

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

O. Davie Burgdoff, Master-in-Equity

Civil Action No.: 2008-CP-38-310

RECEIVED

DEC 11 2013

SC Court of Appeals

In Re: Estate of Samuel D. Stroman, Decedent,

Jamileh S.D. Stroman and Synthia D. Stroman,.....Respondents,

v.

Samuel D. Stroman, II and Sherolyn D. Stroman
of whom Samuel D. Stroman, II is the.....Appellant.

RECORD ON APPEAL

T. Jeff Goodwyn, Jr., Esquire
Goodwyn Law Firm, LLC
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Attorney for Appellant

Andrew S. Radeker, Esquire
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Attorney for Respondents

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STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

IN THE PROBATE COURT
ESTATE NO. 2007-ES38-00462

In re:

Estate of Samuel D. Stroman,

Decedent.

Jamileh S.D. Stroman,

Petitioner,

vs.

Synthia D. Stroman; Samuel D. Stroman
II; and Sherolyn D. Stroman;

Respondents, being the other
Devisees of the Decedent.

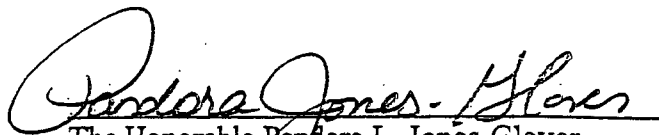
ORDER OF REMOVAL
TO COURT OF COMMON PLEAS

ATTEST: A TRUE COPY
JAN 13 2007
Judge of Probate, Orangeburg
County, South Carolina

This matter comes before me upon the motion of the Petitioner and of Respondent Synthia D. Stroman to remove this action to the Court of Common Pleas for Orangeburg County. This action is removable as a matter of right pursuant to S.C. Code Ann. § 62-1-302(d) (2006).

Accordingly, it is therefore hereby ORDERED that the above-captioned action is hereby removed to the Court of Common Pleas for Orangeburg County.

And IT IS SO ORDERED.


The Honorable Pandora L. Jones-Glover
Probate Judge for Orangeburg County

Orangeburg, South Carolina

February 13, 2007

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)
COURT OF COMMON PLEAS)

JUDGMENT ON TRIAL OR ORDER BY THE COURT

CASE NO. 2009-CP-38-310

VS

Estate of Samuel D. Stroman;
Janice S.D. Stroman

Synthia D. Stroman,
Samuel D. Stroman, II,
and Sherolyn D. Stroman

PLAINTIFF(S)

DEFENDANT(S)

- () JURY VERDICT. THIS ACTION CAME BEFORE THE COURT FOR A TRIAL BY JURY. THE ISSUES HAVE BEEN TRIED AND THE JURY HAS RENDERED ITS VERDICT.
- (✓) DECISION BY COURT. THIS ACTION CAME TO TRIAL OR HEARING BEFORE THE COURT. THE ISSUES HAVE BEEN TRIED OR HEARD AND A DECISION HAS BEEN RENDERED.
- () ACTION-DISMISSED. () RULE 40 (J) OF SCRPC, () RULE 12(B) OF SCRPC,
() SETTLED. () VOL. NONSUIT. () OTHER

IT IS ORDERED AND ADJUDGED: () SEE ATTACHED ORDER, (✓) STATEMENT OF JUDGMENT BY COURT

Motion for Order of Reference granted by consent.
Case is referred to O. Davie Burgdorf, Master-
in-Equity, for further proceedings in accordance
with Rule 53, SCRPC.

DATED AT ORANGEBURG, SOUTH CAROLINA, THIS 4th DAY OF June, 2008.

[Signature]
JUDGE/CLERK OF COURT

THIS JUDGMENT WAS ENTERED ON THE _____ DAY OF _____, 20____
AND A COPY MAILED FIRST CLASS THIS _____ DAY OF _____, 20____.
TO ATTORNEYS OF RECORD OR TO PARTIES (WHEN APPEARING PRO SE) AS FOLLOWS:

I consent: [Signature]

I consent: C. B. [Signature]

ATTORNEY(S) OR PLAINTIFF(S)

ATTORNEY(S) FOR DEFENDANT(S)

ATTEST: TRUE COPY
[Signature]
CLERK OF COURT
ORANGEBURG COUNTY, SOUTH CAROLINA

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

IN THE COURT OF COMMON PLEAS
CASE NO. 2008-CP-38-310

In re:

Estate of Samuel D. Stroman,

Decedent.

Jamileh S.D. Stroman,

Petitioners,

vs.

Synthia D. Stroman; Samuel D. Stroman
II; and Sherolyn D. Stroman;

Respondents, being the other
Devises of the Decedent.

ORDER GRANTING
LEAVE TO AMEND

CLERK OF COURT
ORANGEBURG COUNTY, SOUTH CAROLINA
SEP 24 A 11:34

This matter comes before me at a hearing on September 24, 2008, on the motion of the Petitioner Jamileh S.D. Stroman and Respondent Synthia D. Stroman in the above-captioned action for an Order permitting the amendment of the movants' pleadings to assert additional causes of action against Respondent Samuel D. Stroman, II, and to reflect that Jamileh S.D. Stroman and Synthia D. Stroman seek relief jointly in this action.

This action is an estate matter that was removed to the Circuit Court from the Orangeburg County Probate Court on February 13, 2008, and which was referred to the undersigned by consent of all parties not in default of this action on June 4, 2008. In her answer, Respondent Synthia D. Stroman joined in the Petition brought by Jamileh S.D. Stroman in this action, and counsel for Jamileh S.D. Stroman was retained by and entered a Notice of Appearance for Synthia D. Stroman. Respondent Samuel D. Stroman, II, answered and counterclaimed in this action. Respondent Sherolyn D. Stroman is in default of the Petition in this action.

Leave to amend shall be freely granted when justice so requires and when amendment does not prejudice another party. Stanley v. Kirkpatrick, 357 S.C. 169, 174, 592 S.E.2d 296, 298 (2003). The burden of establishing prejudice lies with the party opposing amendment. Id.

Here, Respondent Samuel D. Stroman, II, has not demonstrated prejudice with regard to the motion to amend, and the Court accordingly grants the motion. Prejudice, under Rule 15(a),

CLERK OF COURT
ORANGEBURG COUNTY, SOUTH CAROLINA

SCRCP, is a lack of notice that a new issue is to be tried coupled with a lack of opportunity to refute it. Id.; Forrester v. Smith & Steele Builders, 295 S.C. 504, 508, 369 S.E.2d 156, 159 (Ct. App. 1998). Respondent Samuel D. Stroman, II, will have notice of the contents of the amended pleading and will have the opportunity to plead responsively thereto and to litigate those matters in accordance with the new pleadings.

It is therefore hereby ORDERED that:

1. Petitioner Jamileh S.D. Stroman and Respondent Synthia D. Stroman are hereby granted leave to amend their pleadings in this action to join as Plaintiffs/Petitioners in an Amended Petition and Complaint, the caption of which shall reflect this new designation, as shall the captions for all filings hereafter submitted in this action; and
2. Petitioner Jamileh S.D. Stroman and Respondent Synthia D. Stroman (now Plaintiffs/Petitioners) shall serve their Amended Petition and Complaint upon counsel for Respondent Samuel D. Stroman, II, in the manner prescribed by Rule 5(b), SCRCP, within 10 days of the receipt of a filed copy of this Order by counsel for the said Plaintiffs/Petitioners.

AND IT IS SO ORDERED.



The Honorable O. Davie Burgdorf
Master-in-Equity for Orangeburg County

Orangeburg, South Carolina
September 24, 2008

STATE OF SOUTH CAROLINA

COUNTY OF ORANGEBURG

IN THE COURT OF COMMON PLEAS

CASE NO. 2008-CP-38-310

In re:

Estate of Samuel D. Stroman,

Decedent.

Jamileh S.D. Stroman and Synthia D.
Stroman,

Plaintiffs/Petitioners,

vs.

Samuel D. Stroman, II, and Sherolyn D.
Stroman;

Defendants/Respondents, being
the other Devisees of the Decedent.

**ORDER APPOINTING
SPECIAL ADMINISTRATOR AND
RESTRAINING SAMUEL D.
STROMAN, II, FROM
TRANSFERRING OR DISPOSING OF
ASSETS**

6/1
This matter comes before me at a hearing on September 24, 2008, in the above-captioned action. This action is an estate matter that was removed to the Circuit Court from the Orangeburg County Probate Court on February 13, 2008, and which was referred to the undersigned by consent of all parties not in default of this action on June 4, 2008. This action is, *inter alia*, one for formal testacy and the appointment of a Personal Representative for the Estate of Samuel D. Stroman. Defendant/Respondent Sherolyn D. Stroman is in default of the Petition in this action.

The motions heard at the hearing were Plaintiffs/Petitioners' motion for the Court to appoint a Special Administrator for the Estate of Samuel D. Stroman, Plaintiffs/Petitioners' motion for an Order compelling Defendant/Respondent Samuel D. Stroman, II, to surrender all Estate property in his possession to the Special Administrator, Plaintiffs/Petitioners' motion for the Court to issue a Rule to Show Cause why Simmons Funeral Home should not be held in contempt for its failure to respond to a subpoena, and Plaintiffs/Petitioners' motion to amend their pleadings. Present at the hearing were Andrew S. Radeker, attorney for the Plaintiffs/Petitioners; Defendant/Respondent Samuel D. Stroman, II, and his attorney, Carl B. Grant; and Kathleen Palinski, who attended as the proposed Special Administrator of this Estate

and who is hereby appointed to serve in that capacity. The Court granted the motion to amend by separate Order, which was signed and filed September 24, 2008.

Pursuant to S.C. Code Ann. § 62-3-614, in a proceeding for formal testacy or appointment the Court may appoint a special administrator for an estate, after notice and a hearing, upon a finding that appointment is needed to preserve the estate or to secure its proper administration. As the record before the Court shows, such circumstances are present in this action. The Decedent died over two years before this hearing, and Defendant/Respondent Samuel D. Stroman, II, has been in control and possession of at least a significant portion of the Decedent's property since then. As was noted at the hearing, it is likely that tax filings and other matters of the Estate need to be completed. Further, there is a need for someone with the authority of a Special Administrator to make inquiries into the status and location of the property the Decedent owned during his life, including, but not limited to, any financial accounts the Decedent held.

The Plaintiffs/Petitioners have nominated Kathleen Palinski, Esquire, to serve as Special Administrator of the Estate. Ms. Palinski is well suited to serving as Special Administrator and is willing to serve in this capacity. The Court finds her qualified to serve as Special Administrator and appoints her as such by this Order. She has the power and authority set forth below in this Order, and she shall serve without bond.

04/2 As to Plaintiffs/Petitioners' motion for a Rule to Show Cause why Simmons Funeral Home should not be held in contempt for its failure to respond to the subpoena, the Court postpones the issuance of a Rule to Show Cause to see whether this matter can be resolved without the need for the issuance of such a Rule. Counsel for Samuel D. Stroman, II, stated to the Court that Samuel D. Stroman, II, told him that, on the morning of the hearing, he spoke to Paul Simmons, director of Simmons Funeral Home, who stated that he knew nothing about any such subpoena. The record before the Court shows that Paul Simmons, as director of Simmons Funeral Home, was served with the subpoena. Counsel for Samuel D. Stroman, II, informed the Court that he would get all records responsive to the subpoena from Simmons Funeral Home and provide them to counsel for the Plaintiffs/Petitioners within 15 days of the date of the hearing, that is, by October 9, 2008. If all records responsive to this subpoena are not received by counsel for the Plaintiffs/Petitioners by October 9, 2008, the Court shall issue a Rule to Show Cause why Simmons Funeral Home should not be held in contempt for its failure to respond to the subpoena.

Plaintiffs/Petitioners' motion for an Order compelling Defendant/Respondent Samuel D. Stroman, II, to surrender all Estate property in his possession to the Special Administrator is granted in part and denied in part. As the record before the Court shows, Defendant/Respondent Samuel D. Stroman, II, is in possession of substantial assets that may be determined to be assets of the Estate. The Affidavit of Jamileh S.D. Stroman of record in this action states that Samuel D. Stroman, II, advised his sisters that it was his intention to appropriate the Decedent's assets. Samuel D. Stroman, II, denies this. Bank records before the Court show the transfer of sums into an account of Samuel D. Stroman, II, after the Decedent's death, from accounts of the Decedent for which ownership designations were changed to have "Samuel D. Stroman II POA" listed as a joint owner of the accounts. During the month of December in 2006, after the Decedent had died, Samuel D. Stroman, II, removed at least \$171,123.82 from at least one of these accounts. Also during December of 2006, Samuel D. Stroman, II, deposited \$107,496.86 to his personal checking account, and he apparently attempted to deposit \$355,365.44 to his personal checking account. In addition, Plaintiffs/Petitioners introduced as exhibits deeds of record by which Samuel D. Stroman, II, purported to make transfers to himself, via power of attorney, of real property belonging to the Decedent one day before the Decedent's death.

16/3 Given the Amended Petition and Complaint filed on September 24, 2008, per this Court's Order granting the motion to amend, it appears that ownership of these assets will likely be adjudicated by this Court at a later date in this action. Pursuant to S.C. Code Ann. § 62-3-617, a special administrator has the power of a general personal representative, except to the extent the Court limits those powers. Pursuant to S.C. Code Ann. § 62-3-709, "every personal representative has a right to, and shall take possession of, the decedent's property[.]" To ensure that any and all property the Decedent owned at his death will be available to this Estate's Special Administrator or Personal Representative for administration and distribution at the appropriate times, the Court hereby Orders Defendant/Respondent Samuel D. Stroman, II, not to dispose of, alienate, or otherwise transfer any property of any kind in which the Decedent held any interest during his life that is now in the possession or control of Samuel D. Stroman, II, with the exception that Defendant/Respondent Samuel D. Stroman, II, may use, for the purpose of paying for his reasonable living expenses, an amount of money not to exceed 25 percent of the total amount of money now in his possession that is or was in bank accounts in which the Decedent held an ownership interest during his life. Defendant/Respondent Samuel D. Stroman,

II, shall document any monies so expended, and any such expenditures he makes from assets determined to be Estate assets shall be charged against his share of the Decedent's Estate.

It is therefore hereby ORDERED that:

1. Kathleen Palinski, Esquire, is hereby appointed Special Administrator of the Estate of Samuel D. Stroman, to serve in such capacity until a Personal Representative of the Estate is appointed or until Ms. Palinski is relieved of this position by further Order of this Court;
2. The Special Administrator shall have all the powers of a Personal Representative with respect to the Estate (except as limited below), including, but not limited to, the following:
 - a. The power to make any and all inquiries into and receive any and all information about any and all property the Decedent owned in life, including, but not limited to, accounts with financial institutions;
 - b. The power to communicate with the Internal Revenue Service and the South Carolina Department of Revenue (as well as any and all other government entities) about the Estate and any property the Decedent owned in life and to file tax returns for the Estate;
 - c. The power to seize and exercise control over any and all assets of the Estate wherever situated, except those that are in the possession of Defendant/Respondent Samuel D. Stroman, II, and which he claims to own, (except to the extent that the Court later rules that such assets are part of the Estate);
3. The Special Administrator is not required to make routine estate filings, such as an inventory and appraisal, but may do so, and she shall report to the Court as is deemed prudent by the Court or the Special Administrator as to the status of the assets of the Estate and any other pertinent matters;
4. The Court may limit, extend, or otherwise modify the powers of the Special Administrator at any time during the pendency of this action;
5. The Probate Court of Orangeburg County shall issue a certificate of appointment noting the appointment of Kathleen Palinski as Special Administrator of the Estate of Samuel D. Stroman;

6. Defendant/Respondent Samuel D. Stroman, II, is hereby enjoined, restrained, and Ordered not to dispose of, alienate, or otherwise transfer any property of any kind in which the Decedent held any interest during his life that is now in the possession or control of Samuel D. Stroman, II (including, but not limited to, all monies and other property owned by the Decedent during his life that Samuel D. Stroman, II, has purported to transfer to himself pursuant to a power of attorney, all monies removed from any and all bank accounts of which Samuel D. Stroman, II, purported to change ownership so as to make himself a record owner thereof, all monies removed from any account of which the Decedent and Samuel D. Stroman, II, were joint owners of record during the Decedent's life, and any and all other property owned by the Decedent during his life), except as is set forth in the next subparagraph hereinbelow;
7. During the pendency of this action and until further Order of this Court, if any, Defendant/Respondent Samuel D. Stroman, II, may use, for the purpose of paying for his reasonable living expenses, an amount of money not to exceed 25 percent of the total amount of money now in his possession that is or was in bank accounts in which the Decedent held an ownership interest during his life;
8. Defendant/Respondent Samuel D. Stroman, II, shall document any monies expended pursuant to the preceding subparagraph hereinabove, and any such expenditures he makes from assets determined to be Estate assets shall be charged against his share of the Decedent's Estate; and
9. The issuance of a Rule to Show Cause why Simmons Funeral Home should not be held in contempt for its failure to respond to the subpoena is postponed on the conditions stated hereinabove in this Order.

AND IT IS SO ORDERED.



The Honorable O. Davie Burgdorf
Master-in-Equity for Orangeburg County

Orangeburg, South Carolina

 , 7
September , 2008

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

IN THE COURT OF COMMON PLEAS
CASE NO.: 2008-CP-38-310

In re: Estate of Samuel D. Stroman)

Jamileh S.D. Stroman and)

Synthia D. Stroman)

Plaintiffs/Petitioners,)

vs.)

Samuel D. Stroman, II, and)

Sherolyn D. Stroman,)

Defendants/Respondents, being)

the other Devisees of the Decedent)

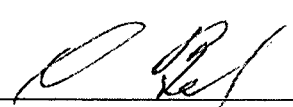
ORDER

2011 AUG -9 11:57
CLERK OF COURT
ORANGEBURG COUNTY, SC

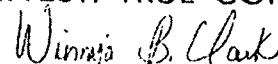
This matter came before me at a hearing in the above-captioned action. It came to the Court's attention that, in violation of this Court's previous order, Samuel D. Stroman, II, used more than the 1/4 share of the funds in a Bank of America account ending in -9452 that this Court permitted him to use during the pendency of this case.

Accordingly, to preserve potential estate funds, this Court hereby Orders that the Special Administrator of this Estate, Kathleen Palinski, is hereby authorized to take possession of such funds as remain in the account, and Bank of America shall turn such funds over to her immediately.

AND IT IS SO ORDERED.


The Hon. O. Davie Burgdorf
Master-in-Equity of Orangeburg County

Orangeburg, South Carolina
August 9, 2011

ATTEST: TRUE COPY

CLERK OF COURT
ORANGEBURG COUNTY, SC

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2008-CP-38-310

Jamileh S.D. Stroman, et al.

Samuel D. Stroman, II, et al.,

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Andrew S. Radeker

Attorney for : ☒ Plaintiff ☐ Defendant
or
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other _____
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other _____
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☒ See attached order ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

Additional Information for the Clerk : Order voids deeds – provide to ROD for recording

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
Estate of Samuel D. Stroman	Samuel D. Stroman, II	\$31,969.87
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:
1193 Pruitt Drive, Orangeburg, South Carolina, TMS: 0142-20-04-005.000
Also: TMS: 0181-19-07-003.000

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

3038
Judge Code2/5/13
Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter: _____

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

IN THE COURT OF COMMON PLEAS

CASE NO. 2008-CP-38-310

In re:

Estate of Samuel D. Stroman,

Decedent.

**Jamileh S.D. Stroman and Synthia D.
Stroman,**

Plaintiffs/Petitioners,

vs.

**Samuel D. Stroman, II, and Sherolyn D.
Stroman;**

**Defendants/Respondents, being
the other Devisees of the Decedent.**

**ORDER RENDERING JUDGMENT IN
CASE AND SANCTIONS AGAINST
SAMUEL D. STROMAN, II**

ATTEST: TRUE COPY

Wingja B. Clark
**CLERK OF COURT
ORANGEBURG COUNTY, SC**

JB
The matters addressed in this Order came before me at three hearings in the above-captioned action, which were held on August 9, 2011, October 5, 2011, and June 28, 2012. This action originated in the Orangeburg County Probate Court on September 12, 2007, as an estate matter that was removed to the circuit court from the probate court on February 13, 2008, and which was referred to the undersigned by consent of all parties not in default of this action on June 4, 2008. The Plaintiffs/Petitioners are hereinafter sometimes referred to as "Jamileh" and "Synthia." Defendant/Respondent Samuel D. Stroman, II, goes by his middle name, David, and is hereinafter sometimes referred to as "David." Defendant/Respondent Sherolyn D. Stroman goes by the nickname "Sherry" and is hereinafter sometimes referred to as "Sherry." The decedent, Samuel D. Stroman, attained the rank of colonel in the United States Army and, for the sake of clarity, is hereinafter sometimes referred to as "Colonel Stroman." The parties to this case are the children of Colonel Stroman. This case largely concerns property that Colonel

Stroman owned but over which David came to exert sole control and possession after Colonel Stroman died in 2006.

Sherry was served with process in this case as is shown of record, and she never served a responsive pleading. She is in default of this action. Notice of all hearings was provided to Sherry, and she attended the hearing in the probate court on the motion to remove this case to this Court as well as the August 9, 2011, hearing in this case.

On September 24, 2008, the Court held a hearing on Plaintiffs/Petitioners' motion for the Court to appoint a Special Administrator for the Estate of Samuel D. Stroman, Plaintiffs/Petitioners' motion for an Order compelling Defendant/Respondent Samuel D. Stroman, II, to surrender all Estate property in his possession to the Special Administrator, Plaintiffs/Petitioners' motion for the Court to issue a Rule to Show Cause why Simmons Funeral Home should not be held in contempt for its failure to respond to a subpoena, and Plaintiffs/Petitioners' motion to amend their pleadings. Present at the hearing were Andrew S. Radeker, attorney for the Plaintiffs/Petitioners; Defendant/Respondent Samuel D. Stroman, II, and his attorney, Carl B. Grant; and Kathleen Palinski, who attended as the proposed Special Administrator of this Estate. The Court granted the motion to amend by Order signed and filed September 24, 2008. By Order filed October 8, 2008, the Court appointed Kathleen Palinski as special administrator of the estate and ordered the following, which is material to the matters addressed in this instant Order:

Defendant/Respondent Samuel D. Stroman, II, is hereby enjoined, restrained, and Ordered not to dispose of, alienate, or otherwise transfer any property of any kind in which the Decedent held any interest during his life that is now in the possession or control of Samuel D. Stroman, II (including, but not limited to, all monies and other property owned by the Decedent during his life that Samuel D. Stroman, II, has purported to transfer to himself pursuant to a power of attorney, all monies removed from any and all bank accounts of which Samuel D. Stroman, II, purported to change ownership so as to make himself a record owner thereof, all

monies removed from any account of which the Decedent and Samuel D. Stroman, II, were joint owners of record during the Decedent's life, and any and all other property owned by the Decedent during his life), except as is set forth in the next subparagraph hereinbelow;

During the pendency of this action and until further Order of this Court, if any, Defendant/Respondent Samuel D. Stroman, II, may use, for the purpose of paying for his reasonable living expenses, an amount of money not to exceed 25 percent of the total amount of money now in his possession that is or was in bank accounts in which the Decedent held an ownership interest during his life; [and]

Defendant/Respondent Samuel D. Stroman, II, shall document any monies expended pursuant to the preceding subparagraph hereinabove, and any such expenditures he makes from assets determined to be Estate assets shall be charged against his share of the Decedent's Estate[.]

David was made aware at the September 24, 2008, hearing that the undersigned was ordering that David was permitted only to spend, for the purpose of paying his reasonable living expenses, an amount of money not to exceed 25 percent of the total amount of money that was then in his possession that is or was in bank accounts in which Colonel Stroman held an ownership interest during his life, and David was also made aware at that hearing of his obligation to the Court to document any such expenditures he made. David confirmed in later testimony that he knew of his responsibilities under this Order from and after the September 24, 2008, hearing.

The Plaintiffs/Petitioners' amended petition and complaint was filed on September 24, 2008, just after the order permitting the amendment was filed. The amended petition and complaint pleads the following causes of action:

- 1) That David holds property that Colonel Stroman owned during his life in a constructive trust for the Estate and Plaintiffs/Petitioners, and that the Court should enforce the constructive trust;

- 2) That David is liable to the Estate and Plaintiffs/Petitioners for breach of fiduciary duty and as an executor de son tort, and that the Court should require a discovery of assets, order David to account for all property he has misappropriated from the Estate and/or his sisters, and require David to return the property or its value;
- 3) That the Court should declare Colonel Stroman's last will and testament to be as described in the original petition in this case (which is attached to and incorporated into the amended petition and complaint) and appoint Jamileh as personal representative of the Estate;
- 4) That the Court should declare all purported transfers of personal property to David by David as attorney-in-fact for Colonel Stroman to be void, rescind them, and order all things necessary to the restoration of the personal property to the Estate;
- 03/4 5) That the Court should declare void deeds to David from David as attorney-in-fact for Colonel Stroman that purport to have transferred to David real property that Colonel Stroman owned during his life; and
- 6) That the Court should partition the real property Colonel Stroman owned in South Carolina as the Court deems equitable.

Per Rule 5, SCRCPP, on September 26, 2008, Plaintiffs/Petitioners' counsel served David's counsel, who was then Carl B. Grant, Esquire, by mail with a copy of the order granting leave to amend and a copy of the amended petition and complaint. Pursuant to Rule 15(a), SCRCPP, David was required to serve a responsive pleading to the amended petition and complaint within 20 days of September 26, 2008 (15 days under Rule 15(a), SCRCPP, and an additional five days under Rule 6(e), SCRCPP, since the service was by mail). David did not

U serve a responsive pleading within that time frame. On October 27, 2008, counsel for the Plaintiffs/Petitioners served David's counsel with an affidavit of David's default.

✓ Plaintiffs/Petitioners filed a lis pendens on October 30, 2008. Sherry was served with the amended petition and complaint on December 13, 2008, and she never served a responsive pleading to the same.

The undersigned set a final hearing in this case for November 30, 2010, but that hearing was cancelled and a status conference was held that December at which David's new counsel, Robert F. McCurry, Jr., Esquire, appeared along with Mr. Radeker and Ms. Palinski. At that status conference, a day was set aside in February of 2011 for a hearing to be held on a motion for David's default to be set aside, provided such a written motion was made. No such motion was made, and no hearing was held on that day.

OB A final hearing in this case was rescheduled for August 9, 2011. On August 1, 2011, David served a motion for his default to be set aside, along with a proposed answer. At the beginning of the August 9 hearing, the motion to set aside David's default was heard, and the Court denied that motion. A default damages hearing was begun, but, due to time constraints, the presentation of the Plaintiffs/Petitioners' evidence could not be completed that day. Accordingly, the Court scheduled a resumption of the hearing, which was held on October 5, 2011. The Court deferred making a final ruling until after a hearing on what relief should be ordered and on a rule to show cause issued to David concerning whether contempt sanctions should issue against him for his violation of the terms of the October 8, 2008, Order mentioned above, as it had become apparent during the testimony presented on August 9 and October 5 that David had violated the terms of that Order. That last hearing was held on June 28, 2012.

MOTION TO SET ASIDE DEFAULT

The standard that a party seeking for his default to be set aside must meet is "good cause." Rule 55(c), SCRCP. This standard "requires a party seeking relief from an entry of default under Rule 55(c) to provide an explanation for the default and give reasons why vacation of the default entry would serve the interests of justice. Once a party has put forth a satisfactory explanation for the default, the trial court must also consider: (1) the timing of the motion for relief; (2) whether the defendant has a meritorious defense; and (3) the degree of prejudice to the plaintiff if relief is granted." Sundown Operating Co., Inc. v. Intedg Industries, Inc., 383 S.C. 601, 608, 681 S.E.2d 885 (2009).

✓ David did not meet this standard, and the Court accordingly denied his motion to set aside default. David did not put forth a satisfactory explanation for the default or, indeed, any explanation for the default. His written motion simply stated that his previous counsel in this case failed to answer the amended complaint but stated nothing about why that happened.

✍ David's motion was not timely. The motion was made nearly three years after the service of the amended complaint. The Court had already provided David an opportunity to have a hearing on a motion to set aside default several months before David made his motion, and David did not take advantage of that opportunity. ✓ David made no showing of a meritorious defense. He put forward no affidavit or other factual material in support of his motion that tended to show that anything alleged in the amended complaint was not true. Further, because David was in default and his liability was thus established under Rule 8(d), SCRCP, Plaintiffs/Petitioners did not conduct the extensive discovery they might otherwise have conducted; thus, they would have been significantly prejudiced if the Court had granted David's motion, particularly since it was heard on the day that the damages hearing in this case began.

FINDINGS OF FACT

Colonel Stroman died on September 21, 2006. The Plaintiffs/Petitioners and the Defendants/Respondents are his children and his sole devisees, as his wife, Cleo Able Stroman, predeceased him. The last will and testament of Colonel Stroman introduced at the damages hearing leaves his entire estate in equal shares to Plaintiffs/Petitioners and Defendants/Respondents and names a person who predeceased Colonel Stroman as his personal representative.¹

✓ Colonel Stroman suffered a stroke in 2005. David came to Orangeburg from Washington, D.C., at that time to live in the house his father owned at 1193 Pruitt Drive, Orangeburg, South Carolina. Colonel Stroman signed a power of attorney document that states that it made David attorney-in-fact for Colonel Stroman. This power of attorney document did not state that it gave David the power to make transfers of any sort of his father's property to himself.

✓
03/7 Colonel Stroman had several bank accounts with Bank of America. David signed new signature cards for these accounts that changed the ownership designations for at least two of his father's bank accounts to have "Samuel D. Stroman II POA" listed as a joint owner of the accounts. None of these new, changed signature cards were signed by Colonel Stroman. This did not change the ownership of the accounts or of the money in them, all of which still belonged to Colonel Stroman. At the moment of Colonel Stroman's death, the money in these accounts became the property of the Estate of Samuel D. Stroman.

✓ The day before Colonel Stroman died, David (purporting to act as attorney-in-fact for his father) executed two purported deeds to himself of the property Colonel Stroman owned at 1193

¹ Colonel Stroman apparently died with another will that left an increased share of his estate to Jamileh, but she testified that what she wants is an equal division of the estate between her and her siblings. David is in default of an

Pruitt Drive in Orangeburg and also of a lot in Orangeburg that Colonel Stroman owned. The deed documents indicate that John Eric Fulda was the attorney who prepared them. The property subject of these purported conveyances is described as follows:

All that certain piece parcel or lot of land, with improvements thereon, situate, lying and being in Limestone Township, School District No. 5, Orangeburg County, South Carolina, shown as Lot 10 Block JJ, and a triangular portion of a reserved area as shown on a plat of Plantation Block JJ, by John K. Davis, RLS, dated August 15, 1968, and recorded in the Office of the Register of Deeds for Orangeburg County in Plate Book 27 at Page 103, and bounded and measuring as follows: On the North by Lot 11, in Block JJ, and by a pond as shown on a plat hereinabove described and measuring two hundred ninety-seven and three-tenths (297.3) feet; on the East by the remaining portion of the reserved area as shown on the plat hereinabove described and measuring thereon two hundred ninety-five (295) feet; on the South by Tolly Ganly Circle and measuring thereon Two Hundred (200) feet; and on the West by Pruitt Drive and measuring thereon two hundred seventy-four and five-tenths (274.5) feet; all measurements being a little more or less.

Derivation: This being the same property conveyed to Samuel D. Stroman by deed of Nancy B. Smith dated April 3, 2001 and recorded April 3, 2001 in the Office of the Register of Deeds for Orangeburg County in Deed Book 861 at Page 263, and the same property purportedly conveyed by Samuel D. Stroman by Samuel D. Stroman, II, his attorney-in-fact, to Samuel D. Stroman, II, by purported deed dated September 20, 2006, and recorded September 25, 2006, in the Office of the Register of Deeds for Orangeburg County in Book 1169 at Page 316.

TMS: 0142-20-04-005.000

Property address: 1193 Pruitt Drive, Orangeburg, South Carolina;

AND

All that certain piece, parcel or lot of land, situate, lying and being in Orange Township, Orangeburg County, South Carolina, being designated as Lot No. 7 in Block "K" in Parlerdale Subdivision on plat of said subdivision by C.A. Ferris, R.L.S., dated November 7, 1968, and recorded in the Office of the Clerk of Court for

allegation that he is in possession of this latest will but refuses to submit the same to be probated and, thus, admits that. Jamileh and Synthia have not been able to find this will or a copy of it, and David has not produced it.

Orangeburg County in Plat Book 28 at Page 11; said lot being bounded and measuring as follows: on the Northwest by Lot No. 5 in Block "K" on said plat and measuring thereon two hundred five feet (205'); on the Northeast by Willow Drive and measuring thereon one hundred forty-five feet (145'); on the Southeast by Lots 9 and 10 on said plat and measuring collectively two hundred five feet (205'); and on the Southwest by Lot No. 6, owned by Wilma McCoy, and measuring thereon one hundred forty-five feet (145'); all measurements being a little more or less.

Derivation: This being the same property conveyed to Samuel D. Stroman by deed of Nettie P. Parler dated June 14, 1974 and recorded June 19, 1974 in the Office of the Clerk of Court for Orangeburg County in Deed Book 398 at Page 255, and the same property purportedly conveyed by Samuel D. Stroman by Samuel D. Stroman, II, his attorney-in-fact, to Samuel D. Stroman, II, by purported deed dated September 20, 2006, and recorded September 25, 2006, in the Office of the Register of Deeds for Orangeburg County in Book 1169 at Page 320.

TMS: 0181-19-07-003.000.

Colonel Stroman also owned vacant lots in a subdivision in Las Lunas, New Mexico. As far as the Court is aware, David has not made any purported conveyance of the New Mexico lots, as attorney-in-fact or otherwise.

