob Green a/k/a Jake Green shall be vested with a good and marketable title to the property as set out hereinabove, and any right, title, interest or claims of the defaulting Defendants and all other persons, if any, to the subject property are hereby extinguished, and

IT IS FURTHER ORDERED that a confirmatory deed of conveyance be rendered by me as Master In Equity for Berkeley County, South Carolina, confirming and quieting title in the subject property or that further action be taken to determine the respective interests of the parties hereto regarding a partition by sale, pursuant to the conditions as set out above; and

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IT IS SO ORDERED!



Dale E. Van Slambrook
Master-in-Equity for
Berkeley County, South Carolina

Moncks Corner, South Carolina

1/23, 2018

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STATE OF SOUTH CAROLINA)
)
 COUNTY OF BERKELEY)
)
 VALERIE GREEN,)
)
 Plaintiff,)
 vs.)
)
 THE ESTATE OF JAKE GREEN, ET AL.,)
)
 Defendant(s).)
 _____)

IN THE COURT OF COMMON PLEAS
 CASE NO.: 2009-CP-08-1708

ORDER

16 DEC 16 PM 1:55
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 CLERK OF COURT
 BERKELEY COUNTY, S.C.

This matter came before me on December 14, 2016 for a Status Conference. Willie Heyward, Esq. was present on behalf of the Plaintiff. David M. Low, Esq. was present representing Ethel Bengall, Thomas Green, Savona Green, Terrence Green, Linda Cromedy, Walter Harrell, Laverne Green, Kathleen Pinkston, Robert Kinloch, Rena Green, Oliver All, Jackie All, Norman All, Issac All, Evelyn A. Terry, Patrick Spratton, Hazel Owens, Suzette Ford, Linda Beaufort and Larry Venning which represent all of the remaining identified parties, with the exception of Nathaniel Collins and Marcella Greir.

It appears that numerous Defendants were added to the body of the Complaint although they were not included in the case caption. Any prior attempted service on such parties by publication was ineffective. It is necessary that the pleadings be amended to properly reflect all of the parties. Further, proper service is necessary upon all parties.

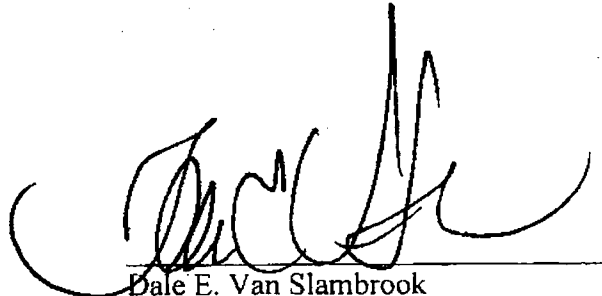
This matter has lingered without progress for a significant period of time. It is appropriate to impose a deadline in which Plaintiff must amend its pleadings and effect service in order that this matter be resolved.

MIS

THEREFORE IT IS ORDERED that Plaintiff may further amend her pleadings. All such amendments and service of process shall be completed on or before February 15, 2017 otherwise this matter may be dismissed without further notice.

AND IT IS SO ORDERED!

12/15/16
Date



Dale E. Van Slambrook
Master in Equity for Berkeley County

THEREOF,

Defendants.

)
)
)

The Plaintiff would respectfully show unto this Honorable Court:

1. **THAT** the Plaintiff, **VALERIE GREEN**, is a resident of Dade County, Florida.
2. **THAT** upon information and belief some of the Defendants are residents of Berkeley County, State of South Carolina.
3. **THAT** by virtue of the subject property being situated in the County of Berkeley, State of South Carolina, Plaintiff alleges that this Court is possessed with subject matter and *in personam* jurisdiction in this action.
4. **THAT** the Plaintiff commenced this action against the Defendants named herein and more particularly against the Estate of Jake Green and JOHN DOE; adults and MARY ROE, infant, insane persons, incompetents, being fictitious names designating a class of persons, know or unknown, who may be heirs, distributes, devisees, legatees, widow, widower, assignees, executors, administrators, creditors, successors, issue, and alienees of any deceased persons herein,, and any other persons or entity, known or unknown, claiming any right, title, estate, interest in or lien upon, the parcel of real estate that is the subject of this action and that it is proper for the Court to appoint a Guardian *ad litem* during the pendency of this action to protect any such interests that may exist as to these parties.
5. **THAT** joined as Defendants are other persons unknown, claiming any right, title, estate, interest in or lien upon the real estate described in the Complaint herein.
6. **THAT** the Plaintiff does not know the true names of any Defendants, all persons unknown, claiming any legal or equitable right, title, estate, lien or interest in the

property described in the Complaint adverse to Plaintiff's title or any claim on Plaintiffs' title, and therefore sues them by those fictitious names. Plaintiff is informed and believes and on that basis alleges that each such Defendants claim, or may claim, some interest in the real property described in Paragraph Eight of this Complaint.

7. **THAT** any claim of an estate or interest in the real property by the unknown Defendants would be adverse to the interest of the Plaintiff and any other lawful heirs of Jake Green.
8. **THAT** the Plaintiff is a tenant in common of the real property located in Berkeley County, State of South Carolina, and more specifically described as follows:

Ten acres of land in the Parish of St. Thomas and Butting and Bounding to the East on the Cabris Road, to lying South and West on French Quarter Creek and to the North on lands of Morris Collins Jr. Now containing 18 acres, more or less.

Being the same property conveyed to Jacob Green by deed of Isaac Collins dated July 10, 1908 and recorded in the RMC Office for Berkeley County on January 25, 1912.

TMS#: 238-00-00-001

AND

Being 13.12 acres of land. More or less, located in Berkeley County, South Carolina more as shown on a Plat entitled "PLAT OF TMS# 238-00-00-001 (13.12 ACRES) SURVEYED AT THE REQUEST OF OLIVER ALLS" by Kemp C. Ahrens, P.L.S. filed and recorded in the Register of Deeds Office for Berkeley County in Plat Cabinet M, page 393-R on January 12, 2009.

TMS#: 238-00-00-016

9. **THAT** Jacob Green acquired title to a portion of the subject parcel of real estate by deed of Isaac Collins, dated July 10, 1908 and recorded in the RMC Office for Berkeley County on January 25, 1912, being designated as TMS Number 238-00-00-001. At the time of his death, he was seized of and in possession of the property

- described now being 18 acres as recorded by the Berkeley County Assessor's Office .
10. **THAT** the above described parcel of land was maintained as a matter of record in the name of "Jake Green" with a deed and instrument of record, in the Office of the Berkeley County Clerk of Court of the Charleston County Register of Mesne Conveyance, and was assigned the TMS Number 238-00-00-001 by the Berkeley County Assessor.
 11. **THAT**, the Plaintiff desires to have this court determine the respective interests of the parties in regards to the subject property located in Berkeley County, South Carolina. Said property being titled in the name of the Estate of Jake Green.
 12. **THAT** the possession by the parties, namely the heirs of the Estate of Jacob Green of the real property described in Paragraph Eight of this Complaint was actual, open, hostile, continuous and exclusive in excess of 80 plus years; by actual possession, paying the taxes and taking all the incidents of ownership which amounted to an ouster of any co-tenants and all other possible claimants and that they have acquired an interest in the subject properties through adverse possession.
 13. **THAT** Jacob "Jake" Green, died intestate in Berkeley County on an unknown date, leaving as his heirs and distributees at law, his six children, Ethel Bengall, Rebecca Alls, Margaret Wilder, Mary Harrell, Henry Green, Jr. and Rena Mae Green-Calvin.
 14. **THAT** Margaret Wilder died intestate on an unknown date leaving as her heirs and distributes at law, her grandchildren from her predeceased son, Thomas H. Green; namely, Savona Green, Thomas Green, Jr. and Terrence Green;
 15. **THAT** the Defendant Thomas H. Green died intestate on an unknown date, leaving as his heirs and distributees at law, his spouse, Barbara Green and three children; Savona Green, Thomas Green, Jr. and Terrence Green.

16. **THAT** the Defendant Mary Harrell died intestate on an unknown date leaving as her heirs and distributees at law, her five (5) children: Linda Cromedy, Walter Harrell, Lavern Green, Kathleen Pinkston and Robert Kinloch.
17. **THAT** the Defendant Henry Green, Jr. died intestate on January 25, 2006, leaving as his lawful heirs, his daughter Valerie Green, and two other children that are purported to be the children of Henry Green, Jr. namely; Nathaniel Green and Marcella Green.
18. **THAT** Rebecca Alls died intestate on a date unknown to the Plaintiff leaving as her heirs and distributees at law, her ten children, Oliver Alls, Jackie Alls, Norman Alls, Isaac Alls, Evelyn Alls Terry, Patricia Spratton, Hazel Owens, Suzette Ford, Linda Beauford and Lanny Venning.
19. **THAT** there is sited on the subject property, three buildings and three mobile homes. Plaintiff is informed and believes another house was occupied by the late Defendant Henry Green.
20. **THAT** upon information and belief there is no record of probate administration of any of the estates of any of the deceased Defendants in Berkeley County except that of Henry Green, Jr.
21. **THAT** upon information and belief, some of the named Defendants have cut timber off the subject property and received proceeds from the sale that were not shared with the other co-tenants of the property.
22. **THAT** said property is incapable of being partitioned in kind, without injury to the other co-tenants, and that Plaintiff asks the court to order the property sold and the net proceeds distributed among the tenants common according to their respective interests.

23. **THAT** the heirs of the Estate of Jake Green are Ethel Bengall, Rebecca Alls, Barbara Green, Savona Green, Terrence Green, Linda Cromedy, Walter Harrell, Lavern Green, Kathleen Pinkston, Robert Kinloch, Oliver Alls, Jackie Alls, Norman Alls, Isaac Alls, Evelyn Alls Terry, Patricia Spratton, Hazel Owens, Suzette Ford, Linda Beauford, Lanny Venning and Rena Mae Green; and that they are owners, as tenants in common, with all right, title and interest in and to the subject property.
24. **THAT** there exists a default judgment against one Ethel M. Bengall in Berkeley County for permanent possession of one 1999 Fleetwood mobile home, serial number: GA WLW54AB83439H522 and attorney fees in an unspecified amount, in favor of Green Tree Servicing LLC as servicer for GreenPoint Credit dated January 31, 2007. Upon information and belief it appears that the Ethel M. Bengall named in the judgment is the same party named in this action.
25. **THAT** there exists a foreclosure and supplemental order of foreclosure against Linda Cromedy of Berkeley County in reference to TMS# 229-00-00-019.
25. **THAT** the Master In-Equity for Berkeley County be authorized and empowered to execute and issue a Master's Deed, conveying to the respective parties herein all the rights, title and interests in the subject property.
26. **THAT** it was necessary for the Plaintiff to employ the services of the undersigned attorney to prosecute this action for the common good of all parties joined in this cause of action. Further, expenses will be incurred to include attorney fees, costs and expenses. Plaintiff alleges that the expenses and costs be reimbursed to the Plaintiff from the Defendants according to their respective interests.

27. **THAT** any and all persons as entities joined as Defendants in this action under the fictitious name of John Doe, adults and Mary Roe, infants, insane persons and incompetents; be declared and forever barred of and from any claim, right, title, estate, interest in or lien upon the parcel of real estate above described or any part thereof, and that they be declared barred from claiming any light, title, estate, interest in or lien thereon;

WHEREFORE, PLAINTIFF PRAYS, that this Court inquiries into the matters and things herein alleged and adjudge and declare:

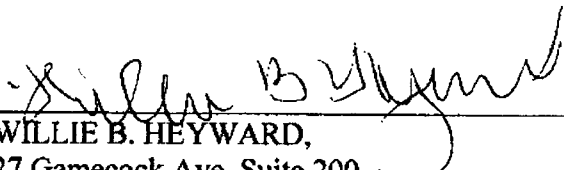
1. **THAT** the interest in the real property described in Paragraph Eight of this Complaint confirmed in heirs of the Estate of Jake Green;
2. **THAT** the heirs of the Estate of Jake Green share title in the subject parcels of real estate as tenants in common free of any and all possible adverse claims;
3. **THAT** there are no liens or adverse claims whatsoever to the title of the named tenants in common to the chain of title, except those described herein and that said parties are the owners in fee simple absolute of the property described in Paragraph Eight of this Complaint.
4. **THAT** the Court issue an Order approving the sale of the subject property in this action or in the alternative, issue deeds to the Plaintiff and Defendants that are adjudicated as being tenants in common thereto;
5. **THAT** the Master In-Equity for Berkeley County be authorized to issue to a prospective purchaser(s) a deed conveying to them all rights, title and interest to the subject parcel of real estate;
6. **THAT** this Court direct that there be deducted from the gross proceeds of any sale of the property, the expenses, attorney fees and costs associated with the sale of the property

because said expenses and costs were for the common good;

7. **THAT** all the Parties joined in this cause of action who may claim any rights, title, interest in or lien therein or thereto shall be forever barred from asserting the same;

8. **THAT** this Court issue a temporary order, authorizing a listing agreement with a real estate broker and a for sale sign to be placed on the subject property, to market said property to prospective buyers pending a final disposition in this matter; and

9. **FOR** such other further relief as the court may deem just and proper.



WILLIE B. HEYWARD,
27 Gamecock Ave, Suite 200
Charleston, South Carolina 29405
(843) 225-8754
ATTORNEY FOR THE PLAINTIFF

December 29, 2016

1 STATE OF SOUTH CAROLINA

COURT OF COMMON PLEAS

2 COUNTY OF BERKELEY

3 VALERIE GREEN,

4 Plaintiff,

5 vs. CASE NO. 2009-CP-08-1708

6 THE ESTATE OF JAKE GREEN A/K/A JACOB GREEN, ET
7 AL.,

8 Defendants.

9 HEARING BEFORE: JUDGE DALE EDWARD VAN SLAMBROOK

10 DATE: October 23, 2017

11 TIME: 10:25 a.m.

12 LOCATION: Berkeley County Central
13 Preliminary Hearing Court
14 300-B California Avenue
Moncks Corner, South Carolina

15 REPORTED BY: Julie L. Bonomo

16
17 A. WILLIAM ROBERTS, JR., & ASSOCIATES

18 Fast, Accurate & Friendly

19
20 Charleston, SC Hillton Head, SC Myrtle Beach, SC
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21
22 Columbia, SC Greenville, SC Charlotte, NC
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A. WILLIAM ROBERTS, JR., & ASSOCIATES (800) 743-DEPO
scheduledepo.com

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Page 2

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 Heirspropertylawcenter@live.com
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 12 843-849-1009
 David@low-law.com
 13
 14
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 16
 17
 18 (INDEX AT REAR OF TRANSCRIPT)
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 22
 23
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Page 3

1 THE COURT: All right. Good morning
 2 everyone. So we are here on 2009-CP-08-1708, which
 3 is Valerie Green represented by Mr. Heyward. Is
 4 that Ms. Green?
 5 MS. GREEN: Yes, sir.
 6 THE COURT: Good morning, Ms. Green.
 7 MS. GREEN: Good morning.
 8 THE COURT: Versus the Estate of Jacob
 9 Green and others, some of which are represented by
 10 Mr. Low; is that correct, Mr. Low?
 11 MR. LOW: That's correct, Your Honor.
 12 THE COURT: Who all do we have? What
 13 I am going to do is I am going to get one of you
 14 gentlemen to please share one of your pads. And I
 15 want to get the names of everybody that is here
 16 with us so that we can keep track of who is here.
 17 Okay?
 18 MR. HEYWARD: All right.
 19 THE COURT: Ladies and Gentlemen, my
 20 name is Dale Van Slambrook. I'm the Master in
 21 Equity. I may have met some of y'all before, but
 22 I'm the judge who is assigned to hear the case
 23 today. I'm asking you to put your name down there,
 24 not for any ulterior motive, that's just so I can
 25 keep track of who was here and who wasn't. Okay.

Page 4

1 This is an ongoing process and it's a lengthy
 2 process sometimes, and sometimes requires multiple
 3 hearings and I like to just keep track of who is
 4 who and who was there with us.
 5 So we had a short pretrial today where
 6 there was a question that I raised with you
 7 gentlemen regarding the service of process by
 8 publication, effectively the publication on the
 9 unknown heirs, and it appears that there is a
 10 question as to that as to the sufficiency.
 11 Obviously, the unknowns aren't here or
 12 we would know who they are. So what I have
 13 determined to do, after discussing it with you
 14 gentlemen, is to proceed with the testimony today.
 15 I'll take under advisement the issue relative to
 16 the service and the effect of the service, whether
 17 service is necessary -- reservice is necessary --
 18 and what to do with the testimony today. Possibly
 19 holding the hearing open, pending the reservice so
 20 as to avoid unnecessary duplication of the
 21 testimony, especially since we have everybody here
 22 and no objections from those folks that are here as
 23 to the service issues.
 24 Does that sound like a fair statement
 25 of what we have discussed, gentlemen?

Page 5

1 MR. HEYWARD: Yes, it is, your Honor.
 2 THE COURT: Mr. Low?
 3 MR. LOW: It is, Your Honor.
 4 THE COURT: Any objection to going
 5 forward with the testimony today under those
 6 conditions?
 7 MR. LOW: None.
 8 THE COURT: None from Mr. Low.
 9 Mr. Heyward?
 10 MR. HEYWARD: None, Your Honor.
 11 THE COURT: All right. And y'all were
 12 very kind in sharing with me the essence of the
 13 issues regarding the property. And I'm -- I'll
 14 just restate those and then I'll let y'all either
 15 correct me, update me, or flesh out what I have had
 16 to say. I just want to make sure when the
 17 testimony starts that I'm paying attention to the
 18 issues that y'all have raised and not
 19 misunderstanding them today.
 20 So essentially what y'all told me and
 21 what I've gleaned from pleadings is that Mr. Jake
 22 Green was an owner of the property that was last
 23 identified as being from Berkeley County as
 24 Mr. Jake Green. Mr. Jake Green had six children
 25 and left those as heirs, five females and one male.



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1 The one male at issue being Henry Green. Henry
 2 Green passed leaving as his sole heir Henry Green
 3 Jr. who passed; leaving child or children and that
 4 that is, in essence, the issue. There is no
 5 question as to whether there was a Mr. Henry Green,
 6 Jr. who had inherited, but only as to the children.
 7 Essentially, the position being that there was one
 8 child, Valerie Green, versus three children which
 9 would be Valerie Green, Nathan Collins and
 10 Ms. Greer.
 11 Is that a fair rendition of what y'all
 12 expressed to me as the issues today?
 13 MR. HEYWARD: Yes, it is, Your Honor.
 14 THE COURT: And no question as to the
 15 other folks. I did not name the other five
 16 siblings, but they're in the pleadings and y'all
 17 have shared those, I'm sure; is that right?
 18 MR. HEYWARD: That's correct.
 19 MR. LOW: That's correct, sir.
 20 THE COURT: Thank y'all for helping me
 21 narrow that down. I have got in front of me the
 22 list y'all have provided. I will put today's date
 23 on there, the 23rd. So we have Mr. Nathaniel
 24 Collins. Good morning, sir.
 25 MR. COLLINS: Good morning.

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1 MR. HEYWARD: Thank you, Your Honor.
 2 Your Honor, this quiet title action, quiet title
 3 anti-partition action that was filed in Berkeley
 4 County in 2009, alleging that the subject --
 5 property subject that is the subject of this action
 6 which is located in Berkeley County, or the last
 7 vested owner, or with title to that property was
 8 one Jake Green, and there were two parcels in
 9 question, Your Honor. One, has been designated by
 10 Berkeley County as having TMS No. 238-00-00-001.
 11 And another parcel having TMS No. 238-00-00-016.
 12 One parcel, the 001, ending in 001 being 10 acres,
 13 and the other represent in a survey of -- by Kent
 14 C. Ahrens, A-H-R-E-N-S as having 15.12 acres.
 15 The original Complaint, Your Honor, was
 16 brought by Ms. Green to ascertain the property that
 17 was in the name of her deceased grandfather and
 18 subsequently now vested in his living heirs, one of
 19 whom is her, that she derived her -- and it's from
 20 her father who was Henry Green, Jr. who is also
 21 deceased.
 22 The conveyance to this property, in my
 23 research I found one deed from an Isaac Collins to
 24 a one Jacob Green that was dated -- I'm sorry --
 25 that was recorded January 25, 1912 in Berkeley

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1 THE COURT: Caroline Dickerson. Good
 2 morning, ma'am.
 3 MS. DICKERSON: Good morning.
 4 THE COURT: Mildred Johnson. Good
 5 morning, Ms. Johnson.
 6 MS. JOHNSON: Good morning.
 7 THE COURT: Ms. Lily Jones.
 8 MS. JONES: (Indicating an affirmative
 9 response.
 10 THE COURT: Good morning, Ms. Jones.
 11 Martha Greer.
 12 MS. GREER: (Indicating an affirmative
 13 response.)
 14 THE COURT: Good morning, Ms. Greer.
 15 Ruth Golden (ph)?
 16 MS. GOLDEN: Yes.
 17 THE COURT: Good morning, ma'am. And
 18 Norman Alls, is that you, sir?
 19 MR. ALLS: Yes, sir.
 20 THE COURT: All right. Good deal.
 21 Thank y'all for putting your names down on there
 22 and now we have got your names preserved on the
 23 record as well as being here, and I know some of
 24 you may be testifying. Okay. So I will be happy
 25 to hear from you, Mr. Heyward.

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1 County, and in the legal description it describes
 2 10 acres of land. One moment, Your Honor.
 3 Do you see that?
 4 MR. LOW: Yes, that will be fine.
 5 MR. HEYWARD: All right. It describes
 6 10 acres of land. As to the other property that's
 7 designated as belonging to Jake Green by Beaufort
 8 County, I could not find a deed of conveyance from
 9 a grantor to one Jake Green. I have testimony. We
 10 hope to show that only the heirs of Jake Green have
 11 made any claims or paid any taxes to the property
 12 that we are alleging belongs into the estate of
 13 Jake Green, and no other persons have done so since
 14 the death of Jake Green.
 15 We would like, Your Honor, to pass up,
 16 hopefully without objection, the reference deed
 17 that I mentioned before recorded January 25, 1912
 18 in Berkeley County for consideration of \$20 for one
 19 Isaac Collins to one Jacob Green, and we'll allege
 20 that this is a portion of the same property that is
 21 the subject of this action.
 22 THE COURT: Any objection?
 23 MR. LOW: No objections, Your Honor.
 24 THE COURT: I'll admit that as
 25 Plaintiff's 1.



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1 MR. HEYWARD: Thank you.
 2 (PLF. EXH. 1, Deed, was marked for
 3 identification.)
 4 MR. HEYWARD: Also, in bringing this
 5 action, Your Honor, a guardian ad litem was
 6 appointed by the Court to represent the interest of
 7 the unknown, of any unknown defendants or
 8 defendants who may be incarcerated, minors, under
 9 military service of United States. That guardian
 10 ad litem has been Calvin M. Huger having an office
 11 at 27 Gamecock Avenue in Charleston.
 12 Mr. Huger had another hearing in
 13 Beaufort County, couldn't be here today, and has
 14 submitted a written answer on his behalf to the
 15 Court indicating that no one in the class of
 16 persons he has been appointed to represent,
 17 including unknown defendants, have contacted him
 18 concerning this matter.
 19 THE COURT: Thank you, sir. We'll take
 20 that as an exhibit also.
 21 MR. HEYWARD: We ask that that be
 22 admitted as Plaintiff's Exhibit 2, Your Honor.
 23 MR. LOW: No objections.
 24 THE COURT: Without objection.
 25 (PLF. EXH. 2, Written Answer by

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1 Mr. Huger, was marked for identification.)
 2 We also have, Your Honor, through
 3 consultation with Defendant's counsel, Mr. Low,
 4 reviewed the family tree of one Jake Green, having
 5 six children, all of whom are deceased except
 6 three. One of those deceased, a one Henry Green,
 7 who had one son Henry Jr., who is also deceased, is
 8 the father of the plaintiff and the plaintiff
 9 hereby alleges that she is the only heir of Jake
 10 Green and wishes to present testimony as to her
 11 relationship to the deceased -- I'm sorry -- to the
 12 deceased Henry Green, Jr., who was the grandson of
 13 Jake Green.
 14 We would like to offer up not as -- as
 15 for the Court's convenience and I believe the Court
 16 has asked for this and through consultation with
 17 Mr. Low has arrived -- has arrived at a schematic
 18 of the family tree of Jake Green. For the Court's
 19 convenience to file as testimony.
 20 THE COURT: Thank you. Any objection
 21 to that diagram?
 22 MR. LOW: This was prepared by us, Your
 23 Honor, and we would have no objection to it.
 24 MR. HEYWARD: Your Honor, I would like
 25 to clarify, on this -- on this exhibit they do

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1 have, according to Mr. Low's schematic, the
 2 disputed parties as being children of Henry Jr.,
 3 one Nathaniel Collins and Marcella Greer, and the
 4 plaintiff, Valerie Green, which we will present
 5 testimony as to Valerie Green's relationship to
 6 Henry Jr.
 7 THE COURT: I understand, and I'll take
 8 it as an exhibit for illustration purposes with the
 9 understanding that that's not being agreed to as a
 10 family history, I understand.
 11 (PLF. EXH. 3, Family Schematic, was
 12 marked for identification.)
 13 THE COURT: One moment, gentlemen.
 14 Just for clarification purposes, Mr. Low, you are
 15 representing all of the named defendants; is that
 16 right?
 17 MR. LOW: That's correct, Your Honor.
 18 THE COURT: Thank you, sir. I'm sorry
 19 I interrupted, Mr. Heyward. Go right ahead.
 20 MR. HEYWARD: No problem, Your Honor.
 21 To move forward, I would like to call Ms. Valerie
 22 Green to the stand, please.
 23 THE COURT: Ms. Green, come forward.
 24 Stand right there for me and raise your right hand.
 25 THE WITNESS: Right here?