3/7 Shortly after Colonel Stroman died, David took all the money out of his father's Bank of America accounts and transferred it into a checking account of David's own. Ms. Palinski and Plaintiffs/Petitioners engaged in an active search to discover whether Colonel Stroman had any other bank accounts or money held by other financial institutions at the time of his death and were not able to find any such bank accounts or money other than the Bank of America accounts. As noted in Ms. Palinski's testimony and the written summary information she provided to the Court, this litigation uncovered a total amount of \$383,543.93 in money Colonel Stroman owned at the time of his death (this does not include non-liquid assets).

✓ David testified that he had no access to any money since his father's death other than the money that he took from his father's bank accounts and put into his own account after his

father's death. David further testified that the only money that has ever been in that checking account was the money he put into it from his father's accounts after Colonel Stroman died.

Since Colonel Stroman's death, David has treated what his father owned in life as belonging to David alone. He purposefully excluded his sisters from their shares of Colonel Stroman's property. ✓ The thrust of the testimony about what David said and did in the time just after Colonel Stroman's death is that David believed that his self-transfer actions under the guise of his acting as attorney-in-fact for his father had put him in a position of being able to claim sole ownership of Colonel Stroman's assets. ✓ His statements around that time (such as referring to his sisters Jamileh and Synthia as "those bitches" and stating that he would "spank them good" and that they would never get a dime of their father's money) demonstrate that he acted with a significant animus toward Jamileh and Synthia and that his aim was to enrich himself by deliberately preventing his sisters from realizing their inheritance.

✓ David usurped all of his father's property that he could get his hands on. He lived in his father's house, wore his father's clothes and jewelry, and drove a car his father had owned. He did nothing to seek employment or otherwise earn any income since his father's death, instead living totally off of Colonel Stroman's money that he had put into his own checking account. 13/20 Though David was aware at all times after the September 24, 2008, hearing that he was under Order of this Court to spend no more than 25 percent of the money in that account and that he was to account for all his expenditures of money from that account, he blithely disobeyed the Order in both of those respects. ✓ David exceeded the court-ordered spending limit from that account by around \$126,000.00, and he kept no account of how he spent that money. He testified that he did not change his spending habits at all after the September 24, 2008, hearing.

✓ He "purchased" a car from Ms. Palinski as the Estate's Special Administrator, but David's own testimony reveals that he paid for it only with money he had taken from his father's bank

accounts. David did distribute \$24,166.16 to Sherry Stroman under the guise of him giving her these sums as gifts. While David did make some expenditures that in effect preserved commonly inherited property for him and his sisters and did make some expenditures that would have been treated as estate expenses under normal circumstances, these are dwarfed by the amount of money that David spent on himself, which Ms. Palinski calculated at \$197,378.09.

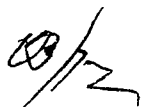
The Plaintiffs/Petitioners called appraiser Chuck Henson to testify at the hearing as an expert witness on the value of the two pieces of South Carolina real estate Colonel Stroman owned at his death. Mr. Henson testified that the Pruitt Drive lot and house were worth \$191,000.00 at the time of Colonel Stroman's death and that the vacant Orangeburg lot was worth \$10,000.00 at that time. He testified that their values as of the date of his testimony had remained unchanged despite the passage of time, as the economic recession essentially simply kept the property from increasing in value during that time.

According to Ms. Palinski's reckoning of the assets owned by Colonel Stroman at his death that passed through his estate, the total value of those assets was \$704,838.56. Even counting the estate-preservation expenditures (including those made by David, administrative fees for probate and otherwise, and the court-approved fees paid from the Estate assets to the Special Administrator) as subtracted from the total of estate assets to produce the siblings' net share amounts (and with David's purported real property transfers to himself treated as ineffective, as discussed below), this means a net share of estate assets for each of Colonel Stroman's children at \$165,408.09 (based on a division into fourths). Not counting the estate preservation expenditures, David spent \$197,378.09 of the estate assets on himself. Per Ms. Palinski's calculations, David has already received \$31,969.87 more than his share of the estate assets, assuming that all the other assets are distributed to David's siblings with nothing more distributed to David. This also assumes that David has not misappropriated any further property

and that all the personal property Colonel Stroman owned that was in his house is still there. David testified at the August 9, 2011, hearing about items owned by Colonel Stroman that were in the house.

CONCLUSIONS OF LAW

Rule 8(d), SCRPC, provides that “[a]verments in a pleading to which a responsive pleading is required, other than those as to the amount of damage, are admitted when not denied in the responsive pleading.” Accordingly, the failure to serve a timely responsive pleading is an admission of all of a complaint’s allegations other than those as to the amount of damages. See Rules 8(d), 55(b), SCRPC. “It is well settled that by suffering a default, the defaulting party is deemed to have admitted the truth of the plaintiff’s allegations and to have conceded liability.” Roche v. Young Bros., Inc. of Florence, 332 S.C. 75, 504 S.E.2d 311 (1998). David is in default of the amended complaint in this case; thus, he has admitted the following:

- 
- 1) That David holds property that Colonel Stroman owned during his life in a constructive trust for the Estate and Plaintiffs/Petitioners, and that the Court should enforce the constructive trust;
 - 2) That David is liable to the Estate and Plaintiffs/Petitioners for breach of fiduciary duty and as an executor de son tort, and that the Court should require a discovery of assets, order David to account for all property he has misappropriated from the Estate and/or his sisters, and require David to return the property or its value;
 - 3) That the Court should declare Colonel Stroman’s last will and testament to be as described in the original petition in this case (which is attached to and incorporated into the amended petition and complaint) and appoint Jamileh as personal representative of the Estate;

- 4) That the Court should declare all purported transfers of personal property to David by David as attorney-in-fact for Colonel Stroman to be void, rescind them, and order all things necessary to the restoration of the personal property to the Estate;
- 5) That the Court should declare void deeds to David from David as attorney-in-fact for Colonel Stroman that purport to have transferred to David real property that Colonel Stroman owned during his life; and
- 6) That the Court should partition the real property Colonel Stroman owned in South Carolina as the Court deems equitable.

All of David's purported transfers of Colonel Stroman's property to himself (including the aforesaid deeds, the signature card changes, and the removal of money from Colonel Stroman's accounts) are void. Those purported transfers were done under the guise of being done by David acting as attorney-in-fact for Colonel Stroman. Some of them were done while Colonel Stroman was alive, and some of them were done after Colonel Stroman's death.

9/13 ➤ As for the transfers purportedly made while Colonel Stroman was alive, these are void because the power-of-attorney instrument at issue did not empower David, as the holder of the power of attorney, to make transfers of Colonel Stroman's property to himself. It has been well-settled in South Carolina since at least the 1980s that unless a power of attorney instrument specifically and clearly provides in writing that the attorney-in-fact has the power to make gifts to himself of the principal's property, the attorney-in-fact has no power to make transfers of the principal's property to himself. E.g., Fender v. Fender, 285 S.C. 260, 262, 329 S.E.2d 430, 431 (1985); McCarter v. Willis, 299 S.C. 198, 200, 383 S.E.2d 252, 253 (Ct. App. 1989); Loftis v. Eck, 288 S.C. 154, 157, 341 S.E.2d 641 (Ct. App. 1986). Such purported transfers are void. Id. Purported transfers that are actually void under this principle include an attorney-in-fact

purporting to create a joint account on his principal's behalf where the person who is the attorney-in-fact sets himself up to be the apparent owner of the account or the money in it upon the principal's death. See McCarter, 299 S.C. at 200.

As for the transfers purportedly made after Colonel Stroman's death, these are void for the additional reason that, once Colonel Stroman had died, the power of attorney instrument ceased to have any effect at all. The power of attorney relationship is an agency relationship, and an agency terminates upon the principal's death; thus, a power of attorney relationship ends when the principal dies. Franklin v. Chavis, 371 S.C. 527, 535 n. 7, 640 S.E.2d 873, 877 n. 7 (2007); Rider v. Rider, 394 S.C. 84, 93, 713 S.E.2d 643, 648 (Ct. App. 2011). Any status David held as attorney-in-fact for his father terminated as of Colonel Stroman's death on September 21, 2006.²

For these reasons, the land subject of the purported deeds by David as attorney-in-fact for Colonel Stroman to David as an individual are void, and the money that David transferred from Colonel Stroman's accounts to his own was property of the Estate and never became David's property.

B/S 4 A constructive trust is not an express trust; rather, it is a device used by a court to require a party who improperly or unfairly holds property to return the property to the person to whom it belongs. Dominic v. Rhodes, 202 S.C. 139, 139, 24 S.E.2d 168, 172 (1943); Randolph R. Lowell, Robert L. Reibold, and Shealy Boland Reibold, South Carolina Equity: A Practitioner's Guide 60 (S.C. Bar 2010). "It is used to vindicate rights and aid justice or otherwise frustrate fraud." Lowell, et al., supra at 60 (citing Dominic, 202 S.C. at 139). "In such circumstances, the

² Where an attorney-in-fact does not know his principal has died, S.C. Code Ann. § 62-5-502 makes certain post-death transfers by the attorney-in-fact valid. While David is in default, this statute would not be applicable here even if he were not in default, for two reasons: 1) David testified he knew his father had died before he transferred the money to his own account and 2) the statute provides that any such transfer does not have binding effect if it is "otherwise invalid or unenforceable," S.C. Code Ann. § 62-5-502(a), and the transfers of money at issue would have been invalid unauthorized self-gifts in any event.

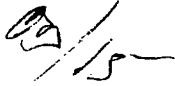
court constructs a trust and makes the defendant a trustee by decree of the court.” Id. (citing George G. Bogert, The Law of Trusts and Trustees § 471 at 7 (2d ed. Rev. 1977)). The court then enforces the trust and holds the defendant to any liability he may have as the constructive trustee. See id.

A similar result obtains where a party is an executor de son tort. The Probate Code defines an executor de son tort as follows:

Any person who shall obtain, receive, and have any goods or debts of any decedent or a release or other discharge of any debt or duty that belonged to the decedent upon any fraud or without such valuable consideration as shall amount to the value of the same goods or debts or near thereabouts (except it be in or toward satisfaction of some just and principal debt of the value of the same goods or debts to him owing by the decedent at the time of his decease) shall be charged and chargeable as executor of his own wrong, so far as such goods and debts coming to his hands or whereof he is released or discharged by such administrator will satisfy, deducting, nevertheless, to and for himself allowance of all just, due, and principal debts upon good consideration without fraud owing to him by the decedent at the time of his decease and all other payments made by him which lawful personal representatives may and ought to have and pay by the laws and statutes of this State.

S.C. Code Ann. § 62-3-619.

The next section of the Probate Code discusses how a court is to treat an executor de son tort:

The judge of probate of the county in which a deceased person may have died may, either of his own accord or at the instance of any creditor or other person interested in the estate of the deceased, cite before him such person as, neither being appointed personal representative nor having obtained administration of the effects of such deceased person, shall nevertheless possess himself of the goods, chattels, rights, and credits of such person deceased and, upon such person being cited as aforesaid, the judge of probate shall require of him a discovery and account of all and singular the goods, chattels, rights, and credits of the deceased and shall proceed to decree against him for the value of the estate and effects of the deceased which he may have wasted or which may have been lost by his illegal interference, charging him as executors of

their own wrong are made liable at common law as far as assets shall have come into his hands.

S.C. Code Ann. § 62-3-620.

✓ Ms. Palinski has calculated the amount of the estate assets David spent above and beyond what he spent on what would otherwise be valid estate expenses as \$197,378.09. Since he is to be held to the same standard of liability as a personal representative would, he is liable for his breach of fiduciary duty; which has caused a loss of estate assets in the amount he spent beyond what would have been valid estate expenses.

Jamileh and Synthia have elected to treat the will as though it leaves Colonel Stroman's property in equal shares to his four children, even though David and Sherry are in default of an allegation that the will leaves an increased fraction of the estate to Jamileh. As this election cannot be said to harm the defaulting parties in any way, the Court will use Ms. Palinski's calculations of the estate assets and an equal division into fourths among Jamileh, Synthia, Sherry, and David as the baseline for its calculation of what must be done in order to hold David responsible for his actions and restore the Estate and parties as nearly as possible to the positions they would have occupied if not for David's misappropriation.

✓ After deducting amounts that would have been valid estate expenses, the entire value of the assets passing through the Estate that Ms. Palinski discovered is \$661,632.91. This includes the real property. Divided into four equal shares, each share is in the amount of \$165,408.23. Since David made distributions to Sherry of these assets in the amount of \$24,166.16, Sherry has already received \$24,166.16 of her one-fourth share of the Estate. ✓ David distributed \$197,378.09 of these assets to himself by spending them (this amount does not include anything that would have been a valid estate expense). Accordingly, he distributed \$31,969.87 more to himself than his share of the Estate.

"[I]t is settled law in South Carolina that courts have the inherent power to do all things reasonably necessary to insure that just results are reached to the fullest extent possible." Burch v. Burch, 395 S.C. 318, 331, 717 S.E.2d 757, 764 (2011) (internal quotation marks and related punctuation omitted); accord Ex parte Dibble, 279 S.C. 592, 595, 310 S.E.2d 440, 442 (Ct. App. 1983). Here, David's misappropriation of funds in violation of this Court's earlier Order has complicated the situation, and an exercise of this power by the Court is required to bring about a just result. Accordingly, David's right to inherit from his father is offset by his distribution to himself, so that he has no right to any remaining property passing through the Estate of Colonel Stroman. David has already received the entirety of his inheritance from his father. Further, he owes the Estate \$31,969.87, and the Estate is entitled to a judgment against David in that amount. In addition, as David has no right to the real estate at issue in this case but has been living in the Pruitt Drive house, David is required to leave the house and to turn over to the Special Administrator of the Estate all keys to and possession of the house and all personal property of the Estate that David has been keeping in his possession, including the contents of the house (which may be left in the house if this is secure and practical). The details of this are further set out below.

83/17
Jamileh is hereby appointed as Personal Representative of the estate, with Ms. Palinski to remain as Special Administrator until she has completed her remaining duties as Special Administrator, the details of which are further set out below. Jamileh is a fit and proper person to serve as Colonel Stroman's personal representative, and she has priority to do so as his daughter.

As they are too small to partition in kind, the Pruitt Drive house and vacant lot in Orangeburg shall be partitioned by sale. The Personal Representative of this Estate is hereby

empowered and authorized to sell both of these pieces of real estate and to contract with a realtor to market the property for sale.

As our Court of Appeals noted in Marichris, LLC v. Derrick, 384 S.C. 345, 682 S.E.2d 301 (Ct. App. 2009), courts have broad authority in partition actions to apportion and assess attorney's fees under S.C. Code Ann. § 15-61-110 and Rule 71(d)(3), SCRCP. The efforts of Plaintiffs/Petitioners' attorney benefited not just Jamileh and Synthia but also Sherry, and these three parties are the only parties who have any interest in the subject real estate. Jamileh and Synthia incurred \$27,829.83 in attorney's fees through the June 28, 2012, hearing and \$1,873.68 in costs through that time. According to the factors listed in Glasscock v. Glasscock, 304 S.C. 158, 161, 403 S.E.2d 313, 315 (1991), these attorneys' fees are reasonable. Were it not for the efforts of Jamileh, Synthia, and their counsel, Sherry would have received no more of the Estate assets than David chose to give her, and she would have received no share of the real estate. It is therefore just that Jamileh and Synthia be reimbursed for their attorney's fees and costs incurred in this matter (both as noted above and incurred until the closing of the sale) from the common funds created by the sale of the Pruitt Drive house and vacant lot in Orangeburg.

CONTEMPT SANCTIONS

The Court of Appeals has recently described contempt as follows:

8/18
"Contempt results from the willful disobedience of a court order, and before a court may find a person in contempt, the record must clearly and specifically reflect the contemptuous conduct." Widman v. Widman, 348 S.C. 97, 119, 557 S.E.2d 693, 705 (Ct. App. 2001). "A willful act is one ... done voluntarily and intentionally with the specific intent to do something the law forbids, or with the specific intent to fail to do something the law requires to be done; that is to say, with bad purpose either to disobey or disregard the law." Ex parte Cannon, 385 S.C. 643, 661, 685 S.E.2d 814, 824 (Ct. App. 2009). "Once the moving party has made out a prima facie case [for contempt], the burden then shifts to the respondent to establish his ... defense and inability to comply with the order." Id. "If, through no fault of his own, the contemnor is unable to obey a court order, the contemnor cannot be held in

contempt.” Id. “Civil contempt must be [shown] by clear and convincing evidence.” Poston v. Poston, 331 S.C. 106, 113, 502 S.E.2d 86, 89 (1998).

Ex parte Lipscomb, 398 S.C. 463, 469, 730 S.E.2d 320, 323 (Ct. App. 2012).

Our Supreme Court has recently noted the following with regard to the distinction between criminal and civil contempt:

Civil contempt must be shown by clear and convincing evidence. Poston v. Poston, 331 S.C. 106, 113, 502 S.E. 2d 86, 89 (1998). Criminal contempt must be shown beyond a reasonable doubt. Id. In determining whether a contempt sanction is criminal or civil, one must identify the purpose for which the sanction is imposed. Whereas civil contempt is either coercive or remedial in nature, criminal contempt is purely punitive. Id. at 111, 502 S.E. 2d at 88. Incarceration may be either civil or criminal. Id. at 112, 502 S.E. 2d at 89. The distinguishing factor is whether the incarceration is for a definite period of time, which is the hallmark of criminal contempt, or whether the contemnor may avoid or cut short the incarceration by complying with the court’s directive, which indicates civil contempt. Id. The difference between the two is substantial because the constitutional safeguards provided in the Sixth Amendment may be triggered in criminal contempt proceedings. A contemnor has a constitutional right to a jury trial before a criminal sentence of more than six months incarceration may be imposed. Curlee v. Howle, 227 S.C. 377, 385, 287 S.E.2d 915, 919 (1982).

DiMarco v. DiMarco, 393 S.C. 604, 713 S.E.2d 631 (2011)

8/19
L David is in contempt of the October 8, 2008, Order of this Court. He testified that he knew of his obligations under the Order but did not change his behavior in any way to meet those obligations. He spent so much money beyond what the Order permitted him to spend that it is obvious that David knew he had spent more money from the subject account than the Order permitted him to do. Further, he did nothing to account for his expenses as required by the Order. David’s protestations that he thought he was in compliance with the Order are not credible. What is shown plainly by the evidence is that David did what he wanted to do with the money in the account, even knowing that he must have been violating this Court’s Order. It is

true that “[a] good faith attempt to comply with the court’s order, even if unsuccessful, does not warrant a finding of contempt.” Lipscomb, 398 S.C. at 470. David, however, did not make a good faith attempt to comply the Order or even *any* attempt to comply with the Order. Truly, his actions demonstrate that his attitude toward this Court was contemptuous.

As the record shows by clear and convincing evidence that David is in contempt, a civil contempt sanction is warranted.³ ✓ The Court told David at the last hearing in this case that it would be requiring him to pay into the Estate the amount of money by which he overspent his share within six to nine months or to report to jail for a six month sentence that he could purge at any time by paying the money to the Estate. Accordingly, an appropriate sanction for David’s contempt is that he repay the Estate \$31,969.87 by providing that sum to the Special Administrator on or before March 15, 2013. Any of that sum that David pays shall be applied to reduce the money judgment against him. If he has not provided the Special Administrator with that full amount by March 15, 2013, the Special Administrator shall provide the Court with an affidavit stating that she has not received these funds, and the Court shall promptly issue a bench warrant for David’s arrest. If he does not repay the Estate the full amount on or before March 15, 2013, David shall immediately present himself to the Orangeburg County Sheriff’s Department to be taken to jail to begin serving a six-month sentence, which sentence he may end at any time by paying the Estate the \$31,969.87, plus any attorney’s fees and costs occasioned by his noncompliance with this Order.

6/9/20

RETIREMENT OF UNDERSIGNED

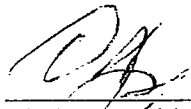
The undersigned Master-in-Equity is retiring from office at the end of February, 2013. Accordingly, the undersigned hereby authorizes and empowers his successor Master-in-Equity to hear any and all further proceedings in this matter, including, but not limited to, motions for

³ The evidence of David’s contempt meets the beyond-a-reasonable doubt standard for criminal contempt, as well.

responsible for receiving monies from David as noted above, and he duties as Special Administrator shall end upon deposit of the full amount of the money received from David or upon her provision to the Court of an affidavit noting David's noncompliance, as noted above; and

12. The undersigned's successor Master-in-Equity is hereby authorized and empowered to hear any and all further proceedings in this matter, including, but not limited to, motions for reconsideration or for relief from the judgment and motions concerning compliance with or enforcement of this Order.

AND IT IS SO ORDERED.



The Honorable O. Davie Burgdorf
Master-in-Equity for Orangeburg County

Orangeburg, South Carolina

February 5, 2013

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

IN THE PROBATE COURT
ESTATE NO. 2007-ES38-

In re:

Estate of Samuel D. Stroman,

Decedent.

Jamileh S.D. Stroman,

Petitioner,

vs.

Synthia D. Stroman; Samuel D. Stroman
II; and Sherolyn D. Stroman;

Respondents, being the other
Devises of the Decedent.

SUMMONS

(Formal Testacy and Appointment)

TO THE RESPONDENTS ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Petition for Formal Testacy and Appointment in this action, a copy of which is herewith served upon you, and to serve a copy of your answer to the said Petition upon the subscriber, at his office, P. O. Box 50143, Columbia, South Carolina 29250, within thirty (30) days after the service hereof, exclusive of the day of such service; and if you fail to answer the Petition in the time aforesaid, a judgment by default will be rendered against you for the relief demanded in the Petition.

JAMES C. HARRISON, JR. P.A.



James C. Harrison, Jr.
Andrew S. Radeker
Post Office Box 50143
Columbia, SC 29250
(803) 779-2211
(803) 779-6700 (telefax)
jimharrison@mindspring.com (email)
drewradeker@mindspring.com (email)
ATTORNEYS FOR PETITIONER

Columbia, South Carolina
September 12, 2007

STATE OF SOUTH CAROLINA)
COUNTY OF: ORANGEBURG)
IN THE MATTER OF: ESTATE OF SAMUEL D. STROMAN)
CASE NUMBER: 2007 ES38 _____

APPLICATION FOR

INFORMAL

- ☐ PROBATE OF WILL
☐ APPOINTMENT

(check any that apply)

PETITION FOR

FORMAL

- ☒ TESTACY
☒ APPOINTMENT

Applicant/Petitioner: Jamileh S. D. Stroman

Address: 14600 Marsh Lane #2095, Addison, TX 75001

Telephone: (972) 241-0943

I. ALL APPLICANTS/PETITIONERS MUST COMPLETE THIS SECTION.

1. Give your relationship to the decedent, if any, and your interest in this proceeding.

Daughter of the decedent; devisee of the decedent.

2. Decedent Information

Name: Samuel D. Stroman

Social Security Number: 248-42-0575

Date of Birth: December 18, 1924

Date of Death: September 21, 2006

Age at date of death: 81

Domicile at date of death: Orangeburg South Carolina
(county) (state)

3. Venue for this proceeding is proper in this county because:

- ☒ Decedent was domiciled in this county at date of death.
☐ Decedent was not domiciled in South Carolina, but property of Decedent was located in this county at date of death.
☐ Decedent has a right to take legal action in this county because:

- 4.a. Names and addresses of devisees in the will including dates of birth of minors. If there are no minors, so state.

Name	Date of Birth	Address	Relationship to Decedent
Jamileh S.D. Stroman	3-9-51	14600 Marsh Lane #2095, Addison, TX 75001	Daughter
Synthia D. Stroman	6-3-54	1135 45th Place S.E., Washington, DC 20019	Daughter
Samuel D. Stroman II	7-31-55	1193 Pruitt Dr., Orangeburg, S.C.	Son
Sherolyn Stroman	4-22-53	2205 M Street N.E., Washington DC, 20002	Daughter

(use additional sheet if necessary)

- 4.b. Names and addresses of intestate heirs who are not devisees, including dates of birth of minors. If there are no minors, so state. Intestate heirs are the persons who would inherit if the decedent left no will.

Name	Date of Birth	Address	Relationship to Decedent

(use additional sheet if necessary)

5. Did decedent have any change of marital status or the birth or adoption of any children after execution of this will, if one exists, or has any child of the decedent been born since his death, or is any birth of a child of the decedent anticipated? (This includes illegitimate children.)
- ☒ NO ☐ YES If yes, please explain, on page 3.
6. To the best of your knowledge, was the decedent a patient in a South Carolina Mental Health facility during his/her lifetime?
- ☒ NO ☐ YES If yes, please explain, on page 3.
7. Has a guardian or conservator ever been appointed for this person?
- ☒ NO ☐ YES If yes, please explain on page 3.
8. Has a personal representative of the decedent been appointed prior to this date by a Court in this state or elsewhere?
- ☒ NO ☐ YES If yes, please state details, including name and address of such Personal Representative on page 3.
9. Have you received or are you aware of any demands for notice of any probate or appointment proceeding concerning the decedent that may have been filed in this state or elsewhere?
- ☒ NO ☐ YES If yes, please state details, including names and addresses on page 3.
10. Have more than ten years passed since the decedent's death?
- ☒ NO ☐ YES If yes, please state circumstances authorizing tardy probate on page 3.
11. The decedent died with a personal estate of about the value of unknown and real estate of about the value of 165,000.00. (A full inventory and appraisal, Form #350PC, must be filed within 90 days.) If decedent was non-resident, please attach South Carolina Commission form ET 101.
12. After the exercise of reasonable diligence, are you aware of any unrevoked will and/or codicil(s), other than the one(s) attached hereto, relating to property in this State?
- ☐ NO ☒ YES If yes, please explain on page 3 and then proceed to Section II.

II. IF A WILL EXISTS, PLEASE COMPLETE THIS SECTION.

1. Regarding the decedent's will:

- ☐ The original is attached
☐ The original is in the Court's possession
☐ An authenticated copy of a will probated in another jurisdiction is attached
☐ An authenticated copy of a will not probated in another jurisdiction is attached
☒ The will is lost, destroyed, or otherwise unavailable, however, a description of its contents is attached

2. Do you believe, to the best of your knowledge, the will described above was validly executed?

- ☒ Yes ☐ NO If no, please explain on page 3.

3. The date of execution of the will was: _____
codicil(s): _____

4. Are you aware of any instrument or document amending or revoking the will?

- ☒ NO ☐ YES If yes, please explain on page 3.

5. Have you exercised reasonable diligence to determine there is no instrument or document revoking the will?

- ☒ YES ☐ NO If no, please explain on page 3.

6. Do you believe the will defined in "1" above is the decedent's last will?

- ☒ YES ☐ NO If no, please explain on page 3.

COMPLETE EXPLANATION (S) FOR QUESTIONS IN SECTIONS I and II HERE.

(If more space is required, use additional sheet.)

My brother, Samuel D. Stroman II, advised ~~my sister Synthia and I~~ ^{me (SSB) left} that my father ~~left~~ ^{left} ~~she and I~~ ^{me (SSB)} each 37 percent of his estate. My brother has advised us that he is in possession of the will but will not submit the same for probate, and he advised my sister and I that he is appropriating the assets of this estate for his own use.

III. IF APPLYING FOR INFORMAL OR FORMAL APPOINTMENT, PLEASE COMPLETE THE FOLLOWING.

1. The name(s) and address(es) of the proposed Personal Representative(s) is/are:

Unknown; the Petitioner seeks that the person named in the decedent's will as Personal Representative be appointed as such, unless the will names Samuel D. Stroman II as Personal Representative.

2. Priority for this appointment is:

- ☒ named as Primary Personal Representative in will
☐ named as Alternate Personal Representative in will
☐ nominee of above Primary Personal Representative in will
☐ nominee of above Alternate Personal Representative in will
☐ surviving spouse of decedent who is devisee of decedent or nominee of said spouse
☐ other devisee of decedent, (describe): _____ or nominee of said devisee
☐ surviving spouse of decedent or nominee of said spouse
☐ other heir of decedent (describe): _____
☐ creditor (Forty-five days after death must have passed), or nominee of creditor
☐ other (describe): _____

3. List below the names of any other persons, if any, having a prior or equal right of appointment (see priority above).

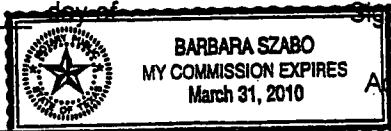
IV. ALL APPLICANTS/PETITIONERS MUST COMPLETE VERIFICATION.

VERIFICATION

The undersigned, being sworn, states that the facts set forth in the foregoing statement are true to the best of the undersigned's knowledge, information and belief, and hereby submits to the Court's jurisdiction in this matter.

SWORN to before me this 06 day of September, 20 07

Barbara Szabo



Signature: Samuel D. Stroman

Name: Samileh S.D. Stroman

Address: 14600 Marsh Lane, # 2095
Addison, TX 75001

E-mail: _____

Telephone (O): _____

(H): (972) 241-0943

Notary Public for ~~South Carolina~~ Texas

My Commission Expires: March 31, 2010

ORDER OF INFORMAL PROBATE

IT IS HEREBY ORDERED that the above application for probate of a will be ☐ GRANTED ☐ DENIED informally this _____ day of _____, 20 ____.

_____, Probate Court Judge

ORDER FOR HEARING ON FORMAL PETITION

IT IS HEREBY ORDERED that a hearing on this matter be set for:

DATE: _____
TIME: _____
PLACE: _____

Pursuant to Section 62-1-401, the petitioner is ordered to give notice of this hearing to all interested persons at least twenty (20) days prior to the hearing.

Executed this _____ day of _____, 20____.

_____, Probate Court Judge

ORDER OF FORMAL TESTACY

On hearing of the above petition, this Court finds that the person is deceased, venue is proper, and the proceeding was commenced within appropriate time limits.

The Court further finds that

☐ the decedent died intestate. The heirs are:

☐ the decedent died testate. IT IS HEREBY ORDERED that the Last Will and Testament of the above-named decedent, dated _____, be admitted formally to probate.

Executed this _____ day of _____, 20____.

_____, Probate Court Judge

SEE ATTACHED ORDER.

ORDER OF APPOINTMENT

IT IS HEREBY ORDERED that the above application/petition for appointment be granted upon the filing of a bond as appropriate, qualification and acceptance.

Executed this _____ day of _____, 20____.

_____, Probate Court Judge

QUALIFICATION AND STATEMENT OF ACCEPTANCE

I accept this appointment and agree to perform the duties and discharge the trust of the office of Personal Representative of this estate.