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1 VALERIE GREEN
 2 being first duly sworn, testified as follows:
 3 THE COURT: Put your hand down and have
 4 a seat right there. Give your name and spell your
 5 last name and give your address for the court
 6 reporter to take down. Okay?
 7 THE WITNESS: My name is Valerie
 8 Demetria Green, G-R-E-E-N.
 9 THE COURT: Thank you. And your
 10 address, ma'am?
 11 THE WITNESS: 9500 North West 33rd
 12 Avenue, Miami, Florida 33147.
 13 THE COURT: Mr. Heyward?
 14 MR. HEYWARD: Thank you, Your Honor.
 15 EXAMINATION
 16 BY MR. HEYWARD:
 17 Q. Ms. Green, are you familiar with the
 18 property that is the subject of this action before
 19 the Court today?
 20 A. Yes, I am.
 21 Q. Have you ever lived on this property?
 22 A. Yes, I have.
 23 Q. And when did you live on the property?
 24 A. Every summer since I was two or three
 25 months my dad took me -- well, not on that



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1 property, but he brought me to South Carolina, but
 2 on that property when he came back he built a house
 3 or whatever.
 4 **Q. Just a moment, please. You said when**
 5 **he came back. Where did he come back from?**
 6 A. He came back from Miami, Florida.
 7 **Q. From Miami, Florida.**
 8 A. He left Huger and moved to Miami,
 9 Florida, and that is when I was created or
 10 whatever, and then he moved.
 11 **Q. Just slow up just a minute. You said**
 12 **he left Huger and moved to Miami, Florida?**
 13 A. Yeah.
 14 **Q. Approximately, what year was that?**
 15 A. That had to be in the '50s.
 16 **Q. In the '50s?**
 17 A. Yeah. Because I was born in 1957.
 18 **Q. When he lived in Huger, where did he**
 19 **live?**
 20 A. He lived at, I guess wherever the
 21 property is now.
 22 **Q. Okay. And you said he moved to Miami,**
 23 **Florida?**
 24 A. Yes.
 25 **Q. And he met your mother you said?**

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1 **Florida, to the best of your knowledge?**
 2 A. Yes, sir.
 3 **Q. Okay. When were you --**
 4 A. Yes. Miami-Dade County.
 5 **Q. When were you born?**
 6 A. December 10, 1957.
 7 **Q. And you were born in Miami-Dade?**
 8 A. Yes, sir.
 9 **Q. And your birth certificate, who does it**
 10 **list as your parents?**
 11 A. It says mother's maiden name Ann Marie
 12 Rutherford. Father's name Henry Green.
 13 **Q. How do you spell Rutherford, Ann Marie**
 14 **Rutherford? How do you spell Rutherford?**
 15 A. R-U-T-H-E-R-F-O-R-D.
 16 **Q. Thank you, ma'am. And it indicates**
 17 **your date of birth on the birth certificate?**
 18 A. Yes.
 19 **Q. What date is that?**
 20 A. December 10, 1957.
 21 **Q. And is that a certified copy of a birth**
 22 **certificate?**
 23 A. Yes, it has stamp on it, too.
 24 **Q. Thank you, ma'am.**
 25 MR. HEYWARD: Your Honor, for

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1 A. Yes.
 2 **Q. Who was -- what was your mother's name?**
 3 A. Ann Marie Rutherford. She is deceased.
 4 **Q. When did she die?**
 5 A. She died in -- about five years ago.
 6 **Q. About five years ago?**
 7 A. Yes.
 8 **Q. When did you father decease?**
 9 A. 2006. January 25, 2006.
 10 **Q. Was he married to Ms. Rutherford?**
 11 A. No, sir.
 12 **Q. Do you know if your father was ever**
 13 **married?**
 14 A. No. He was never married, that I know
 15 of.
 16 MR. HEYWARD: One moment, Your Honor.
 17 BY MR. HEYWARD:
 18 **Q. Ms. Green, I would like you to look at**
 19 **the document and tell me if you recognize it.**
 20 A. Yes. It's my birth certificate.
 21 **Q. And your birth certificate was issued**
 22 **in what state?**
 23 A. I guess Miami, Florida. It don't say
 24 on here.
 25 **Q. Okay. So that was in Dade County,**

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1 Plaintiff's Exhibit 3 I would like to admit a
 2 certificate of birth from the Office of Vital
 3 Records in the State of Florida, County of Dade,
 4 and it was issued July 24, 2006. The state file
 5 No. 109-1957-093524, and the certificate of birth
 6 is of one Valerie Demetria, D-E-M-E-T-R-I-A, Green.
 7 THE COURT: Any objection?
 8 MR. LOW: No, Judge.
 9 THE COURT: I think that will be
 10 Plaintiff's 4.
 11 MR. HEYWARD: We would ask for that to
 12 be admitted as Plaintiff's 4, Your Honor, correct.
 13 (PLF. EXH. 4, Birth Certificate, was
 14 marked for identification.)
 15 BY MR. HEYWARD:
 16 **Q. All right. Ms. Green, did your father**
 17 **ever have a probate administration done on his**
 18 **estate?**
 19 A. No, not that I know of.
 20 **Q. Okay. And in what county did your**
 21 **father die?**
 22 A. In Berkeley County. He died in MUSC
 23 Hospital in Charleston.
 24 **Q. Okay. I want you to look at this**
 25 **document and tell me if you recognize it.**



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1 MR. LOW: Do you have a copy of this?
 2 MR. HEYWARD: Yes.
 3 MR. LOW: All right.
 4 MR. HEYWARD: Thank you.
 5 BY MR. HEYWARD:
 6 Q. Ms. Green, I would like you to take a
 7 look at this document and tell me if you recognize
 8 it, please.
 9 A. Yes.
 10 Q. Do you recognize that?
 11 A. Uh-huh.
 12 Q. What do you recognize that to be?
 13 A. My paper about my dad.
 14 Q. Okay. That's a probate administration
 15 on your father's estate concerning a truck?
 16 A. A truck? Yes, a truck. Yeah.
 17 Q. Okay. You opened that estate, can you
 18 tell me, can you go back to the first page, please.
 19 On that probate document, does it indicate your
 20 father's name and when he died?
 21 A. Yes, sir.
 22 Q. And what is that information?
 23 A. He died January 25, 2006.
 24 Q. What name is on that probate
 25 administration? Is your father's name?

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1 you was 2008. I know that much, but it don't have
 2 a year on here.
 3 Q. Thank, ma'am. Let me see it. Thank
 4 you. Here you go. If you could, look at the
 5 bottom of the last page for me.
 6 A. Oh, July 5, 2006.
 7 Q. July 5, 2006; is that right?
 8 A. Uh-huh.
 9 Q. Thank you, ma'am.
 10 MR. LOW: Is there a certificate of
 11 appointment for this estate?
 12 MR. HEYWARD: No, it's probably just
 13 said for these two.
 14 MR. LOW: All right.
 15 MR. HEYWARD: There are both of those.
 16 MR. LOW: Very good.
 17 MR. HEYWARD: The summary.
 18 MR. LOW: Yes, sir.
 19 MR. HEYWARD: Your Honor, I would like
 20 to admit an affidavit collection of personal
 21 property that was done through probate court in
 22 Berkeley County in case No. 2006-ES-08-78 for
 23 pursuant to some property that was in the estate of
 24 one Henry Green, Jr., and it indicates that he died
 25 in January 25, 2006. It also names as daughter,

Page 19

1 A. Yes.
 2 Q. Is the name of the deceased?
 3 A. Yes, Henry Green, Jr.
 4 Q. Does it indicate any of his heirs on
 5 that paper?
 6 A. No. It has daughter on here and I'm
 7 the daughter.
 8 Q. Who does it have listed as daughter?
 9 A. Huh?
 10 Q. What name is listed as daughter?
 11 A. Valerie Green.
 12 Q. Is that the same Valerie Green as
 13 yourself?
 14 A. Yes, sir.
 15 Q. Is there anyone else's name listed as
 16 an heir of Henry Green on that?
 17 A. No, sir.
 18 Q. Who petitioned the Court in that
 19 probate matter? Did you petition the Court?
 20 A. Yes, sir.
 21 Q. What year was that?
 22 A. It was when I contacted you.
 23 Q. What year was that probate small estate
 24 petition?
 25 A. It's not on here. The year I contacted

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1 one Valerie Green, and as Claimants against the
 2 estate it names Valerie Green and Gethers Funeral
 3 Home in Moncks Corner. I would like to introduce
 4 this as Plaintiff's Exhibit 5, I believe.
 5 THE COURT: Any objection, Mr. Low?
 6 MR. LOW: None, Your Honor.
 7 THE COURT: Entered without objection.
 8 (PLF. EXH. 5, Affidavit Collection of
 9 Personal Property, was marked for identification.)
 10 BY MR. HEYWARD:
 11 Q. Now, Ms. Green, how long ago -- you
 12 said your father moved from Berkeley to Florida; is
 13 that correct?
 14 A. Yes, sir.
 15 Q. How long did he stay in Florida?
 16 A. Over 20 years.
 17 Q. When he left Florida, where did he go?
 18 A. He came and moved back to South
 19 Carolina.
 20 Q. Moved back where?
 21 A. Huger, South Carolina.
 22 Q. Where did he live when he moved back to
 23 Huger?
 24 A. On the property we're talking about.
 25 Q. Okay. Did he have a house, mobile home



25

Page 22

1 or something, or did he live with someone?
 2 A. I guess in the beginning he had to live
 3 with someone, but he built a house on the property.
 4 Q. Built a house on the property?
 5 A. Uh-huh.
 6 Q. Okay. Is that house still there?
 7 A. Yes.
 8 Q. Your father, did you attend your
 9 father's funeral?
 10 A. Yes. I handled all the arrangements.
 11 Q. Do you have a copy of his obituary?
 12 A. No, I have a copy of the death
 13 certificate.
 14 Q. At this, when you attended your
 15 father's funeral, were there -- I'm going to
 16 retract that and rephrase it. Who prepared
 17 obituary for your father? ---
 18 A. Well, I was -- my cousin Evelyn handled
 19 them. She asked me and I said, yeah, because I
 20 didn't know all the people, all his relatives. I
 21 didn't know everybody that lived here that was
 22 anybody pertaining to him.
 23 Q. Okay. Had your father ever told you
 24 that he had other children besides yourself?
 25 A. No, he never told me from his mouth to

Page 24

1 besides the two that you just mentioned,
 2 Mr. Collins and Ms. --
 3 A. No, sir. Just them two.
 4 Q. Just those two?
 5 A. Yes, sir.
 6 Q. Have you ever spoken to Mr. Collins or
 7 Nathaniel Collins or --
 8 MR. LOW: Martha, Martha Greer.
 9 BY MR. HEYWARD:
 10 Q. Or Martha Greer?
 11 A. Yes, sir.
 12 Q. You have spoken to them?
 13 A. Uh-huh.
 14 Q. When did you speak to them?
 15 A. At my grandmother's funeral, Collins
 16 was there, and we spoke and I met his family and
 17 stuff like that.
 18 Q. What was just your grandmother's
 19 funeral?
 20 A. At my grandmother's funeral.
 21 Q. What was your grandmother's name?
 22 A. Beulah (ph) Grant.
 23 Q. Did you ever discuss being related?
 24 A. Well, as far as he is -- well, I guess
 25 so. I guess so in a roundabout way, yes.

Page 23

1 my ears, but I have heard and I've seen them before
 2 and I'm not denying nobody nothing.
 3 Q. Okay. Now, you say you have heard, how
 4 did your hear that your father had other --
 5 A. Through hearsay. Well, one day Collins
 6 was walking down the street and they said there
 7 goes your brother, like that.
 8 Q. You're talking about Mr. Collins who is
 9 present today in the courtroom?
 10 A. Yes, sir. Yes.
 11 Q. How long ago was that?
 12 A. Oh, over 20 years.
 13 Q. Over 20 years ago?
 14 A. Yes.
 15 Q. Okay. Did you hear of anyone else
 16 besides Mr. Collins being a child of your father?
 17 A. No. I heard I had a sister, but they
 18 never said. They never pointed her out or never
 19 said anything about it, but I met her before the
 20 funeral.
 21 Q. Okay. And the person that you met
 22 before the funeral, is she here today?
 23 A. Yes, sir.
 24 Q. Are there any other persons that you
 25 may have been told are children of your father

Page 25

1 Q. In what roundabout way was that?
 2 A. Well, I was introduced to my nephews
 3 and his family, his wife, and stuff like that.
 4 Q. And they indicated to you they
 5 considered themselves to be your?
 6 A. That there was their dad. That my dad
 7 was their dad, was his father.
 8 Q. All right. Thank you, ma'am. Please
 9 answer any questions Mr. Low may have for you.
 10 THE COURT: Mr. Low?
 11 MR. LOW: Just briefly, Your Honor.
 12 EXAMINATION
 13 BY MR. LOW:
 14 Q. Ms. Green, you mentioned that you would
 15 be coming up to South Carolina since you were two
 16 or three years old?
 17 A. No, months old.
 18 Q. Two months old?
 19 A. Yes.
 20 Q. Yes, ma'am. And spending summers here?
 21 A. Every summer.
 22 Q. So do you recognize some of people in
 23 the room here?
 24 A. For the most, I recognize Norman Alls
 25 and Ruthie Golden. They're two of my cousins. I



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1 know them to be my cousins.
 2 **Q. All right. So Norman and Ruthie you**
 3 **know well?**
 4 A. Uh-huh.
 5 **Q. When is the first time that you can**
 6 **recall meeting Mr. Nathaniel Collins? I know you**
 7 **mentioned earlier you had seen him?**
 8 A. Uh-huh.
 9 **Q. Or he was pointed out to you some 20**
 10 **years ago. Do you recall the first time you spoke**
 11 **to him or met him?**
 12 A. I believe it was at my grandmother's
 13 funeral. We had many family reunions and all kind
 14 of stuff and I'd never seen any one of them there.
 15 But when my grandmother died, I remember he and I
 16 talking, you know, and acting like family, stuff
 17 like that.
 18 **Q. This was your grandmother?**
 19 A. Beulah Grant.
 20 **Q. Ms. Grant?**
 21 A. Uh-huh.
 22 **Q. I would ask the same question about**
 23 **Ms. Martha Greer. Do you recall the first time you**
 24 **knew about her or she was pointed out to you?**
 25 A. Well, she was pointed out to me when my

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1 dad died. She came in the house and me and her
 2 talked and I think I met her -- she had some
 3 daughters. I don't believe there was a boy
 4 involved, but she had some daughters and they
 5 walked around the house and she and I talked a
 6 little bit.
 7 **Q. Now, Mr. Heyward earlier presented**
 8 **evidence of a probate estate, and there were a few**
 9 **items listed on there. I would ask you, do you**
 10 **know for what reason was this property not listed**
 11 **as part of the assets of that estate?**
 12 A. I guess because it was needed to bury
 13 him. It was his truck that -- like when he died, I
 14 was basically there by myself as far as siblings.
 15 I was there by myself. So it was a big on taking
 16 for me. So when he died, he had a certain amount
 17 of money left and that was enough to bury him and
 18 take care of all of his everything and stuff like
 19 that. And whatever -- what else I couldn't take of
 20 without the money and take care of, I took care of
 21 all the bills and stuff like that.
 22 He had a truck left. So I didn't want
 23 no truck. I didn't know what to do with the truck
 24 so I gave it to my cousin Walter. It was just a
 25 truck and \$5,000.