Signature: _____

Name: _____

Address: _____

E-mail: _____

Telephone (O): _____

(H): _____

Signature: _____

Name: _____

Address: _____

E-mail: _____

Telephone (O): _____

(H): _____

Attorney: _____

Address: _____

E-mail: _____

Telephone (O): _____

2007-SEP 12 PM 3:29

County Registrar

UNAUTHORIZED UNAUTHORIZED

STATE FILE NUMBER 06 026598

1. DECEASED'S LEGAL NAME (Include AKA's, if any) (First, Middle, Last) Samuel D. Stroman				2. SEX male		3. SOCIAL SECURITY NUMBER 248-42-0525	
4a. DATE OF BIRTH (MM/DD/YYYY) 01/14/1964		4b. TIME OF BIRTH (MM/DD/YYYY) 11:14		5. DATE OF BIRTH (MM/DD/YYYY) 01/14/1964		6. BIRTH PLACE (City and State, Foreign Country) Orangeburg	
7a. RESIDENCE - STATE SC		7b. COUNTY Orangeburg		7c. CITY OR TOWN Orangeburg		7d. ZIP CODE 29118	
8a. STREET AND NUMBER 1193 Pruitt Drive		8b. APT. NO. 		8c. INSIDE CITY LIMITS? Yes		8d. INSIDE CITY LIMITS? Yes	
9a. DECEASED'S NAME (First, Middle, Last) Samuel D. Stroman		9b. DATE OF DEATH (MM/DD/YYYY) 09/21/2006		9c. TIME OF DEATH (MM/DD/YYYY) 19:00		9d. TIME OF DEATH (MM/DD/YYYY) 19:00	
10a. DECEASED'S NAME (First, Middle, Last) Moses Stroman		10b. DATE OF DEATH (MM/DD/YYYY) 09/21/2006		10c. TIME OF DEATH (MM/DD/YYYY) 19:00		10d. TIME OF DEATH (MM/DD/YYYY) 19:00	
11a. DECEASED'S NAME (First, Middle, Last) Samuel D. Stroman		11b. DATE OF DEATH (MM/DD/YYYY) 09/21/2006		11c. TIME OF DEATH (MM/DD/YYYY) 19:00		11d. TIME OF DEATH (MM/DD/YYYY) 19:00	
12a. DECEASED'S NAME (First, Middle, Last) Samuel D. Stroman		12b. DATE OF DEATH (MM/DD/YYYY) 09/21/2006		12c. TIME OF DEATH (MM/DD/YYYY) 19:00		12d. TIME OF DEATH (MM/DD/YYYY) 19:00	
13a. DECEASED'S NAME (First, Middle, Last) Samuel D. Stroman		13b. DATE OF DEATH (MM/DD/YYYY) 09/21/2006		13c. TIME OF DEATH (MM/DD/YYYY) 19:00		13d. TIME OF DEATH (MM/DD/YYYY) 19:00	
14a. DECEASED'S NAME (First, Middle, Last) Samuel D. Stroman		14b. DATE OF DEATH (MM/DD/YYYY) 09/21/2006		14c. TIME OF DEATH (MM/DD/YYYY) 19:00		14d. TIME OF DEATH (MM/DD/YYYY) 19:00	
15a. DECEASED'S NAME (First, Middle, Last) Samuel D. Stroman		15b. DATE OF DEATH (MM/DD/YYYY) 09/21/2006		15c. TIME OF DEATH (MM/DD/YYYY) 19:00		15d. TIME OF DEATH (MM/DD/YYYY) 19:00	
16a. DECEASED'S NAME (First, Middle, Last) Samuel D. Stroman		16b. DATE OF DEATH (MM/DD/YYYY) 09/21/2006		16c. TIME OF DEATH (MM/DD/YYYY) 19:00		16d. TIME OF DEATH (MM/DD/YYYY) 19:00	
17a. DECEASED'S NAME (First, Middle, Last) Samuel D. Stroman		17b. DATE OF DEATH (MM/DD/YYYY) 09/21/2006		17c. TIME OF DEATH (MM/DD/YYYY) 19:00		17d. TIME OF DEATH (MM/DD/YYYY) 19:00	
18a. DECEASED'S NAME (First, Middle, Last) Samuel D. Stroman		18b. DATE OF DEATH (MM/DD/YYYY) 09/21/2006		18c. TIME OF DEATH (MM/DD/YYYY) 19:00		18d. TIME OF DEATH (MM/DD/YYYY) 19:00	
19a. DECEASED'S NAME (First, Middle, Last) Samuel D. Stroman		19b. DATE OF DEATH (MM/DD/YYYY) 09/21/2006		19c. TIME OF DEATH (MM/DD/YYYY) 19:00		19d. TIME OF DEATH (MM/DD/YYYY) 19:00	
20a. DECEASED'S NAME (First, Middle, Last) Samuel D. Stroman		20b. DATE OF DEATH (MM/DD/YYYY) 09/21/2006		20c. TIME OF DEATH (MM/DD/YYYY) 19:00		20d. TIME OF DEATH (MM/DD/YYYY) 19:00	
21a. DECEASED'S NAME (First, Middle, Last) Samuel D. Stroman		21b. DATE OF DEATH (MM/DD/YYYY) 09/21/2006		21c. TIME OF DEATH (MM/DD/YYYY) 19:00		21d. TIME OF DEATH (MM/DD/YYYY) 19:00	
22a. DECEASED'S NAME (First, Middle, Last) Samuel D. Stroman		22b. DATE OF DEATH (MM/DD/YYYY) 09/21/2006		22c. TIME OF DEATH (MM/DD/YYYY) 19:00		22d. TIME OF DEATH (MM/DD/YYYY) 19:00	
23a. DECEASED'S NAME (First, Middle, Last) Samuel D. Stroman		23b. DATE OF DEATH (MM/DD/YYYY) 09/21/2006		23c. TIME OF DEATH (MM/DD/YYYY) 19:00		23d. TIME OF DEATH (MM/DD/YYYY) 19:00	
24a. DECEASED'S NAME (First, Middle, Last) Samuel D. Stroman		24b. DATE OF DEATH (MM/DD/YYYY) 09/21/2006		24c. TIME OF DEATH (MM/DD/YYYY) 19:00		24d. TIME OF DEATH (MM/DD/YYYY) 19:00	
25a. DECEASED'S NAME (First, Middle, Last) Samuel D. Stroman		25b. DATE OF DEATH (MM/DD/YYYY) 09/21/2006		25c. TIME OF DEATH (MM/DD/YYYY) 19:00		25d. TIME OF DEATH (MM/DD/YYYY) 19:00	
26a. DECEASED'S NAME (First, Middle, Last) Samuel D. Stroman		26b. DATE OF DEATH (MM/DD/YYYY) 09/21/2006		26c. TIME OF DEATH (MM/DD/YYYY) 19:00		26d. TIME OF DEATH (MM/DD/YYYY) 19:00	
27a. DECEASED'S NAME (First, Middle, Last) Samuel D. Stroman		27b. DATE OF DEATH (MM/DD/YYYY) 09/21/2006		27c. TIME OF DEATH (MM/DD/YYYY) 19:00		27d. TIME OF DEATH (MM/DD/YYYY) 19:00	
28a. DECEASED'S NAME (First, Middle, Last) Samuel D. Stroman		28b. DATE OF DEATH (MM/DD/YYYY) 09/21/2006		28c. TIME OF DEATH (MM/DD/YYYY) 19:00		28d. TIME OF DEATH (MM/DD/YYYY) 19:00	
29a. DECEASED'S NAME (First, Middle, Last) Samuel D. Stroman		29b. DATE OF DEATH (MM/DD/YYYY) 09/21/2006		29c. TIME OF DEATH (MM/DD/YYYY) 19:00		29d. TIME OF DEATH (MM/DD/YYYY) 19:00	
30a. DECEASED'S NAME (First, Middle, Last) Samuel D. Stroman		30b. DATE OF DEATH (MM/DD/YYYY) 09/21/2006		30c. TIME OF DEATH (MM/DD/YYYY) 19:00		30d. TIME OF DEATH (MM/DD/YYYY) 19:00	
31a. DECEASED'S NAME (First, Middle, Last) Samuel D. Stroman		31b. DATE OF DEATH (MM/DD/YYYY) 09/21/2006		31c. TIME OF DEATH (MM/DD/YYYY) 19:00		31d. TIME OF DEATH (MM/DD/YYYY) 19:00	
32a. DECEASED'S NAME (First, Middle, Last) Samuel D. Stroman		32b. DATE OF DEATH (MM/DD/YYYY) 09/21/2006		32c. TIME OF DEATH (MM/DD/YYYY) 19:00		32d. TIME OF DEATH (MM/DD/YYYY) 19:00	
33a. DECEASED'S NAME (First, Middle, Last) Samuel D. Stroman		33b. DATE OF DEATH (MM/DD/YYYY) 09/21/2006		33c. TIME OF DEATH (MM/DD/YYYY) 19:00		33d. TIME OF DEATH (MM/DD/YYYY) 19:00	
34a. DECEASED'S NAME (First, Middle, Last) Samuel D. Stroman		34b. DATE OF DEATH (MM/DD/YYYY) 09/21/2006		34c. TIME OF DEATH (MM/DD/YYYY) 19:			

STATE OF SOUTH CAROLINA

COUNTY OF ORANGEBURG

IN THE PROBATE COURT

ESTATE NO. 2007-ES38-_____

In re:

Estate of Samuel D. Stroman,

Decedent.

Smileh S.D. Stroman,

Petitioner,

vs.

Synthia D. Stroman; Samuel D. Stroman
II; and Sherolyn D. Stroman;

Respondents, being the other
Devises of the Decedent.

TO: RESPONDENT SAMUEL D. STROMAN II:

**MOTION FOR ORDER
TO SHOW CAUSE**

YOU WILL PLEASE TAKE NOTICE that the Petitioner hereby moves before this Court pursuant to S.C. Code Ann. § 62-2-901 (Supp. 2006), for the issuance of an Order commanding Respondent Samuel D. Stroman II to appear before the Court and show cause why he should not deliver the Last Will and Testament of the Decedent, Samuel D. Stroman, to the Honorable Pandora L. Jones-Glover, Judge of the Probate Court of Orangeburg County, to admit the said Last Will and Testament to probate.

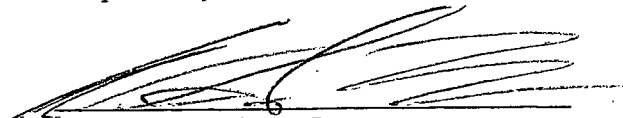
The Petitioner so moves on the following grounds:

1. Pursuant to S.C. Code Ann. § 62-2-901 (Supp. 2006), a person in possession of the last will and testament of a deceased person must within 30 days after notice or knowledge of the death of the testator deliver such last will and testament to the judge of the probate court having jurisdiction to admit the same to probate.
2. The Decedent died on September 21, 2006, and was domiciled in Orangeburg County, South Carolina, at the time of his death.

3. The Probate Court of Orangeburg County has jurisdiction with regard to the probate of the decedent's last will and testament.
4. Respondent Samuel D. Stroman II possessed the last will and testament of the decedent shortly after his death, and, to the best knowledge of the Petitioner, he still possesses such last will and testament and is wrongfully withholding the same to prevent the will's probate.
5. More than 30 days have passed since Respondent Samuel D. Stroman had notice or knowledge of the death of the decedent and was in possession of the decedent's last will and testament.
6. This Motion is also based upon all applicable statutory law, case law, common law, and the record in this action.

Upon information and belief, Respondent Samuel D. Stroman II is a *pro se* litigant, and consultation in advance of this motion would have served no useful purpose.

Respectfully submitted,



James C. Harrison, Jr.
Andrew S. Radeker
JAMES C. HARRISON, JR., P.A.
Post Office Box 50143
Columbia, SC 29250
(803) 779-2211
(803) 779-6700 (telefax)
jimharrison@mindspring.com (email)
drewradeker@mindspring.com (email)

ATTORNEYS FOR PETITIONER

Columbia, South Carolina
September 12, 2007

OF SOUTH CAROLINA

IN THE PROBATE COURT

OF:

IN THE MATTER OF:

CASE NUMBER:

APPLICATION FOR

(check any that apply)

PETITION FOR

INFORMAL

FORMAL

☐ PROBATE OF WILL
☐ APPOINTMENT

☒ TESTACY
☒ APPOINTMENT

Applicant/Petitioner: SAMUEL D. STROMAN II
Address: 1193 Pruitt Dr. Orangeburg S.C. 29118
Telephone: 803 - 536 - 9823

I. ALL APPLICANTS/PETITIONERS MUST COMPLETE THIS SECTION.

1. Give your relationship to the decedent, if any, and your interest in this proceeding.

2. Decedent Information

Name: SAMUEL P. STROMAN
Social Security Number: 248 - 42 - 0575
Date of Birth: DECEMBER 18, 1924
Date of Death: SEPTEMBER 21, 2006
Age at date of death: 81
Domicile at date of death: ORANGEBURG S.C.
(county) (state)

3. Venue for this proceeding is proper in this county because:

- ☒ Decedent was domiciled in this county at date of death.
☐ Decedent was not domiciled in South Carolina, but property of Decedent was located in this county at date of death.
☐ Decedent has a right to take legal action in this county because:

4.a. Names and addresses of devisees in the will including dates of birth of minors. If there are no minors, so state.

Name	Date of Birth	Address	Relationship to Decedent
<u>SAMUEL P. STROMAN II</u>	<u>7-31-55</u>	<u>1193 Pruitt Dr. Orangeburg, S.C.</u>	<u>SON</u>
<u>SHEROLYN D. STROMAN</u>	<u>4-22-53</u>	<u>2205 M Street N.E. Wash. D.C. 20002</u>	<u>DAUGHTER</u>
<u>SYNTHIA D. STROMAN</u>	<u>6-3-54</u>	<u>1135 45th P.L. SE. Wash. DC 20019</u>	<u>DAUGHTER</u>
<u>JAMILEH D. STROMAN</u>	<u>9-02-51</u>	<u>14600 Marsh Lane #209.5</u>	<u>DAUGHTER</u>
(use additional sheet if necessary)	<u>3-7-51</u>	<u>Addison, TX 75001</u>	

- 4.b. Names and addresses of intestate heirs who are not devisees, including dates of birth of minors. If there are no minors, so state. Intestate heirs are the persons who would inherit if the decedent left no will.

Name	Date of Birth	Address	Relationship to Decedent

(use additional sheet if necessary)

5. Did decedent have any change of marital status or the birth or adoption of any children after execution of this will, if one exists, or has any child of the decedent been born since his death, or is any birth of a child of the decedent anticipated? (This includes illegitimate children.)
- ☒ NO ☐ YES If yes, please explain, on page 3.
6. To the best of your knowledge, was the decedent a patient in a South Carolina Mental Health facility during his/her lifetime?
- ☒ NO ☐ YES If yes, please explain, on page 3.
7. Has a guardian or conservator ever been appointed for this person?
- ☒ NO ☐ YES If yes, please explain on page 3.
8. Has a personal representative of the decedent been appointed prior to this date by a Court in this state or elsewhere?
- ☒ NO ☐ YES If yes, please state details, including name and address of such Personal Representative on page 3.
9. Have you received or are you aware of any demands for notice of any probate or appointment proceeding concerning the decedent that may have been filed in this state or elsewhere?
- ☒ NO ☐ YES If yes; please state details, including names and addresses of such Personal Representative, on page 3.
10. Have more than ten years passed since the decedent's death?
- ☒ NO ☐ YES If yes, please state circumstances authorizing tardy probate on page 3.
11. The decedent died with a personal estate of about the value of unknown and real estate of about the value of 170,000 (A full inventory and appraisal, Form #350PC, must be filed within 90 days.) If decedent was non-resident, please attach South Carolina Department of Revenue form ET 101.
12. After the exercise of reasonable diligence, are you aware of any unrevoked will and/or codicil(s), other than the one(s) attached hereto, relating to property in this State?
- ☒ NO ☐ YES If yes, please explain on page 3 and then proceed to Section II.

11. IF A WILL EXISTS, PLEASE COMPLETE THIS SECTION.

1. Regarding the decedent's will:

- ☒ The original is attached
☐ The original is in the Court's possession
☐ An authenticated copy of a will probated in another jurisdiction is attached
☐ An authenticated copy of a will not probated in another jurisdiction is attached
☐ The will is lost, destroyed, or otherwise unavailable, however, a description of its contents is attached

2. Do you believe, to the best of your knowledge, the will described above was validly executed?

- ☒ Yes ☐ NO If no, please explain on page 3.

3. The date of execution of the will was: _____
codicil(s): _____

4. Are you aware of any instrument or document amending or revoking the will?

- ☒ NO ☐ YES If yes, please explain on page 3.

5. Have you exercised reasonable diligence to determine there is no instrument or document revoking the will?

- ☒ YES ☐ NO If no, please explain on page 3.

6. Do you believe the will defined in "1" above is the decedent's last will?

- ☒ YES ☐ NO If no, please explain on page 3.

COMPLETE EXPLANATION (S) FOR QUESTIONS IN SECTIONS I and II HERE.

(If more space is required, use additional sheet.)

Miss Jamileh S.D. Stroman stated in her explanation that I had advised her and Miss Synthia D. Stroman that my father left them 37 percent of his estate. Miss Jamileh Stroman also stated that I advised her and Miss Synthia D. Stroman that I was in possession of the will and would not submit the same for probate. Miss Jamileh and Miss Synthia Stroman in addition to this, stated that I told them that I am appropriating the assets of this estate for my own use. These statements that Miss Jamileh and Miss Synthia Stroman have submitted to the courts are complete lies and selfindulgence fictitious statements. I Samuel D. Stroman II am more than willing to submit to a polygraph test that the above submitted statements to this court by Miss Jamileh and Miss Synthia Stroman are completely false. It goes without saying that I fully expect Miss Jamileh and Miss Synthia Stroman have no problem submitting to a polygraph test. This simple process will expose not only Miss Jamileh and Miss Synthia Stroman utter disrespect for me but their lack of respect for the courts as well as their legal council. I Samuel D. Stroman II am asking for a court hearing to clearly show that my father wants me to be the Personal Representative of his estate,

III. IF APPLYING FOR INFORMAL OR FORMAL APPOINTMENT, PLEASE COMPLETE THE FOLLOWING.

1. The name(s) and address(es) of the proposed Personal Representative(s) is/are:

UNKNOWN

2. Priority for this appointment is:

- ☒ named as Primary Personal Representative in will or nominee of Primary Personal Representative
☐ named as Alternate Personal Representative in will or nominee of Alternate Personal Representative
☐ named as nominee of Primary and/or Alternate Personal Representative
☐ other devisee of decedent, or nominee (describe): _____ or nominee of said devisee
☐ surviving spouse of decedent, or nominee of said spouse
☐ other heir of decedent or nominee of said heir (describe): _____
☐ creditor (Forty-five days after death must have passed), or nominee of creditor
☐ other (describe): _____
☐ nominee of any of the above

3. List below the names of any other persons, if any, having a prior or equal right of appointment (see priority above).

IV. ALL APPLICANTS/PETITIONERS MUST COMPLETE VERIFICATION.

VERIFICATION

The undersigned, being sworn, states that the facts set forth in the foregoing statement are true to the best of the undersigned's knowledge, information and belief, and hereby submits to the Court's jurisdiction in this matter.

SWORN to before me this 18th day of

Sept, 20 07
Deane B. Weeks

Notary Public for South Carolina

My Commission Expires: 8/9/09

Signature: [Signature]

Name: _____

Address: 1193 Pruitt Dr

Orangeburg S.C. 29118

E-mail: _____

Telephone (O): _____

(H): _____

ORDER OF INFORMAL PROBATE

IT IS HEREBY ORDERED that the above application for probate of a will be ☐ GRANTED ☐ DENIED informally this _____ day of _____, 20 _____.

_____, Probate Court Judge

ORDER FOR HEARING ON FORMAL PETITION

IT IS HEREBY ORDERED that a hearing on this matter be set for:

DATE: _____
TIME: _____
PLACE: _____

Pursuant to Section 62-1-401, the petitioner is ordered to give notice of this hearing to all interested persons at least twenty (20) days prior to the hearing.

Executed this _____ day of _____, 20____

, Probate Court Judge

ORDER OF FORMAL TESTACY

On hearing of the above petition, this Court finds that the person is deceased, venue is proper, and the proceeding was commenced within appropriate time limits.

The Court further finds that

☐ the decedent died intestate. The heirs are:

☐ the decedent died testate. IT IS HEREBY ORDERED that the Last Will and Testament of the above-named decedent, dated _____, be admitted formally to probate.

Executed this _____ day of _____, 20____

, Probate Court Judge

SEE ATTACHED ORDER

ORDER OF APPOINTMENT

IT IS HEREBY ORDERED that the above application/petition for appointment be granted upon the filing of a bond as appropriate, qualification and acceptance.

Executed this _____ day of _____, 20____

, Probate Court Judge

QUALIFICATION AND STATEMENT OF ACCEPTANCE

I accept this appointment and agree to perform the duties and discharge the trust of the office of Personal Representative of this estate.

Signature: _____

Name: _____

Address: _____

E-mail: _____

Telephone (O): _____

(H): _____

Signature: _____

Name: _____

Address: _____

E-mail: _____

Telephone (O): _____

(H): _____

Attorney: _____

Address: _____

E-mail: _____

Telephone (O): _____

STATE OF SOUTH CAROLINA)

COUNTY OF ORANGEBURG)

In re:)

Estate of Samuel D. Stroman,)

Decedent.)

Jamileh S. D. Stroman,)

Petitioner,)

vs.)

Synthia D. Stroman, et. al.,)

Respondents, being
the other Devisees
of the Decedent.)

IN THE PROBATE COURT

CASE NO: 07-ES38- 462

AFFIDAVIT OF SERVICE

I, McArthur Lewis, being duly and property sworn, do depose and stated that the
**SUMMONS AND PETITION AND MOTION FOR ORDER TO SHOW CAUSE, PETITION FOR
FORMAL MOTION FOR ORDER TO SHOW CAUSE** in the above captioned action was/were duly
served upon the Defendant, **SAMUEL D. STROMAN, II** by delivering the same to:
(X) the individually personally, or
() a person of suitable age and discretion residing at the residence of the defendant and
leaving with him/her **(1)** copy of the same at **1193 Pruitt Drive, Orangeburg, SC** on the **13th day**
of **September, 2007** at **4:45p.m.**

The deponent knows the person served to be the defendant mentioned and described

in the document(s) served and that deponent is not a party, lawyer for nor a relative of anyone involved in the captioned action.

McArthur Lewis

McArthur Lewis

Sworn to before me this 14 day
Of Sept., 2007
Debbie McArthur
Notary Public for South Carolina
My Commission Expires: 8/21/10

ATTEST: A TRUE COPY

Michael J. Stroman

Judge of Probate, Orangeburg
County, South Carolina

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

IN THE PROBATE COURT
ESTATE NO: 2007-ES-38-462

In Re:)

Estate of Samuel D. Stroman,)

Decedent,)

Samuel S. D. Stroman,)

Petitioner,)

vs.)

Synthia D. Stroman; Samuel D. Stroman, II)
and Sherolyn D. Stroman;)

Respondents, being the other)
Devises of the Decedent.)

SUMMONS
(Counterclaim)

TO: JAMES C. HARRISON, JR. AND ANDREW S. RADEKER, ATTORNEYS FOR THE
THE PETITIONER ABOVE-NAMED, AND SYNTHIA D. STROMAN AND
SHEROLYN STROMAN, THE OTHER DEVISEES OF THE DECEDENT:

YOU ARE HEREBY SUMMONED and required to answer the Counterclaim in this
action, a copy of which is herewith served upon you, and to serve a copy of your Answer to said
Counterclaim on the subscriber at 960 Doyle Street, P.O. Box 1203, Orangeburg, South Carolina
29116, within thirty (30) days from the service hereof, exclusive of the date of service; and if you
fail to answer the Counterclaim within the time aforesaid, judgement by default will be rendered
against you for the relief demanded in the Counterclaim.

Carl B. Grant
Carl B. Grant,
The Law Firm of Carl B. Grant, P.A.
Post Office Box 1203
Orangeburg, South Carolina 29116
(803) 536-4011
Attorney for the Plaintiff

October 9, 2007
Orangeburg, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

IN THE PROBATE COURT
ESTATE NO: 2007-ES-38-462

In Re:

Estate of Samuel D. Stroman,

Decedent,

Jamileh S. D. Stroman,

Petitioner,

vs.

ANSWER AND COUNTERCLAIM

Synthia D. Stroman; Samuel D. Stroman, II;
and Sherolyn D. Stroman;

Respondents, being the other
Devises of the Decedent.

NOW COMES THE RESPONDENT Samuel D. Stroman, II, by and through his
undesigned counsel answering the Petition of the Petitioner as follows:

1. Each and every allegation not expressly admitted is hereby denied.
2. Respondent Samuel D. Stroman, II admits Section I, Paragraphs 1 through 11.
3. Respondent Samuel D. Stroman, II denies Section I, Paragraph 12 and avers that the only will known to him is attached to this Counterclaim as Exhibit 1.
4. Respondent Samuel D. Stroman, II denies the allegations in Section II, Paragraph 1 of the Petition and asserts that an authenticated copy of a will not probated in another jurisdiction is attached to this Counterclaim as Exhibit #1.
5. He admits the allegations in Section II, Paragraphs 2, 4, 5 and 6, however, Respondent denies the allegations made by the Petitioner in explaining her

responses to questions in Sections I and II of the Petition.

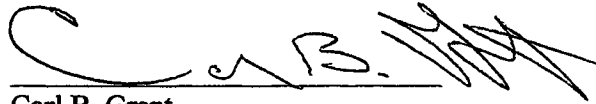
6. Section III Paragraph 2, the date of the execution fo the will was November 15, 1966.
7. The Respondent Samuel D. Stroman, II, denies Section III, Paragraph 1. The will provides that upon the death of Samuel D. Stroman and Cleo A. Stroman, that Lawrence J. Washington would be named as Executor. Lawrence J. Washington is unknown to the Respondent, and considering the age of the will, it is not known whether Lawrence J. Washington is able or willing to serve as Executor. Regardless, the Respondent seeks to be appointed as Personal Representative of the Estate of his father, Samuel D. Stroman.
8. The Respondent Samuel D. Stroman, II denies allegations made by the Petitioner in Section III, Paragraph 2 of the Petition that the Petitioner is named as primary personal representative in the will.
9. The Respondent Samuel D. Stroman, II denies the omission in Section III, Paragraph 3 that no one else has an equal right of appointment and asserts that the Respondent Samuel D. Stroman, II, Synthia D. Stroman, Sherolyn D. Stroman and Jamileh S. D. Stroman all have an equal right of appointment.

BY WAY OF COUNTERCLAIM

10. Paragraphs 1 through 9 above are incorporated as if repeated herein verbatim.
11. Respondent Samuel D. Stroman, II, is the son of the Decedent Samuel D. Stroman and is a citizen and resident of Orangeburg County, South Carolina.
12. The Respondent Samuel D. Stroman, II is informed and believes that he is a devisee of the decedent;

13. Respondent Samuel D. Stroman, II is not in possession of the original will of the decedent, but is in possession of a copy which has been forwarded to Petitioner's counsel.
14. Respondent Samuel D. Stroman, II has been falsely accused in the Petition of Petitioner that he appropriated assets of the estate of his own use.
15. Respondent Samuel D. Stroman, II has managed his father's care during his later years before his father's death.
16. Respondent Samuel D. Stroman, II has filed a Waiver and Nomination and nominated himself as Personal Representative of the his father's estate.
17. Respondent Samuel D. Stroman, II is informed and believes that it is in the best interest of the estate that he is appointed Personal Representative.
18. The Respondent Samuel D. Stroman, II verifies on oath that the facts set forth in the foregoing Answer and Counterclaim are true to the best of his knowledge, information and belief, and hereby submits to the Court's jurisdiction in this matter.

WHEREFORE, Respondent Samuel D. Stroman, II prays this Court inquire into the matters alleged herein and issue its Order denying the Petition of Petitioner, and for a judgment on his Counterclaim naming him Personal Representative of the estate of Samuel D. Stroman, for costs, and for such other and further relief as this Court may deem just and proper.


Carl B. Grant
Post Office Box 1203
Orangeburg, South Carolina 29116
(803) 536-4011
Attorney for the Respondent Samuel D.
Stroman, II

October 9, 2007
Orangeburg, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF ORANGEBURG

In Re:

Estate of Samuel D. Stroman,

Decedent,

Jamileh S. D. Stroman,

Petitioner,

vs.

Synthia D. Stroman; Samuel D. Stroman, II;
and Sherolyn D. Stroman;

Respondents, being the other
Devises of the Decedent.

IN THE PROBATE COURT

ESTATE NO: 2007-ES-38- 462

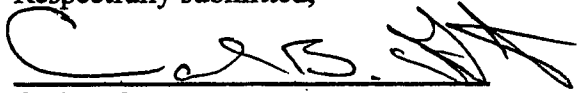
REPLY TO MOTION FOR ORDER
TO SHOW CAUSE

NOW COMES THE RESPONDENT, Samuel D. Stroman, II, by and through his
undesigned counsel replying to the Motion for Order to Show Cause of the Petitioner as follows:

1. Each and every allegation not expressly admitted is hereby denied.
2. Respondent Samuel D. Stroman, II denies Paragraph 1.
3. Respondent Samuel D. Stroman, II admits Paragraphs 2 and 3.
4. Respondent Samuel D. Stroman, II denies Paragraphs 4 and 5 and further states that he was in possession of a copy of the will of the decedent and not the original and he further states that Respondent Samuel D. Stroman, II's counsel mailed a copy of the copy of the will to the Petitioner's counsel on October 5, 2007.
5. Respondent Samuel D. Stroman, II denies Paragraph 6.

WHEREFORE Respondent Samuel D. Stroman, II prays that the Motion and Order to Show Cause is denied and dismissed with prejudice.

Respectfully submitted,



Carl B. Grant,
The Law Firm of Carl B. Grant, P.A.
Post Office Box 1203
Orangeburg, South Carolina 29116
(803) 536-4011
Attorney for the Respondent Samuel D.
Stroman, II

Oct 9, 2007
Orangeburg, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

IN THE PROBATE COURT
ESTATE NO. 2007-ES38-00462

In re:

Estate of Samuel D. Stroman,

Decedent.

Jamileh S.D. Stroman,

Petitioner,

vs.

Synthia D. Stroman; Samuel D. Stroman II; and Sherolyn D. Stroman;

**Respondents, being the other
Devises of the Decedent.**

**MOTION TO REMOVE
TO COURT OF COMMON PLEAS**

**TO: RESPONDENT SAMUEL D. STROMAN II, AND HIS ATTORNEY, CARL B. GRANT, ESQ.; AND
RESPONDENT SHEROLYN D. STROMAN:**

YOU WILL PLEASE TAKE NOTICE that Petitioner Jamileh S.D. Stroman and Respondent Synthia D. Stroman hereby move before this Court pursuant to S.C. Code Ann. § 62-1-302(d) (2006), for an Order removing this action to the Court of Common Pleas for Orangeburg County, South Carolina.

Petitioner Jamileh S.D. Stroman and Respondent Synthia D. Stroman so move on the following grounds:

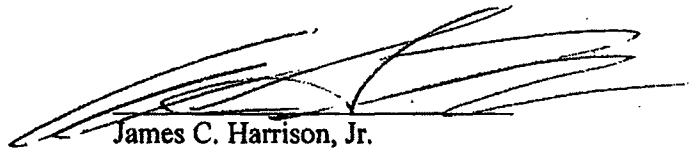
- 1. This action falls within the scope of S.C. Code Ann. § 62-1-302(d)(1) (2006), which provides for removal as of right upon timely motion for formal proceedings for the probate of wills and for the appointment of personal representatives.**
- 2. As this action is a formal testacy and appointment proceeding, this action is within the scope of S.C. Code Ann. § 62-1-302(d)(1) (2006).**

3. This motion is timely made, and Petitioner Jamileh S.D. Stroman and Respondent Synthia D. Stroman are entitled to removal as of right.

4. This Motion is also based upon all applicable statutory law, case law, common law, and the record in this action.

Consultation with opposing counsel was attempted but could not be timely held prior to the making of this motion.

Respectfully submitted,



James C. Harrison, Jr.
Andrew S. Radeker
JAMES C. HARRISON, JR., P.A.
Post Office Box 50143
Columbia, South Carolina 29250
(803) 779-2211
(803) 779-6700 (facsimile)
jimharrison@mindspring.com (email)
drewradeker@mindspring.com (email)

ATTORNEYS FOR PETITIONER
AND FOR SYNTHIA D. STROMAN

Columbia, South Carolina
October 11, 2007

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

IN THE PROBATE COURT
ESTATE NO. 2007-ES38-00462

In re:

Estate of Samuel D. Stroman,

Decedent.

Jamileh S.D. Stroman,

Petitioner,

vs.

**Synthia D. Stroman; Samuel D. Stroman
II; and Sherolyn D. Stroman;**

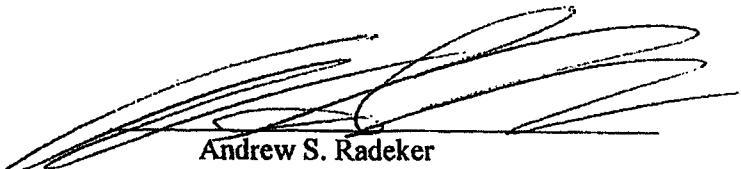
**Respondents, being the other
Devises of the Decedent.**

AFFIDAVIT OF SERVICE

I, Andrew S. Radeker, an attorney with the law firm of James C. Harrison, Jr., P. A., Attorneys for Petitioner Jamileh S.D. Stroman and Respondent Synthia D. Stroman, do hereby depose, say, and certify that I, on the 11th day of October, 2007, served Petitioner Jamileh S.D. Stroman and Respondent Synthia D. Stroman's Motion to Remove to Court of Common Pleas by depositing same in the United States Mail, first class, postage prepaid, with the return address clearly noted, addressed as follows:

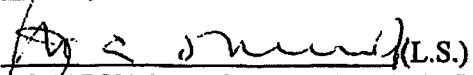
Carl B. Grant, Esq.
The Law Firm of Carl B. Grant, P.A.
P.O. Box 3547
Columbia, SC 29230

Ms. Sherolyn Stroman
2205 M Street NE, Apt. 3
Washington, DC 20002



Andrew S. Radeker

SWORN to before me this
11th day of October, 2007.

 (L.S.)
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 9/16/13

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

IN THE PROBATE COURT
2007 OCT 31 PM 9:55
ESTATE NO. 2007-ES38-00462

ORANGEBURG COUNTY, S.C.

In re:

Estate of Samuel D. Stroman,

Decedent.

Jamileh S.D. Stroman,

Petitioner,

vs.

**Synthia D. Stroman; Samuel D. Stroman
II; and Sherolyn D. Stroman;**

**Respondents, being the other
Devisees of the Decedent.**

**REPLY TO ANSWER
AND COUNTERCLAIM OF
SAMUEL D. STROMAN, II**

Petitioner Jamileh S.D. Stroman and Respondent Synthia S. Stroman, replying to the affirmative assertions and allegations of the Answer and Counterclaim of Respondent Samuel D. Stroman, II, reply and allege as follows:

FOR A FIRST REPLY AND DEFENSE

1. Any affirmative assertions and allegations of the Answer and Counterclaim not herein admitted, qualified, or explained are denied. Any affirmative assertions and allegations of the Answer and Counterclaim subject of qualified admissions made herein are denied insofar as the affirmative assertions and allegations are not qualifiedly admitted, and any affirmative assertions and allegations of the Answer and Counterclaim subject of any other qualifications or explanations herein are denied insofar as they are not otherwise qualified or explained.

2. The affirmative assertions and allegations of paragraphs 3 and 4 of the Answer and Counterclaim are denied. There is no exhibit attached to the Answer and Counterclaim. Further, the document submitted by Respondent Samuel D. Stroman, II, to counsel for Petitioner

Jamileh S.D. Stroman and Respondent Synthia S. Stroman by letter dated October 5, 2007, is not the decedent's last will.

3. The affirmative assertions and allegations of paragraph 6 of the Answer and Counterclaim are denied. The decedent made his last will and testament more recently than in 1966.

4. The affirmative assertions and allegations of paragraph 7 of the Answer and Counterclaim are denied. Further, Lawrence J. Washington is believed to be deceased. Petitioner Jamileh S.D. Stroman and Respondent Synthia S. Stroman object to the appointment of Respondent Samuel D. Stroman, II, as personal representative. Respondent Samuel D. Stroman, II, is unsuitable for such appointment.

5. The affirmative assertions and allegations of paragraph 8 of the Answer and Counterclaim are denied. The Petitioner may or may not be named in the decedent's last will as primary personal representative; however, Respondent Samuel D. Stroman, II, will not bring forth the decedent's last will, so the identity of the person named as primary personal representative in the decedent's last will remains unknown.

6. Petitioner Jamileh S.D. Stroman and Respondent Synthia S. Stroman do not have sufficient knowledge or information to form a belief as to the identity of the person named as primary personal representative in the decedent's last will; accordingly, they lack sufficient knowledge or information to form a belief as to the affirmative assertions and allegations of paragraph 9 of the Answer and Counterclaim. The rights of Jamileh S.D. Stroman and Respondent Synthia S. Stroman to appointment are at least equal to that of Respondent Samuel D. Stroman, II.

7. The affirmative assertions and allegations of paragraph 11 of the Answer and Counterclaim are admitted.

8. The affirmative assertions and allegations of paragraph 11 of the Answer and Counterclaim are admitted upon information and belief.