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1 **Q. Do you recall any type of funeral**
 2 **insurance or burial insurance?**
 3 A. Yeah, he had insurance. That is what
 4 the \$5,000 was.
 5 **Q. In regards to that \$5,000 insurance**
 6 **policy, do you recall what was required to redeem**
 7 **that policy?**
 8 A. Restate that.
 9 **Q. Yes. Well, I guess more specifically,**
 10 **do you recall meeting in with assistance in being**
 11 **able to claim that policy?**
 12 A. No. Huh-uh.
 13 **Q. Thank you, Ms. Green, and nothing**
 14 **further, Your Honor.**
 15 THE COURT: Any followup, Mr. Heyward?
 16 MR. HEYWARD: A quick redirect, Your
 17 Honor. Thank you.
 18 EXAMINATION
 19 BY MR. HEYWARD:
 20 **Q. Ms. Green, the property at the time of**
 21 **your small administration probate, small estate**
 22 **administration of your father's estate, do you know**
 23 **if the property was titled in the name of your**
 24 **father with your father's name on the property or**
 25 **the property was still in Jake Green's name?**

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1 A. It's always been in Jake Green's. We
 2 never divided nothing or did nothing. Like I told
 3 them, I said I wanted to keep it in the family
 4 because I don't want to live here. I'm not living
 5 here, I want to keep it in the family. That is
 6 basically what I was trying to do, selling it to
 7 the family or whatever. Keeping it in the family.
 8 **Q. Similar question. Do you consider the**
 9 **two parties here claiming to be children of your**
 10 **father as your stepsister and brothers?**
 11 A. Well, truthfully, I really could care
 12 less. I just want to get it over with. If it had
 13 to be shared, it has to be shared. But like I
 14 said, from his mouth to my ears, he never told me
 15 this. But I've heard it, I met it, I met them, I
 16 chat with them, I have nothing against anybody.
 17 **Q. Thank you, ma'am.**
 18 THE COURT: Mr. Low, followup?
 19 MR. LOW: Just to follow up on that
 20 last point, Your Honor with Ms. Green.
 21 EXAMINATION
 22 BY MR. LOW:
 23 **Q. Yes or no question. Do you consider**
 24 **Martha Greer or Nathaniel Collins to be your**
 25 **brother or sister?**



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1 A. No.
 2 Q. No?
 3 A. Do you want to know why?
 4 Q. Okay.
 5 A. During my dad's days of dying and
 6 laying in the hospital and being sick for over a
 7 month, I hear one of them is a pastor. He never
 8 came and prayed with us. He never came. He never
 9 reached out to me as a sister to hold my hand to
 10 pray with me for my dad. She didn't do the same
 11 neither. Between them saying that the property is
 12 theirs, I don't care about that, but I needed help.
 13 I needed personal help with my dad against other
 14 family members. I went through them selling his
 15 chickens two weeks after he died. I went through
 16 them cutting lumber, selling lumber for \$6,000 and
 17 I didn't get a cent.
 18 It's different families staying on
 19 there. They don't pay rent. Do you understand me?
 20 Every time I -- they don't pay rent, they might pay
 21 taxes or something like that. But they're living
 22 good and they just act like I'm the evil person.
 23 After my dad died in 2006, in 2008, I
 24 told Oliver Alls, that is Norman Alls brother. I
 25 told him, I said, I would like to sell the property

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1 and keep it in the family. I could've went outside
 2 the family. I wanted to keep it in the family.
 3 That's their heritage. It don't belong to me.
 4 Maybe a little share of a little corner part
 5 belongs to me. Let me just get on with my life.
 6 I have been basically just thrown mud
 7 at. Basically thrown mud at. I have been seen as
 8 the evil party. I have nothing against Nathaniel,
 9 I have nothing against Marcella. I just wish they
 10 was there as a real sister and brother to help me.
 11 I cried for two weeks. I went from the hospital
 12 every night. When they called me about daddy,
 13 about the cardiac arrest. Wasn't nobody there to
 14 take me there, but Norman's sister took me back and
 15 forth from MUSC to Huger. Now, that is a long way.
 16 I cried for two weeks. My menstruation
 17 was off at this time. It stayed. It came on for
 18 two weeks. That's how deep this thing hurt me.
 19 Now if they were a sister and brother, they could
 20 have been a sister and brother at that time. Why
 21 do they want to be a sister and brother now? They
 22 can, really, they can have all the little 5 acres
 23 or 2 acres or whatever, but where were they when I
 24 need them? This man is a preacher. I heard he has
 25 a church. My dad could've been buried there. You

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1 could have made peace. Me, you and Martha could've
 2 got together with my dad on his dying bed and made
 3 peace as sisters and brothers and stuff like that
 4 are supposed to do.
 5 So basically, that is the feelings that
 6 I have. You know, I'm fighting against -- it seems
 7 like it's a fight against the family, but it should
 8 have been a fight against three sister siblings.
 9 It's the three Green siblings and they are against
 10 this family. It was me against them and they
 11 turned -- I guess they turned my new sister and
 12 brother against me. Trust me, I'm not the one.
 13 Believe in that. I am not the one. I am not the
 14 one.
 15 And things have been happening. I've
 16 been called and they say your daddy's house has
 17 been broke in. So I take off from my job to go
 18 see. From Miami, come from Miami to see the house
 19 been broke in. When I opened the door, because it
 20 was locked, the door was locked, I've got a key.
 21 When I opened the door, the refrigerator was
 22 throwed down, the stove throwed down, and the only
 23 other thing tampered with is the ceiling where my
 24 dad laid his head in his bedroom. The only other
 25 thing tampered with, the itchy pink stuff that

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1 comes out of the wall, that was hanging out the
 2 wall, the whatever you make the air conditioned
 3 with, the pink, itchy stuff. That was hanging out
 4 the wall. It was a big hole in the wall.
 5 To this day, God knows that I know who
 6 did it and they in here and it was not no break-in
 7 because if they was looking for something they knew
 8 where it was and it was not hidden. It was like
 9 this with my daddy. And if it was a break-in, why
 10 didn't they put holes all over the walls, there was
 11 four bedrooms, a kitchen, a dining room, a living
 12 room. None of that tampered with, just the
 13 refrigerator knocked down and stove knocked down
 14 and I go in his bedroom and the wall where he laid
 15 his head. The hole there where my dad --
 16 My dad was the kind of guy who would
 17 save his first penny, would save his first check,
 18 and I knew he had a nest egg, but I didn't go there
 19 looking for the nest egg. I went there to bury my
 20 father. I went there to bury my father and from my
 21 supposed to be or maybe my true sister and brother,
 22 I would like us to get together and sit down and
 23 talk because the people y'all gather around with,
 24 you better watch out for them, and that's all I've
 25 got to say. Thank you, Your Honor.

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1 MR. LOW: Thank you, Ms. Green.
 2 Nothing further, Your Honor.
 3 MR. HEYWARD: Nothing further.
 4 THE COURT: You can step down,
 5 Ms. Green. Thank you, ma'am.
 6 MR. HEYWARD: Your Honor, Plaintiff has
 7 no more witnesses and Plaintiff rests.
 8 THE COURT: Thank you. Thank you,
 9 Mr. Heyward. Mr. Low?
 10 MR. LOW: Your Honor, we would like to
 11 call a few witnesses to establish the relationship
 12 of Nathaniel Collins and Marcella Greer to Henry
 13 Green, Jr., and I think we'll start with
 14 Mr. Nathaniel Collins.
 15 THE COURT: Mr. Collins, come on up.
 16 NATHANIEL COLLINS
 17 being first duly sworn, testified as follows:
 18 THE COURT: Thank you sir, put your
 19 hand down, step up there, and give your name and
 20 spell your last name and address for the court
 21 reporter.
 22 THE WITNESS: My name is Nathaniel
 23 Collins. My address is 114 Collins Hill Lane,
 24 Wando, South Carolina, zip code, 29492. Collins,
 25 C-O-L-L-I-N-S.

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1 the weekend and through my grandmother, I stayed
 2 with her I think the most, and doing different
 3 events that they have to the house, they would call
 4 me and let me know. They would let me know if my
 5 father was coming from Florida. I would meet him
 6 and talk, and we talked, but not often. It was
 7 just once in a while.
 8 Q. And just to be clear, your father was
 9 -- his name?
 10 A. Henry Green Collins, Jr.
 11 Q. All right. Do you recall, and again,
 12 for clarity, about how old were you when you first
 13 met him, do you recall?
 14 A. Oh, gosh, I hadn't -- I don't know how
 15 old I was. I maybe was -- I maybe was, I don't
 16 know. I maybe was maybe around, I don't know,
 17 maybe 15. Maybe somewhere around there. I don't
 18 know. I have not -- I met him, but I met him more
 19 when he had came for my grandmother's funeral. I
 20 met him more as I got older, more than when I could
 21 get around, more of myself and, you know, as I get
 22 older like in high school and I could get and more
 23 during those times.
 24 And because he usually come -- he
 25 usually fishing when he came moved back home. I

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1 THE COURT: Thank you, Mr. Collins
 2 Mr. Low.
 3 EXAMINATION
 4 BY MR. LOW:
 5 Q. Mr. Collins, are you from Berkeley
 6 County.
 7 A. Yes, sir.
 8 Q. Born and raised here?
 9 A. Yes, sir.
 10 Q. When were you born?
 11 A. November 25, 1949.
 12 Q. 1949. And who was your mother?
 13 A. My mother's name was Alma Collins.
 14 Q. Alma Collins. Do you know who your
 15 father was?
 16 A. Yes. I learned of him later on as I
 17 grew a little older. I have been able to, from my
 18 grandmother, and my grandmother raised me, and I
 19 visit my grandmother and the relative of my father
 20 through the school because I was in anywhere from
 21 the 5th to the 6th grade, that's when I know that
 22 was my father. And I visited the relative. Not
 23 only that, I have stayed with my grandmother, I had
 24 stayed with my aunts, and my different aunts. I
 25 have stayed with all of them through school and on

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1 met him a lot because where I live at, he used to
 2 come and fish in that area and my son and they used
 3 to go by it and talk to him, and we met. My wife
 4 and my whole family went and met him and talked to
 5 him after he had moved back home.
 6 Q. So you mentioned that your son would
 7 meet with him on occasion?
 8 A. Well, I apologize. I have more than
 9 one son, but each one of them after he moved back
 10 home, each one of them had known of him, but they
 11 never -- they never met him. So after he moved
 12 back home from Florida, they met him with me and my
 13 wife and my family.
 14 Q. Were they introduced to him as his
 15 grandchildren or --
 16 A. Yes, sir.
 17 Q. -- what was the situation there? All
 18 right. You mentioned your mother. What did your
 19 mother ever tell you about Henry Green, Jr.?
 20 A. My mother, like I said, my grandmother
 21 mostly raised -- my mother -- I was maybe small.
 22 My mother -- or my grandmother raised me and my
 23 mother lived that -- she lived in New York City,
 24 but my grandmother had raised us. But mostly
 25 through my grandmother, a little bit through my



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1 mother when she would come home.

2 **Q. Let me -- a copy of the pamphlet from**

3 **the funeral.**

4 (Discussion off the record.)

5 BY MR. LOW:

6 **Q. Mr. Collins, I'm going to hand up a**

7 **document I would like you to identify. Can you**

8 **tell me what this document is?**

9 A. This is the obituary written up for the

10 church service at the -- for the burial during that

11 day that they presented to the church to be able to

12 read out as an announcement within the church.

13 **Q. So this was given out at the funeral of**

14 **Henry Green?**

15 A. Yes, sir.

16 **Q. Does that, does the information there**

17 **list his family?**

18 A. Yes, sir. Yes, sir.

19 **Q. Can you read for us what is written**

20 **there regarding his family?**

21 A. It reads, we have three children,

22 Valerie Green of Miami Florida, and Martha Greer of

23 Huger, South Carolina, and South Carolina and have

24 Bishop Nathaniel Collins and Alethea Collins of

25 Wando, South Carolina. Alethea Collins would be my

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1 **Q. Do you know why the three of you were**

2 **required and no one else?**

3 A. Well, like I said, I went there and she

4 said this is what we got. We talked first. And

5 when she called, she asked for me to come to the

6 house, which I did. And when we went there, she

7 told me that this is what she needs that for us to

8 do it. And I signed and I leave it just like that.