9. The affirmative assertions and allegations of paragraphs 13 and 14 of the Answer and Counterclaim are denied.

10. The affirmative assertions and allegations of paragraph 15 of the Answer and Counterclaim are admitted.

11. The affirmative assertions and allegations of paragraph 16 of the Answer and Counterclaim are admitted to the extent that they allege that Respondent Samuel D. Stroman, II, has nominated himself for appointment as personal representative; however, to the extent the allegations allege that it is proper for Respondent Samuel D. Stroman, II, to be appointed as personal representative, they are denied.

12. The affirmative assertions and allegations of paragraph 17 of the Answer and Counterclaim are denied.

13. The affirmative assertions and allegations of paragraph 18 of the Answer and Counterclaim are denied to the extent they allege that Respondent Samuel D. Stroman, II, believes the allegations of the Answer and Counterclaim to be true. The affirmative assertions and allegations of paragraph 18 of the Answer and Counterclaim are admitted to the extent they allege that Respondent Samuel D. Stroman, II, is subject to the jurisdiction of the Court.

FOR A SECOND REPLY AND DEFENSE

14. Each assertion set forth in this pleading that is consistent with the following is incorporated herein by reference as if here set forth verbatim.

15. Respondent Samuel D. Stroman, II, has engaged in inequitable conduct with regard to the property of the decedent and to his estate.

16. Such inequitable conduct includes, but is not necessarily limited to, the following:

- a. Executing purported deeds to himself by stating he acted via power of attorney granted to him by the decedent, when the power of attorney did not give Respondent Samuel D. Stroman, II, the power to make such conveyances; and
 - b. By withholding the decedent's will and appropriating property not his own to his own use.
17. The hands of Respondent Samuel D. Stroman, II, are unclean in this matter. He is unsuitable for appointment as the estate's personal representative.

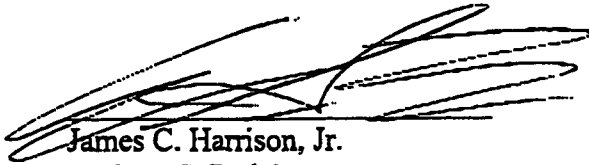
FOR A THIRD REPLY AND DEFENSE

18. Each assertion set forth in this pleading that is consistent with the following is incorporated herein by reference as if here set forth verbatim.
19. Respondent Samuel D. Stroman, II, has unreasonably delayed in attempting to have himself appointed as personal representative.
20. This delay has caused prejudice to the other devisees of the decedent, who have not had the benefit of the probate of the decedent's estate since his death.
21. Respondent Samuel D. Stroman, II, is barred by laches from appointment as personal representative

WHEREFORE, Petitioner Jamileh S.D. Stroman and Respondent Synthia S. Stroman pray:

- a. For the relief sought in the Petition;
- b. For the denial of the relief sought by Respondent Samuel D. Stroman, II,;
- c. For the dismissal of the claim attempted to be raised in the Answer and Counterclaim; and
- d. For such other and further relief as the Court may deem just and proper.

Respectfully submitted,



James C. Harrison, Jr.

Andrew S. Radeker

JAMES C. HARRISON, JR., P.A.

Post Office Box 50143

Columbia, South Carolina 29250

(803) 779-2211

(803) 779-6700 (facsimile)

jimharrison@mindspring.com (email)

drewradeker@mindspring.com (email)

ATTORNEYS FOR PETITIONER
AND FOR SYNTHIA D. STROMAN

Columbia, South Carolina
October 29, 2007

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

IN THE PROBATE COURT
ESTATE NO. 2007-ES38-00462

In re:

Estate of Samuel D. Stroman,

Decedent.

Jamileh S.D. Stroman,

Petitioner,

vs.

**Synthia D. Stroman; Samuel D. Stroman
II; and Sherolyn D. Stroman;**

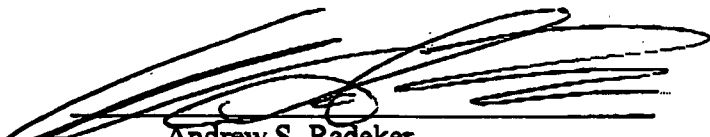
**Respondents, being the other
Devises of the Decedent.**

AFFIDAVIT OF SERVICE

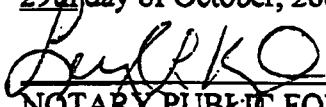
I, Andrew S. Radeker, an attorney with the law firm of James C. Harrison, Jr., P. A., Attorneys for Petitioner Jamileh S.D. Stroman and Respondent Synthia D. Stroman, do hereby depose, say, and certify that I, on the 29th day of October, 2007, served Petitioner Jamileh S.D. Stroman and Respondent Synthia D. Stroman's Reply to Answer and Counterclaim of Respondent Samuel D. Stroman, II, by depositing same in the United States Mail, first class, postage prepaid, with the return address clearly noted, addressed as follows:

Carl B. Grant, Esq.
The Law Firm of Carl B. Grant, P.A.
P.O. Box 1203
Orangeburg, SC 29116

Ms. Sherolyn Stroman
2205 M Street NE, Apt. 3
Washington, DC 20002


Andrew S. Radeker

SWORN to before me this
29th day of October, 2007.

 (L.S.)
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 9/4/17

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

IN THE COURT OF COMMON PLEAS

CASE NO. 2008-CP-38-310

In re:

Estate of Samuel D. Stroman,

Decedent.

Jamileh S.D. Stroman,

Petitioner,

vs.

**Synthia D. Stroman; Samuel D. Stroman
II; and Sherolyn D. Stroman;**

**Respondents, being the other
Devises of the Decedent.**

**MOTION TO APPOINT SPECIAL
ADMINISTRATOR**

2008 JUN -4 P 2:48
FILED FOR RECORD
LISA W. HIZELL
CLERK OF COURT
ORANGEBURG, SC

**TO: RESPONDENT SAMUEL D. STROMAN II, AND HIS ATTORNEY, CARL B.
GRANT, ESQ.; AND
RESPONDENT SHEROLYN D. STROMAN:**

YOU WILL PLEASE TAKE NOTICE that Petitioner Jamileh S.D. Stroman and Respondent Synthia D. Stroman hereby move before this Court pursuant to S.C. Code Ann. § 62-3-614 and Rule 81, SCRCP, and all other applicable law, for an Order appointing a Special Administrator for the above-captioned Estate to serve until a Personal Representative of this Estate is named.

Petitioner Jamileh S.D. Stroman and Respondent Synthia D. Stroman so move on the following grounds:

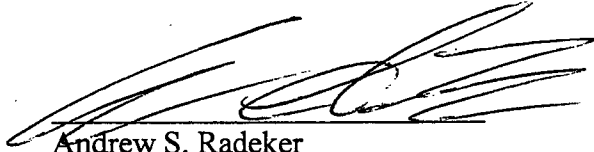
1. A Special Administrator may be appointed during the pendency of proceedings in an estate before a Personal Representative is appointed.
2. A Special Administrator is needed for this Estate. No Personal Representative has been appointed, and it has been over a year and a half since the Decedent

has died. A Special Administrator is needed to marshal the Estate's assets and begin the process of managing the Estate.

3. Kathleen Palinski is well suited to serving as the Special Administrator for this Estate, and she is hereby nominated to so serve. Ms. Palinski has advised the undersigned counsel that she is willing to serve in this capacity. Ms. Palinski has a background in banking prior to her becoming an attorney, and she has served as a Special Administrator several times in the past. Probate and fiduciary relations is a concentration of her practice.
4. As is shown by the Affidavit of Jamileh S.D. Stroman attached hereto, Respondent Samuel D. Stroman, II, advised his sisters that it was his intention to appropriate the assets of his late father, the Decedent, and he has been doing so.
5. This Estate is in especial need of a Special Administrator to marshal and protect the Estate.
6. This Motion is also based upon all applicable statutory law, case law, common law, and the record in this action.

Upon information and belief, communication with opposing counsel concerning the resolution of the matter subject of this motion would serve no useful purpose.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Andrew S. Radeker', written over a horizontal line.

Andrew S. Radeker
JAMES C. HARRISON, JR., P.A.
Post Office Box 50143
Columbia, South Carolina 29250
(803) 779-2211
(803) 779-6700 (facsimile)
drewradeker@mindspring.com (email)

ATTORNEY FOR PETITIONER
AND FOR SYNTHIA D. STROMAN

Columbia, South Carolina
June 4, 2008

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

AFFIDAVIT
OF
JAMILEH S. D. STROMAN

2008 JUN -11 P 2:48
FILED FOR RECORD
LISA W. HAZELL
CLERK OF COURT
ORANGEBURG, SC

I, Jamileh S. D. Stroman, being first duly sworn, do hereby depose and say as follows:

1. I am a daughter of the late Samuel D. Stroman, whose last residence was in Orangeburg, South Carolina. My father was a colonel in the United States Army, and he was a professor at South Carolina State University until his retirement from the University.
2. I have two sisters, Synthia Stroman and Sherolyn "Sherry" Stroman, and one brother, Samuel D. Stroman, II, who is commonly called by his middle name, David.
3. My mother, Cleopatra "Cleo" Ables Stroman, passed away in 1997.
4. In the summer of 2003, my father suffered a stroke. This was very hard on my father physically. He was hospitalized afterward, and he continued to need care for the rest of his life.
5. Soon after the stroke, in August of 2003, while we were dealing with how to take care of my father, I spoke to my brother about getting an attorney involved to assist with my father's financial affairs. My brother protested this, claiming that all lawyers were crooks who would take my father's wealth for themselves.
6. At this time, I was on vacation from my Ph.D. studies. At the end of August, when my classes were scheduled to resume in Texas, I had trouble leaving my father. Although he had gotten much stronger, he still had a tube in his throat to assist his breathing, and we had still not finalized arrangements with any new facility where he would get physical

JSDS

therapy. I was afraid to leave him, even with David and Synthia there. Both David and Synthia encouraged me to go and finish my Ph.D. (Education had always been very important to my parents.) At one point, I decided that I could not leave my father. David got very close to my face and yelled at me, using profanity. I finally was able to leave for my studies in Texas, primarily because Synthia was in South Carolina to assist my father.

7. After I returned to Texas, I sent a notarized letter to my brother per his request. He advised that he would be using the letter in an attempt to get power of attorney to assist with my father. My sisters were to send similar letters.
8. My brother later commented that the judge had had him investigated and that he did not get the power of attorney through the judge. I understand that my father was very reluctant to give my brother power of attorney but was eventually persuaded to do so to facilitate him getting the care he needed.
9. Whenever I was able to do so, I would come to South Carolina to visit my father.
10. Sometime in 2004, I saw some paperwork from the Department of Defense that my father had been filling out. He had written the names of David, Sherry, Synthia, and me as beneficiaries, and I believe he had also written our Social Security numbers and signed the document. I know he had not written in the percentages beside any of our names.
11. My brother and I discussed whether we should go ahead and write in "25%" for each child or ask my father's very good friend General George Price to handle this matter. I remember us agreeing that General Price should handle dealing with this document. We left it blank.
12. I believe my brother later filled in the document and sent it to the Department of Defense.
13. In 2004, David showed me that there were other important documents and possessions of my father's that were hidden in a hole in the wall of the closet in my father's study.

14. I do not know when these items were removed, but the hole had been emptied by the second year after my father's stroke.

15. Also in 2004, my brother told me that neither of my sisters should get access to their share of our parents' money. He stated that they would either drink or drug themselves to death with it. I argued that when our father died, we should each receive whatever his will specified.

16. I knew that my father's will was in his safe deposit box. At one point David told me that he would tell me when he was able to access the safe deposit box. Around the end of the second year or the beginning of the third year after my father's stroke, my brother told me during a telephone conversation that he had found a document that gave me 37 percent of my father's estate. He asked me what I thought about that, and I stated that after my father's passing we siblings could probably work that out among ourselves.

17. I was in Orangeburg with my father shortly before he died. I needed to return to Dallas to get some cardiological tests performed, and I did so. My father died the day after my tests were done. I returned to Orangeburg.

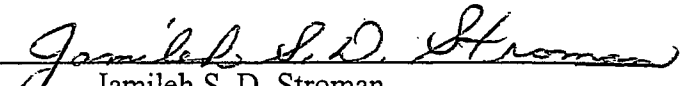
18. The night before the wake and viewing of my father's body, David told Synthia that she had better get a lawyer. When I asked my brother what was going on, he told me I wasn't going to like it. I pressed him for details, and he said that everywhere my father's name was listed as the owner of property or accounts, his own name was immediately listed under my father's. He said that everything was his and that there was nothing left to fight over but the cars. He said that from then on he was looking out for himself and nobody else.

19. At my father's memorial service at the church, I sat between David and Synthia. Sherry came and told me to scoot over so that she could sit next to David. They communicated only with each other during the service.
20. That night, my brother yelled at me that I had abandoned my father.
21. In the following days, I stopped off at the courthouse and picked up four sets of probate papers, one for each of me and my siblings. When I suggested that we all sit down and talk about it, Sherry told me to give her set of papers to David. David told me to give him his set of papers later.
22. During the time following the funeral service in Orangeburg, Sherry and David would giggle and laugh together, then become very quiet when I entered the room.
23. When I asked David for one of the many copies of my father's death certificate he had gotten from the funeral parlor, he would not give me one. When I suggested that I would request one directly from the same person he got them from, he said he would tell them not to give me one because he was paying the funeral bill.
24. On the day I left Columbia to fly back to Dallas, one of my uncles was there with Sherry, my brother, and myself. While my uncle was present, I asked David for a copy of our father's death certificate. He did not refuse me in front of our uncle. He said he would get me one in just a minute. He acted as though he were looking for a copy in various places for a while, and he appeared quite angry. Finally, he went to the garage and returned with a copy of the death certificate, which I put in my purse. Shortly afterward, he got up and started loading my bags into the trunk of the car we were taking to the airport. He grabbed my purse and headed for the door, claiming he had to go gas up the car right then. I ran after him and grabbed my purse out of the car. He was furious.

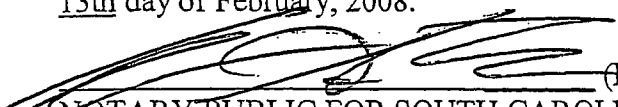
25. He came back into the house and at first sat at the table with my uncle and me. Then he went upstairs. He came downstairs and accused me of having stolen a bag of diamonds that my father had been keeping on a closet shelf in the room where I had been sleeping. I never even knew that my father had any bags of diamonds in the house. My brother insisted that he search my purse, which I opened for him to look into. It occurred to me that my brother was trying to trick me so that he could get the copy of the death certificate back.
26. While this was going on, Sherry was walking around and dabbing her eyes. I asked her if she thought I had stolen any diamonds. In a small voice, she said, "No," and went upstairs.
27. My father was actually buried later, at Arlington Cemetery in Virginia. Following the ceremony at Arlington, there was a gathering of my father's friends and family. At one point, David gave Sherry a credit card of my father's and sent her to buy more liquor for the party. During the party, David told people that he had taken every dime from "those bitches" and was going to "spank them good." He stated that Synthia and I would never get a dime of my father's money.
28. Years before his stroke, my father had told my siblings and I that, in addition to our other inheritance, which we did not discuss, there was an account for each of us with \$100,000.00 in it, and ownership of each account would transfer to us upon my father's passing. Neither I nor Synthia nor, to my knowledge, Sherry has ever received any such funds.
29. I believe my brother has been appropriating assets of my father's estate for his own use. I know that he signed deeds to himself of my father's house and another property in Orangeburg that are dated the day before my father died.

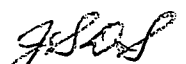
JSS

FURTHER AFFIANT SAYETH NOT.


Jamileh S. D. Stroman

SWORN to before me this
13th day of February, 2008.

 (L.S.)
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires 5/21/2017



STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

IN THE COURT OF COMMON PLEAS
CASE NO.: 2008-CP-38-310

IN RE:

Estate of Samuel D. Stroman,
Decedent,

Jamileh S.D. Stroman,
Petitioner,

vs.

Synthia D. Stroman; Samuel D. Stroman
II; and Sherolyn D. Stroman;

Respondents, being the other
Devises of the Decedent.

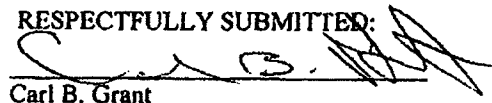
REPLY TO MOTION FOR ORDER
OF REFERENCE AND
DEMAND FOR JURY TRIAL

08 MAR -6 PM 2:00

TO: PLAINTIFF JAMILEH S.D. STROMAN, SYNTHIA D. STROMAN, SHEROLYN
D. STROMAN, AND JAMES C. HARRISON, JR., ESQUIRE.

YOU WILL PLEASE TAKE NOTICE that Samuel D. Stroman, II, by and through his
undersigned counsel, Carl B. Grant, replies to the above Motion For Order Of Reference
as follows. The motion was received by Mr. Stroman's attorney on March 3, 2008. All
allegations in the motion that are not expressly admitted in this reply are hereby deemed
denied. Additionally, Mr. Stroman hereby **demands a jury trial** in the court of common
pleas on all issues pertaining to this action. Mr. Stroman requests a hearing and argument
on this matter.

RESPECTFULLY SUBMITTED:


Carl B. Grant
Attorney for the Defendant

March 6, 2008

STATE OF SOUTH CAROLINA

COUNTY OF ORANGEBURG

IN THE COURT OF COMMON PLEAS

CASE NO. 2008-CP-38-310

In re:

Estate of Samuel D. Stroman,

Decedent.

Jamileh S.D. Stroman,

Petitioner,

vs.

Synthia D. Stroman; Samuel D. Stroman
II; and Sherolyn D. Stroman;

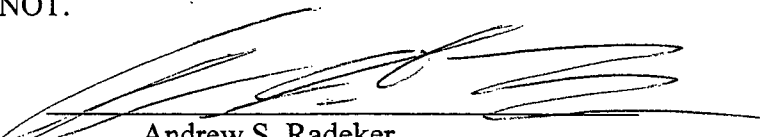
Respondents, being the other
Devises of the Decedent.

AFFIDAVIT OF DEFAULT

FILED FOR RECORD
LISA W. HIZELL
CLERK OF COURT
ORANGEBURG, SC
2008 JUN -4 P 2:47

I, Andrew S. Radeker, an attorney with the law firm of James C. Harrison, Jr., P. A., Attorneys for Petitioner Jamileh S.D. Stroman and Respondent Synthia D. Stroman, do hereby depose, say, and certify that the Summons and Petition in the above-captioned action were served upon Respondent Sherolyn D. Stroman on the 20th day of September, 2007, as evidenced by the attached Affidavit of Service of Brandon A. Snesko, a person who is not a party to this action and has no interest therein or connection therewith; that more than thirty (30) days, exclusive of the date of service, have elapsed since the service of the Summons and Petition as aforesaid, but that Respondent Sherolyn D. Stroman has served no answer, notice of appearance, or any other pleadings as required by said Summons; and that Respondent Sherolyn D. Stroman is now in default.

FURTHER AFFIANT SAYETH NOT.


Andrew S. Radeker

SWORN to before me this
4th day of June, 2008.

 (L.S.)
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 9/4/17

STATE OF SOUTH CAROLINA

COUNTY OF ORANGEBURG

IN THE COURT OF COMMON PLEAS

CASE NO. 2008-CP-38-310

In re:

Estate of Samuel D. Stroman,

Decedent.

Jamileh S.D. Stroman,

Petitioner,

vs.

**Synthia D. Stroman; Samuel D. Stroman
II; and Sherolyn D. Stroman;**

**Respondents, being the other
Devises of the Decedent.**

**MOTION FOR SAMUEL D.
STROMAN, II, TO SURRENDER
ESTATE PROPERTY TO SPECIAL
ADMINISTRATOR**

**TO: RESPONDENT SAMUEL D. STROMAN II, AND HIS ATTORNEY, CARL B.
GRANT, ESQ.:**

YOU WILL PLEASE TAKE NOTICE that Petitioner Jamileh S.D. Stroman and Respondent Synthia D. Stroman hereby move before this Court pursuant to S.C. Code Ann. §§ 62-3-617, 62-3-620, 62-3-709, and all other applicable law, for the Court to Order Samuel D. Stroman, II, to surrender to the Special Administrator, if one is appointed, all property of the Estate that is being held by Samuel D. Stroman, II.

The Petitioner Jamileh S.D. Stroman and Respondent Synthia D. Stroman so move on the following grounds:

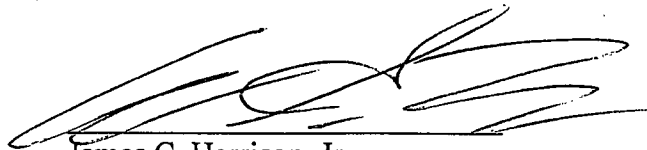
1. The Decedent, Samuel D. Stroman, died on September 21, 2006. The Decedent was the father of the parties to this action.
2. A power of attorney document was executed prior to the Decedent's death that states that it made Samuel D. Stroman, II, attorney-in-fact for the Decedent. A copy of this document is attached hereto.

3. This power of attorney document did not give Samuel D. Stroman, II, the power to make transfers of any sort of his father's property to himself.
4. As is shown by the materials attached hereto, Samuel D. Stroman, II, changed the ownership designations for at least two of his father's bank accounts to have "Samuel D. Stroman II POA" listed as a joint owner of the accounts.
5. During the month of December in 2006, after the Decedent had died, Samuel D. Stroman, II, removed at least \$171,123.82 from at least one of these accounts.
6. Also during December of 2006, Samuel D. Stroman, II, deposited \$107,496.86 to his personal checking account, and he apparently attempted to deposit \$355,365.44 to his personal checking account.
7. Any status Samuel D. Stroman, II, held as attorney-in-fact for his father terminated as of his father's death on September 21, 2006. E.g., Franklin v. Chavis, 371 S.C. 527, 535, n. 7, 640 S.E.2d 873, 877 n. 7 (2007). Accordingly, since "Samuel D. Stroman II POA" had ceased to exist, at the moment of the Decedent's death, the money in these accounts became the property of the Estate of Samuel D. Stroman. See id.
8. In any event, Samuel D. Stroman, II, had no power to make gifts to himself under the power-of-attorney at any point. E.g., Fender v. Fender, 285 S.C. 260, 262, 329 S.E.2d 430, 431 (1985).
9. Samuel D. Stroman, II, has been using and exercising control over property of the Decedent's estate since the Decedent's death. As is shown by the Affidavit of Jamileh S.D. Stroman attached hereto, Samuel D. Stroman, II, stated that he intended to usurp ownership and control of the Decedent's assets.

10. Pursuant to S.C. Code Ann. § 62-3-617, a special administrator has the power of a general personal representative, except to the extent the Court limits those powers.
11. Pursuant to S.C. Code Ann. § 62-3-709, "every personal representative has a right to, and shall take possession of, the decedent's property[.]"
12. The Court should Order Samuel D. Stroman, II, to surrender all property of the Estate immediately to the Special Administrator, such property including, but not being limited to, all the funds taken from the aforementioned bank accounts.
13. This Motion is also based upon all applicable statutory law, case law, common law, and the record in this action.

Upon information and belief, communication with opposing counsel concerning the resolution of the matter subject of this motion would serve no useful purpose.

Respectfully submitted,



James C. Harrison, Jr.
Andrew S. Radeker
JAMES C. HARRISON, JR., P.A.
Post Office Box 50143
Columbia, South Carolina 29250
(803) 779-2211
(803) 779-6700 (facsimile)
jimharrison@mindspring.com (email)
drewradeker@mindspring.com (email)

ATTORNEYS FOR PETITIONER
AND FOR SYNTHIA D. STROMAN

Columbia, South Carolina

September 5, 2008

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

IN THE COURT OF COMMON PLEAS

CASE NO. 2008-CP-38-310

In re:

Estate of Samuel D. Stroman,

Decedent.

Jamileh S.D. Stroman,

Petitioner,

vs.

**Synthia D. Stroman; Samuel D. Stroman
II; and Sherolyn D. Stroman;**

**Respondents, being the other
Devises of the Decedent.**

MOTION TO AMEND

TO: RESPONDENT SAMUEL D. STROMAN II, AND HIS ATTORNEY, CARL B. GRANT, ESQ.:

YOU WILL PLEASE TAKE NOTICE that Petitioner Jamileh S.D. Stroman and Respondent Synthia D. Stroman hereby move before this Court pursuant to Rules 15 and 19, SCRPC, and all other applicable law, for an Order permitting the amendment of the movants' pleadings in this action to assert additional causes of action against Respondent Samuel D. Stroman, II, and to reflect that Jamileh S.D. Stroman and Synthia D. Stroman seek relief jointly in this action.

The Petitioner Jamileh S.D. Stroman and Respondent Synthia D. Stroman so move on the following grounds:

1. Leave to amend a pleading shall be freely given when justice so requires and the grant of such leave does not work prejudice to the other party. Rule 15, SCRPC, strongly favors amendment, and courts are encouraged to freely grant leave to amend.

2. The party opposing amendment has the burden of establishing that the motion should not be granted.
3. Rule 19, SCRCF, permits a person joining in a plaintiff's requested relief to be made a plaintiff in an action.
4. Jamileh S.D. Stroman and Synthia D. Stroman have claims and defenses they should be granted leave to amend their pleadings to allege.
5. Respondent Samuel D. Stroman, II, will be unable to show that amendment will work sufficient prejudice to it for the Court to deny leave to amend.
6. This Motion is also based upon all applicable statutory law, case law, common law, and the record in this action.

Upon information and belief, communication with opposing counsel concerning the resolution of the matter subject of this motion would serve no useful purpose.

Respectfully submitted,



James C. Harrison, Jr.
Andrew S. Radeker
JAMES C. HARRISON, JR., P.A.
Post Office Box 50143
Columbia, South Carolina 29250
(803) 779-2211
(803) 779-6700 (facsimile)
jimharrison@mindspring.com (email)
drewradeker@mindspring.com (email)

ATTORNEYS FOR PETITIONER
AND FOR SYNTHIA D. STROMAN

Columbia, South Carolina

September 5, 2008

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF ORANGEBURG)

CASE NO.: 2008-CP-38-310

In re:)

Estate of Samuel D. Stroman,)

Decedent.)

Jamileh S.D. Stroman,)

Petitioner,)

vs.)

Synthia D. Stroman; Samuel D. Stroman, II;)

and Shelolyn D. Stroman;)

Respondents, being the other)

Devises of the Decedent.)

Reply to Motion to Appoint Special
Administrator

2008 SEP 24 A 9:35
CLERK OF COURT
JANICE K. HARRIS
CLERK OF COURT

TO: ANDREW S. REDEKER, ATTORNEY FOR PETITIONER, JAMILEH S.D. STROMAN:

NOW COMES RESPONDENT, Samuel D. Stroman, II, by and through his undersigned counsel, replying to Petitioner's Motion to Appoint Special Administrator as follows:

1. Respondent opposes the appointment of a Special Administrator of his father's estate.
2. Respondent has been handling all of the business matters pertaining to his father's estate since his death on September 21, 2006 and took care of his father and his father's business affairs during his illness and his unfortunate death.
3. It was his father's wishes that Respondent handle all of his business affairs.
4. Regarding the affidavit of Jamileh S.D. Stroman, Respondent Samuel D. Stroman, II, denies every express or implicit allegation she makes alleging an intention by him to appropriate

the assets of his late father's estate solely for his personal use. In fact, Respondent has previously offered , in good faith, Jamileh S.D. Stroman an opportunity to settle this litigation and serve with him as co-personal representative of his father's estate.

5. Mr. Stroman has submitted his affidavit in opposition to this motion which is attached hereto and incorporated by reference herein.

Accordingly, Mr. Stroman prays that the Petitioner's Motion to Appoint a Special Administrator is hereby dismissed.

Respectfully submitted,



Carl B. Grant
The Law Firm of Carl B. Grant, P.A.
960 Doyle Street
P.O. Box 1203
Orangeburg, South Carolina 29116
(803) 536-4011

September 24, 2008
Orangeburg, South Carolina

1. I am Samuel D. Stroman son of Samuel D. Stroman, whose last residence was in Orangeburg, South Carolina, My father was a colonel in the United States Army, as well as a professor at South Carolina State University until his retirement from the University.

2. I have three sisters Synthia D. Stroman, Sherolyn D. Stroman and Sandera D. Stroman (Jamileh) .

3. Cleo Ables Stroman who passed away in 1997 is my mother.

4. Dr. Samuel D. Stroman suffered a hemorrhagic stroke during the summer of 2003. My father was hospitalized afterwards, and he continued to need care for the rest of his life. I was called on July 31 2003 by my aunt in Orangeburg and tolded that my father has had a stroke. I was living in Washington D.C. when I received this devaststing information. I immediately rushed to mt fathers side at Palmetto Regional Hospital. Upon my arrival I was informed that my father would not make it through the night. I was tolded that he had had a hemmorrhagic stroke and could be suffering from swelling of the brain. The doctors felt that I should have them administer a lethal dose of morphine. I was told that my father would never be able to eat or breathe on his own. Having had medical trainning I knew all to well the picture that was being painted before me. I asked to see his x-rays, the nurse had a smirk on her face until I started reading the film and asking her medical pertinent questions which she could not answer. I asked to see the neuro surgeon so I could ask him the treatment plan to save my fathers life.

The neuro surgeon appeared before me with the nurse and a host of other medical personal. He took my fathers x-rays and asked me what I think I see. This is the opportunity that I was looking for, I told him that the films show that my father has had

2006 SEP 24 9:36
FILED FOR RECORD
LISA W. NIELL
CLERK OF COURT
ORANGEBURG, SC

a major hemmorrhage stroke. At that time I also told him that it appears to be located in the left frontal lobe . The neuro surgeon smiled and asked me to continue, I also told him if the blood was not removed or a pathway to relieve the intracranial pressure that he would die. The neuro surgeon asked what would lead to the possibility death. I told him that the intracranial pressure would lead to brain shift which would suppress the hypothalamus the area in the brain that controls breathing.

The last thing I told the surgeon that his blood count was low and he would also need blood as well as to be put on a life support after surgery. The neuro surgeon told me the risk and had my father taken to the operating room to give my father a fighting chance at life. The surgery took over four hours, upon completion of the operation the neuro surgeon said the the area in my fathers brain that had the bleed had stopped the hemmorrhaging on its own. He explained that the area had powered blood, his treatment plan was to clean out as mush blood as he could without hurting live brain tissue. The neuro surgeon also told me that my father was a lucky man to have such a fighter for a son. I told him that I was blessed to have such a wonderful father.

5. My father was put on life support to aid in his recovery, by no means was he out of the woods in terms of his stability. He was fighting for his life and I was fighting with him. Jamileh was more concerned with his finances than the condition of her father. I explained to her that her father was fighting for his life that was what was at hand not his finances at that time. The very idea of my being remotely thinking about lawyers at this time is insane.

6. Jamileh Stroman claims she had trouble leaving her father to return to her job and her studies is completely outrageous. Jamileh Stroman was more concern with getting money for her studies than she was with the outcome of the condition her father was facing at the time. She went around asking everyone who she thought could help her. I told Jamileh that I would cash in my bonds to help her with her studies and to stop asking people for money. The very idea that I used profanity with this offer is a lie. She seems to think that she could tell the court anything and not have to answer to statements that's not true.

Jamileh claims she felt better leaving my father with Synthia being here with me. This again is another lie that she knows that Synthia Stroman left the day after she did. My sister Sherry Stroman left the same time . Jamileh Stroman knows fully well that I was here with my father from August 1 2003 until the day he died September 21 2006. Why she would out and out lie about the facts of witch she knows shows her total disregard for the truth. Jamileh Stroman was given every airline ticket as well as all cost for her studies throughout her fathers illness as well as that she needed at the time of his death. I not only put my father first but, also made sure that my sisters got what they needed. My Sister Synthia's gas, water and electric was cut off sometime in 2005. She called telling me she had run into some problems, she stated that she would pay her father back. I had all of her bills paid so she would not have that stress to deal with. During that time she was not working but told me that she was . Synthia Stroman could have come and help her father, she chose not too. The very fact that she had five months in witch she could have been with her father is sad and a lost . Jamileh and Synthia Stroman had very little interest in help that would aid their father. This comes as no surprise for they did the samething when their mother had a stroke. I took care of my mother for seven years when she had a stroke until the day that she died. Synthia and Jamileh did the samething and that

was go on with their lives for they knew that I would stop whatever I was doing to make sure that my parents were well taken care of.

7. The notarized letters were not needed because my father was able to sign power of attorney for himself for me to act in that capacity. The letters that I asked for were if he could not sign .

8. This statement makes absolutely no sense at all. Why would a judge investigate me, who was this judge, and why would I need one to get power of attorney. She stated that my father was reluctant to give me power of attorney, how would she know not even being in the state of South Carolina . My father had trust in me way before he became ill. He told me that he was very proud of me and that the time and love that I gave my mother was pure love. He also stated to me that if he became ill would I do for him that which was done for my mother. I looked him in his eyes that were full of tears and told him I would do the same for him as I did for my mother.

9. Jamileh Stroman stated she would come to South Carolina when she was able to. Well her father had an illness that far exceeded a when ever I could need. When my father came home he needed round the clock care. I had the honor and the blessing of being allowed to give him what he needed in his time of need.

10. My father had a Department of Defense paperwork that he had written in names and Social Security numbers and signed without the percentages. That paper was never given to the Department of Defense. The papers he himself gave to the Department of Defense were the ones that were used.

11. I did discuss that we should put in "25%" for each child. However I did not agree that General George Price should have anything to do with that process. General Price did not take care of my fathers needs why would I ask him to enter into this matter. Jamileh Stroman was so far removed from the needs of her father it stands to reason that she would seek outside help.

12. With Jamileh making a statement that I later filled in the document and sent it to the Department of Defence is another lie which she has no problem in telling. She exhibits the total characteristics of a manicdepressive person.

13. The statements by Jamileh Stroman about documents hidden in a hole in the wall of my fathers closet sounds down right foolish. I don't know how to answer such levels of deceit. My father has a door in his study^{to} enter over the room below to allow the ability to put in insulation.