9 I never asked a question of what had to be done or

10 anything like that because she was she was having

11 it, so I signed the paper. And also I was

12 attending the funeral. Also, I didn't ride in the

13 car, but I brought my family along with us and we

14 attended the funeral as well.

15 **Q. Yes, sir. So what -- growing up, what**

16 **was your understanding of who your brothers or**

17 **sisters might have been?**

18 A. Well, sister, I know about Valerie

19 Green. Me and my sister Martha, I would say now we

20 went to school together. We know each other

21 constantly.

22 **Q. And this is?**

23 A. Martha.

24 **Q. Martha you're speaking about?**

25 A. Yeah. We went -- we attended the same

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1 wife that they have on it.

2 **Q. All right. I would like to admit this**

3 **into evidence.**

4 THE COURT: Any objection, Mr. Heyward?

5 MR. HEYWARD: No objection, Your Honor.

6 THE COURT: So admitted as Defendant's

7 1 without objection.

8 (DFT. EXH. 1, Funeral Document, was

9 marked for identification.)

10 MR. LOW: Thinking about the funeral,

11 Mr. Collins, was there anything required of you

12 regarding the funeral burial?

13 A. Yes, sir. I had -- well, I had

14 received a call from my sister Valerie, and she

15 called. Well, I had known that he had passed away

16 but I didn't -- when she called it was a document

17 that we had to sign, the three of us had to sign in

18 order to make the initial I guess the burying of --

19 guess it was AARP. It was like an insurance that

20 we had to sign, and she called me and I came to the

21 house and I signed it and I didn't ask any

22 questions about it. I signed it and I gave it back

23 to her and my sister Martha, she had to come and

24 the three of us had to sign whatever document for

25 the funeral.

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1 school. We raised together. We know about each

2 other, we are sisters and brother. I'd never met

3 my other sister Valerie. I know about her, but I

4 didn't met her. I you know sort of seen her, but I

5 met her at my grandmother's funeral, and we sat

6 down and we talked. And like she said, that we

7 brought our family -- I brought my family. All of

8 my kids was there and we shared information. My

9 kids then, I have a son that is in Florida, Fort

10 Lauderdale, and he shared his information with I

11 think with her children and stuff in Florida. That

12 if they need, you know, they could get in touch

13 with each other, but all of my kids was, you know,

14 at my grandmother's funeral.

15 **Q. Thank you, Mr. Collins.**

16 MR. LOW: Nothing further at this time,

17 Your Honor.

18 THE COURT: Any cross-examination,

19 Mr. Heyward?

20 MR. HEYWARD: Yes, Your Honor. Thank

21 you.

22 EXAMINATION

23 BY MR. HEYWARD:

24 **Q. Mr. Collins, you mentioned that you**

25 **were raised by your grandmother?**



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1 A. Not -- my grandmother, yes. I had two
2 grandmothers. My mother was never married so I had
3 two grandmothers I had. I called her Miss Gladys,
4 but that was not her that raised me. My other
5 grandmother, Collins, Florence Collins raised me.
6 **Q. Florence Collins raised you?**
7 A. Yes, yes.
8 **Q. Was Florence Collins related to --**
9 A. That was my --
10 **Q. Jake Green?**
11 A. Oh, sorry. That would have been my
12 mother.
13 **Q. Mother's mother?**
14 A. Yes, sir.
15 **Q. All right. And so mostly you were**
16 **raised most of your life by your mother's mother?**
17 A. Yes. Like I said, she is my mother not
18 most all the time, but I'm just saying she raised
19 me because my grandmother we was in school. My
20 grandmother didn't want to take us out of the
21 school we went to, so as my mother went to New York
22 to work, she'll -- at that time, she'll come back
23 and raised me and my sister, as well, but she
24 didn't stay. She would be coming and going.
25 **Q. Okay. And who told you that Jake Green**

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1 **Q. Approximately how old were you then?**
2 A. Like I said I was maybe between six
3 years old or seven years old. Somewhere between
4 then. Like I used to visit her house.
5 **Q. Do you remember being present at our**
6 **last status conference when we had it in the**
7 **courtroom next adjoining courtroom?**
8 A. Yes, I was here.
9 **Q. And you know today we would be at the**
10 **next hearing there would be some questions as to**
11 **paternity between yourself and Henry Green, Jr.?**
12 A. Yes, sir.
13 **Q. All right. Your -- we requested a**
14 **birth certificate. Did you bring a birth**
15 **certificate?**
16 A. Sir, my birth certificate does not say
17 my father's name on it. Like I said, my mother --
18 my mother and my father was never married and he
19 didn't -- didn't have that on there or I don't
20 know. I couldn't tell you the reason why he
21 didn't.
22 **Q. Just to be clear, your birth**
23 **certificate did not have your father's name on it**
24 **is what you're saying?**
25 A. You're right, sir, as far as I know.

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1 **was -- I'm sorry. That Henry Green, Jr. was your**
2 **father?**
3 A. My grandmother.
4 **Q. Your grandmother?**
5 A. Florence Collins was her name.
6 **Q. And before that, you had no idea he was**
7 **your father?**
8 A. Well, like I said, I was -- at that
9 time I was maybe around but six years old at that
10 time. I also knew about she told me about Jake
11 Green as well. That would have been, you know, the
12 grandfather, and she had let me know as I got older
13 who was my original family was, and my mother, she
14 had told me with my mother Alma Collins as they
15 tell me together.
16 **Q. What was your first contact that you**
17 **can remember with Henry Green, Jr.?**
18 A. When like, when he would come -- when
19 he would come from Florida, I don't know when he
20 would move down to Florida, but when he had come,
21 my grandmother which I call Miss Gladys that she
22 would let me know that he was coming home and many
23 times he would come to her house. Sometimes I
24 would be there and he would come and then that's
25 when I knew him about my father.

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1 **Q. The best person to know who your father**
2 **is would be who?**
3 A. The best person?
4 **Q. Yes, sir.**
5 A. Well, like I said, my grandmother. She
6 passed away. Both of my grandmothers passed away.
7 My mother passed away, so I have -- I have within
8 the court today I have which my sister, I have
9 that's Alls and their family, they know that I was
10 -- he was my father.
11 **Q. All right. So they were there at the**
12 **birth?**
13 A. No, no. I don't know at the birth, but
14 I'm just saying that they know of me. I'm not
15 saying that anybody was at birth. I don't have it,
16 sir.
17 **Q. All right. Just one moment.**
18 MR. HEYWARD: Your Honor, may I have
19 the exhibit that is the obituary?
20 THE COURT: That would be
21 Defendant's 1.
22 MR. HEYWARD: Thank you. One moment,
23 Your Honor. May I approach the witness, Your
24 Honor?
25 THE COURT: Yes.



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1 BY MR. HEYWARD:
 2 Q. Sir, if you could look at this document
 3 that's been marked as Defendant's Exhibit 1 and
 4 tell me if you still recognize that?
 5 A. 10/23/17.
 6 Q. What do you recognize that document to
 7 be, Mr. Green? Mr. Collins. Mr. Collins, what do
 8 you recognize that to be, what I just gave you?
 9 A. The you're talking about the --
 10 Q. Everything. What is it? Is it
 11 obituary?
 12 A. That is the notice that what we have in
 13 the church concerning to read out for from the
 14 scripture to the family to let them know who is
 15 going to be doing what within the church, and let
 16 them know that they -- where he attended school or
 17 where he was from. And a notice that
 18 recommendation of the children and the follow up of
 19 the scriptures and stuff.
 20 Q. Would it be fair to say that is an
 21 obituary?
 22 A. Well, you could say that they have a --
 23 you could have that or you could have one from the
 24 obituary from the newspaper item, as well, that
 25 they have will have put out from the funeral home

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1 showing who was a relative and who was the family
 2 in the paper itself before this comes out, before
 3 this one comes out. This is gave to the church.
 4 Q. You saw the one in the paper, the
 5 obituary in the paper? Did you see that one?
 6 A. Yes. When the funeral home put out for
 7 the family, let you know that the funeral is taking
 8 place, what time it is and what church it's going
 9 to be at and who is the funeral director. It have
 10 your name written in the family name or the
 11 children's name or who he left behind written into
 12 the newspaper.
 13 Q. My question was, did you see the notice
 14 in the newspaper?
 15 A. Yeah, there is. I don't know -- if
 16 you'll allow me.
 17 Q. Mr. Collins, did you see the notice in
 18 the newspaper?
 19 A. Yes, if you will. There is a --
 20 Q. I'm asking you, did you see it?
 21 A. Yes, sir. Yes, sir.
 22 Q. Okay. You saw it?
 23 A. I mean, I have a copy of it if you --
 24 if I could get it.
 25 Q. I'm asking you did you see it?

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1 through the newspaper. And they used that as
 2 obituary as well.
 3 Q. Do you know who prepared that obituary?
 4 A. No, sir. I don't know who prepared it.
 5 Q. Did you in any way -- did anyone ask
 6 you to provide information for that obituary?
 7 A. No, sir. I never talked to anyone.
 8 The only thing I had is to deal with is Valerie's
 9 self to sign that documentation and this is first
 10 time I, you know, I know but you know but this
 11 paper I know the paper because I have been in
 12 church and see it, but I didn't prepare it or had
 13 any dealing with what was in there. Because what I
 14 think it is that all the names on there and
 15 concerning the family is true. Anything like that.
 16 Q. But you didn't see it before it was
 17 presented at the funeral?
 18 A. No. These give out -- this gave out
 19 during -- when you go in the church, this gave out
 20 at the church to give to -- to the family that walk
 21 into the church. Any other people get it through
 22 the newspaper or the funeral home put out a part of
 23 the obituary and let's you know when the funeral is
 24 going to be and the time and stuff like that. They
 25 have your name within the -- it's in the newspaper

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1 A. Yes, sir.
 2 Q. You saw it?
 3 A. Yes, sir.
 4 Q. So you saw it before the funeral
 5 service; is that correct?
 6 A. Yes, sir. It shows where the -- from
 7 the funeral, when the funeral is going to be and
 8 where you're going to be at. They're put out this
 9 death notice in the paper.
 10 Q. Very good. You seem very familiar with
 11 funeral arrangements. May I see that, please.
 12 A. Not only that. Like she said, I'm a
 13 pastor of a church. So we know about funeral and
 14 funeral directors and stuff like that.
 15 Q. So you're familiar with that burial
 16 process?
 17 A. Yes, sir. And how and what takes place
 18 during the funeral because we all have to be able
 19 to, when these people come out.
 20 Q. Right.
 21 A. Whatever they come out that would take
 22 place.
 23 Q. And you saw your name as the son of
 24 Henry Green, Jr.?
 25 A. Yes.



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1 **Q. All right.**
 2 A. On this paper here out of respect they
 3 showed me as Bishop Collins. Then on the other one
 4 in the newspaper it shows my name as Nathaniel
 5 Collins.
 6 **Q. Absolutely. As far as the information**
 7 **that was published in the newspaper in the**
 8 **obituary, you agreed with that information being**
 9 **disseminated to the family?**
 10 A. Yes, sir.
 11 **Q. And you consider yourself a son of**
 12 **Henry Green, Jr.?**
 13 A. Yes, sir. From my, like I said, from
 14 my family and as I met him, he never told me
 15 anything different.
 16 **Q. Okay. Let's hold that because you said**
 17 **your grandmother told you that that was your**
 18 **father?**
 19 A. My grandmother and my mother at the
 20 same time, they told me that was my father. And my
 21 grandmother would be his mother told me that was --
 22 that was my father also.
 23 **Q. Now, and I just want to make sure that**
 24 **we've covered the bases because you said your**
 25 **grandmother told you that was your father?**

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1 Mr. Henry Green, Jr.
 2 **Q. Thank you, Mr. Collins. Nothing**
 3 **further.**
 4 THE COURT: Mr. Collins, are you
 5 familiar the property that is being discussed
 6 today?
 7 THE WITNESS: Well, I -- well, as now I
 8 know about it as now as we -- from the last session
 9 that we was there. I know about it, but I never
 10 had asked any question concerning the property or
 11 anything like that, sir.
 12 THE COURT: I guess my question would
 13 be, when you were growing up and through the years
 14 until this litigation started, were you familiar
 15 with the property?
 16 THE WITNESS: No, sir. All I know, I
 17 didn't know about the property or anything. I just
 18 go there and stay with the relatives, but I never
 19 know about what he have or what you know anything
 20 like that.
 21 THE COURT: Did you have anything to do
 22 through the years with paying taxes or minding the
 23 property, taking care of it, farming it, anything
 24 like that?
 25 THE WITNESS: No, sir.