14. There were no documents in a hole in the wall.

15. Miss Jamileh Stroman should be ashamed of stating such deplorable unfounded abhorrent/allegations about her sisters. I have to much love and respect for Synthia and Sherry Stroman to ever imply such foolish statements. I never said any of the lies she stated I said. Jamileh Stroman has sunk to an all time low in attacking her sisters, she shows no regard for any of her family members. The level and the manner in which she lies has no bottom. I love my sister Jamileh and I feel pain for the abhorrent statements about her sisters.

Sherry and Synthia are not and never be anywhere colse to the lie that Jamileh wrote.

16. My father's will was never in his safe deposit box, it has always been in this house. Jamileh had a copy of the copy that is in this house and has had it in 2003. Why she would lie about it being in a safe deposit box only she knows. I never had a conversation with her stating that any document was found anywhere saying she should get 37% of her father's estate. This as well as most of the statements she has produced are just a pack of lies that somehow she feels she ^{is} present to the courts.

17. Jamileh always has and had for three years and two months something she had to do for herself. Her father never took a back seat to whoever and whatever she felt was more important than the needs of her father. Jamileh claims that when she got her degree she would take time off and help with her fathers needs. When she got her degree it was in May of 2005. After she got her degree she did not take off to help, my father lived another year and four months. Jamileh's actions showed all anyone needed to see and that was her father was of little importance to her own selfish wants and needs.

18. The night before the wake and the viewing of my fathers body I did not have time to entertain any of the lies Jamileh has stated. Jamileh and Synthia Stroman did not lift a finger to make any arrangements for their father;s funeral. I picked out my fathers casket, got the flowers, had his uniform cleaned and his medals placed on that uniform. I never said everything was mine, that is another lie. Jamileh Stroman feels she can just lie without any thought of truth. I have never in my life made the statement that I am looking out for myself and nobody else. Jamileh never pressed me for details about anything that is a lie as well.

19. The memorial service at the church was a very painful day for me, the idea that she could pull up something negative about the services is sad. Jamileh is just a bitter sad hollow old woman. She has no regard for herself so it stands to reason that to lie means nothing to ^{her} as she has done through her entire affidavit.

20. I did not tell her she had abandoned her father, she never was ever present long enough to put in time with him that would equal any form of abandonment. Jamileh and Synthia were not there for their father from the start of his illness or their mother's illness as well

21. Jamileh didnot suggest we all sit down and talk, she never gave me probate papers.

22. Jamileh's view of the feelings after a funeral are very sad. I was not in a giggle and laugh together mood. My sister Sherry was deeply feeling pain and lost of her father as well as myself.

23. When Jamileh asked for a death certificate I gave her two. She states that I would not give her one this is another lie. Jamileh never stated she would get one from the funeral parlor she didnot have to. Why she would lie and state that I said that I was paying the funeral bill and would not give her a copy of the death certificate she only knows.

24. Jamileh was acting very strange the day she was to return to Dallas, after she left I foundout she had taken all of the death certificates. Jamileh also had taken a bag of loose diamonds, also other items in the house.

25. Same answer as 24

26. Sherry didnot know what my father had in the room Jamileh was sleeping in.

27. Miss Jamilleh Stroman states that her father was buried at Arlington Cemetery in Virginia this is correct. What Jamileh is not stating is the fact that her and Synthia once again did not lift a finger to help with the funeral services at Arlington. The process to have my mother and father be able to be together in Arlington was a long and difficult task. My mother had died in 1997 and her body was put to rest at Belleville Cemetery here in Orangeburg. The services in Arlington could not take place until November 15th 2006. Mt father's body had to be stored at Simmon;s Funeral Home here in Orangeburg for one month three weeks and four days.

During this time I had to contect the Department of Defense and Arlington National Cemetery to make the arrangements for both of my parents. I had to produce my father;s DD2-14 along with his death certificate and his marriage certificate. The same process had to be done for my mother, of course these items had to be given to prove that in fact they were husband and wife. The papers for my father were here in Orangeburg, my mother's needed papers were in Washington. I had to contect all the places in Washington and wait for them all to respond, then send the imformation to Arlington National Cemetery. While I was going along with this course of action I got a letter from a attorney in October 2006 stating that Jamilen and Synthia wanted to know what was in the estate of my father. Jamileh and Synthia Stroman showed once again that they could careless about what needed to be done for both of their parents funeral.

Jamileh also stated that people told her statements that were allegedly made by me. First of all this was a very important day for me my mother had asked me to put her to rest with my father that was nine years in the making, her wish was done on this day. I was happy and sad at the same time, my heart was broken my soul was deeply affected by this day Nov. 15th 2006. the very idea of making any negative statements on this day or any other day are lies.

Many of my parents friends were at the house for the repast in Washington. Some people wanted liquor to help with the days events. I did provide the money for whatever was needed, I also give Jamileh and Synthia as well as Sherry money to cover the needs of that day.

28. These are Jamileh's statements between her and her father. However he did not share the same statements with me.

29. I have never appropriated one single penny of my father's estate for my own use. The deeds to the house as well as the property in Orangeburg were what my father wanted me to have. My father died the day after this was done but he told many of his friends that this house as well as his property in Orangeburg belong to me.

My father and mother had to be transported to Arlington National Cemetery by November 15th 2006. My mother had to be exhumed from her grave in Belleville Cemetery so she could take her final journey to Arlington National Cemetery. My father was still at Simmon's Funeral Home. Jamileh and Synthia Stroman had no concern how these actions were going to take place. They never called to ask what they could do to help make the process happen. The idea of Jamileh wanted to have personal representative when she did very little to see that her father got what he needed when he was living. My father told many of his friends that he wanted me to handle his estate .

During the day after the funeral here in Orangeburg Jamileh stated "this house belongs to David", "the cars should be his as well" I have people who are willing to testify to those remarks Jamileh made on that day. Jamileh also stated she wanted me to give her \$20.000 in her account, people will testify to that as well. Before my father died he was in the hospital in Lexington, we would stay the night with him. On one over night stay my sister Jamileh stated to my aunt that she was so tired. My aunt who supported my father and his children throughout his illness, stated that baby I know that you are tired but what do think your brother has been doing for three and a half years. Jamileh was talking to my aunt on the phone she stated "fuck-you" to my aunt. At this point my aunt thought she was talking to someone in the room, my aunt asked her what was going on Jamileh stated "fuck-you " and slamed the phone down.

I remember sometime during the spring of 2004 I went to Columbia to pick-up Jamileh from the airport. My father was having issues passing his stool, I told Sherry if daddy has a problem while I was out getting Jamileh call an ambulance. Sherry called me and told me that daddy was having problems, I told her to call the ambulance. What happen after I got off the phone with Sherry shocked me to the pit of my soul, Jamileh turned to me after knowing her father was having problems and stated "we would loose 50% of his estate if he died". I was so upset by her cold and uncaring statement I could not say a word. Jamileh didnt ask what was wrong with her father, keep in mind she had not seen him for months. She was not concern at all what he was going through at that time.

During the same year that her father became ill ,she stated to me that I should give her \$10.000 a year. I told her her father was sitting in the other room and she should go and tell him she wanted \$10.000 a year. Jamileh would not go into the room and ask him such a question. She knew that my father would have told her she was out of her mind. Jamileh also called a friend of the familys and stated "David does not know what he is doing" "please tell him to let her handle the monetary affairs". From the start of my fathers illness Jamileh has only had concerns about her fathers money.

What can you say about ^{two}~~two~~ people (Jamileh & Synthia) who have done very little for their mother or father in their time of need. I dropped everything in my life to care for my mother for seven years from the day of her stroke Aug. 26 1991 to the time of her death Jan. 16th 1997. When my father became ill I did the same from the time of his illness July 31 2003 to the time of his death Sept. 21 2006 .

There is the case against The Oaks where my father was thrown head first into the window of their transport van. My father was placed in the middle of their van, the driver elected not to follow state laws in the transport of the patients. My father sustained a concussion, broken nose and many cuts and bruises. He also started to have seizures after the event. I had the Power of Attorney when this happen, the Oaks wants to settle out of court. The only way the process came be done if I am appointed as the Personal Representative of my fathers estate.

The Oaks also has a case in which they recommended the wrong leg support for my fathers leg. This lead to my father to develop a ulcer, that lead to a blood infection . My father had to have surgery, and be in the hospital for sixteen dasy. He had pain and problems with his leg for the remainder of his life.

I was with my father through all his hospital stays, from Palmetto Regional to Palmetto Baptist to Orangeburg Regional. When my father came to the Oaks I was their everyday to insure that he was well taken care of. I would go early in the morning and stay until I put him to bed at night. Sometimes I would come at anytime during the night or day to check on his condition. When my father finally returned home I made sure he was fed, got the meds that he needed. I was with him all day and night just giving he the attention that he needed and all the love I had to give. I would shave, wash clean my father when ever he needed to have this done.



6-19-08

 6/19/08

**STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG**

IN THE COURT OF COMMON PLEAS

CASE NO. 2008-CP-38-310

In re:

Estate of Samuel D. Stroman;

Decedent.

**Jamileh S.D. Stroman and Synthia D.
Stroman,**

Plaintiffs/Petitioners,

vs.

**Samuel D. Stroman, II, and Sherolyn D.
Stroman;**

**Defendants/Respondents, being
the other devisees of the Decedent.**

**AMENDED PETITION
AND COMPLAINT**

**FILED FOR RECORD
LISA W. MIZELL
CLERK OF COURT
ORANGEBURG, SC
2008 SEP 24 A 11:35**

The Plaintiffs/Petitioners, complaining of the Defendants/Respondents herein, allege:

1. Plaintiff/Petitioner Jamileh S.D. Stroman is a citizen and resident of the State of Texas.
2. Plaintiff/Petitioner Synthia D. Stroman is a citizen and resident of the District of Columbia.
3. Defendants/Respondents Samuel D. Stroman, II, and Sherolyn D. Stroman are residents of Orangeburg County, South Carolina.
4. The Decedent, Samuel D. Stroman, died on September 21, 2006.
5. The Plaintiffs/Petitioners and the Defendants/Respondents are the children of the Decedent, Samuel D. Stroman.
6. The Plaintiffs/Petitioners and the Defendants/Respondents are, upon information and belief, the sole devisees of the Decedent.

ATTEST TRUE COPY
[Signature]
CLERK OF COURT
ORANGEBURG COUNTY, SOUTH CAROLINA

7. Pursuant to the Order of the Honorable Pandora L. Jones-Glover that removed this action from the Probate Court to the Circuit Court from the Orangeburg County Probate Court on February 13, 2008, this Court gained jurisdiction of this action.

8. This Court has jurisdiction of this action.

9. The Petition for Formal Testacy and Appointment filed September 12, 2007, in the Orangeburg County Probate Court is attached hereto and is incorporated herein by reference as if here set forth verbatim.

10. A power of attorney document was executed prior to the Decedent's death that states that it made Samuel D. Stroman, II, attorney-in-fact for the Decedent.

11. This power of attorney document did not give Samuel D. Stroman, II, the power to make transfers of any sort of his father's property to himself.

12. Samuel D. Stroman, II, has been using and exercising control over property of the Decedent's estate since the Decedent's death.

13. Samuel D. Stroman, II, has misappropriated assets of the Estate of the Decedent, taking them for himself after the Decedent's death.

14. Samuel D. Stroman, II, also misappropriated assets of the Decedent while the Decedent was alive.

15. Samuel D. Stroman, II, changed the ownership designations for at least two of his father's bank accounts to have "Samuel D. Stroman II POA" listed as a joint owner of the accounts.

16. At the moment of the Decedent's death, the money in these accounts became the property of the Estate of Samuel D. Stroman.

17. After the Decedent had died, Samuel D. Stroman, II, removed at least \$171,123.82 from at least one of these accounts.

18. Also during December of 2006, Samuel D. Stroman, II, deposited \$107,496.86 to his personal checking account, and he attempted to deposit \$355,365.44 to his personal checking account. This money was and is property of the Estate of Samuel D. Stroman.

19. Samuel D. Stroman, II, intended at all times material hereto and still intends to usurp ownership and control of all or substantially all of the property the Decedent owned during his life.

20. On the day before the Decedent's death, Samuel D. Stroman, II, executed purported deeds to himself of real property owned by the Decedent.

FOR A FIRST CAUSE OF ACTION

21. Each assertion set forth in this pleading that is consistent with the following is incorporated herein by reference as if here set forth verbatim.

22. Samuel D. Stroman, II, holds the property he has misappropriated from the Decedent and the Estate in a constructive trust for the Estate and the Plaintiffs/Petitioners.

23. The property does not legally or equitably belong to Samuel D. Stroman, II.

24. Title to the property is in the Estate and Plaintiffs/Petitioners, according to law.

25. The retention of the property by Samuel D. Stroman, II, is inequitable under these circumstances and given the manner of the property's acquisition.

26. The Court should enforce the trust in favor of the Plaintiffs/Petitioners and require the Samuel D. Stroman, II, to surrender the misappropriated property to the Estate and Plaintiffs/Petitioners, according to law.

FOR A SECOND CAUSE OF ACTION

27. Each assertion set forth in this pleading that is consistent with the following is incorporated herein by reference as if here set forth verbatim.

28. By taking possession and control of the misappropriated property, Samuel D. Stroman, II, has undertaken fiduciary duties to the Estate and Plaintiffs/Petitioners.

29. The Decedent imposed his trust and confidence in Samuel D. Stroman, II.

30. Samuel D. Stroman, II, has violated that trust and confidence, and his breach of fiduciary duties has caused damage to the Estate and to Plaintiffs/Petitioners.

31. Samuel D. Stroman, II, is an executor de son tort with respect to the property he has misappropriated.

32. The Court should require a discovery and account of all property so misappropriated by Samuel D. Stroman, II, and the Court should require him to return the same or the value thereof.

FOR A THIRD CAUSE OF ACTION

33. Each assertion set forth in this pleading that is consistent with the following is incorporated herein by reference as if here set forth verbatim.

34. Upon information and belief, the Decedent's last will and testament has either been hidden by Samuel D. Stroman, II, or has been destroyed by him without the Decedent's knowledge or consent.

35. The Court should declare the Decedent's last will and testament to be lost or destroyed and should probate said will in accordance with the Petition for Formal Testacy and Appointment filed September 12, 2007, in the Orangeburg County Probate Court attached hereto and incorporated herein by reference as if here set forth verbatim, and the Court should appoint as Personal Representative Plaintiff/Petitioner Jamileh S.D. Stroman.

FOR A FOURTH CAUSE OF ACTION

36. Each assertion set forth in this pleading that is consistent with the following is incorporated herein by reference as if here set forth verbatim.

37. All transfers or purported transfers of personal property Samuel D. Stroman, II, made to himself of the Decedent's assets, whether while claiming he was acting as attorney-in-fact for the Decedent or otherwise, were made or purportedly made without Samuel D. Stroman, II, having the power to do so and are thus void.

38. The Court should declare all such transfers and purported transfers to be void and should rescind such transfers and Order all things necessary to the restoration of such personal property to the Estate or, if the rightful current owner(s) of such property are either or both of the Plaintiffs/Petitioners, to such Plaintiffs/Petitioners.

FOR A FIFTH CAUSE OF ACTION

39. Each assertion set forth in this pleading that is consistent with the following is incorporated herein by reference as if here set forth verbatim.

40. The purported conveyance by Samuel D. Stroman, II, as attorney-in-fact of the Decedent to himself of the following-described property is and was a void conveyance:

All that certain piece parcel or lot of land, with improvements thereon, situate, lying and being in Limestone Township, School District No. 5, Orangeburg County, South Carolina, shown as Lot 10 Block JJ, and a triangular portion of a reserved area as shown on a plat of Plantation Block JJ, by John K. Davis, RLS, dated August 15, 1968, and recorded in the Office of the Register of Deeds for Orangeburg County in Plate Book 27 at Page 103, and bounded and measuring as follows: On the North by Lot 11, in Block JJ, and by a pond as shown on a plat hereinabove described and measuring two hundred ninety-seven and three-tenths (297.3) feet; on the East by the remaining portion of the reserved area as shown on the plat hereinabove described and measuring thereon two hundred ninety-five (295) feet; on the South by Tolly Ganly Circle and measuring thereon Two Hundred (200) feet; and on the West by Pruitt Drive and measuring thereon two hundred seventy-four and five-tenths (274.5) feet; all measurements being a little more or less.

Derivation: This being the same property conveyed to Samuel D. Stroman by deed of Nancy B. Smith dated April 3, 2001 and recorded April 3, 2001 in the Office of the Register of Deeds for Orangeburg County in Deed Book 861 at Page 263, and the same

property purportedly conveyed by Samuel D. Stroman by Samuel D. Stroman, II, his attorney-in-fact, to Samuel D. Stroman, II, by purported deed dated September 20, 2006, and recorded September 25, 2006, in the Office of the Register of Deeds for Orangeburg County in Book 1169 at Page 316.

TMS: 0142-20-04-005.000

Property address: 1193 Pruitt Drive, Orangeburg, South Carolina

41. The purported conveyance by Samuel D. Stroman, II, as attorney-in-fact of the Decedent to himself of the following-described property is and was a void conveyance:

All that certain piece, parcel or lot of land, situate, lying and being in Orange Township, Orangeburg County, South Carolina, being designated as Lot No. 7 in Block "K" in Parlerdale Subdivision on plat of said subdivision by C.A. Ferris, R.L.S., dated November 7, 1968, and recorded in the Office of the Clerk of Court for Orangeburg County in Plat Book 28 at Page 11; said lot being bounded and measuring as follows: on the Northwest by Lot No. 5 in Block "K" on said plat and measuring thereon two hundred five feet (205'); on the Northeast by Willow Drive and measuring thereon one hundred forty-five feet (145'); on the Southeast by Lots 9 and 10 on said plat and measuring collectively two hundred five feet (205'); and on the Southwest by Lot No. 6, owned by Wilma McCoy, and measuring thereon one hundred forty-five feet (145'); all measurements being a little more or less.

Derivation: This being the same property conveyed to Samuel D. Stroman by deed of Nettie P. Parler dated June 14, 1974 and recorded June 19, 1974 in the Office of the Clerk of Court for Orangeburg County in Deed Book 398 at Page 255, and the same property purportedly conveyed by Samuel D. Stroman by Samuel D. Stroman, II, his attorney-in-fact, to Samuel D. Stroman, II, by purported deed dated September 20, 2006, and recorded September 25, 2006, in the Office of the Register of Deeds for Orangeburg County in Book 1169 at Page 320.

TMS: 0181-19-07-003.000

42. The Court should rescind, set aside, and declare void these conveyances.

FOR A SIXTH CAUSE OF ACTION

43. Each assertion set forth in this pleading that is consistent with the following is incorporated herein by reference as if here set forth verbatim.

44. All parties who claim or may claim an interest in the aforesaid real property are parties to this action.

45. The Court should partition the aforesaid real property as the Court deems equitable.

46. In the event the Court orders a partition, Plaintiffs/Petitioners should be awarded their attorney's fees and costs pursuant to Rule 71(d)(3), SCRPC.

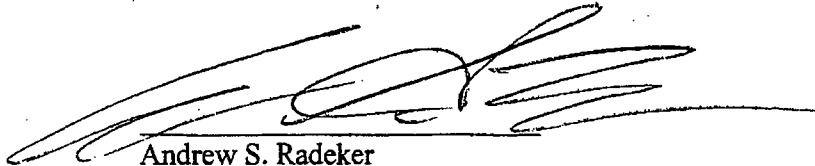
WHEREFORE, the Plaintiff prays for the Court to:

- a) Enforce the constructive trust as aforesaid;
- b) Require a discovery and account of all property misappropriated by Samuel D. Stroman, II, and require him to return the same or the value thereof and/or have such value adjudged to be awarded in the manner of damages against him;
- c) Declare that all transfers or purported transfers of personal property Samuel D. Stroman, II, made to himself of the Decedent's assets, whether while claiming he was acting as attorney-in-fact for the Decedent or otherwise, were made or purportedly made without Samuel D. Stroman, II, having the power to do so and are thus void;
- d) Order all things necessary to the restoration of such personal property to the Estate or, if the rightful current owner(s) of such property are either or both of the Plaintiffs/Petitioners, to such Plaintiffs/Petitioners;
- e) Declare the Decedent's last will and testament to be lost or destroyed;
- f) Probate said will in accordance with the Petition for Formal Testacy and Appointment filed September 12, 2007, in the Orangeburg County Probate Court attached hereto;
- g) Appoint as Personal Representative Plaintiff/Petitioner Jamileh S.D. Stroman;
- h) Rescind, set aside, and declare void the aforesaid purported conveyances of real property to Samuel D. Stroman, II;
- i) Order partition of the said real property;

j) Award the Plaintiffs/Petitioners the costs and expenses of this action, including attorney's fees; and

k) Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Andrew S. Radeker', is written over a horizontal line.

Andrew S. Radeker
JAMES C. HARRISON, JR., P.A.
Post Office Box 50143
Columbia, South Carolina 29250
(803) 779-2211
(803) 779-6700 (facsimile)
drewradeker@mindspring.com (email)

ATTORNEY FOR PLAINTIFFS/PETITIONERS

Columbia, South Carolina
September 24, 2008

STATE OF SOUTH CAROLINA

COUNTY OF: ORANGEBURG

IN THE MATTER OF: ESTATE OF SAMUEL D. STROMAN

IN THE PROBATE COURT

CASE NUMBER: 2007 ES38

APPLICATION FOR

INFORMAL

- ☐ PROBATE OF WILL
☐ APPOINTMENT

(check any that apply)

PETITION FOR

FORMAL

- ☒ TESTACY
☒ APPOINTMENT

Applicant/Petitioner: Jamileh S. D. Stroman

Address: 14600 Marsh Lane #2095, Addison, TX 75001

Telephone: (972) 241-0943

2008 SEP 24 A 11:35
CLERK OF COURT
ORANGEBURG, SC

I. ALL APPLICANTS/PETITIONERS MUST COMPLETE THIS SECTION.

1. Give your relationship to the decedent, if any, and your interest in this proceeding.

Daughter of the decedent; devisee of the decedent.

2. Decedent Information

Name: Samuel D. Stroman

Social Security Number: 248-42-0575

Date of Birth: December 18, 1924

Date of Death: September 21, 2006

Age at date of death: 81

Domicile at date of death: Orangeburg South Carolina
(county) (state)

3. Venue for this proceeding is proper in this county because:

- ☒ Decedent was domiciled in this county at date of death.
☐ Decedent was not domiciled in South Carolina, but property of Decedent was located in this county at date of death.
☐ Decedent has a right to take legal action in this county because:

- 4.a. Names and addresses of devisees in the will including dates of birth of minors. If there are no minors, so state.

Name	Date of Birth	Address	Relationship to Decedent
Jamileh S.D. Stroman	3-9-51	14600 Marsh Lane #2095, Addison, TX 75001	Daughter
Synthia D. Stroman	6-3-54	1135 45th Place S.E., Washington, DC 20019	Daughter
Samuel D. Stroman II	7-31-55	1193 Pruitt Dr., Orangeburg, SC	Son
Sherolyn Stroman	4-22-53	2205 M Street NW, Washington DC 20002	Daughter

(use additional sheet if necessary)

ORANGEBURG COUNTY, SOUTH CAROLINA
Page 1 of 6

- 4.b. Names and addresses of intestate heirs who are not devisees, including dates of birth of minors. If there are no minors, so state. Intestate heirs are the persons who would inherit if the decedent left no will.

Name	Date of Birth	Address	Relationship to Decedent
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(use additional sheet if necessary)

5. Did decedent have any change of marital status or the birth or adoption of any children after execution of this will, if one exists, or has any child of the decedent been born since his death, or any birth of a child of the decedent anticipated? (This includes illegitimate children.)
- ☒ NO ☐ YES If yes, please explain, on page 3.
6. To the best of your knowledge, was the decedent a patient in a South Carolina Mental Health facility during his/her lifetime?
- ☒ NO ☐ YES If yes, please explain, on page 3.
7. Has a guardian or conservator ever been appointed for this person?
- ☒ NO ☐ YES If yes, please explain on page 3.
8. Has a personal representative of the decedent been appointed prior to this date by a Court in this state or elsewhere?
- ☒ NO ☐ YES If yes, please state details, including name and address of such Personal Representative on page 3.
9. Have you received or are you aware of any demands for notice of any probate or appointment proceeding concerning the decedent that may have been filed in this state or elsewhere?
- ☒ NO ☐ YES If yes, please state details, including names and addresses on page 3.
10. Have more than ten years passed since the decedent's death?
- ☒ NO ☐ YES If yes, please state circumstances authorizing tardy probate on page 3.
11. The decedent died with a personal estate of about the value of unknown and real estate of about the value of 165,000. (A full inventory and appraisal, Form #350PC, must be filed within 90 days.) If decedent was non-resident, please attach South Carolina Commission form ET 101.
12. After the exercise of reasonable diligence, are you aware of any unrevoked will and/or codicil(s), other than the one(s) attached hereto, relating to property in this State?
- ☐ NO ☒ YES If yes, please explain on page 3 and then proceed to Section II.

II. IF A WILL EXISTS, PLEASE COMPLETE THIS SECTION.

1. Regarding the decedent's will:

- ☐ The original is attached
- ☐ The original is in the Court's possession
- ☐ An authenticated copy of a will probated in another jurisdiction is attached
- ☐ An authenticated copy of a will not probated in another jurisdiction is attached
- ☒ The will is lost, destroyed, or otherwise unavailable, however, a description of its contents is attached

2. Do you believe, to the best of your knowledge, the will described above was validly executed?

- ☒ Yes ☐ NO If no, please explain on page 3.

3. The date of execution of the will was: _____
codicil(s): _____

4. Are you aware of any instrument or document amending or revoking the will?

- ☒ NO ☐ YES If yes, please explain on page 3.

5. Have you exercised reasonable diligence to determine there is no instrument or document revoking the will?

- ☒ YES ☐ NO If no, please explain on page 3.

6. Do you believe the will defined in "1" above is the decedent's last will?

- ☒ YES ☐ NO If no, please explain on page 3.

COMPLETE EXPLANATION(S) FOR QUESTIONS IN SECTIONS I and II HERE

(If more space is required, use additional sheet.)

me ADS ADS ADS ADS
My brother, Samuel D. Stroman II, advised my sister ~~Synthia~~ and I that my father ~~left~~ left and ~~each~~ each 3% percent of his estate. My brother has advised us that he is in possession of the will but will not submit the same for probate, and he advised my sister and I that he is appropriating the assets of this estate for his own use.

III. IF APPLYING FOR INFORMAL OR FORMAL APPOINTMENT, PLEASE COMPLETE THE FOLLOWING.

1. The name(s) and address(es) of the proposed Personal Representative(s) is/are:

Unknown; the Petitioner seeks that the person named in the decedent's will as Personal Representative be appointed as such, unless the will names Samuel D. Stroman II as Personal Representative.

2. Priority for this appointment is:

- ☒ named as Primary Personal Representative in will
- ☐ named as Alternate Personal Representative in will
- ☐ nominee of above Primary Personal Representative in will
- ☐ nominee of above Alternate Personal Representative in will
- ☐ surviving spouse of decedent who is devisee of decedent or nominee of said spouse
- ☐ other devisee of decedent, (describe): _____ or nominee of said devisee
- ☐ surviving spouse of decedent or nominee of said spouse
- ☐ other heir of decedent (describe): _____
- ☐ creditor (Forty-five days after death must have passed), or nominee of creditor
- ☐ other (describe): _____

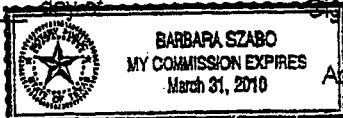
3. List below the names of any other persons, if any, having a prior or equal right of appointment (see priority above).

IV. ALL APPLICANTS/PETITIONERS MUST COMPLETE VERIFICATION.

VERIFICATION

The undersigned, being sworn, states that the facts set forth in the foregoing statement are true to the best of the undersigned's knowledge, information and belief, and hereby submits to the Court's jurisdiction in this matter.

SWORN to before me this 06 day of September, 20 07



Signature: Samuel D. Stroman

Name: Samileh S.D. Stroman

Address: 14600 Marsh Lane, # 2095

Addison, TX 75001

E-mail: _____

Telephone (O): _____

(H): (972) 241-0943

Barbara Szabo
Notary Public for South Carolina Texas
My Commission Expires: March 31, 2010

ORDER OF INFORMAL PROBATE

IT IS HEREBY ORDERED that the above application for probate of a will be ☐ GRANTED ☐ DENIED informally this _____ day of _____, 20 ____.

_____, Probate Court Judge

ORDER FOR HEARING ON FORMAL PETITION

IT IS HEREBY ORDERED that a hearing on this matter be set for:

DATE: _____

TIME: _____

PLACE: _____

Pursuant to Section 62-1-401, the petitioner is ordered to give notice of this hearing to all interested persons at least twenty (20) days prior to the hearing.

Executed this _____ day of _____, 20____

_____, Probate Court Judge

ORDER OF FORMAL TESTACY

On hearing of the above petition, this Court finds that the person is deceased, venue is proper, and the proceeding was commenced within appropriate time limits.

The Court further finds that _____

☐ the decedent died intestate. The heirs are: _____

☐ the decedent died testate. IT IS HEREBY ORDERED that the Last Will and Testament of the above-named decedent, dated _____, be admitted formally to probate.

Executed this _____ day of _____, 20____

_____, Probate Court Judge

SEE ATTACHED ORDER.

ORDER OF APPOINTMENT

IT IS HEREBY ORDERED that the above application/petition for appointment be granted upon the filing of a bond as appropriate, qualification and acceptance.

Executed this _____ day of _____, 20____

_____, Probate Court Judge

QUALIFICATION AND STATEMENT OF ACCEPTANCE

I accept this appointment and agree to perform the duties and discharge the trust of the office of Personal Representative of this estate.

Signature: _____
Name: _____
Address: _____

E-mail: _____
Telephone (O): _____
(H): _____

Signature: _____
Name: _____
Address: _____

E-mail: _____
Telephone (O): _____
(H): _____

Attorney: _____
Address: _____

E-mail: _____
Telephone (O): _____

**STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG**

**IN THE COURT OF COMMON PLEAS
CASE NO. 2008-CP-38-310**

In re:

Estate of Samuel D. Stroman,

Decedent.

AFFIDAVIT OF DEFAULT

**Jamileh S.D. Stroman and Synthia D.
Stroman,**

Plaintiffs/Petitioners,

vs.

**Samuel D. Stroman, II, and Sherolyn D.
Stroman;**

**Defendants/ Respondents, being
the other Devises of the Decedent.**

Personally appeared before me Andrew S. Radeker, who, first being duly sworn, deposes
and says as follows:

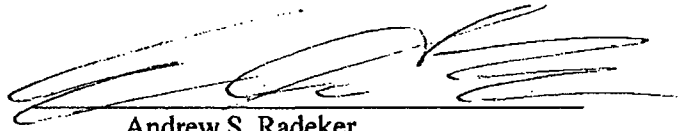
1. I am an attorney with the law firm of James C. Harrison, Jr., P.A., attorneys for the Plaintiffs/Petitioners in the above-captioned action.
2. Pursuant to the Order of the Honorable O. Davie Burgdorf filed September 24, 2008, the Amended Petition and Complaint in this action were served on Defendant/Respondent Samuel D. Stroman, II, through his counsel, in accordance with Rule 5(b), SCRCP, on September 26, 2008, as is evidenced by a certificate of service of record in this action.
3. Pursuant to Rule 15(a), SCRCP, Defendant/Respondent Samuel D. Stroman, II, was required to serve a responsive pleading to the Amended Petition and Complaint within 20 days of the service upon him of the Amended Petition and Complaint (15

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days under Rule 15(a), SCRPC, and an additional five days under Rule 6(e), SCRPC, as the service was by mail).

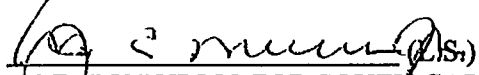
4. More than thirty (20) days have elapsed since the service of the Amended Petition and Complaint on Defendant/Respondent Samuel D. Stroman, II.
5. Nothing purporting to be a responsive pleading of any kind to the Amended Petition and Complaint has been received by me or my law firm in this action; thus, upon information and belief, Defendant/Respondent Samuel D. Stroman, II, is in default of the Amended Petition and Complaint in this action.

FURTHER AFFIANT SAYETH NOT.



Andrew S. Radeker

SWORN to before me this
27th day of October, 2008.



NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: ~~10~~ 9/16/13

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

IN THE COURT OF COMMON PLEAS
C/A No.: 2008-CP-38-310

In Re:

Estate of Samuel D. Stroman,

Decedent,

Jamileh S. D. Stroman and Synthia
D. Stroman,

Plaintiffs/Petitioners,

NOTICE OF MOTION AND
MOTION TO SET ASIDE
DEFAULT

vs.

Samuel D. Stroman, II, and Sherolyn
D. Stroman,

Defendants/Respondents, being
the other Devisees of the Decedent.

TO: JAMILEH S. D. STROMAN AND SYNTHIA D. STROMAN,
PLAINTIFFS/PETITIONERS AND THEIR ATTORNEY, ANDREW S. RADEKER,
ESQUIRE:

YOU WILL PLEASE TAKE NOTICE that the Defendant/Respondent, Samuel D. Stroman, II, through the undersigned attorneys, will move before the Presiding Judge of the First Judicial Circuit, at chambers in the County Courthouse, on the tenth (10th) day after service hereof, or as soon thereafter as counsel may be heard, for an Order setting aside the default of Samuel D. Stroman, II, dated October 27, 2008 on the ground that the undersigned was retained and substituted as counsel to Defendant, Samuel D. Stroman, II, initial counsel. That prior counsel had responded to discovery requests, but failed to respond to the Amended Petition and Complaint. The attached Answer of the Defendant constitutes a general denial of the claims of the Plaintiffs. Also, the filing of

the Answer to the Amended Petition and Complaint does not prejudice the parties and would further the ends of justice.

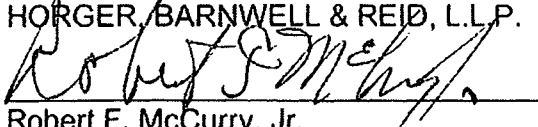
This motion is made pursuant the South Carolina Rules of Civil Procedure and statutory and case law as applicable.

The undersigned hereby affirms that he has, prior to the filing hereof, communicated orally or in writing with opposing counsel and has attempted in good faith to resolve the matters contained herein.

Orangeburg, S.C.

August 1, 2011

HORGER, BARNWELL & REID, L.L.P.

BY: 

Robert F. McCurry, Jr.

Attorneys for the Defendant,

Samuel D. Stroman, II

PO Drawer 329

Orangeburg, SC 29116-0329

(803) 531-3000

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

IN THE COURT OF COMMON PLEAS
C/A No.: 2008-CP-38-310

In re:

Estate of Samuel D. Stroman,

Decedent.

Jamileh S. D. Stroman and Synthia D.
Stroman,

Plaintiffs/Petitioners,

vs.

ANSWER ON BEHALF OF
SAMUEL D. STROMAN, II TO
AMENDED PETITION AND
COMPLAINT

Samuel D. Stroman, II and Sherolyn D.
Stroman;

Defendants/Respondents
being the other Devisees of
the Decedent.

The Defendant, Samuel D. Stroman, II, reserving his rights under any motions filed and to be filed, answering the Amended Petition and Complaint of the Plaintiffs, would respectfully show unto this Honorable Court:

1. The Defendant denies each and every allegation not hereinafter specifically admitted, controverted, modified or denied.
2. The Defendant admits on information and belief the allegations contained in paragraphs 1 and 2 of the Plaintiffs' Amended Complaint.
3. The Defendant admits the allegations contained in paragraphs 3, 4, 5 and 6 of the Plaintiffs' Amended Complaint.
4. Paragraphs 7, 8 and 9 of the Plaintiffs' Amended Complaint contain allegations to which this Defendant is neither required to admit nor deny.

5. The Defendant admits the allegations contained in paragraph 10 of the Plaintiffs' Amended Complaint.

6. The Defendant denies the allegations contained in paragraphs 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, and 28 of the Plaintiffs' Amended Complaint.

7. The Defendant admits the allegations contained in paragraph 29 of the Plaintiffs' Amended Complaint.

8. The Defendant denies the allegations contained in paragraphs 30, 31, 32, 34, 35, 37, 38, 40, 41 and 42 of the Plaintiffs' Amended Complaint.

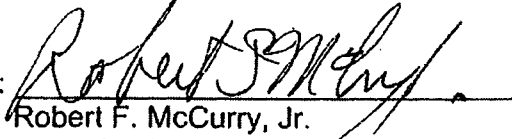
9. This Defendant is without sufficient information to form a belief as to the allegations contained in paragraph 44 of the Plaintiffs' Amended Complaint and would deny same and demand strict proof thereof.

10. The Defendant denies the allegations contained in paragraphs 45 and 46 of the Plaintiffs' Amended Complaint.

WHEREFORE, having fully answered the Amended Complaint, this Defendant would request that the Amended Complaint be dismissed with costs to the Plaintiffs, and would further request that the Court appoint the Defendant, Samuel D. Stroman, II, as Personal Representative of the Estate of Samuel D. Stroman so that the Probate of said estate can proceed in accordance with desires and wishes of the decedent.

HORGER, BARNWELL & REID, LLP

Dated: August 2, 2011

By: 

Robert F. McCurry, Jr.
Attorneys for the Defendant,
Samuel D. Stroman, II
P.O. Drawer 329
Orangeburg, SC 29116
(803) 531-3000

STATE OF SOUTH CAROLINA

COUNTY OF ORANGEBURG

IN THE COURT OF COMMON PLEAS
THE FIRST JUDICIAL CIRCUIT
C/A No.: 2008-CP-38-310

In re:
Estate of Samuel D. Stroman,

Jamileh S. D. Stromand and Synthia
D. Stroman,

Petitioners/Plaintiffs,

-vs-

CERTIFICATE OF SERVICE BY MAILING

Samuel D. Stroman, II and Sherolyn
D. Stroman,

Respondents/Defendants.

I, Sonia L. Hunt, an employee of the firm of Horger, Barnwell & Reid, LLP attorneys for the Plaintiff, do hereby certify that I served a copy of the Answer to Amended Petition and Complaint and Notice of Motion and Motion to Set Aside Default on behalf of the Defendant, Samuel D. Stroman, in connection with the above entitled action on the following, by mailing a copy thereof, postage prepaid and properly addressed to as follows:

Andrew S. Radeker, Esquire
Harrison & Radeker, P.A.
P.O. Box 50142
Columbia, SC 29250

Dated at Orangeburg, South Carolina, this the 15th day of August, 2011.

HORGER, BARNWELL & REID, L.L.P.

BY: Sonia L. Hunt

Sonia L. Hunt
P.O. Drawer 329
Orangeburg, SC 29116

STATE OF SOUTH CAROLINA) IN THE PROBATE COURT
)
COUNTY OF ORANGEBURG) No.: 2007-ES-38-462

In Re:)
Estate of Samuel D. Stroman,)
)
Decedent,)
)
Jamileh S.D. Stroman,)
)
Petitioner,)
)
v.)
)
Synthia D. Stroman; Samuel D.)
Stroman, II and Sherolyn D. Stroman,)
)
Respondents, being the other)
Devises of the Decedent.)
-----)

COPY

MOTION FOR REMOVAL HEARING

Tuesday, February 13, 2008
12:19 p.m. - 12:21 p.m.

The hearing before the Honorable Pandora L. Jones-Glover, Probate Judge for Orangeburg County, was taken at 901 Gibson Street, Orangeburg, South Carolina on the 13th day of February 2008 before Diane M. Hendricks, Court Reporter and Notary Public in and for the State of South Carolina.

APPEARANCES:

Andrew Sims Radeker, Esquire
James C. Harrison, Jr., PA
923 Calhoun Street
Columbia, South Carolina 29201
Attorney for the Petitioner and
for Synthia D. Stroman

Carl B. Grant, Esquire
Law Firm of Carl B. Grant, PA
960 Doyle Street
Orangeburg, South Carolina 29116
Attorney for the Respondent, Samuel D. Stroman, II

Also Present:
Jona Hodges
Jamileh S.D. Stroman
Samuel D. Stroman, II
Sherolyn D. Stroman
Synthia D. Stroman

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EXHIBITS

Exhibit Number One 3
(Case Captions)

1 (Petitioner's Exhibit Number One was pre-marked for
2 identification purposes.)

3 THE COURT: We're now on the record in the Estate of
4 Samuel D. Stroman, 2007-38-00462. This matter
5 is currently before the Court on a motion for
6 removal. Please introduce yourself and your
7 clients for me, please.

8 MR. RADEKER: Thank you, Your Honor. I'm Drew
9 Radeker here today for Jamileh Stroman and
10 Synthia Stroman, who are also present in the
11 courtroom today.

12 THE COURT: Okay. Thank you. Does that take care
13 of everyone?

14 MR. STROMAN: My sister Sherolyn.

15 THE COURT: Okay.

16 MR. RADEKER: Sherolyn Stroman is here, Your Honor.

17 THE COURT: All right. Thank you so much. Okay.
18 Mr. Radeker.

19 MR. RADEKER: Thank you, Your Honor. Your Honor,
20 the Court's aware we're here on a motion to
21 remove this action to the Court of Common
22 Pleas. I would note that this is a formal
23 testacy and appointment proceeding, that it's
24 removable as a matter of right if a timely
25 motion is made. The motion was timely made in

1 this case. And we would note that pursuant to
2 the statute the words are that it must be
3 removed and we ask that this be removed
4 accordingly.

5 **THE COURT:** All right. Mr. Grant?

6 **MR. GRANT** Yes, Your Honor. Your Honor, we ask the
7 Court to deny the motion for this reason:
8 Obviously, the logical purpose of trying to get
9 this matter moved to the circuit court in my
10 opinion is to have arguably unnecessary
11 protracted litigation that my ultimately result
12 in a jury trial. Right now the issue before
13 the Court, of course is, who should be a party
14 to -- of the estate and it's our position --
15 and also with regards to the heirs of the
16 estate, it's our position that Mr. Stroman died
17 intestate. If he died intestate, the statutory
18 heirs to the estate are obviously his children
19 under the law. That is that they would get 25
20 percent each of his -- of their portion of his
21 estate. My client concedes that. We don't
22 challenge the law on that point. Now, then the
23 next question is, who should be in charge of
24 the estate? It's our position naturally, that
25 he is a -- as in Mr. Samuel D. Stroman, is a

1 very responsible young man, a very responsible
2 individual. He was in medical school, left
3 medical school to come home to take care of his
4 dad. We have no objection if opposing counsel
5 and his clients would agree that one of the
6 sisters serve as a co-personal representative
7 of the estate so that we can get that matter
8 resolved to avoid unnecessary public, arguably
9 ugly, protracted litigation before the circuit
10 court with a jury trial in public. That may
11 somehow tarnish what in this town is known as
12 the wonderful, the very wonderful legacy of
13 Colonel Stroman. So I'm asking the Court to
14 deny the motion, because I think that this
15 court obviously can handle all issues. This
16 court is competent to do so. Certainly, we
17 recognize the law; we respect the law. But at
18 the same time we think that as a matter of
19 judicial economy, this matter should stay right
20 with this court and we should proceed right
21 here and resolve these issues to bring closure
22 to this matter. Thank you.

23 MR. RADEKER: Your Honor, I just note that that's
24 not relevant. I've prepared an order for the
25 Court today that would -- it's very simple. It

1 would remove this matter to the Court of Common
2 Pleas. I'll be happy to hand that up if Your
3 Honor please or not. You know --

4 THE COURT: Okay. The law is very clear on the
5 issue. The motion is timely filed to the
6 matter of -- is hereby removed to circuit
7 court. And since all parties are here, you are
8 welcome to use the courtroom if you want to
9 discuss the matter further. But you do have an
10 order for my signature?

11 MR. RADEKER: Your Honor, that's correct.

12 THE COURT: All right.

13 MR. RADEKER: May I approach?

14 THE COURT: Certainly.

15 MR. GRANT May I see it first, counselor?

16 MR. RADEKER: Sure.

17 THE COURT: Thank you. All right. Good luck to you
18 all.

19 MR. RADEKER: Thank you, Your Honor.

20 (There being nothing further, the hearing concluded
21 at 12:21 p.m.)

22

23

24

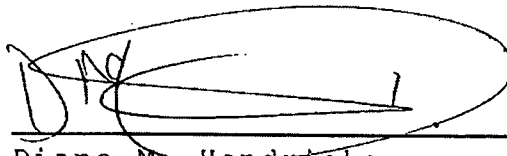
25

CERTIFICATE

This is to certify that the within hearing consisting of Six (6) pages, is a true and correct transcript of the testimony given by said witnesses after being duly sworn; said hearing was reported by the method of Stenowriter with Backup.

I further certify that I am neither employed by nor related to any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal on February 22, 2008.

A handwritten signature in black ink, appearing to read "Diane M. Hendricks", is written over a horizontal line. The signature is enclosed within a large, hand-drawn oval.

Diane M. Hendricks
Court Reporter

Notary Public for South Carolina
My Commission Expires: April 30, 2011

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

IN THE PROBATE COURT
ESTATE NO. 2007-ES38-00462

In re:

Estate of Samuel D. Stroman,

Decedent.

Jamileh S.D. Stroman,

Petitioner,

vs.

Synthia D. Stroman; Samuel D. Stroman
II; and Sherolyn D. Stroman;

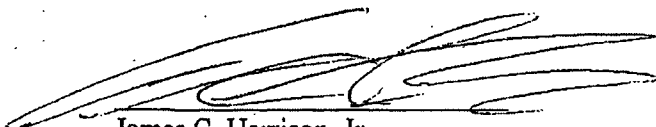
Respondents, being the other
Devises of the Decedent.

TO: THE PARTIES NAMED ABOVE:

NOTICE OF HEARING

YOU WILL PLEASE TAKE NOTICE THAT the Honorable Pandora L. Jones-Glover, Probate Judge for Orangeburg County, has appointed February 13, 2008, at 11:30 a.m., at 190 Gibson Street, Orangeburg, South Carolina, in the probate courtroom, as the time and place for a hearing on the Motion to Remove to Court of Common Pleas in the above-captioned action, at which time and place all interested parties will appear.

Respectfully submitted,



James C. Harrison, Jr.
Andrew S. Radeker
JAMES C. HARRISON, JR., P.A.
Post Office Box 50143
Columbia, South Carolina 29250
(803) 779-2211
(803) 779-6700 (facsimile)
jimharrison@mindspring.com (email)
drewradeker@mindspring.com (email)
ATTORNEYS FOR PETITIONER
AND FOR SYNTHIA D. STROMAN

Columbia, South Carolina
January 14, 2008

Δ π EXHIBIT <u>1</u>	
Deponent	_____
Date	<u>2/13/08</u> Rptr. <u>dml</u>
WWW.DEPOBOOK.COM	

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

IN THE PROBATE COURT
ESTATE NO. 2007-ES38-00462

In re:

Estate of Samuel D. Stroman,

Decedent.

Jamileh S.D. Stroman,

Petitioner,

vs.

Synthia D. Stroman; Samuel D. Stroman
II; and Sherolyn D. Stroman;

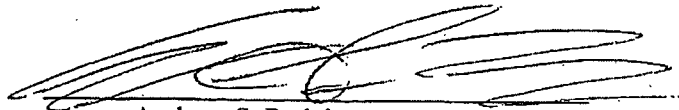
Respondents, being the other
Devisees of the Decedent.

AFFIDAVIT OF SERVICE

I, Andrew S. Radeker, an attorney with the law firm of James C. Harrison, Jr., P. A., Attorneys for Petitioner Jamileh S.D. Stroman and Respondent Synthia D. Stroman, do hereby depose, say, and certify that I, on the 14th day of January, 2008, served a Notice of Hearing of the Motion to Remove to Court of Common Pleas by depositing same in the United States Mail, first-class, postage prepaid, with the return address clearly noted, addressed as follows:

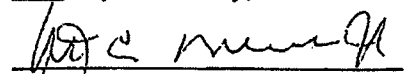
Carl B. Grant, Esq.
The Law Firm of Carl B. Grant, P.A.
P.O. Box 1203
Orangeburg, SC 29116

Ms. Sherolyn Stroman
2205 M Street NE, Apt. 3
Washington, DC 20002



Andrew S. Radeker

SWORN to before me this
14th day of January, 2008.

 (L.S.)
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 9/14/13

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	
COUNTY OF ORANGEBURG	)	C/A No. 08-CP-38-310
Jamileh S.D. Stroman,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
Synthia D. Stroman, Samuel D.	)	
Stroman II, and Sherolyn D.	)	
Stroman,	)	
	)	
Defendants.	)	
-----	)	

COPY

MOTION HEARING

Wednesday, September 24, 2008
10:39 a.m. - 11:35 a.m.

The hearing before the Honorable Olin Davie Burgdorf, Master in Equity for Orangeburg County, was taken at 190 Gibson Street, Orangeburg, South Carolina on the 24th day of September, 2008 before Nicole C. Gleaton, Court Reporter and Notary Public in and for the State of South Carolina.

APPEARANCES:

Andrew S. Radeker, Esquire
 James C. Harrison, PA
 923 Calhoun Street
 Columbia, South Carolina 29201
 Attorney for the Plaintiff

Carl B. Grant, Esquire
 Grant Edmond Simmons, LLC
 Post Office Box 1203
 Orangeburg, South Carolina 29116
 Attorney for the Defendant

Also Present:
 Kathleen Palinski, JD, MBA

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EXHIBITS

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 (Title to Real Estate)
 Plaintiff's Exhibit Number Four 11
 (Title to Real Estate)

1 MR. RADEKER: Good morning, Your Honor. For the
2 record, I'm Drew Radeker here today. I'm the
3 attorney for Jamileh S.D. Stroman who's the
4 Petitioner in this action and one of the
5 Respondents, Cynthia D. Stroman, who is joined
6 in her sister's pleadings. And that's one of
7 the motions that we bring before the court
8 today is to amend those pleadings. There are
9 four motions before the court today. Our
10 motion to amend the pleadings, a simple one
11 which will probably go uncontested to hold
12 Simmons Funeral Home or for -- for Your Honor
13 to issue a Rule to Show Cause for Simmons
14 Funeral Home to appear and show why they
15 shouldn't be held in contempt for failure to
16 respond to a subpoena or as to appoint a
17 Special Administrator. This estate, this is an
18 estate matter, began as a formal testacea and
19 appointment proceeding that was removed from
20 the Probate Court and subsequently referred to
21 Your Honor by consent on June 4th of this year.
22 And another motion for one of the respondents
23 who is here with us today, Samuel D. Stroman,
24 II, who goes by his middle name, David, and we
25 may need to refer to him to that to

1 differentiate him from his father who's Samuel
2 D. Stroman, Sr., during the course of this
3 proceeding. In any event, that motion seeks to
4 have him surrender any and all estate property
5 that he has to the Special Administrator
6 assuming that Your Honor appoints one here
7 today. As to our Motion to Amend, which may be
8 the simplest matter that's before the court,
9 we've moved to amend. Rule 15A requires that
10 amendment be liberally granted. The burden of
11 opposing the motion is -- actually lies with
12 the party who's on the other side of the Motion
13 to Amend to show why it shouldn't be granted,
14 to show why they would suffer some prejudice.
15 And prejudice is defined as lack of notice of
16 an issue and lack of an opportunity to refute
17 that issue. We're certainly not about to go
18 into trial of this case or anything, so we
19 would show that prejudice can't be demonstrated
20 by the respondent, David, or his attorney Mr.
21 Grant, who is here with us today. And we would
22 ask that the court grant amendment of the
23 pleadings. As one of the respondents has
24 joined in her sister's petition, she's properly
25 a petitioner and Rule 19 provides that her

1 designation can be changed from being in a
2 defensive posture to that of being in an
3 offensive posture as a plaintiff or in this
4 case a petitioner given that this began in the
5 Probate Court. And so we'd ask for amendment
6 for that reason. As to the Rule to Show Cause
7 Motion, Your Honor, just another simple thing
8 to get out of the way. Simmons Funeral Home
9 was served through its director with a subpoena
10 on April 2nd of this year asking for them to
11 produce documents to our firm on or before May
12 6th. I actually sent them a letter, a copy of
13 which is attached to the motion saying, hey,
14 you don't have to bring them up to Columbia.
15 You can just mail them to me if it's easier
16 because it will probably be a lot easier for
17 you just to do that. No response of any kind
18 has ever come back from Simmons Funeral Home.
19 We would submit that they're in contempt and
20 that the proper remedy is for Your Honor to
21 issue a rule to them to appear before this
22 court at some subsequent hearing to show cause,
23 if any they have, why they shouldn't be held in
24 contempt, produce the documents and the court
25 issue any appropriate sanctions as the court

1 may find at that time. Your Honor, the first
2 motion that we made that brings us before the
3 court today is a Motion to Appoint a Special
4 Administrator. Seated here beside me is
5 Kathleen Palinski, who we would propose be
6 appointed Special Administrator of this estate.
7 The court can appoint a Special Administrator
8 of this even though we're here in the Circuit
9 Court and not the Probate Court. What brings
10 us here, our proceedings to appoint a personal
11 representative among other things. Given that
12 the court can appoint a final Personal
13 Representative, the court can certainly appoint
14 someone to serve in that capacity in the
15 interim as this action progresses. There's
16 absolutely a need for a Special Administrator
17 to be appointed in this estate. Samuel Stroman
18 has been dead for a little bit over two years
19 today. During that time as the record shows,
20 ownership and control of his property and
21 assets have been exercised by Respondent, his
22 son, David, who's here in the courtroom today
23 as materials that have been submitted as
24 attachments to the various motions before the
25 court show. David who was the object of at

1 least a reported and perhaps an actual -- we
2 haven't gotten to that point in discovery yet.
3 Power of Attorney document changed the
4 designation on bank accounts that his father
5 had to designate himself as a joint account
6 holder as Samuel D. Stroman, II, POA, for Power
7 of Attorney. After his father had passed and
8 any power status he might have held under that
9 Power of Attorney had terminated, he withdrew
10 money from that account, at least some
11 \$171,000.00 from one of the accounts and
12 deposited that into his personal checking
13 account. Your Honor, we are in dire need of a
14 Special Administrator to marshal this estate's
15 assets and to protect it today. Ms. Palinski
16 is well suited to serve as a Personal
17 Administrator as materials we've already
18 submitted to the court show. I think I mailed
19 to Your Honor on June 20th of this year her bio
20 -- not -- description of her fiduciary
21 responsibilities but I'll be happy to hand that
22 up to the court if the court doesn't already
23 have a copy of that before it. I've got it,
24 it's just in this other folder, that's all.
25 I'll hand around another copy to everybody

1 who's here. You've got yours, I know. There
2 you are, Mr. Grant.

3 MR. GRANT: Thank you.

4 MR. RADEKER: I'll hand this to Your Honor and I
5 would ask that this be made the Plaintiff's
6 Exhibits One and Two to the transcript of this
7 hearing.

8 (Plaintiff's Exhibit Numbers One and Two were marked
9 for identification purposes.)

10 MR. RADEKER: Ms. Palinski has ample experience in
11 fiduciary administration. She served as a
12 Special Administrator in other fiduciary
13 capacities many times before. She's certainly
14 qualified to do so now. There's not even any
15 need for any bond to be posted with regard to
16 her serving in this capacity. She is a -- a
17 lawyer in a very large firm. Her conduct as
18 Special Administrator would be covered by its
19 errors and omissions policy so that any
20 malfeasance or even negligence that she might
21 engage in, not that she would, would be covered
22 by such policies so there wouldn't even be any
23 need for a bond to be appointed for her. She's
24 certainly well qualified. This estate's
25 definitely in need of a Special Administration.

1 And, Your Honor, that gives the fourth motion
2 that we have before the court today which is
3 for Samuel D. Stroman, that is David, to
4 surrender any and all estate property that he
5 has in his possession or control to the Special
6 Administrator if the court appoints one. It's
7 obvious that he's got it in his control. Your
8 Honor, the bank records that are before the
9 court show that. He's taken money that
10 belonged to his father. He didn't have any
11 power or authority under the Power of Attorney
12 to make any gift to himself and he's conveyed
13 that to himself. I'd hand up at this time a
14 little bit of law that supports our motion for
15 him to surrender this property. I'll hand a
16 copy of this to Mr. Grant --

17 MR. GRANT: That's all right, sir.

18 MR. RADEKER: -- and to Your Honor. This notes that
19 Special Administrator has the powers of a
20 Personal Representative, the Personal
21 Representative is required to and has the right
22 to possession of any and all property owned by
23 the decedent during his life. Your Honor,
24 unless a Power of Attorney specifically and
25 clearly provides that the agent -- the Attorney

1 in Fact under a Power of Attorney has the power
2 and authority to make transfers to himself of
3 the principle's property, then any such
4 transfers are void. And I point the court to
5 the Fender v. Fender case and there's several
6 other cases -- Loftis v. Eck is another one
7 that note that. So any property that Mr.
8 Stroman may believe is his, even that he's
9 taken from those accounts of his father or
10 otherwise that he's assumed control of. The
11 Affidavit of Jamileh Stroman that's before the
12 court shows that Mr. Stroman stated that he
13 intended essentially to usurp ownership and
14 control of his father's property after his
15 passing. And it appears that he has in fact
16 done so. He's executed purported conveyances
17 of real estate to himself that are dated the
18 day before his father passed. And I'll hand a
19 copy of those deeds around. There you are,
20 sir. And a copy of this to you, Your Honor.
21 A copy to the court reporter and ask that this
22 be made Plaintiff's Three to this hearing.

23 (Plaintiff's Exhibit Number Three was marked for
24 identification purposes.)

25 MR. RADEKER: And a copy of the other deed and I'll

1 hand a copy to Mr. Grant and to Your Honor and
2 to the court reporter and ask that this be made
3 Plaintiff's Four to this hearing.

4 (Plaintiff's Exhibit Number Four was marked for
5 identification purposes.)

6 MR. RADEKER: It's apparent that this person, David
7 Stroman, has attempted to abuse his Power of
8 Attorney to take property that belonged to his
9 father who's now the decedent of this estate.
10 He doesn't have any right to it. We'll
11 probably suffer irreparable loss if he
12 continues to have it, especially the money
13 given that he may be spending it as we speak.
14 He may have already spent a significant amount
15 of it. This man died over two years ago when
16 we come to court today. So, Your Honor, we'd
17 ask that the court order Mr. Stroman to
18 surrender to the Special Administrator any and
19 all property that he has. And, Your Honor, I
20 just at this time hand up proposed orders as to
21 each of these motions if I could beg the
22 court's indulgence for one moment and get them
23 into stacks. It might be easier to hand them
24 out to everybody. I will hand a copy of these
25 proposed orders to Mr. Grant and to the court.

1 Your Honor, I would ask that you sign the
2 proposed orders or at least otherwise grant our
3 motions today. Thank you.

4 THE COURT: Mr. Grant.

5 MR. GRANT: Thank you, Your Honor. May it please the
6 court? Let's take them, if we will, some of
7 the easiest ones first. And I would like to
8 start with our response. Number one, to the
9 request to hold Mr. Paul Simmons in contempt of
10 court. I proffer to the court through what my
11 client related to me that he saw Mr. Simmons
12 yesterday and mentioned to Mr. Simmons about a
13 hearing here today. And that Mr. Paul Simmons,
14 a respected mortician in this town, indicated
15 he was shocked and didn't have no idea what Mr.
16 Stroman was talking about and expressed, in
17 fact, a little bit of anger that somebody was
18 even considering holding him in contempt of
19 court for something he knew nothing about. I
20 know he indicates that he served and sent him
21 a letter for the documents. But according to
22 Mr. Stroman, Mr. Simmons, who we again know to
23 be a responsible individual, doesn't play
24 around with the courts, indicated that he did
25 not receive any type of notice. Here's what I

1 recommend on this elementary issue, Judge. I
2 recommend that the court give Mr. Simmons ten
3 to fifteen days to get whatever documents that
4 he's asking for. Get them to me and I as an
5 officer of the court will assist the court in
6 obtaining those documents as well. I don't
7 represent Mr. Simmons, of course, in this issue
8 but I'll try to accommodate the court and also
9 accommodate him. And the most important
10 desire and that is to get the documents that he
11 wants. And, of course, I'll reach out to Mr.
12 Simmons and assist in getting whatever
13 documents he needs and if Mr. Simmons does not
14 have those documents to me in my office, where
15 we can get them to counsel here within fifteen
16 days, then, of course, I would -- I would
17 suggest, of course, you proceed according to
18 your wishes, whatever you deem appropriate. So
19 that would be my recommendation, Judge, on the
20 first one with regards to Mr. Simmons.

21 THE COURT: Okay. Well, let's take it, then, one at
22 a time. I --

23 MR. GRANT: Yes, sir.

24 THE COURT: I think that sounds reasonable to me and
25 satisfy what Mr. Radeker is asking and can take

1 care of it. If that's a problem and if for some
2 reason he does not produce them within fifteen
3 days, we will hold him in contempt. I do -- I
4 need to see where you had him served, so I can
5 understand why --

6 MR. RADEKER: Right. That was going to be my
7 response.

8 THE COURT: The only thing he was -- he was not
9 served with a sheriff's deputy within the --
10 I'm not sure if that's --

11 MR. RADEKER: As to the subpoena, that would have --
12 not been the effect on a percentage under Rule
13 45 and 4, I believe. The other process meaning
14 you have to be served with a sheriff's deputy.

15 THE COURT: Yeah, most all processors other than
16 summons and complaint has to served by a
17 sheriff's deputy. So I think under the
18 circumstances. I mean --

19 MR. RADEKER: It might be easier for us to -- to
20 inform Mr. Simmons -- perhaps we could do that
21 with writing a letter rather than having to go
22 through Mr. Grant's office to just say we had
23 a hearing on this today. The Judge has stated
24 you've got fifteen days from the date of this
25 hearing to provide this to me.

1 THE COURT: Well, Mr. Grant --

2 MR. RADEKER: -- otherwise --

3 THE COURT: -- he's going to do the same, basically
4 that. That's what Mr. Grant is saying so I
5 think that will be sufficient.

6 MR. RADEKER: For him to -- rather Simmons Funeral
7 Home to produce the documents to Mr. Grant and
8 Mr. Grant to have those to us within fifteen
9 days?

10 THE COURT: Yeah.

11 MR. GRANT: Yes, sir.

12 MR. RADEKER: Just for clarity.

13 THE COURT: Right.

14 MR. RADEKER: Just to make sure we're all on the same
15 page.

16 THE COURT: Yes, sir. You'll have them, you'll have
17 them within fifteen days.

18 MR. GRANT: Yes, sir, we'll get that done.

19 THE COURT: Okay.

20 MR. GRANT: All right. Judge, one of the -- the big
21 ticket items as we would say, the order
22 appointing Special Administrator. Your Honor,
23 first of all, we've submitted a reply and Mr.
24 Stroman objects to the appointment of a Special
25 Administrator. First and foremost, the

1 question before the Court is under the law and
2 under the facts and circumstances, is a Special
3 Administrator needed? And it's our position
4 that a Special Administrator is not needed.
5 Now, one of the main arguments made by counsel
6 for a Special Administrator is that he alleges
7 that Mr. Stroman changed the designation on a
8 banking account to a joint account with a Power
9 of Attorney. We submit to the Court that --
10 that information and I don't know where he got
11 it from is absolutely incorrect. In fact, Mr.
12 Stroman's father, Colonel Stroman, while he was
13 alive went in the bank with his son and told
14 the banking authorities that he wanted the
15 account to be changed to a joint account --

16 MR. RADEKER: I just object to any hearsay about
17 anything that the decedent supposedly said or
18 didn't say. And there's certainly even no
19 Affidavit before the Court as to that.

20 MR. GRANT: Well, this is an argument. I mean, this
21 is an argument before the court. It's --

22 MR. RADEKER: There's no factual material before the
23 court that would show that, Your Honor. In
24 fact, quite to the contrary as is attached to
25 the Motion.

1 MR. GRANT: Well, we've got our Affidavit -- our
2 lengthy Affidavit submitted by Mr. Stroman
3 himself that the court can read for himself and
4 I'm sure -

5 THE COURT: I've read -- I read that today.

6 MR. GRANT: But again -- obviously, he argued it.
7 That doesn't mean we have to concede it. So we
8 also do not concede his argument. So I will
9 counter to his argument as that simply did not
10 happen and that information is indeed
11 incorrect. But with regards to the ability of
12 Mr. Stroman to handle the business matters
13 pertaining to his father's estate, Mr. Stroman
14 handled all business matters as indicated in
15 the Affidavit, the evidence on this Motion
16 Hearing. All business matters pertaining to
17 his mother's estate -- affairs for seven years
18 while she was terminally ill. Also, handled
19 the business matters for his dad while he was
20 terminally ill and has continued to handle all
21 of the matters up to this particular date. And
22 we will find out ultimately through this
23 discovery that no assets have been squandered
24 in any way. No assets have been
25 misappropriated in any way. This man is a very

1 bright and smart man. He is a medical student.
2 All right. And he left medical school to take
3 care of his sick dad and I'm asking the court
4 to not appoint a Special Administrator because,
5 number one, it's not needed. Here's the other
6 thing. If a Special Administrator is
7 appointed, who's going to pay for it? Is that
8 money to pay the Special Administrator the
9 lawyer/banker, the billable rate, whatever she
10 may charge and how long she may deem necessary
11 to work on this matter. Is that going to be a
12 drain upon the assets of this estate that's not
13 necessary to be had in the first place?
14 Discovery is going to be had, depositions will
15 be taken. And if anything comes out that's
16 inappropriate, appropriate action can be had by
17 this court or anyone else. And there's nothing
18 that really needs to be done now that cannot
19 and has not been properly handled by Samuel D.
20 Stroman, David Stroman, here, sitting beside
21 me. So we ask the court to not appoint a
22 Special Administration for, number one, it is
23 not factually nor is it legally necessary.
24 That's our position, Judge, on that particular
25 motion.

1 MR. RADEKER: Your Honor, if I may be heard in
2 response. I would notice to who would pay for
3 the Special Administrator. Whether the courts
4 would deem it appropriate or necessary to do
5 so, my clients are willing to -- to pay Ms.
6 Palinski's fees going forward if that's
7 necessary for them to do. I mean, that may
8 turn out to be an estate -- estate expense in
9 the end of things -- maybe, maybe not. But as
10 far as her fees going forward, they've noted to
11 me that they would be willing to do that. So
12 that's, you know, a non-concern as our
13 position as to that. Certainly, a Special
14 Administrator is needed. I would note that the
15 representations that Samuel D. Stroman, the
16 deceased, signed these modification agreements
17 to appoint his son, David, as joint account
18 holder himself are absolutely at odds with the
19 record that is before the court. These
20 modification agreements are in the record.
21 They show that this man right here signed these
22 documents as Power of Attorney. He's the only
23 person who signed them. His signature on there
24 is the same as it is on his Affidavit, the same
25 as it is on anything else that he's signed

1 before the court. And there is no signature
2 for Samuel D. Stroman, Sr., Samuel D. Stroman,
3 I, on these documents. Believing I suppose,
4 that he had the power to do this through his
5 Power of Attorney, what he did was went down to
6 the bank and got his name put on these accounts
7 to put himself as a joint account holder and he
8 used this Power of Attorney as the authority to
9 do it. They're his father's accounts, he
10 didn't have the power to do that. That's
11 property of the Estate of Samuel D. Stroman.
12 And any status that this man had as Power of
13 Attorney even if he were to be lawfully holding
14 these accounts as Power of Attorney terminated
15 when the elder, Dr. Stroman, died on September
16 21st, 2006. This transfer of money from out of
17 one of these accounts had a beginning balance,
18 December 7th, 2006, after he had passed,
19 171,123.82 and an ending balance of that month
20 of \$0.00. As for Mr. Stroman's personal
21 checking account in December of 2006, he
22 attempted to deposit some 355 -- \$355,365.44 in
23 that account. I don't know what happened to
24 some of that money. Apparently, some of that
25 was subtracted, it notes other subtractions

1 here on this bank statement. Maybe they were
2 subtracted into another account or put in cash
3 or in some other vehicle. But he at least
4 deposited into that account \$107,496.86. He
5 doesn't have any source of income. This money
6 is his father's money. These purported
7 conveyances of realty that he's made to
8 himself, they're void. Your Honor, the reason
9 for the rule that we have in this state that's
10 clearly expressed in a number of appellate
11 decisions that in order for an agent under a
12 Power of Attorney to make a valid transfer to
13 himself of a principle's assets, the Power of
14 Attorney instrument must explicitly provide
15 that he can make gratuitous gifts to himself is
16 to prevent the fraud and usurpation of property
17 that is exactly what's happened here. But even
18 if he never had a negative or evil intent with
19 regard to it, he's done it. And this property
20 is within his possession and control and it is
21 estate property. And we do need a Special
22 Administrator to come in and take possession of
23 it, otherwise, it will -- it will waste, it
24 will go away. There's no telling how much of
25 it that he's already spent. It's estate

1 property. This man has been dead for over two
2 years. We need a Special Administrator.
3 During this time, this same person who made
4 these transfers after -- out of the decedent's
5 accounts pursuant to a totally void Power of
6 Attorney after the decedent has died has been
7 in control of all of his assets. It is time
8 for us to appoint a Special Administrator in
9 the interest of this estate and for her to take
10 charge of all of the estate assets. And it's
11 time for Mr. Stroman to surrender to her any
12 and all property that belongs to this estate
13 that he has.