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1 A. That would be Florence Collins.
 2 **Q. And then subsequent to that, your**
 3 **mother told you that was your father?**
 4 A. Yes, sir.
 5 **Q. No father on the birth certificate**
 6 **though?**
 7 A. No, sir.
 8 **Q. You said it wasn't -- didn't list the**
 9 **father?**
 10 A. That's what I said, yes, sir.
 11 **Q. Okay. And when he met you, he didn't**
 12 **tell you any different?**
 13 A. No, sir.
 14 **Q. Thank you, Mr. Collins. No further**
 15 **questions.**
 16 THE COURT: Any follow up, Mr. Low?
 17 EXAMINATION
 18 BY MR. LOW:
 19 **Q. Mr. Collins, just to summarize and**
 20 **finalize, who do you consider to be your brother**
 21 **and sister?**
 22 A. My only sisters, I mean.
 23 **Q. Yes.**
 24 A. The only sisters are Valerie, as I know
 25 of, Valerie and Mrs. Greer, you know, from

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1 THE COURT: In response to my
 2 questions, any questions gentlemen?
 3 MR. HEYWARD: No, Your Honor.
 4 THE COURT: Mr. Low?
 5 MR. LOW: No, sir.
 6 THE COURT: You can step down,
 7 Mr. Collins. Thank you, sir.
 8 THE WITNESS: Thank you, sir.
 9 THE COURT: Mr. Low?
 10 MR. LOW: All right. We would also
 11 like to call Ms. Martha Greer.
 12 THE COURT: Ms. Greer?
 13 THE WITNESS: Your Honor, can I hand
 14 this paper.
 15 THE COURT: Sure.
 16 MS. GREER: Because I don't know this
 17 is the obituary, and these were things.
 18 THE COURT: Come on up here, Ms. Greer
 19 MARTHA GREER
 20 being first duly sworn, testified as follows:
 21 THE COURT: Thank you, ma'am. Put your
 22 hand down, sit down right there, give your name,
 23 then spell your last name and address for the court
 24 reporter.
 25 THE WITNESS: Martha Greer, G-R-E-E-R,



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1 2425 Cainhoy Road, this is in Huger, South Carolina
 2 zip 29450.
 3 THE COURT: Thank you, Ms. Greer.
 4 Mr. Low?
 5 EXAMINATION
 6 BY MR. LOW:
 7 Q. Ms. Greer, where were you born?
 8 A. I was born in Huger, right in my
 9 grandmother's house.
 10 Q. All right. Who was your mother?
 11 A. My mother was Louise Jenkins.
 12 Q. Louise Jenkins?
 13 A. Louise Singleton Jenkins.
 14 Q. Who was your father?
 15 A. My father was Henry Green.
 16 Q. We had some discussion about Mr. Green
 17 today. How did you know that Mr. Green was your
 18 father?
 19 A. Because my mother told me so. And when
 20 I was a child they used to court and see each
 21 other. He used to always come to the house and
 22 they also was engaged at once.
 23 Q. They were engaged?
 24 A. My grandmother, you know, I was -- my
 25 grandmother raised me. I was living with my

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1 grandmother, but my father used to always come to
 2 the house to see my mother.
 3 Q. Yes, ma'am.
 4 THE COURT: What was your grandmother's
 5 name?
 6 THE WITNESS: My grandmother's name was
 7 Rosalie Singleton.
 8 THE COURT: Rosalie Singleton. So that
 9 would have been your grandmother on your mother's
 10 side?
 11 THE WITNESS: Yes. On my mother's
 12 side.
 13 THE COURT: I just want to make sure.
 14 There is a lot of grandmothers.
 15 THE WITNESS: Yes.
 16 THE COURT: I want to make sure I'm
 17 getting the right one.
 18 THE WITNESS: That is my mother's
 19 mother.
 20 THE COURT: Sorry to interrupt.
 21 MR. LOW: Not a problem.
 22 BY MR. LOW:
 23 Q. Did you have any brothers or sisters?
 24 A. Yes.
 25 Q. Tell who they are.

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1 A. Ten. I have ten of them.
 2 Q. You have ten? All right.
 3 A. My mother was married twice after she
 4 and my father had broken apart. They was engaged
 5 and he had left to go on a job to Florida and he
 6 never came back, so she went and got married. She
 7 was married twice after that.
 8 Q. Since we have ten, do you see any of
 9 your brothers and sisters here today in this
 10 courtroom?
 11 A. No, I consider my two aunts as my
 12 sisters also. Although one of my sisters is here
 13 in the courtroom today. One of my sisters is here.
 14 The one next to me.
 15 Q. Are you familiar with our Plaintiff,
 16 Valerie Green?
 17 A. No. I am -- the only time I met
 18 Valerie is when my father died. I never knew about
 19 her before. I never met her. That is the only
 20 time I met her was when my father died.
 21 Q. Mr. Nathaniel Collins was on the stand
 22 earlier. Do you know Mr. Collins?
 23 A. Yes. I know him. We were raised up
 24 together because we went to the same school and
 25 everything, and we lived in the same neighborhood.

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1 So we was told that we was brother and sister.
 2 Q. Do you consider Mr. Collins your
 3 brother?
 4 A. Yes, I do.
 5 Q. All right. Very good. You brought a
 6 few items with you here today. I would like to
 7 have you talk about those and just kind of pass
 8 them up one at a time. Can you tell us about this
 9 document?
 10 A. Well, this document is about my
 11 father's biography.
 12 Q. And where was that from?
 13 A. That was from when he first died. The
 14 family all wrote a biography about him and who all
 15 he left behind. And you know, his family members
 16 and things.
 17 Q. This was something the funeral home did
 18 and?
 19 A. Yes. Well, yes. This was something
 20 the funeral home did.
 21 Q. And how did you obtain that piece of
 22 paper?
 23 A. I obtained this piece of paper here
 24 from the funeral home.
 25 Q. From the funeral home. All right. And



34

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1 can you read the paragraph there concerning the
 2 family members of Mr. Henry Green?
 3 A. Okay. They said that he was born April
 4 20 -- he was born April 2nd, excuse me, 1931.
 5 Place of birth, Huger, South Carolina. His death
 6 January 25, 2006, and the place of death was
 7 Charleston, South Carolina. And he was survived by
 8 Valerie Green, his daughter; Marcella Greer, his
 9 daughter; Nathaniel Collins, his son; and one of
 10 his sisters Ethel May Banjo (ph); Rebecca Alls, his
 11 sister; and Rene G. Calvin, his sister.
 12 Q. Yes, ma'am.
 13 MR. LOW: I would like to enter this
 14 into evidence, Your Honor.
 15 THE COURT: Any objection?
 16 MR. HEYWARD: No, Your Honor.
 17 THE COURT: Entered without objection.
 18 This will be Defendant's Exhibit No. 2.
 19 (DFT. EXH. 2, Obituary, was marked for
 20 identification.)
 21 BY MR. LOW:
 22 Q. I would like to present you with
 23 another document. Can you tell the Court what this
 24 is?
 25 A. Okay. This is to relatives and friends

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1 A. We don't get the Berkeley County paper.
 2 Q. Berkeley County. All right.
 3 MR. LOW: We would like to enter this
 4 into evidence, Your Honor.
 5 THE COURT: Any objection, Mr. Heyward?
 6 MR. HEYWARD: No objection, Your Honor.
 7 If I could have one more quick glance at that.
 8 THE COURT: That will be entered as
 9 Defendant's No. 3 without objection.
 10 (DFT. EXH. 3, Obituary, was marked for
 11 identification.)
 12 BY MR. LOW:
 13 Q. And just briefly here, can you identify
 14 this document?
 15 A. This was his obituary. They passed
 16 this out at the church when we went to his funeral
 17 services.
 18 Q. To your knowledge, was it the same
 19 document that was presented earlier to the Court
 20 that Mr. Collins had discussed?
 21 A. At my knowledge it's the same. The
 22 biography on the first one, and this is the
 23 obituary that they passed out in church.
 24 Q. And could you find the section where it
 25 talks about his family?

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1 of Mr. Henry Green, Jr. of Huger, South Carolina,
 2 invited to attend his funeral service on Monday
 3 January 30, 2006, at 12 noon at Zion United
 4 Methodist Church, Huger, South Carolina. The
 5 interment will be in Cedar Hill Cemetery. Viewing
 6 will be Sunday from 3 to 8 p.m. at Gethers Funeral
 7 Home International, 2000 Grace Street in Moncks
 8 Corner, South Carolina. Phone number 843-761-8519.
 9 Survived by his children Ms. Valerie Green,
 10 Ms. Marcella Greer, and Mr. Nathaniel Collins, and
 11 siblings Ms. Ethel May Banjo, Ms. Rebecca Alls,
 12 Ms. Rene G. Calvin. Visit Mr. Green's guest book
 13 at www.gethersfuneralhom.com.
 14 Q. And this document, was this a clip from
 15 a newspaper? Where was this obtained?
 16 A. This was a clip from the newspaper.
 17 Q. What paper was that? Do you recall?
 18 A. That was the paper I recall the same
 19 newspaper they write up after, you know, after his
 20 death. They put it in the paper. The funeral will
 21 put it in the paper and I clip it out.
 22 Q. Was that the Berkeley County paper or
 23 was that the Charleston paper? Do you recall?
 24 A. Charleston County paper.
 25 Q. Okay. Very good.

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1 A. Okay. Bubba leaves to cherish his
 2 memory, three children. Valerie Green of Miami
 3 Florida, Marcella Greer of Huger, South Carolina,
 4 and Bishop Nathaniel and Alethea Collins of Wando,
 5 South Carolina. Three sisters, Ethel Banjo of
 6 Huger, South Carolina, Rebecca Alls of Huger, South
 7 Carolina, and Rene Green of Miami, Florida, 13
 8 grandchildren, several great-grandchildren, a host
 9 of uncles, aunts, nephews, nieces, cousins and
 10 friend, and two others sisters Mary Harold and
 11 Margaret Wilder preceded him in death.
 12 Q. Would you consider that to be an
 13 accurate assessment of his family?
 14 A. Yes.
 15 MR. LOW: Your Honor, just by way of
 16 reference, this is an original of the Defense 1
 17 that was passed up earlier.
 18 THE COURT: Any objection on, this will
 19 be No. 4.
 20 MR. HEYWARD: No. Objection, Your
 21 Honor.
 22 THE COURT: Do you want to enter that
 23 into evidence in addition to the copy that's
 24 already in?
 25 MR. HEYWARD: Can I ask him a quick

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1 question, Your Honor, before?
 2 MR. LOW: I'm going to hand that
 3 document, but we have it entered it as Defense 4.
 4 THE COURT: It will be entered as 4
 5 without objection.
 6 MR. HEYWARD: No objection.
 7 THE COURT: Thank you, sir.
 8 (DFT. EXH. 4, Photograph, was marked
 9 for identification.)
 10 BY MR. LOW:
 11 Q. Could you identify man in the picture
 12 there?
 13 A. That's my father and the girl is
 14 Valerie.
 15 Q. Okay. Very good. Ms. Greer, for
 16 clarity's sake some of these documents refer to you
 17 as Martha some of them --
 18 A. Some to Marcella.
 19 Q. Yes, ma'am. Could you just tell the
 20 Court a little bit about that for clarity?
 21 A. Well, they gave me two names. My aunt
 22 when I was younger, she gave me the name Marcella.
 23 And my momma wanted me to have the name Martha
 24 Ella, Martha Ella. So everybody started calling me
 25 Marcella instead of Martha Ella because they liked

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1 A. My grandmother raised me, but my mother
 2 was staying there, you know, at the house with my
 3 grandmother. But my grandmother raised me, you
 4 know, after my -- after my father had left to go to
 5 Florida to get a job.
 6 Q. Yes, ma'am.
 7 A. My mother went to New York to get a job
 8 also. She got upset because their engagement was
 9 broken off.
 10 Q. Got you.
 11 A. So she went to the New York. So she
 12 left me with my grandmother to be raised.
 13 Q. And when was the first time someone
 14 indicated to you that was your father? When did
 15 you learn that was your father.
 16 A. I learned that when I went -- that he
 17 was my father when I was at a real young age. When
 18 I was about two, I could remember as two years old
 19 my grandmama telling me that is your daddy when he
 20 used to come to the house, play with me, hold me,
 21 and bring me milk and diapers and different things.
 22 My grandma said that is your daddy and my grandma,
 23 you know, she did the same. She told me that is my
 24 father.
 25 Q. Do you have a birth certificate,

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1 Marcella better. So they just mixed up my name,
 2 but I carry the name Martha because that is my real
 3 name. That is my birth name.
 4 Q. Thank you.
 5 MR. LOW: Nothing further at this time,
 6 Your Honor.
 7 THE COURT: Mr. Heyward?
 8 MR. HEYWARD: Thank you, Your Honor.
 9 EXAMINATION
 10 BY MR. HEYWARD:
 11 Q. Ms. Greer, good afternoon, first of
 12 all.
 13 A. Good afternoon.
 14 Q. I want to talk a little bit about your
 15 early life.
 16 A. Okay.
 17 Q. When did you first meet and Henry
 18 Green, Jr.?
 19 A. When I first met him, I think I was
 20 about three or four years old because after that I
 21 was too young, you know, to remember, but I first
 22 met him. That's when I first. But he used to be
 23 around when I was a baby. He used to always come
 24 to the house to my mother.
 25 Q. Okay. Your mother raised you?

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1 Ms. Greer?
 2 A. I have a birth certificate.
 3 Q. Do you have one with you?
 4 A. Yes, I have one with me, but his name
 5 is not on there. Because back in old days, people
 6 didn't used to even worry about putting the
 7 father's name on the birth certificate. I don't
 8 know why.
 9 Q. So your birth certificate doesn't show
 10 any father's name?
 11 A. No.
 12 Q. You said you have it with you?
 13 A. Yes, I have it.
 14 Q. May I see it, please?
 15 A. I have to get up and go get it from
 16 over there.
 17 MR. HEYWARD: May I approach the
 18 witness, Your Honor?
 19 THE COURT: Certainly.
 20 BY MR. HEYWARD:
 21 Q. Thank you, ma'am. Thank you, ma'am.
 22 A. Uh-huh.
 23 Q. All right. We were talking -- you were
 24 talking earlier concerning an obituary. Do you
 25 know who prepared the obituary?