14 MR. GRANT: Your Honor, we stand on our argument in
15 reply to his motion as far as number one, they
16 have not established need despite their
17 vigorous argument to the contrary. And number
18 two -- number one, with regards to a valid
19 Power of Attorney, we do indeed believe the
20 Power of Attorney authorized Mr. Stroman to do
21 exactly what he did. And Mr. Stroman, again,
22 disputes any factual argument about whether his
23 dad did, indeed, go to the bank with him that
24 day to take care of the business to make it a
25 joint account. He stands by that, okay. So

1 it's our position that, again, the Special
2 Administrator is definitely not needed and if,
3 indeed, the Court deems it necessary to appoint
4 one, we will be glad that they agree that
5 they're going to cover the costs of it. But we
6 ask the Court to not appoint one in the first
7 place.

8 THE COURT: Okay. How about what assets do exist now
9 in the estate or by Mr. Stroman?

10 MR. GRANT: I can let him address that, Judge --

11 THE COURT: Okay.

12 MR. GRANT: -- even though specifics --

13 MR. STROMAN: May I address it, Your Honor?

14 THE COURT: Yeah.

15 MR. STROMAN: My father's asset -- I'm sorry, excuse
16 me.

17 THE COURT: Just tell me what briefly. I mean, you
18 don't have to go into -

19 MR. STROMAN: Well, my father --

20 MR. RADEKER: We ask that he be sworn if -- it may --
21 it's just a matter of procedure.

22 THE COURT: Okay. Raise your right hand, please.

23 (Whereupon, having been duly sworn, testifies as
24 follows)

25 MR. RADEKER: Thank you, Your Honor.

1 MR. STROMAN: Number one, Your Honor, my father went
2 to the bank with me to make a joint account.
3 We were sitting in the room, we were discussing
4 business. He said, "Well, I want to go to the
5 bank." He had a speech impediment. We went to
6 the bank and had that put in my name as a joint
7 account way before my father died. Number two,
8 the bulk of his assets, Your Honor, are not in
9 Orangeburg. The bulk of my father's assets are
10 in banks in the surrounding states. You may
11 ask, well, why is that? I can just tell you
12 the truth. My father and my mother had split
13 up years ago. When they did that, my father
14 took the bulk of his assets and put them in
15 various banks which are sealed bank accounts.
16 The totality of those accounts, sir, I don't
17 know because I can't access them because I do
18 not have executory of the estate. Now, in
19 terms of my father's property and in terms of
20 -- of his home, my father stated in 2001 that
21 he was going to buy a home in Orangeburg and
22 that -- that home would be mine. He stated not
23 -- not only to me but to several other people
24 in the community way before he had gotten ill
25 and made that very clear there. People have

1 written depositions who spoke with him who are
2 his peers who can validate that as well. I
3 left medical school to take care of my mother.
4 My mother had a stroke in 1991. I came back
5 from Arizona, took care of my mother for seven
6 years. From the time she got sick until the
7 day that she died, I handled all of her
8 business affairs, I handled all of her taxes,
9 any bills that she had incurred, including, to
10 make her medical statements. My father was
11 very proud of me for doing that. He asked me,
12 "Well, are you going to do the same for me if
13 I ever get sick?" I said, "Sir, I will." My
14 father got sick, sir. I left Washington -- he
15 got sick on July 31st. I was down here on
16 August 1st, 2003 until the day that my father
17 died August 21st. I made all medical
18 decisions. My father was very impaired. He
19 had to be changed, fed, exercised, medicated --
20 required 24 hour care. I gave my father the
21 same care that I gave my mother. I -- I
22 sacrificed but I benefitted because he knew
23 that he was okay. I didn't take him and
24 shuffle him in a home. The two people who are
25 speaking against me did absolutely nothing for

1 their mother and absolutely nothing for their
2 father. Now, I put before the courts, did I do
3 it to get financial reimbursement for it? Not
4 at all, Your Honor, not at all. I can't put a
5 price tag on the seven years that I spent with
6 my mother or the three years and two months
7 that I spent with my father. They were two
8 hard working people who sacrificed for their
9 children who made an education available to
10 their kids at their costs. With my sisters --
11 I love my sisters unconditionally. I have
12 always been there for them. I stated to my
13 attorney that they will -- it's no way in the
14 world that I would shaft my sisters. That's
15 not my character, that's not who I am. Now, he
16 stated that I went into the bank with Power of
17 Attorney and put my name on my father's bank
18 accounts. Your Honor, I did not do that. I
19 went in the bank with my father at the request
20 of my father. Now, as far as the property in
21 Orangeburg, the home and the land, my father
22 stated to me and to several other people that
23 he wanted me to put my name on there. Now,
24 that the Power of Attorney --

25 MR. RADEKER: Objection. Any of this is to --

1 MR. STROMAN: I don't know if the gentleman has seen
2 the Power of Attorney.

3 THE COURT: Hold on just a second.

4 MR. RADEKER: So, objection, on any and all relevance
5 grounds. We note that the Power of Attorney
6 document speaks for itself as to what it allows
7 him to do. And it doesn't allow him to make
8 transfers of the principle --

9 MR. STROMAN: It allowed me to do everything, sir.

10 MR. RADEKER: -- property to himself.

11 MR. STROMAN: I disagree. Apparently, he hasn't read
12 it.

13 THE COURT: Show me -- show me that.

14 MR. RADEKER: Certainly, Your Honor, I'll be happy to
15 hand that to you. It's attached to --

16 MR. STROMAN: I have a copy of it, Your Honor.

17 MR. RADEKER: And this is our clocked copy of our --
18 one of our motions. I will note that's --

19 THE COURT: This is the Power of Attorney --

20 MR. RADEKER: -- I would love to eventually --

21 THE COURT: -- this is a copy of the Power of
22 Attorney?

23 MR. RADEKER: Yes, Your Honor.

24 MR. STROMAN: As I've stated, Your Honor, I've done
25 nothing untowards. I would not leave my

1 sisters out, I did not secure the property
2 basically for me. I did exactly what my father
3 requested that I do and he articulated that to
4 several other people. I only acted and
5 references that which you --

6 MR. RADEKER: I would just note --

7 MR. STROMAN: -- in reference to that --

8 MR. RADEKER: --same objection, Your Honor.

9 THE COURT: Hold up just a second. Let me look at
10 this.

11 MR. GRANT: Your Honor, I ask the court to take
12 particular note of Paragraph Number Five in the
13 Power of Attorney.

14 THE COURT: It seems to say what you were just saying
15 --

16 MR. STROMAN: Your Honor, could I say this?

17 THE COURT: -- regarding the parties. Mr. Radeker,
18 do you have any argument against that?

19 MR. RADEKER: I do, Your Honor. Your Honor, putting
20 joint bank accounts in the name of an Attorney
21 in Fact means that -- and people do that all
22 the time. And I'm not saying that -- that's
23 wrong to do but if you're a joint account
24 holder with your principle under a durable
25 Power of Attorney and you're the other account

1 holder as the Attorney in Fact for them, that
2 doesn't mean that you have the right to that
3 money. That means that you have the right to
4 access that money as Attorney in Fact for your
5 principle. Here, the transfers from this
6 account occurred after the principle had died.
7 This Power of Attorney was totally void --

8 MR. STROMAN: Your Honor --

9 MR. RADEKER: -- at that point. And in any event,
10 that doesn't mean that this gentleman can make,
11 you know, transfers on these accounts and
12 changes of these designations to his personal
13 benefit. All that he could do with respect to
14 those joint accounts, Your Honor, is to hold
15 them as Power of Attorney for his principle.
16 And that money could -- under no circumstances
17 become his by operation of law which is
18 apparently, you know, what David Stroman is
19 maintaining in court today.

20 THE COURT: Well --

21 MR. STROMAN: Not at all, Your Honor --

22 MR. GRANT: You want to say something, Judge. I'm
23 sorry, I didn't want to cut you off.

24 THE COURT: Yeah. I will just, here again, concerned
25 about where the money is now. The money that

1 was withdrawn by Mr. David Stroman.

2 MR. STROMAN: Yes, sir.

3 THE COURT: Where's that money at?

4 MR. STROMAN: The money is in an account. Now, what
5 happened -- when I went to bury --

6 THE COURT: All right. Just a minute, just answer
7 the questions, if you would.

8 MR. STROMAN: Yes, sir.

9 THE COURT: In other words, you --

10 MR. STROMAN: It's in the bank, sir.

11 THE COURT: -- you're still holding all the money?
12 You're not spending the money, it's not being
13 used for your purposes or anything like that at
14 this point?

15 MR. STROMAN: No, the money is in the bank, Your
16 Honor.

17 THE COURT: But you say, now, there are other
18 accounts in other states --

19 MR. STROMAN: Yes, sir, the bulk --

20 THE COURT: -- in addition to this money?

21 MR. STROMAN: Yes, sir, the bulk of my father's
22 wealth is not in Orangeburg. It's in
23 surrounding counties of -- in accounts that
24 were sealed. Now, where they are, I don't
25 know. Some of them, I do know. I called

1 certain places, they wouldn't give me
2 information --

3 **THE COURT:** That's good.

4 **MR. STROMAN:** -- and in reference to that, the
5 reason I made the withdrawal, when I returned
6 from burying my mother and father in Arlington
7 -- my sisters were in Washington, they didn't
8 help make any arrangements, do anything. When
9 I wrote Paul Simmons a check for \$2,400.00 for
10 the balance of storing my father's body, the
11 exhumation of my mother and both of them to be
12 delivered to Arlington to have the military
13 burial, I submitted a check to Paul Simmons for
14 \$2,400.00. The check bounced. They had a
15 lawyer out of Washington that they called the
16 Bank of America down here and froze the
17 account. When I went up --

18 **MR. RADEKER:** Objection. That's all hearsay.

19 **MR. STROMAN:** When I -- I have documentation to prove
20 that, Your Honor. I went into the bank, when
21 I came back, Paul Simmons called me and said,
22 "Sam, you know, this check bounced."

23 **MR. RADEKER:** Again, hearsay.

24 **THE COURT:** Well, we're here for the limited purpose
25 of the administrator. We're not getting into

1 the merit --

2 MR. STROMAN: I understand. But that's why I moved

3 --

4 THE COURT: -- far afield of what we really need to
5 be dealing with today.

6 MR. STROMAN: I understand. That's why I moved the
7 money to another account because they had
8 frozen that account and the check that I had
9 given to Paul Simmons was no longer drawn from
10 that account.

11 THE COURT: Okay, sir.

12 MR. STROMAN: And I --

13 THE COURT: Let me ask you something. Is the money
14 still available? The money that was in your
15 father's account that we're speaking of and Mr.
16 Radeker is speaking of is -- is there, still?
17 It hasn't been moved?

18 MR. STROMAN: No, it hasn't been moved.

19 THE COURT: So I think this goes to the -- basically,
20 in the merit of this case rather than to
21 anything else. It sounds like we've got a
22 situation where -- I mean, this is just from
23 what I'm hearing from both parties. That what
24 we need right now is a -- basically, a freezing
25 of the assets --

1 MR. GRANT: Yes, sir.

2 THE COURT: -- restraining order of the assets. And
3 -- so that nothing else is changed, nothing --
4 status quo is maintained until a full merits
5 hearing be maintained on the matter. And I
6 think you'll agree with that, won't you, Mr.
7 Grant?

8 MR. GRANT: In other words, freezing the assets --

9 THE COURT: You agree to that?

10 MR. RADEKER: Your Honor, as a -- in the alternative
11 we would, you know -- we would certainly
12 support the court restraining Mr. Stroman from
13 disposing of or spending any, you know, any
14 property that was owned by his father during
15 his life. That is to say, any estate assets.

16 THE COURT: Absolutely.

17 MR. RADEKER: You know, at the very least, you know,
18 during the pendency of this --

19 THE COURT: It -- during the pendency of this action
20 until the whole thing can be determined -- Mr.
21 Grant?

22 MR. GRANT: Yes, sir. His only concern, naturally,
23 is that, how is he going to survive as far as
24 take care of himself? He has no intention of
25 obviously squandering any assets from the

1 estate. All right. But the money that was put
2 in this joint account as indicated in Paragraph
3 Five and I think that's really the controlling
4 paragraph of this document is almost outcome
5 determinative of the issue before the court on
6 this motion. But that was the only question he
7 had of me is obviously, if, indeed, he can't
8 use any of the money which is in the account --
9 the joint account. Of course, as we know if
10 you have a joint account with someone, if
11 someone dies, by operation of law generally
12 speaking, the money becomes the property of the
13 person who survives. It's not your estate.
14 It's not part of your estate if you don't own
15 it at the time of your death, okay. I mean,
16 that's just --

17 THE COURT: Well, if it's -- there's this other law on
18 that,
19 too.

20 MR. GRANT: Yes, sir, I know.

21 THE COURT: -- on a joint account --

22 MR. GRANT: -- I know you're the authority on that,
23 Judge.

24 THE COURT: Well, I'm not the authority but there are
25 some things that --

1 MR. GRANT: Yes, sir.

2 THE COURT: -- that cover the joint estate -- the
3 joint accounts, rather. And depends on who
4 deposited the money there to begin with and
5 things like that, sort of. We're not getting
6 into that today. Here again --

7 MR. GRANT: Yes, sir. Can I --

8 THE COURT: Here again, I think that we just think
9 that we need to freeze things for the time
10 being and deny the motion to appoint a Special
11 Administrator at this time.

12 MR. GRANT: Can I confer with him one second, Judge?

13 THE COURT: Sure.

14 MR. GRANT: He might want to have a little more input
15 on something.

16 MR. RADEKER: Your Honor, I would ask that the court
17 appoint a Special Administrator if we're going
18 to restrain him. But not necessarily for the
19 purpose of seizing the assets if we're going to
20 do that, to inquire, rather. If the parties
21 are having trouble getting access to
22 information from financial institutions, a
23 Special Administrator would probably be in the
24 unique position to be able to do that given
25 that she would embody the estate --

1 THE COURT: Okay. Just hold on just a second.

2 MR. RADEKER: Certainly.

3 MR. GRANT: Well, Your Honor, it's my client's
4 position once again, that the joint account
5 that his father went in the bank and said it's
6 a joint account, his name and his father's
7 name, we object to the -- the idea of freezing
8 the account because, again, he's not going to
9 be able to pay his bills.

10 MR. STROMAN: I can't survive.

11 THE COURT: Well, I --

12 MR. RADEKER: Your Honor, that's not his money.

13 MR. STROMAN: Let me say --

14 THE COURT: I have to agree with Mr. Radeker on this.

15 I mean, this -- this is estate funds until we
16 -- until it's been determined otherwise. And
17 I can't -- I can't allow anyone for that matter
18 no matter what their intent was because, here
19 again, we don't have an administrator appointed
20 at all, do we? I mean, this is the only -- the
21 estate hasn't been opened, has it?

22 MR. RADEKER: At this point, no personal
23 representative, no administrator, no one. This
24 is the first --

25 THE COURT: That wasn't the way --

1 MR. RADEKER: -- of a court Judge --

2 THE COURT: -- of properly handling it from the very
3 beginning, is, you know -- two years ago and
4 was to -- of course, I'd open up the estate and
5 start at that point -- him being appointed
6 representative and go from there.

7 MR. GRANT: And we tried to do that, Judge. But then
8 litigation came and contested that.

9 MR. RADEKER: Your Honor, the -- nearly a year after
10 the decedent passed, so I, you know, object to
11 the characterization of trying to do that.

12 MR. GRANT: Well --

13 THE COURT: The lawsuit was filed, you say, a year
14 after?

15 MR. RADEKER: Nearly a year and, again, speaking, you
16 know -- just if we're going to be talking about
17 whether those people intended -- after the
18 women that I represent have gone to great
19 lengths to attempt to -- you know, eventually
20 found a lawyer in Jim and I and had gone to
21 great lengths to attempt to do something else
22 for all of them but -- so -- and anyway, I just
23 object to the characterization that they were,
24 you know, in the process of opening an estate
25 --

1 MR. THE COURT: Okay. All right.

2 MR. RADEKER: -- because plainly, nobody did
3 anything, you know, for a year after he died so
4 --

5 MR. GRANT: Well, I'll just say this in my own
6 professional defense. I'm like a piano, I
7 can't play any music until my keys are stroked.
8 I'm not a city bus, I can't go by picking
9 people up. When we got involved in the case,
10 we started the process of trying to get him
11 appointed PR of the estate. We were also
12 representing a personal injury case that
13 ultimately turned out his dad died because his
14 dad was in a car wreck with one of the nursing
15 homes here in town, they were transporting him.
16 And naturally, we had to have a PR appointed --
17 in charge of the estate at that point.

18 THE COURT: So you have someone appointed?

19 MR. GRANT: Well, again, Judge, we started the
20 process --

21 THE COURT: Right.

22 MR. GRANT: -- but, again, his clients challenged
23 it, saying, no, they wanted to be PR of the
24 estate.

25 MR. RADEKER: Objection. That's the -- it went the

1 other way around. We, you know, we filed the
2 initial file matters. And that's just a matter
3 of record. You know, there was nothing started
4 by Mr. Stroman and we're kind of getting off
5 point here to talk about this. But I just note
6 that because that's not what the record shows
7 at all. And Mr. Stroman didn't do anything for
8 the year after he passed. The first time he
9 did anything in the Probate Court was after he
10 retained Mr. Grant and, you know, served a
11 responsive pleading to the petition in this
12 action. So -- and I just note that.

13 MR. GRANT: That's fine.

14 MR. RADEKER: So --

15 MR. GRANT: And maybe he's chronologically correct.

16 THE COURT: Well, I definitely think someone needs to
17 be appointed at this point. You mentioned
18 earlier about having Ms. --

19 MR. RADEKER: Palinski, Your Honor.

20 THE COURT: -- Palinski appointed and not deal with
21 any of the money -- not actually -- other than
22 just --

23 MR. RADEKER: Take control of it.

24 THE COURT: -- take control of it but not actually
25 disburse or dispense any --

1 MR. RADEKER: If we're going --

2 THE COURT: -- and your clients are willing to pay --
3 pay her -- her fees.

4 MR. RADEKER: And, essentially, if we're going to be
5 dealing with the disposition of the assets for
6 the time being of restraining Mr. Stroman from,
7 you know, disposing of them in any way -- just
8 keeping them where they are. Then perhaps a
9 Special Administrator would be in a unique
10 position given that she would embody the estate
11 and essentially would replace who Samuel D.
12 Stroman was in his life and could go deal with
13 those financial institutions that may not be
14 very forthcoming about their information to any
15 of his children or anybody else --

16 THE COURT: Well --

17 MR. RADEKER: -- she might be in a unique position
18 to do that. So we might want to, at least for
19 the current time, appoint her as Special
20 Administrator to make inquiries as to any
21 estate assets wheresoever situated and report
22 to the Court as to what she finds.

23 THE COURT: Well, now let me ask you this. This is
24 more of a mechanical type question. I mean,
25 are we taking this out of Probate Court

1 completely and placing it in Circuit Court as
2 far as the administration of the estate or is
3 it going back to Probate Court for the actual
4 administration?

5 **MR. RADEKER:** This action has been removed to this
6 court. I would -- down the road what will
7 happen after, you know -- and embracing this
8 action is who the personal representative is
9 going to be. So that would currently be before
10 the Circuit Court and now being referred to
11 Your Honor, before Your Honor at some point.
12 What happens after the Personal Representative
13 is appointed, I would note that in a removal
14 situation that's not exactly clear. It's
15 possible at that point, you know, it may be
16 that the entire action would be resolved at
17 that point. And, you know, any remaining
18 matters would simply be, you know, administered
19 in Probate Court at that time.

20 **THE COURT:** Well, that's what --

21 **MR. RADEKER:** That's way down the road and just kind
22 of speculating and obviously nobody is arguing
23 that --

24 **THE COURT:** Okay. So right now at this point,
25 basically, all that you're asking is that the

1 Special Administrator be appointed to gather
2 the assets and secure the assets that exist?

3 MR. RADEKER: Correct, Your Honor. To, at least,
4 note what those are if we're going to be
5 restraining Mr. Stroman from, I guess, you
6 know, alienating them in any way -- getting rid
7 of them in any way. And --

8 MR. THE COURT: Once these things -- I don't mean to
9 cut you off --

10 MR. RADEKER: Sure.

11 THE COURT: -- but once these things have been
12 established, then what happens to the assets?
13 That's my question.

14 MR. RADEKER: Well, at that point, I suppose we would
15 be going into litigating the issues of to whom
16 they belong. I certainly get the feeling,
17 we're going to be litigating those issues with
18 respect to --

19 THE COURT: Well, there's no Will --

20 MR. RADEKER: -- any alleged joint accounts.

21 THE COURT: -- there's no Will, correct?

22 MR. RADEKER: So -- well, Your Honor, that's another
23 thing. Is -- it's our position that there was
24 a Will and one of the Affidavits in the records
25 --

1 THE COURT: Was that part of the -- the lawsuit?

2 MR. RADEKER: -- speaks to that. We, you know -- one
3 of the things we're going to be alleging and it
4 was actually alleged in the petition below --
5 this was kind of just, like, a form that
6 Jamileh Stroman filled out -- is that Mr.
7 Stroman --

8 THE COURT: All right. A simple yes or no --

9 MR. RADEKER: Well, it's our contention that there is
10 a Will but we don't have it because it's our
11 contention that either he's got it or it's been
12 destroyed. So that's another issue.

13 THE COURT: So we don't --

14 MR. RADEKER: Sorry I couldn't give you a simple yes
15 or no.

16 THE COURT: Well, that's a simple no, then. That's -
17 -

18 MR. RADEKER: So as far as a document to hand up to
19 the court right now, I don't have one.

20 THE COURT: Okay. That's all I want.

21 MR. GRANT: If I can, Your Honor? Here's the
22 position that we are in and of course, I have
23 to think about my client and his situation.
24 He's obviously concerned about the possible
25 ruling that the Court could possibly freeze any

1 income or sources of finances that he uses to
2 take care of himself on a daily basis. This
3 litigation is pending at this point. And, of
4 course, we have this very unfortunate feud
5 going on between siblings about their dad's
6 estate. Now, this court is on the verge of
7 possibly putting him in a predicament where he
8 is the only one as a result of trying to take
9 care of dad who ends up because of your Order
10 not being able to pay his own bills.

11 THE COURT: Okay. Let's address that for a minute.

12 MR. GRANT: Yes, sir.

13 THE COURT: Mr. Radeker. I mean, assuming that there
14 are three children, correct?

15 MR. GRANT: Four, Your Honor.

16 MR. RADEKER: Four, one is in default of this action.

17 THE COURT: Okay. Well, basically, the four heirs,
18 we'll call them. And Mr. Stroman, here,
19 obviously unless there is some Will to the
20 contrary has some interest in the property. I
21 mean, even if it's a fourth interest, he has
22 some interest.

23 MR. GRANT: Yes, sir.

24 THE COURT: And I'm trying to think and really I'm
25 speaking -- I'm thinking out loud here just to

1 come up with some solution that would satisfy
2 -- at least get the situation satisfied for the
3 time being as to protect Mr. Stroman's interest
4 to allow him to have some funds to -- Mr.
5 Grant, in order to live on --

6 MR. GRANT: Yes, sir.

7 MR. THE COURT: -- whether or not, basically,
8 looting the estate.

9 MR. RADEKER: I think I might have something that --

10 THE COURT: Okay. Well --

11 MR. RADEKER: -- we might want to consider on that.

12 And it's, you know, just occurred to me, is it
13 may be that if we're in kind of this -- this
14 situation in which this is the only money by
15 which -- and Mr. Stroman might be able to, you
16 know, pay his day to day expenses is for the
17 court to have whatever it is that he spends out
18 of that money during the pendency of this
19 action charged against his share of the estate
20 --

21 THE COURT: Exactly.

22 MR. RADEKER: -- because money is ultimately
23 determined --

24 THE COURT: Right.

25 MR. RADEKER: -- to the estate -

1 THE COURT: -- right.

2 MR. RADEKER: -- property.

3 THE COURT: Yeah. And that's what I'm getting it -
4 that's what I'm getting it. In other words, do
5 we need to establish a limit or do we just need
6 --

7 MR. RADEKER: I don't know how much it is in total --

8 MR. THE COURT: \$5,000.00 -- maybe if we -- that's --
9 we know that.

10 MR. GRANT: You know, here's what I think we can and
11 will do.

12 THE COURT: Okay.

13 MR. GRANT: If the court is inclined to appoint a
14 Special --

15 THE COURT: Administrator.

16 MR. GRANT: -- Administrator, Mr. Stroman will
17 cooperate. We've talked about this, he'll
18 cooperate with her as to what assets there are,
19 what accounts there are, what monies there are.
20 But in the cooperation process, we would want
21 the ruling of this court to be, of course --
22 again, if there's 100,000 -- simple mathematics
23 with four children, 25,000 by law, no Will
24 Intestate he would entitled to it. Okay. And
25 then, of course, as the litigation goes on, it

1 may ultimately be decided that, actually, that
2 money is not part of the estate anyway and it
3 all comes back to him.

4 **THE COURT:** Right.

5 **MR. GRANT:** But in the interim while the litigation
6 is pending and the ultimate issues are being
7 decided, worse case scenario is, he would be
8 entitled to 25,000, you know.

9 **THE COURT:** I think that's what Mr. Radeker is
10 basically referring to. The accounting of what
11 he's spending --

12 **MR. GRANT:** Yes, sir.

13 **THE COURT:** -- being made to the court and that way
14 at the end of the litigation and everything,
15 we'll just settle all account statements.

16 **MR. GRANT:** Yes, sir.

17 **MR. RADEKER:** I think we're all kind of talking about
18 the same thing.

19 **MR. GRANT:** I think so. As long as it's clearly
20 understood that --

21 **THE COURT:** I think that -

22 **MR. GRANT:** -- by him, sort of, agreeing to that,
23 he's not making any concession --

24 **THE COURT:** Right.

25 **MR. GRANT:** -- that the money in the account belongs

1 to anybody other than him.

2 THE COURT: Right.

3 MR. GRANT: That point is not conceded.

4 THE COURT: Right. That's not an issue.

5 MR. GRANT: Yes, sir. Okay.

6 THE COURT: Okay. Let's do that. I think that
7 sounds fair to Mr. Stroman and sounds fair to
8 the estate. Appoint Special Administrator --
9 he'll have the money to use for his personal
10 use as long as he doesn't go out and buy a
11 Rolls Royce or anything like that, you know.

12 MR. RADEKER: Your Honor, Ms. Palinski would --

13 MR. PALINSKI: I have a few thoughts.

14 MR. RADEKER: -- like to address the court because
15 she's got a few thoughts having served as
16 Special Administrator before -- something that
17 we all might not have thought of.

18 MR. PALINSKI: That would start it all, yeah. And I
19 do want to just advise the court that I have
20 served before as Special Administrator and my
21 duties can be limited by order. I have never
22 as a Special Administrator distributed any
23 money to any of the heirs without permission of
24 the court because I don't read that position as
25 -- although the statute says, the Special

1 Administrator can do whatever the Personal
2 Representative can do, I don't, generally,
3 interpret that as disbursing funds. What I
4 would suggest that if an Order be prepared
5 appointing me, there are certain tasks -- for
6 example, if there's been no personal
7 representative, there are income tax returns
8 that are due since the date of death as an
9 estate. And the threshold for filing an estate
10 return is \$600.00 if there's \$600.00 of income,
11 you know. So that needs to be so authority,
12 you know, to work with the IRS, to get prior
13 tax returns. And that's also a good way to
14 research to look for assets because if they
15 have been generating 1099's. If he had
16 interest bearing accounts or investments that
17 would come through so I would seek, you know,
18 clarification in an order that I would have
19 access, you know, authority to work with the
20 IRS.

21 **THE COURT:** Okay. I think any authority that would
22 be necessary for that. I don't think -- would
23 grant that -- objection?

24 **MR. GRANT:** No objection to that, Your Honor.

25 **MS. PALINSKI:** And also I would see myself as

1 preparing the inventory and appraisement. I
2 understand the -- where are we with the Probate
3 Court but I think that any work that I would
4 do, should be done in a format which would then
5 be acceptable to the Probate Court with the
6 intention that it would wind up --

7 THE COURT: Right.

8 MS. PALINSKI: -- being filed there.

9 THE COURT: Right.

10 MS. PALINSKI: And I would see the inventory and
11 appraisement being an integral part of that.
12 And then to prepare an income, an interim
13 accounting and, of course, we can set aside the
14 account Mr. Stroman would be reporting on but
15 to capture for the court all of the interest,
16 dividends, you know, those types of expenses.

17 THE COURT: Absolutely. That's no problem.

18 MR. PALINSKI: Then if it became necessary for me to
19 pay any of the obligations, such as the tax
20 liabilities in that, that then I would have to
21 come back to the court for authority to make
22 those distributions - those payments -
23 disbursements from the estate. And with that,
24 I believe, that I could serve all the parties
25 in the estate and the court to give them the

1 information in terms of what Colonel Stroman
2 did own and what is in his estate. And I thank
3 you for your time, Your Honor.

4 THE COURT: All right. What we need now is an order
5 basically with the appointment, to incorporate
6 all these issues we discussed here today. If
7 you'll, Mr. Radeker, I'd assume you'll do the
8 order --

9 MR. RADEKER: Certainly.

10 THE COURT: -- and then I'll grant it.

11 MR. GRANT: There was one other matter, Judge, that I
12 did not address, for the record and that is his
13 Motion to Amend the Pleadings.

14 THE COURT: Oh, yeah.

15 MR. GRANT: Yes, sir. You have not heard our
16 position on that. We are obviously very
17 familiar with Rule 15A pertaining to amend the
18 pleadings, liberally granting, etc., etc. And
19 you're right. The litigation is still in its
20 early stages so I would expect the court to
21 grant that motion so we will go ahead and
22 consent to that particular motion to amend the
23 pleadings.

24 THE COURT: All right.

25 MR. RADEKER: It might be in everybody's interest of

1 efficiency if Your Honor would -- and I'm not
2 asking you to do something if you don't want to
3 do this, Judge. But as our proposed order
4 would allow us to amend the pleadings and I'm
5 certainly fine with any, you know --

6 THE COURT: No, I've already signed this -- I've
7 already signed this.

8 MR. RADEKER: -- hand written notation. Oh, great.
9 Thank you, Your Honor. So that takes care of
10 that.

11 THE COURT: I'm going to sign this order appointing
12 her until you do a complete order. In other
13 words --

14 MR. RADEKER: Sure -- sure.

15 THE COURT: -- incorporating everything we've
16 discussed today, answered by Mr. Grant so that
17 he --

18 MR. GRANT: Yes, sir.

19 THE COURT: In other words, y'all are both in
20 agreement.

21 MR. GRANT: Okay.

22 THE COURT: Okay. So be it -- so be it.

23 MR. RADEKER: Thank you, Judge.

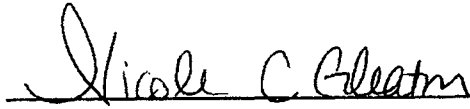
24 (There being no further testimony, the hearing
25 concluded at 11:35 a.m.)

CERTIFICATE

This is to certify that the within hearing consisting of Fifty-Two (52) pages, is a true and correct transcript of the testimony given by said witnesses after being duly sworn; said hearing was reported by the method of Stenomask with Backup.

I further certify that I am neither employed by nor related to any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal on October 14, 2008.



Nicole C. Gleaton
Court Reporter

Notary Public for South Carolina
My Commission Expires: January 25, 2017

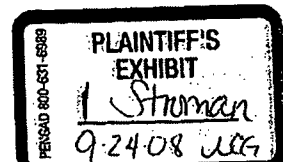
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Columbia, South Carolina 29211

Kathleen Palinski practices in the areas of probate administration, estate planning, fiduciary administration, and alternative dispute resolution. Certified since 1999 as a Family Court Mediator, she served as a neutral in Family and Probate Court cases.

Ms. Palinski received a B.A., with honors, from Michigan State University, an M.B.A., from Western Michigan University, and a J. D., with honors, from Thomas M. Colley Law School. Prior to law school, she had worked in the hospitality industry, manufacturing and banking. Her last position was a member of senior management at Bankers Trust of South Carolina, where she served as General Auditor.

In 2002, the South Carolina Bar Association recognized Ms. Palinski as the Pro Bono Lawyer of the Year for her work providing legal services to indigent hospice patients. She is a member of the South Carolina Bar Association and the Richland County Bar Association.

June, 2008



EXPERIENCE IN FIDUCIARY ADMINISTRATION

Since 2004, I have served as a fiduciary on twenty-one cases. The positions have included Personal Representative or Special Administrator of decedents' estate, Conservator for both minor children and incapacitated adults, and Trustee of irrevocable trusts. My appointments have been from the Probate Courts in Lexington, Richland, and Newberry County. I have also had individuals or families directly ask me to serve as the fiduciary.