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1 A. Do I know who prepared it?
 2 **Q. Who prepared it, yes, ma'am.**
 3 A. The family member. The -- Green, my
 4 father's family member, they prepared it.
 5 **Q. Okay. Did you have any information to**
 6 **share with the obituary? Did you help prepare it?**
 7 A. No, I didn't help prepare it. They
 8 prepared it theirselves [sic].
 9 **Q. Did you attend the funeral?**
 10 A. Yes. I was there and I was real
 11 hurted, real hurted.
 12 **Q. Did you see Ms. Green at the funeral?**
 13 A. Did I see her? Yes, I saw her.
 14 **Q. Did you speak?**
 15 A. No, we didn't speak because it seemed
 16 like she just didn't want to be bothered with me.
 17 You know, I wanted to get close to her at a point.
 18 They were saying so much about her and wasn't
 19 saying anything about me and my brother until the
 20 pastor had to stop and say aren't there two more
 21 children to talk about and all of that hurt --
 22 **Q. Who was that --**
 23 A. -- come to a point and I just.
 24 **Q. I'm sorry.**
 25 A. Just was so -- I was just so upset. I

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1 didn't even go to the grave site I was so upset
 2 about that point. Because I knew that was my
 3 father and no one is saying anything about me.
 4 They're only saying it about her.
 5 **Q. Yes, ma'am.**
 6 A. And you know, that hurt me a lot.
 7 **Q. Did you have to sign any paperwork in**
 8 **connection with Mr. Henry Green, Jr.'s death**
 9 **concerning an insurance policy? Did you have to**
 10 **sign anything?**
 11 A. Insurance policy, but we was called
 12 over there because she had -- she called us over
 13 there because she had a \$5,000 on the policy and we
 14 had to have been there to witness that to know, you
 15 know, to bury him because that is all he had.
 16 **Q. So there was a \$5,000 burial policy you**
 17 **understand?**
 18 A. Right, right. Then there was another
 19 policy also I looked after, but I didn't have to
 20 sign it because that was an accidental policy.
 21 **Q. Do you remember who the beneficiary was**
 22 **of that policy?**
 23 A. No one.
 24 **Q. Nobody.**
 25 A. He had no one as the beneficiary. So

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1 that is why all three of us had to sign because
 2 there was no beneficiary.
 3 **Q. Very good. Now, did you see any other**
 4 **paperwork concerning the insurance policy?**
 5 A. Did I see any paperwork?
 6 **Q. Yes, ma'am. Any probate paperwork?**
 7 A. I saw policy. I didn't see any other
 8 paperwork. She didn't show me any other paperwork.
 9 **Q. So you were --**
 10 A. I looked at the policy and I see he
 11 didn't have no beneficiary on there. No one was
 12 the beneficiary on there.
 13 **Q. And it was something you had to sign is**
 14 **what I understand?**
 15 A. Yes, yes. Me and my brother.
 16 **Q. You signed it?**
 17 A. Yes.
 18 **Q. At Ms. Valerie Green's behest because**
 19 **she asked you to?**
 20 A. Yeah. Because she asked us so she
 21 couldn't bury him without it because there was no
 22 beneficiary.
 23 **Q. You said this funeral, they were**
 24 **talking a lot about Ms. Valerie Green and not too**
 25 **much about any other children he might have had.**

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1 **Who was the preacher at that church?**
 2 A. The Reverend Taylor.
 3 **Q. What church was that again?**
 4 A. Zion United Methodist Church.
 5 **Q. Was that Mr. Green's church also?**
 6 A. Yes, that was his family church.
 7 **Q. So it was a family church?**
 8 A. Yes.
 9 **Q. What was the pastor's name again?**
 10 A. Taylor. Reverend Taylor.
 11 **Q. Was he a young pastor or older pastor?**
 12 A. Young pastor.
 13 **Q. So he wouldn't have been familiar with**
 14 **Mr. Green?**
 15 A. No, he wouldn't have been, no.
 16 **Q. How about the pastor before him? Who**
 17 **was that? Do you remember?**
 18 A. I don't remember.
 19 **Q. Was that also your church?**
 20 A. No, no. I don't go there. I go to a
 21 different church?
 22 **Q. Do you consider Valerie Green your**
 23 **sister?**
 24 A. I consider her my sister, but I never
 25 was told she was my sister. My father never



37

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1 mentioned her.

2 **Q. Did your father ever --**

3 A. But after so much -- I hear so much

4 about her, I consider her as my sister.

5 **Q. Did your father ever mention your**

6 **brother?**

7 A. Oh, yes, he mentioned my brother, but

8 he never mentioned he had a child in Florida.

9 **Q. When did you become aware of Ms. Green?**

10 A. At the same day of his death when he

11 got sick and she came over for the funeral. That's

12 when I became aware of her.

13 **Q. So your grandmother never mentioned**

14 **her?**

15 A. No. My grandmother never told me that

16 he had another child.

17 **Q. And your mother never --**

18 A. Not even my father's mother.

19 **Q. Ever mentioned another child?**

20 A. No, never mentioned it to me.

21 **Q. Just a moment, ma'am. May I approach**

22 **the witness, Your Honor?**

23 THE COURT: Certainly.

24 BY MR. HEYWARD:

25 **Q. Ms. Greer, I'm going to hand you a**

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1 wanted to do at the funeral, during the funeral.

2 **Q. So the --**

3 A. And I had to ride in the car with my

4 aunts. The aunts.

5 **Q. Yes, ma'am. Yes, ma'am. Did you**

6 **contribute anything toward the funeral expenses?**

7 A. No.

8 **Q. And I know this is always difficult**

9 **talking about a family history, but in your**

10 **relationship with Mr. Henry Green Jr., did he tell**

11 **you he was your father?**

12 A. Yes, all the time. All the time.

13 **Q. He treated you as his daughter?**

14 A. He treated me as his daughter and he

15 knew my children because he used to work at the

16 school where my children used to go to school and

17 they knew that he was their grandfather also.

18 **Q. And the first time that he told you**

19 **that he himself told you'll and indicated to you**

20 **that he was your father -- he was your father, when**

21 **was that?**

22 A. That was when I was about probably two

23 or three years old.

24 **Q. Two or three years old. Where was he**

25 **living then?**

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1 **document and ask you do you recognize it, please?**

2 A. That is a certificate of death.

3 **Q. Of whom?**

4 A. Of Henry Green, Jr.

5 **Q. Henry Green, Jr.?**

6 A. Yes.

7 **Q. And did you get a copy of that from the**

8 **funeral? Do you have the copy of that?**

9 A. No, I don't have a copy of this because

10 she never involved me in anything. I tried -- I

11 went to the house to try to help her, wanted to

12 help her, wanted to be involved, but even in the

13 family car she won't even accept me as sister to

14 include me in the first car just like when you have

15 a family car at a funeral.

16 **Q. Yes, ma'am.**

17 A. Either the closest to you are supposed

18 to be in the first car.

19 **Q. Yes, ma'am.**

20 A. Now me, her, all the siblings are

21 supposed to have been in the first car. She did

22 not recognize me. She didn't even put me in the

23 funeral car, nothing. She just gone and arranged

24 everything herself. She didn't ask me to help her

25 with nothing or nothing. She just did what she

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1 A. He was living right here. Right in

2 South Carolina here.

3 **Q. That was before he moved to Florida.**

4 A. Before he moved to Florida.

5 **Q. During the time that he lived in**

6 **Florida and moved back to Huger, did you interact**

7 **with him at all?**

8 A. Yes.

9 **Q. Did you --**

10 A. He would write me. He sent me things

11 and he would write me letters and things.

12 **Q. Do you have any of the letters he wrote**

13 **you?**

14 A. No. Those things are gone because I

15 was doing a lot of moving around and the kind of

16 life I had I would just leave things here and there

17 so.

18 **Q. Are you married, ma'am?**

19 A. Well, yeah, I'm married.

20 **Q. Married?**

21 A. Yes.

22 **Q. When did you get married?**

23 A. Right here in Berkeley County.

24 **Q. Did Mr. Henry Green, Jr. attend your**

25 **wedding?**



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1 A. No. I didn't have a wedding. I
2 married at the courthouse.
3 **Q. So right at the courthouse?**
4 A. This was recently.
5 **Q. How many children do you have?**
6 A. Three.
7 **Q. Three children. Did he come to visit**
8 **any of your children?**
9 A. He'd see them all the time. Just like
10 I said, he used to work at the school and my house
11 is right across from the school, and my children
12 was there at the school. You know they went to the
13 same school he worked at. He used to come and
14 visit them at my house.
15 **Q. At your house he did?**
16 A. At my house, yes. Because my house is
17 right across from the school. They was pretty much
18 grown anyway when he used to come, when he came
19 down here and built his house down here.
20 **Q. Thank you, ma'am.**
21 MR. HEYWARD: No further questions,
22 Your Honor. I'm sorry, Your Honor.
23 THE COURT: One second.
24 MR. HEYWARD: Nothing concerning the
25 witness, but I would like, we have Plaintiff's

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1 questions in light of mine?
2 MR. LOW: No, sir. Your Honor, nothing
3 further at this time.
4 MR. HEYWARD: Nothing further, Your
5 Honor.
6 THE COURT: You can step down at this
7 time. Mr. Low?
8 MR. LOW: I would like to call --
9 briefly call a couple of other witnesses to
10 establish a relationship of Ms. Greer and
11 Mr. Collins today. I call Ms. Mildred Johnson to
12 the stand.
13 THE COURT: How long do you anticipate
14 this will take?
15 MR. LOW: Probably just two or three
16 minutes on our part.
17 THE COURT: It's getting on till
18 lunchtime. Y'all have been at it pretty good for a
19 while. I didn't want to run it too long if this is
20 going to take awhile. All right. Good morning
21 ma'am.
22 THE WITNESS: Good morning.
23 MILDRED JOHNSON
24 being first duly sworn, testified as follows:
25 THE COURT: Put your hand down and sit

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1 Exhibit No. 5. I would like to introduce
2 Plaintiff's Exhibit --
3 THE COURT: Any objection to the death
4 certificate?
5 MR. LOW: No objections.
6 MR. HEYWARD: This, I want to get this
7 into this, a certified death certificate of Henry
8 Green, Jr.
9 THE COURT: Without objection, that
10 would be Exhibit 6.
11 (PLF. EXH. 6, Death Certificate, was
12 marked for identification.)
13 THE COURT: Ms. Greer, are you familiar
14 with the property that we're talking about today?
15 THE WITNESS: I don't believe I do.
16 Because a property y'all are talking about, his
17 property or what? I don't believe I do.
18 THE COURT: Okay. I was going to ask
19 you if you had walked the property, familiar with
20 the boundary lines or any of that. Is the answer
21 to that no?
22 THE WITNESS: No.
23 THE COURT: Okay.
24 THE WITNESS: I don't have no.
25 THE COURT: Thank you, ma'am. Any

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1 right there. Give your name and address and spell
2 your last name for the court reporter. Okay?
3 THE WITNESS: Uh-huh.
4 THE COURT: Thank you, ma'am.
5 THE WITNESS: My name is Mildred
6 Johnson, 661 Nat Drive, Huger, South Carolina
7 29450. J-O-H-N-S-O-N.
8 THE COURT: Mr. Low?
9 EXAMINATION
10 BY MR. LOW:
11 **Q. Ms. Johnson, thanks for being here**
12 **today. Is it fair to say that you have known**
13 **Martha Greer, Marcella Greer, for your entire life?**
14 **A. Yes. I know Martha my entire life.**
15 She is born and raised in my mother's house.
16 **Q. What is her relationship to you?**
17 A. Martha is my niece.
18 **Q. So her mother was your sister?**
19 A. Was my sister.
20 **Q. Do you know who Martha's father was?**
21 A. Yes, Martha's father was Henry.
22 **Q. Henry?**
23 A. (Indicating an affirmative response.)
24 **Q. Do you know Mr. Henry's last name?**
25 A. Henry Green.



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1 **Q. All right.**
 2 A. He was just like a brother to me. I
 3 would call him -- this was a brother to me because
 4 he was in love with my sister and they was together
 5 for a long, long time. They was engaged for a long
 6 time. And Louise, my sister's name is Louise and
 7 Henry used to come see Louise all the time and
 8 Louise got pregnant. Louise got pregnant from him
 9 and it was Martha. Martha was his first daughter,
 10 and he did tell Louise that he has a son. He said
 11 I have a little son now. I remember that. I
 12 remember that. I was kind of young, a little
 13 young, but I remember all of that because I was so
 14 close to Henry. I had taken him as my brother
 15 because I was so -- I saw and love him when we go
 16 to the basketball game and things like that. I
 17 used to run behind him and he would give me nickels
 18 and dimes. So he was just a nice, big family to
 19 us.
 20 **Q. And as you knew Mr. Henry Green quite**
 21 **well, was your recollection that he knew that**
 22 **Martha was his daughter?**
 23 A. Yes. He had to know. He was the only
 24 one that been there. Because Louise didn't have no
 25 other boyfriends. The only boyfriend Louise had

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1 **Q. And you were familiar with Mr. Collins**
 2 **and Ms. Greer?**
 3 A. Yes. That is my -- she is my niece.
 4 She was born in the same house I was born in.
 5 **Q. So you're close to her?**
 6 A. We call Henry Bubba sometimes. All the
 7 time we call him Bubba. And Bubba used to be there
 8 all the time and Bubba and my sister was engaged.
 9 **Q. Yes, ma'am.**
 10 A. But that didn't work. Because I don't
 11 know what happened, but that didn't work and Bubba
 12 went on, Bubba went away to Florida.
 13 **Q. How long were they engaged?**
 14 A. My sister and Bubba? A. WILLIAM ROBERTS, JR., & ASSOCIATES (800) 743-DEPO
 scheduledepo.com
 15 **Q. Yes, ma'am.**
 16 A. For a long time. Because I think
 17 Bubba, that was Louise's first boyfriend. They was
 18 together a long time.
 19 **Q. Over a year?**
 20 A. More than that.
 21 **Q. Okay. All right. Thank you, ma'am.**
 22 MR. HEYWARD: No further questions.
 23 Please answer any questions the Judge may have for
 24 you.
 25 THE COURT: No questions from me,

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1 was Henry, Henry Green.
 2 **Q. And you mentioned that Henry had told**
 3 **your sister that he had a son. Is that Mr. Collins**
 4 **who is here today?**
 5 A. Yes.
 6 **Q. So you know Mr. Collins?**
 7 A. I do not know him. I really do not
 8 know him. I've heard of him, but I did not know
 9 him, but I know his mother.
 10 **Q. Yes.**
 11 A. Yeah.
 12 **Q. Very good. Nothing further, Your**
 13 **Honor.**
 14 THE COURT: Thank you, Mr. Low.
 15 Mr. Heyward?
 16 MR. HEYWARD: Thank you, Your Honor.
 17 EXAMINATION
 18 BY MR. HEYWARD:
 19 **Q. All right. Yes, ma'am, just briefly,**
 20 **when did you first become aware of Ms. Valerie**
 21 **Green?**
 22 A. I heard about her that Henry had a
 23 daughter in Florida. And that is all I heard is he
 24 had daughter in Florida. I just know her name is
 25 Valerie today.

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1 ma'am. You can step down. Thank you, ma'am.
 2 Mr. Low.
 3 MR. LOW: Nothing further at this time,
 4 Your Honor.
 5 THE COURT: Okay. All right. Anything
 6 further, Mr. Heyward?
 7 MR. HEYWARD: Nothing further, Your
 8 Honor. One housekeeping, the Plaintiff would ask
 9 that there is -- the property that's before the
 10 Court today, there is only one deed of conveyance.
 11 However, the property records from the Beaufort
 12 County assessor and also the tax records indicate
 13 additional parcels that the heirs of Jake Green
 14 have claimed paid taxes for since his death. So we
 15 ask that the -- both parcels since two separate
 16 parcels that are divided by I believe it's Jake
 17 Green Lane or something. I'm not too familiar, but
 18 there is a street that -- there is a road that
 19 divides these two parcels.
 20 MR. LOW: It's Cainhoy Road I think,
 21 but we'll see.
 22 MR. HEYWARD: And we do have --
 23 MR. LOW: Cainhoy Road. One's here and
 24 then one's about across the street back in the
 25 woods.



40

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1 MR. HEYWARD: We do have surveys that
 2 have been done of the property, of both parcels,
 3 but I don't see where they have been recorded.
 4 I'm sorry. They have been recorded in Berkeley
 5 County. One is showing 19.21 acres and TMS
 6 No. 238-00-00-001, in the name of the heirs of Jake
 7 Green. Another parcel containing 13.12 acres, TMS
 8 No. 228-00-00-016.
 9 MR. LOW: Do you have a copy.
 10 MR. HEYWARD: Both in the name of Jake
 11 Green.
 12 THE COURT: Excuse me. Did y'all want
 13 to put those surveys in?
 14 MR. HEYWARD: We would like to admit
 15 those, both surveys, and ask that both parcels that
 16 are denoted by these surveys be included in the
 17 real estate that's before the Court today. Both
 18 being identified in the lis pendens and the
 19 complaint. However, the conveying deed we can only
 20 find one deed to Jake Green, and that is for 10
 21 acres.
 22 THE COURT: Any objection to those
 23 surveys being admitted, Mr. Low?
 24 MR. LOW: None, Your Honor. We'll
 25 admit those surveys 1 as 7 and the other as 8

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1 going to take it under advisement to communicate
 2 with you by way of e-mails regarding the resolution
 3 to the service of process question that was raised,
 4 as well as the order, if any, that will result from
 5 that or any order that would result from the
 6 testimony from today. Okay?
 7 MR. HEYWARD: Thank you, Your Honor.
 8 THE COURT: I'll submit that to you,
 9 like I said, by e-mail with instructions as to the
 10 necessity of service of publications as far as any
 11 orders. I'll do that within the next ten days.
 12 MR. HEYWARD: Thank Your Honor.
 13 THE COURT: Anything further,
 14 gentlemen?
 15 MR. HEYWARD: Nothing further, Your
 16 Honor.
 17 MR. LOW: Nothing.
 18 THE COURT: Thank y'all. Thank y'all,
 19 ladies and gentlemen for being very patient. This
 20 is a long and drawn out process, but the most
 21 important thing is getting it right and that's what
 22 we're going to do. We're going to take all the
 23 steps necessary to get it resolved. Okay? Thank
 24 y'all very much.
 25 MR. HEYWARD: Thank you, Judge.

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1 without objection. 001 I guess would be No. 7 and
 2 016 would be the No. 8.
 3 (PLF. EXH. 7, Survey for Property 001,
 4 was marked for identification.)
 5 (PLF. EXH. 8, Survey for Property 016,
 6 was marked for identification.)
 7 THE COURT: For clarification,
 8 Mr. Heyward and Mr. Low, y'all were relying on the
 9 pleadings to identify the family history from Jake
 10 Green into the six children and the only dispute
 11 being as to the heirs of Henry Green. All the
 12 others are stipulated to; is that correct?
 13 MR. HEYWARD: That's correct. Henry
 14 Green, Jr., correct.
 15 MR. LOW: Yes, sir, Your Honor.
 16 THE COURT: As far as the other five,
 17 no issues there?
 18 MR. HEYWARD: No, Your Honor.
 19 THE COURT: Okay. All right. Anything
 20 further, Mr. Heyward?
 21 MR. HEYWARD: Nothing further, Your
 22 Honor.
 23 THE COURT: Mr. Low.
 24 MR. LOW: Nothing further. Okay. All
 25 right, gentlemen. What I'm going to do is I'm

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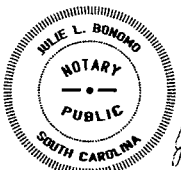
1 MR. LOW: Thank you.
 2 (The hearing concluded at 12:19 p.m.)
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1 CERTIFICATE OF REPORTER
 2
 3 I, Julie L. Bonomo, Court Reporter and
 4 Notary Public for the State of South Carolina at
 5 Large, do hereby certify that the foregoing
 6 transcript is a true, accurate, and complete
 7 record.
 8 I further certify that I am neither
 9 related to nor counsel for any party to the cause
 10 pending or interested in the events thereof.
 11 Witness my hand, I have hereunto
 12 affixed my official seal this 28th day of March,
 13 2018, at Charleston, Charleston County, South
 14 Carolina.
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Julie L. Bonomo

Julie L. Bonomo
 Court Reporter
 My Commission expires
 July 28, 2027

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34:24 54:2 Valerie Green vs.
Jake Green, et al, Estate of

Hearing
October 23, 2017

A. WILLIAM ROBERTS, JR., & ASSOCIATES (800) 743-DEPO
scheduledepo.com

STATE OF SOUTH CAROLINA)
COUNTY OF BERKELEY)

Valerie Green,)
Plaintiff,)

vs.)

The Estate of Jake Green a/k/a)
Jacob Green, Margaret Wilder)
(deceased), Mary Harrell a/k/a)
Mary Cromedy (deceased), Henry)
Green (deceased), Thomas Henry)
Green (deceased), Ethel)
Bengall, Rebecca Alls, Rena)
Mae Green-Calvin, Barbara)
Green, Linda Cromedy, Walter)
Harrell, Laverne Green,)
Kathleen Pinkston, Robert)
Kinloch, John Doe and Mary)
Roe, Fictitious Names Used to)
Designate Persons in the)
Military Service within the)
Meaning of Title 50, United)
States Code, Commonly Referred)
to as the Service Members)
Civil Relief Act of 2003 as)
Amended, if any, and the)
Unknown Heirs at Law,)
Devises, Widows, Widowers,)
Executors, Administrators,)
Personal Representatives,)
Successors and Assigns, Firms)
or Corporations of the Estate)
of Jake Green and any of the)
Defendants who may be)
Deceased, and all other)
Persons Claiming Any Right,)
Title, Estate, Interest In or)
Lien Upon the Real Estate)
Described in the Complaint or)
any Part thereof,)

Defendants.)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
2009 CP 08 1708

FILED
2009 DEC 18 PM 1:20
MARTIN P. BRADY
CLERK OF COURT
BERKELEY COUNTY, SC

ANSWER

COPY

DM

The Defendants, Rebecca Alls, Ethel Mae Bengall, Rena Green, Robert Kinloch, Kathleen Pinkston, Laverne Green, Walter Harrell, Linda Cromedy, Thomas Green, Jr., Shavona Green and Terrence Green (hereinafter "Defendants" or "Defendant") answer the Complaint of the Plaintiff and state as follows:

1. Unless expressly admitted herein, Defendants deny the allegations contained in the Complaint.
2. Defendants lack information sufficient to admit or deny the allegations of Paragraph 1 and therefore deny the same and demand strictest proof thereof.
3. Defendants admit the allegation of Paragraph 2 in that some Defendants are residents of Berkeley County.
4. The allegations of Paragraphs 3, 4, 5 and 6 state legal conclusions regarding the nature of the action for which no response is necessary.
5. Defendants lack information sufficient to admit or deny the allegations of Paragraph 7 and therefore deny the same and demand strict proof thereof.
6. Defendants lack information sufficient to admit or deny the allegations of Paragraph 8 regarding Plaintiff as a tenant in common and therefore deny the same and demand strict proof thereof. Further defendants proffer the real property in question is better described and delineated by that certain

plat entitled "Plat of TMS# 238-00-00-001 (19.21 Acres) Surveyed at the Request of Oliver Alls," prepared by Kemp C. Ahrens, P.L.S., dated July 30, 2008, revised January 12, 2009 and recorded January 26, 2009 in Plat Cabinet N at Page 7Q in the Berkeley County Register of Deeds Office.

7. The information alleged in Paragraph 9 and 10 are matters of public record and require neither an admission nor denial.
8. Paragraph 11 contains a request to the court for which no admission or denial by the Defendants is required. Defendants deny the allegations of Paragraph 11 as the property is not titled in the name "Estate of Jake Green."
9. Defendants deny the allegations of Paragraph 12 and demand the strictest proof thereof. Further Defendants allege that the property is currently vested in numerous co-tenants and that no party or person has maintained the property in question in a manner sufficient to give rise to a claim of adverse possession against those co-tenants or sufficient to have ousted the other co-tenants from possession of the land.
10. Defendants deny the allegations of Paragraph 12 (second Paragraph numbered "12" in Complaint of Plaintiff) and demand the strictest proof thereof. Further Defendants would show to the Court that the heirs and children of Jake Green alleged in Plaintiff's Complaint to be "Ethel Bengall, Rebecca Alls, Margaret Wilder, Mary Harrell, Henry Green, Jr. and Rena Mae Green-Calvin" are actually the grandchildren of Jacob "Jake" Green.

11. Defendants lack information sufficient to admit or deny the allegations of Paragraph 13 and 14 and therefore deny the same and demand strict proof thereof.
12. The Defendants admit the allegations of Paragraph 15.
13. The Defendants admit the allegations of Paragraph 16 in so much as the public record may support the assertions of the Plaintiff.
14. The Defendants deny the allegations of Paragraph 17 in that Rena Mae Green is alive.
15. The Defendants admit the allegations of Paragraph 18 to the extent that there are currently three building houses and three mobile homes currently located on the property. Defendants would show to the Court that all are occupied currently except for the building home that was formerly occupied by Henry Green.
16. Defendants lack information sufficient to admit or deny the allegations of Paragraph 19 and therefore deny the same and demand strict proof thereof.
17. Defendants deny the allegations of Paragraph 20 and demand the strictest proof thereof.
18. Defendants deny the allegations of Paragraph 21 and 22 and demand the strictest proof thereof.
19. The information alleged in Paragraph 23 and 24 are matters of public record and require neither an admission nor denial.

20. Defendants would admit the allegations of Paragraph 25.

21. Defendants deny the allegations of Paragraphs 26 and 27 and demand the strictest proof thereof.

WHEREFORE, having fully answered the Complaint, Defendants, Rebecca Alls, Ethel Mae Bengall, Rena Green, Robert Kinloch, Kathleen Pinkston, Laverne Green, Walter Harrell, Linda Cromedy, Thomas Green, Jr., Shavona Green and Terrence Green, pray for the following:

- a) That the court inquire into the matters set forth herein;
- b) That the court determine the fair and equitable interests of all parties;
- c) That the court allow those living on the property to remain there;
- d) Or that in the alternative, the Court protect the Defendants' interest in this matter.

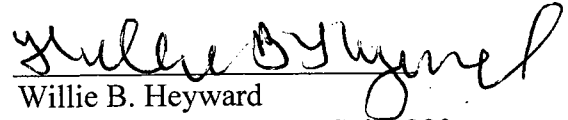


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Mt. Pleasant, South Carolina
December 18, 2009

The undersigned hereby certifies that the Amended Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

January 3, 2018



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11063