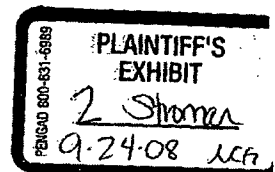
Many times I have redeemed life insurance policies, annuities, retirement accounts and benefits, and veterans and other government benefits, and filed claims for medical insurance benefits and settled outstanding medical bills. I have been involved in locating assets, filing current and delinquent tax returns and negotiating settlements on penalties with the IRS and SC Department of Revenue, and preparing all of the accountings and filings required by the Probate Court. When it is necessary to liquidate the real estate, I have used public auctions, solicited bids from private investors, and listed with realtors, as was appropriate for the property involved. The types of assets involved included:

- a) Securities, both stocks, bonds, mutual funds, including those held through brokerage accounts and those held directly with transfer agents;
- b) Bank deposits;
- c) Vehicles;
- d) Undeveloped land, some involving timber management or Department of Agriculture programs for crop production subsidies and conservation and, the subdivision of the land; and
- e) Residential real estate.



Kathleen Palinski

June 11, 2008



D-BK:01169 PG:0316

Recorded by and to be
returned to:

John Eric Fulda
Whetstone, Myers, Perkins & Young, LLC
601 Devine Street
Columbia, South Carolina 29201

FILED Sep 25, 2006 10:56:22 am
BOOK 01169
PAGE 0316 THRU 0319
INSTRUMENT # 2006004434
Neil J. Young
Signature

FILED
ORANGEBURG
COUNTY
GAIL LANEY
REGISTER
OF DEEDS

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

TITLE TO REAL ESTATE
(Title Not Searched)

KNOW ALL MEN BY THESE PRESENTS, that SAMUEL D. STROMAN ("Grantor"),
in the State aforesaid, for and in consideration of the sum of Five and No/100 (\$5.00) Dollars and
love and affection, unto him in hand paid at and before the sealing of these presents by SAMUEL
D. STROMAN, II ("Grantee"), in the State aforesaid, the receipt whereof is hereby
acknowledged, has granted, bargained, sold and released, and by these presents does grant,
bargain, sell, and release unto the said SAMUEL D. STROMAN, II, his heirs and assigns
forever, in fee simple, together with every contingent remainder and right of reversion, the
following described property, to wit:

SEE ATTACHED EXHIBIT A FOR LEGAL DESCRIPTION.

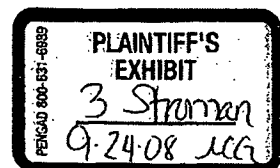
Property Address: 1193 Pruitt Drive, Orangeburg, SC 29115
Grantee(s) Address: 1193 Pruitt Drive, Orangeburg, SC 29115

This conveyance is made subject to easements and restrictions of record and otherwise
affecting the property.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances
to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said premises before mentioned unto
the said SAMUEL D. STROMAN, II, his heirs and assigns forever, in fee simple, together with
every contingent remainder and right of reversion.

ENTERED IN THE OFFICE OF ASSESSOR
MAP 0142 SHEET 20 BLOCK 04 PARCEL 005
THIS 27 DAY OF September 2006
ORANGEBURG COUNTY JIM McLEAN, COUNTY ASSESSOR

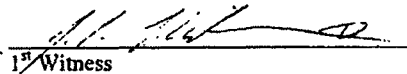


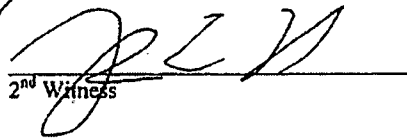
D-BK:01169 PG:0317

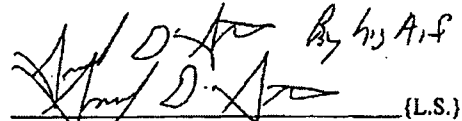
AND SAMUEL D. STROMAN does hereby bind his heirs and assigns, to warrant and forever defend, all and singular, the said premises unto the said SAMUEL D. STROMAN, II, his heirs and assigns forever, in fee simple, together with every contingent remainder and right of reversion against Grantor and Grantor's heirs, and all persons whomsoever lawfully claiming, or to claim, the same or any part thereof.

WITNESS our Hands and Seals this 20th day of September, 2006.

Signed, Sealed And Delivered
In The Presence Of:


1st Witness


2nd Witness

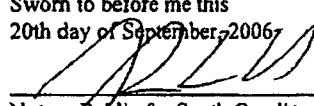

(L.S.)
Samuel D. Stroman by his Attorney-In-Fact
Samuel D. Stroman, II

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

PROBATE

PERSONALLY APPEARED BEFORE ME, the undersigned witness, and made oath that he/she saw the within named Samuel D. Stroman by his Attorney-In-Fact Samuel D. Stroman, II, Sign, Seal and as his Act and Deed deliver the within written Deed; and that he/she with the other witness subscribed above witnessed the execution thereof.

Sworn to before me this
20th day of September, 2006


Notary Public for South Carolina
My commission expires: 2/15/2007

(L.S.)

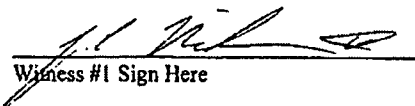

Witness #1 Sign Here

EXHIBIT A-LEGAL DESCRIPTION

All that certain piece, parcel or lot of land, with improvements thereon, situate, lying and being in Limestone Township, School District No. 5, Orangeburg County, South Carolina, shown as Lot 10 Block JJ, and a triangular portion of a reserved area as shown on a plat of Plantation Block JJ, by John K. Davis, RLS, dated August 15, 1968, and recorded in the Office of the Register of Deeds for Orangeburg County in Plat Book 27 at Page 103, and bounded and measuring as follows: On the North by Lot 11, in Block JJ, and by a pond as shown on a plat hereinabove described and measuring two hundred ninety-seven and three-tenths (297.3) feet; on the East by the remaining portion of the reserved area as shown on the plat hereinabove described and measuring thereon two hundred ninety-five (295) feet; on the South by Tolly Ganly Circle and measuring thereon Two Hundred (200) feet; and on the West by Pruitt Drive and measuring thereon two hundred seventy-four and five-tenths (274.5) feet; all measurements being a little more or less.

Derivation: This being the same property conveyed to Samuel D. Stroman by deed of Nancy B. Smith dated April 3, 2001 and recorded April 3, 2001 in the Office of the Register of Deeds for Orangeburg County in Deed Book 861 at Page 263.

TMS: 0142-20-04-005.000

0326 960

D-BK:01169 PG:0319

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

AFFIDAVIT

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit and I understand such information.
2. The property being transferred is located at 1193 Pruitt Drive, Orangeburg, SC, bearing Orangeburg County Tax Map Number 0142-20-04-005.000, was transferred by Samuel D. Stroman to Samuel D. Stroman, II on September 20, 2006.
3. Check one of the following: The Deed is
 - (a) _____ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
 - (b) _____ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as distribution to a trust beneficiary.
 - (c) XXXX EXEMPT from the deed recording fee because (exemption #) _____
(Explanation if required) (transferring property to son)
(If exempt, please skip items 4-6, and go to item 7 of this affidavit)
4. Check one of the following if either 3(a) or item 3(b) above has been checked.
 - (a) _____ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$ _____.
 - (b) _____ The fee is computed on the fair market value of the realty which is \$ _____.
 - (c) _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is \$ _____.
5. Check YES _____ or NO _____ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "YES," the amount of the outstanding balance of this lien or encumbrance is \$ _____.
6. The Deed Recording Fee is computed as follows:
 - (a) \$ _____ the amount listed in item 4 above
 - (b) _____ the amount listed in item 5 above (no amount place zero)
 - (c) \$ _____ Subtract Line 6(b) from Line 6(a) and place the result.
7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: \$10.00 (deed).
8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Attorney.
9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Responsible Person Connected with this transaction

John Eric Fulda
Print or Type Name Here

SWORN to before me this 20th
Day of September, 2006.

[Signature]
Notary Public for South Carolina
My Commission Expires: 2-29-16

D-BK:01169 PG:0320

Recorded by and to be
returned to:*Return*
John Eric Fulda
Whetstone, Myers, Perkins & Young, LLC
601 Devine Street
Columbia, South Carolina 29201FILED Sep 25, 2006 10:58:29 am
BOOK 01169
PAGE 0320 THRU 0323
INSTRUMENT # 2006004435
John Eric Fulda
SignatureFILED
ORANGEBURG
COUNTY
GAIL LANEY
REGISTER
OF DEEDS

STATE OF SOUTH CAROLINA)

COUNTY OF ORANGEBURG)

TITLE TO REAL ESTATE
(Title Not Searched)

KNOW ALL MEN BY THESE PRESENTS, that SAMUEL D. STROMAN ("Grantor"), in the State aforesaid, for and in consideration of the sum of Five and No/100 (\$5.00) Dollars and love and affection, unto him in hand paid at and before the sealing of these presents by SAMUEL D. STROMAN, II ("Grantee"), in the State aforesaid, the receipt whereof is hereby acknowledged, has granted, bargained, sold and released, and by these presents does grant, bargain, sell, and release unto the said SAMUEL D. STROMAN, II, his heirs and assigns forever, in fee simple, together with every contingent remainder and right of reversion, the following described property, to wit:

SEE ATTACHED EXHIBIT A FOR LEGAL DESCRIPTION.

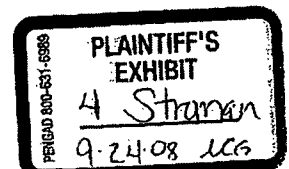
TMS: 0181-19-07-003.000

Grantee(s) Address: 1193 Pruitt Drive, Orangeburg, SC 29115

This conveyance is made subject to easements and restrictions of record including but not limited to those referenced in deed recorded in Deed Book 398 at Page 255 and otherwise affecting the property.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said premises before mentioned unto the said SAMUEL D. STROMAN, II, his heirs and assigns forever, in fee simple, together with every contingent remainder and right of reversion.

FILED IN THE OFFICE OF ASSESSOR
0181 SHEET 19 BLOCK 07 PARCEL 003
29 DAY OF September 2006
ORANGEBURG COUNTY JIM McLEAN, COUNTY ASSESSOR

AND SAMUEL D. STROMAN does hereby bind his heirs and assigns, to warrant and forever defend, all and singular, the said premises unto the said SAMUEL D. STROMAN, II, his heirs and assigns forever, in fee simple, together with every contingent remainder and right of reversion against Grantor and Grantor's heirs, and all persons whomsoever lawfully claiming, or to claim, the same or any part thereof.

WITNESS our Hands and Seals this 20th day of September, 2006.

Signed, Sealed And Delivered
In The Presence Of:

J. L. [Signature]
1st Witness

[Signature]
2nd Witness

[Signature] By his Aif
[Signature] (L.S.)
Samuel D. Stroman by his Attorney-In-Fact
Samuel D. Stroman, II

STATE OF SOUTH CAROLINA)

) PROBATE

COUNTY OF RICHLAND)

PERSONALLY APPEARED BEFORE ME, the undersigned witness, and made oath that he/she saw the within named Samuel D. Stroman by his Attorney-In-Fact Samuel D. Stroman, II, Sign, Seal and as his Act and Deed deliver the within written Deed; and that he/she with the other witness subscribed above witnessed the execution thereof.

Sworn to before me this
20th day of September, 2006.

[Signature] (L.S.)
Notary Public for South Carolina
My commission expires: 2/7/2007

[Signature]
Witness #1 Sign Here

EXHIBIT A-LEGAL DESCRIPTION

All that certain piece, parcel or lot of land, situate, lying and being in Orange Township, Orangeburg County, South Carolina, being designated as Lot No. 7 in Block "K" in Parlerdale Subdivision on a plat of said subdivision by C.A. Ferris, R.L.S., dated November 7, 1968, and recorded in the Office of the Clerk of Court for Orangeburg County in Plat Book 28 at Page 11; said lot being bounded and measuring as follows: on the Northwest by Lot No. 5 in Block "K" on said plat and measuring thereon two hundred five (205') feet; on the Northeast by Willow Drive and measuring thereon one hundred forty-five (145') feet; on the Southeast by Lots 9 and 10 on said plat and measuring collectively two hundred five (205') feet; and on the Southwest by Lot No. 6, owned by Wilma McCoy, and measuring thereon one hundred forty-five (145') feet; all measurements being a little more or less.

Derivation: This being the same property conveyed to Samuel D. Stroman by deed of Nettie P. Parler dated June 14, 1974 and recorded June 19, 1974 in the Office of the Clerk of Court for Orangeburg County in Deed Book 398 at Page 255.

TMS: 0181-19-07-003.000

0339540

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

AFFIDAVIT

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit and I understand such information.
2. The property being transferred is located at Willow Road, Orangeburg, SC, bearing Orangeburg County Tax Map Number 0181-19-07-003.000, was transferred by Samuel D. Stroman to Samuel D. Stroman, II on September 20, 2006.
3. Check one of the following: The Deed is
 - (a) _____ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
 - (b) _____ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as distribution to a trust beneficiary.
 - (c) XXXX EXEMPT from the deed recording fee because (exemption #) _____
(Explanation if required) transferring property to son
(If exempt, please skip items 4-6, and go to item 7 of this affidavit)
4. Check one of the following if either 3(a) or item 3(b) above has been checked.
 - (a) _____ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$ _____.
 - (b) _____ The fee is computed on the fair market value of the realty which is \$ _____.
 - (c) _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is \$ _____.
5. Check YES or NO to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "YES," the amount of the outstanding balance of this lien or encumbrance is \$ _____.
6. The Deed Recording Fee is computed as follows:
 - (a) \$ _____ the amount listed in item 4 above
 - (b) _____ the amount listed in item 5 above (no amount place zero)
 - (c) \$ _____ Subtract Line 6(b) from Line 6(a) and place the result.
7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: \$10.00 (deed).
8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Attorney.
9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Responsible Person Connected with this transaction

John Eric Fukda
Print or Type Name Here

SWORN to before me this 20th
Day of September, 2006.

James L. Clishan
Notary Public for South Carolina
My Commission Expires: 2-29-16

STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
COUNTY OF ORANGEBURG) C/A No.: 2008-CP-38-310

Estate of Samuel D. Stroman,
Jamileh S.D. Stroman and Synthia
D. Stroman,

Plaintiffs,

v.

Samuel D. Stroman, II and
Sherolyn D. Stroman,

Defendants.

COPY

DAMAGES HEARING

Tuesday, August 9, 2011
2:12 p.m. - 4:33 p.m.

The hearing before the Honorable Olin Davie Burgdorf, as Master-in-Equity for Orangeburg County, was taken at Orangeburg Courthouse, 190 Gibson Street, Orangeburg, South Carolina on the 9th day of August 2011 before Diane M. Hendricks, Court Reporter and Notary Public in and for the State of South Carolina.

APPEARANCES:**Andrew S. Radeker, Esquire**

Harrison and Radeker, PA
 923 Calhoun Street
 Columbia, South Carolina 29201
 Attorney for the Plaintiffs, Jamileh S.D. Stroman and
 Synthia D. Stroman

Robert F. McCurry, Jr., Esquire

Horger Barnwell and Reid, LLP
 Post Office Drawer 329
 Orangeburg, South Carolina 29116
 Attorney for the Defendant, Samuel D. Stroman, II

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BY MR. RADEKER 114

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EXHIBITS

(Plaintiffs' Exhibits One through Fifteen were
 retained by the Court.)

(Defendant's Exhibits One and Two were retained by
 the Court.)

1 **THE COURT:** Who do we have? Plaintiff -- who's
2 plaintiff and defendant in here? We've got -

3 **OPENING STATEMENT:**

4 **BY MR. RADEKER:** Your Honor, I'm Drew Radeker. I
5 represent the plaintiffs. That's Jamileh and
6 Synthia Stroman. The defendants are Samuel D.
7 Stroman, II, who we'll probably be referring to
8 as David because that's what he's gone by for
9 much of his life. Also to keep from confusing
10 him with Samuel D. Stroman, I during this
11 hearing, and Sherolyn Stroman. Sherolyn
12 Stroman. Sherolyn Stroman is unrepresented.
13 I don't believe she's here or -- and nor that
14 anyone expects her to.

15 **MR. McCURRY:** No, she -- no, she is en route. She
16 apparently, obviously hadn't made it yet,
17 though.

18 **MR. RADEKER:** So -- oh. Well, then, she may be on
19 her way. So -- but she's here?

20 **MR. McCURRY:** I saw her earlier this morning, so --
21 Your Honor, of course, I'm Bob McCurry with the
22 law firm of Horger, Barnwell and Reid
23 representing the defendant, David Stroman. He
24 is Samuel D. Stroman, II, but also known as
25 David Stroman, as indicated.

1 THE COURT: All right, then. Let's proceed. Like I
2 said, we've got two hours basically to do this.

3 MR. RADEKER: Okay. Thank you, Your Honor. We'll
4 try not to waste too much time.

5 THE COURT: You can read the signs.

6 MR. RADEKER: Yeah, indeed. I always try to follow
7 that. Essentially what we've got here, Your
8 Honor, is a default hearing. Mr. Stroman is in
9 default of the amended complaint in this case.
10 Has been for some time. Really what this case
11 concerns -

12 MOTION:

13 BY MR. McCURRY: Your Honor, if I may interject. I
14 didn't know if he was going to make an opening
15 statement. I had actually filed a motion to be
16 -- of relief from the default, and -- and it
17 would probably be appropriate to hear that
18 motion before we proceed, I would think, in
19 this matter. Mr. Stroman was represented by
20 Carl Grant at some point in time. I was
21 appointed as substitute counsel. An affidavit
22 of default was sometime back, and I recently
23 filed an affidavit to be relieved from that
24 default. And I can go into that at your -- at
25 your --

1 THE COURT: Well, we need to get -- we need to get
2 that issue out of the way.

3 MR. McCURRY: Sure.

4 MR. RADEKER: I certainly don't have any problem
5 with getting that out of the way.

6 MR. McCURRY: Sure. Well, Your Honor, this case --
7 and Your Honor has more experience and
8 background with this case than I do. The --
9 this case is somewhat -- somewhat atypical case
10 in the sense that it was two -- two parties
11 filed in probate court to be appointed as
12 personal representative. It was removed to
13 circuit court, Your Honor. There's been
14 actually a great deal of discovery and request
15 for production of documents and answers to
16 interrogatories filed, and there was actually
17 an answer filed in the first complaint, if you
18 will, by Mr. Stroman and his prior attorney.
19 Your Honor, in this case there have been a
20 number of little unusual -- a number of
21 affidavits that were generated by Mr. Grant's
22 office that were submitted as responses to
23 requests, and also as part of the pleadings.
24 One of those responses -- replies, Your Honor,
25 was an affidavit of David Stroman that was

1 fairly detailed and was filed about the same
2 time as the amended complaint was filed. I
3 thought that that was really his answer to a
4 complaint, Your Honor. Got back from vacation
5 a couple of weeks ago and realized that that
6 was not, in fact, the case. And so, I filed a
7 motion to be relieved from default. And that
8 motion, Your Honor, and the answer that I filed
9 is basically -- you can call it a general
10 denial of all the allegations, you know, asking
11 the plaintiff to prove their case. There's no
12 counterclaim in which Mr. Stroman is asking for
13 any reimbursement of funds that may have been
14 distributed to his clients and I don't think
15 the parties are prejudiced because the status
16 quo is pretty much the same. They still have
17 to prove their case. And so, we would
18 certainly, under these circumstances, we would
19 ask that the Court lift the default, if you
20 will, to allow an answer to proceed and the
21 case to proceed in this matter as well.
22 Another complicated fact I meant to mention,
23 Your Honor, we got a special administrator
24 involved which is -- this case has had some
25 unusual aspects to it, and the file was so

1 voluminous, again, I just did not realize that
2 that -- that default was not taken care of, if
3 you will.

4 **THE COURT:** Mr. Radeker.

5 **MR. RADEKER:** Thank you, Your Honor. Actually,
6 we've discussed at a previous status conference
7 before Your Honor the fact that Mr. Stroman is
8 in default, and I would like to hand up a copy
9 of a couple of letters. I'll hand copies of
10 them to Mr. McCurry. I believe he has them
11 already, in any event. Thank you, sir. Mr.
12 McCurry got involved in this case around the
13 end of October, beginning of November of last
14 year. He called me. I informed him that Mr.
15 Stroman was in default. He said, well, I --
16 that he'd have to look into it and see whether
17 he's going to make a motion to set aside
18 default. I sent him the documents that
19 supported that, you know, with that November
20 17th letter. Mr. Stroman has been in default
21 for -- coming up on three years now of the
22 amended complaint. His attorney was served
23 with the affidavit of default, and his attorney
24 at the time never contacted me about that in
25 any way. We didn't conduct any further

1 discovery after he was in default. This court
2 actually set a time for there to be a hearing
3 on a motion to set aside default if Mr. McCurry
4 were to make one. He didn't make such a
5 motion, so such a hearing was never had. Your
6 Honor, the Sundown Operating Company versus
7 Intedge Industries, and I've got a copy of that
8 case, I don't really know if we necessarily
9 need to hand it up, but if Your Honor pleases,
10 it's here, sets forth kind of clarifying what
11 the test is for getting out of default. First,
12 the defaulting parties got to explain the
13 default. Why did it happen. This motion just
14 says the previous attorney didn't answer the
15 complaint. Nothing about why, or nothing that
16 would provide an excuse for why that didn't
17 happen. They also got to explain why a relief
18 from default would serve the interest of
19 justice. There's no affidavit or anything
20 tending to indicate that the allegations in the
21 amended complaint are not true. If they get
22 past that first prong, second the Court looks
23 at the timing of the motion. Hearing that
24 we've just talked about that a little bit, also
25 this motion was made eight days before this

1 hearing was set and some 10 months after Mr.
2 McCurry appeared in the case, nearly three
3 years after the amended complaint was served.
4 Whether the defendant has a meritorious
5 defense, nothing tending to indicate there is
6 a meritorious defense that's presented with
7 this motion. No showing of any kind presented
8 with it, and whether there's any prejudice to
9 the plaintiff that would be had by letting the
10 defendant out of default. Here, you know, we
11 didn't take depositions in this case or do some
12 of the extensive discovery, things that we
13 could have done, because Mr. Stroman was in
14 default. And so, we would be prejudiced. This,
15 I think, is the classic situation where setting
16 aside default wouldn't be proper. I understand
17 Mr. McCurry is coming in here cleaning up
18 somebody else's mess, and I kind of feel for
19 him, but at the same time just -- you know, the
20 status of the case is such that I think it's
21 time to move on. I don't really see what would
22 be gained by letting them out of default, and
23 I don't think they met the standard.

24 **THE COURT:** Anything further?

25 **MR. McCURRY:** Your Honor, I certainly think that

1 there is -- that there is a meritorious defense
2 as indicated in the discovery responses and
3 pleadings that have been submitted by the
4 parties. And again, I don't think there's any
5 prejudice to the other parties, because again,
6 they are obligated to prove their case, if you
7 will. And so, I believe, Your Honor, that
8 under the circumstances, it would be
9 appropriate to grant relief from default so we
10 can proceed here today with a full hearing of
11 the issues.

12 **THE COURT:** Anything else?

13 **MR. RADEKER:** Just this. If this were a sufficient
14 showing to get out of default, everyone would.

15 **THE COURT:** Yeah, I don't -- I don't really see that
16 much of a -- you say you feel for Mr. McCurry's
17 position, but I feel like there is a --
18 basically, based on what Mr. Radeker has said,
19 that there is a strong leaning not to allow a
20 person in this circumstance to be out of
21 default of the hearing that was scheduled -- or
22 not scheduled, actually referred to, and the
23 time -- a time frame and the other issues. So
24 basically, in all it'll be that the default is
25 not -- not granted.

1 MR. RADEKER: Thank you.

2 MR. McCURRY: Thank you, Your Honor.

3 MR. RADEKER: In that case, then we -- we are here
4 for a hearing on damages essentially that
5 concerns the appropriation by David Stroman,
6 who's the Samuel D. Stroman, II. And I'll call
7 him David and probably call his father the
8 Colonel, or Colonel Stroman to differentiate
9 them. The appropriation by him of assets of
10 the estate of Colonel Stroman. And, Your
11 Honor, I guess, first of all, we can call
12 witnesses. You know, we'll call David Stroman
13 to the stand.

14 SAMUEL D. STROMAN, II, having been duly affirmed,
15 testified as follows:

16 MR. STROMAN - DIRECT EXAMINATION BY MR. RADEKER:

17 Q: Mr. Stroman, I'm Drew Radeker. We've met in
18 the past some years ago.

19 A: Yes, sir.

20 Q: Now, you would agree you are not the same
21 person as your father, Colonel Samuel D.
22 Stroman, I, correct?

23 A: I would agree that I'm not -- no, I am not the
24 same person. I'm his son.

25 Q: Right. You're a different person. Well -- and

1 you would agree that your father died September
2 21st, 2006, correct?

3 A: Based on what -- yes.

4 Q: So, and largely you've had control of what he
5 owned when he died since that time?

6 A: That's correct.

7 Q: All right. Can you tell us what it is that
8 your dad owned when he died?

9 A: When my dad died, he owned two bank accounts.
10 I can't give you the -- the correct
11 denominations. A CD. He owned a house on
12 Pruitt Drive, and there was property
13 undeveloped in the county of Orangeburg. And
14 the name of the -- in the Pollydale area. I'm
15 sorry. In addition to that, he owned --
16 there's land in Valencia -- excuse me, New
17 Mexico.

18 Q: Valencia County?

19 A: Yes. In New Mexico. And there was a -- and
20 I'm really -- this is ambiguous. I really
21 don't know, because I've called the timeshare
22 people and they state that he sold it, but I
23 have no documents that he sold it, but I still
24 receive calls by the timeshare.

25 Q. So anything else that he owned?

1 A. He owned three old cars; a '73 Pontiac -- I'm
2 sorry, a '73 Firebird, a '92 Mercury, and a '92
3 Dodge truck.

4 Q. Anything else?

5 A. There was jewelry that he owned.

6 Q. All right. Describe that to me.

7 A. Well, I -- you know, I'm not a jewelry person.
8 You know, I'm not one -- I don't have any
9 piercings. I don't have any tattoos. All I
10 can say, it was a ring. It was, to me, a Sammy
11 Davis, Jr. looking chains, you know, with
12 different -- you know, diamond studded. He had
13 a Kappa pendant. You know, that's the only
14 thing that's missing. Now, my father would
15 wear that to several occasions. It could have
16 been taken to the cleaners. I don't know. But
17 all the other rings, probably two chains with
18 a gold encrustment. You have that copy from
19 the insurance company, so you know exactly what
20 it is. Now, if I had that list I could give it
21 to you in verbatim, but I know you have it. I
22 have all of those things.

23 Q. So you say you have all of the jewelry?

24 A. Yes.

25 Q. Because that was going to be kind of one of my

1 follow-up questions was where are they now.

2 A. Oh, no. They're in my -- they're in my
3 possession.

4 Q. And you say except for the Kappa pendant?

5 A. Yes. And I had no idea the Kappa pendant was
6 missing until there was an inquiry made about
7 the jewelry, because I put everything up. I
8 had no reason to pull it out.

9 Q. He had a safety deposit box, correct?

10 A. No, he didn't have a -- yes, he had a safety
11 deposit box at the bank.

12 Q: So -- okay.

13 A: Yeah, he didn't have it in there, so I didn't
14 put it in there.

15 Q: So what was in the safe deposit box?

16 A: In the safety deposit box were papers talking
17 about Pruitt Drive. I think they were the
18 Pruitt Drive deed. And there were information
19 which seems to be non-important about accounts
20 that were -- subsequently he had closed. So
21 apparently, he had put it in there and it never
22 went back. But some of it was obsolete, or not
23 effective.

24 Q: At what institutions were those accounts?

25 A: That was at Calhoun County Bank of America.

1 Q: Anywhere else?

2 A: Not to my knowledge. Those are the only ones
3 I know.

4 Q: Anything else that was in there?

5 A: In the bank?

6 Q: In the safe deposit box.

7 A: I don't believe so. You know, it was --

8 Q: All right. Now, you've had possession of that
9 house -- the Pruitt Drive house --

10 A: Yes.

11 Q: -- since your father passed, correct?

12 A: Yes, sir.

13 Q: You were living there before and you just kept
14 on living there?

15 A: Yeah. Well, I came to take care of him. When
16 he got sick -- he was ill on July 31st, 2003,
17 and I was here August 1st, 2003, and I've been
18 here subsequently through the court
19 proceedings, or potential court proceedings
20 with Methodist Oaks, because there was an
21 accident that he was involved in and there was
22 a procurement of time before they finally came
23 to a settlement.

24 Q: All right. Well, what about the items that
25 were in the house? What were the -- what was

1 in the house when your father passed? I mean,
2 everything from furniture to whatever all else
3 was in there?

4 A: What was in the house?

5 Q: Yes, sir.

6 A: Okay. You want me to start room by room?

7 Q: I guess that would be the only way to do it.

8 A: Okay. Okay. Let's go in the attic. In the
9 attic he had clothes, and the different items
10 that he had moved into his home from the home
11 that he left, which was on Old Highway 4. He
12 lived there for about 30 years in a trailer.
13 Now, up in that attic there were awards that he
14 had received throughout his career. There were
15 memorabilia, items that people had sent him for
16 holidays, birthdays, things of that nature.
17 There were old exercise equipment that he had,
18 obviously, he didn't use anymore. He just
19 stuck it in the attic. Now, if we were to move
20 down to the first floor, if you go into his
21 bedroom, there's a master bed and there's a
22 scant chest of drawers, and if you would go
23 over in the corner, there's a large -- say you
24 open up -- somewhat of a vanity where he had
25 his clothes. There was a television set in

1 that room. Now, if you move to the other room
2 across from the hall, there was a bed, a -- you
3 would say like a chest of drawers with a mirror
4 on it, and a -- well, I guess you would want to
5 know this, a pillow on the floor. Red, white
6 and blue pillow. In the adjacent room, which
7 I called that room his study or exercise room,
8 he had exercise equipment that would -- an ab
9 rocker. That's what it was. And I don't think
10 they make them anymore, but he had an ab rocker
11 there. There was also a desk -- a study desk.
12 Also a bigger, larger desk, storage-type
13 cabinet which was made of wood, which would --
14 went with the decorum of the room. Now, if you
15 were to move -- that should take care of the
16 upstairs. And, of course, there was a
17 bathroom. In the bathroom there were bathroom
18 things; his clothes, toiletry things that he
19 needs. If you were to move downstairs -- now,
20 let's go back upstairs. He had a double-
21 barreled shotgun which was given to him by who,
22 I don't know. He had a .38 caliber pistol that
23 he would keep by his bed for protection. Now,
24 if we were to move downstairs, there's a living
25 room off to the right which has a dining room

1 table. There are two couches, smaller couches.
2 There are pictures on the wall. There is a
3 china closet that sits in the corner. If you
4 were to move into his den on the same floor,
5 there are his awards that he has on the wall.
6 There's a large couch approximately eight to
7 nine feet in a half moon-type situation.
8 There's a television. There was a recliner
9 chair that he has. Now, there was a stander
10 [sic] that was purchased for him. A stander
11 [sic] to help him stand, which was medical
12 equipment, but medical equipment that the
13 insurance company would not provide but you
14 could get on your own, and it helped him to
15 stand erect so he would not get clots
16 throughout his body, so --

17 Q: Kind of like a stationary walker sort of?

18 A: No.

19 Q: No? Describe it to me.

20 A: You would strap him in, as I'm sitting here,
21 and it would gently -- gently lift him to a
22 standing position. And this helped with his
23 circulatory system and not -- the clots -- to
24 strengthen your muscles from the weight bearing
25 of the gravity.

1 Q: I understand. I was just curious about what it
2 was.

3 A: In addition in that room, there is a bar. You
4 want me to name everything?

5 Q: I mean, well, you can kind of generally
6 describe things.

7 A: Yeah, well, I mean --

8 Q: I mean, if there's, you know, a rack of wine in
9 the bar, you don't have to tell me all the
10 bottles, you know?

11 A: Okay. There's a stock -- there's a stock bar.
12 There's a large Trinitron television, which is
13 pretty boxy. But a large Trinitron television.
14 And there are different -- you know, different
15 things from the Kappas. There's -- there's
16 recognition from different organizations that
17 had given him, you know, different things for
18 making contributions.

19 Q: Some type of trophies, plaques, awards kind of
20 thing?

21 A: Yeah, yeah. Things of that nature. Now, if
22 you were to go into the dining room area,
23 there's a table with four chairs, and there's
24 a television there sitting on top of a regular
25 -- regular stand. Right in that dining room

1 area is the laundry room. There's a washer and
2 a dryer in a close-in closet. Next to the
3 closet you have a pantry. Of course, there's
4 food in the pantry. You would go to the steps.
5 He had some items that were stored there. It
6 was his jump boots. He had a plaque stating
7 when he made his first jump. He was a 82nd
8 Airborne. And different things from the
9 military, and different items from Colin Powell
10 and different people who had written in books
11 and thanked him and -- you know, from his
12 friends. He had dishes; he had dishes that
13 were pretty old. I remember the dishes from a
14 kid. And I think that they purchased those
15 dishes in Germany or somewhere, but I remember
16 the pattern. He had all kind of little -- he
17 had all kind of little mugs, Oktoberfest. You
18 know, mugs that he had purchased when he was in
19 Germany and brought it back. And different --
20 and different items, if you will, from his
21 extensive travels. You know, he -- he spent --
22 he was in the service for probably 30-something
23 years, so he has items from all over from
24 different places, be it a plaque, be it a
25 plate, be it a rug, be it a -- things of

1 different types.

2 Q: Souvenirs --

3 A: Yes.

4 Q: -- around the house.

5 A: Yes. Yes. And in particular from -- the
6 Vietcong used to call my father Black Horse.
7 They wanted him dead. My dad would go on
8 suicide missions, to make a long story short.
9 In honor of them not killing him, they sent him
10 a black horse to Vietcong that they made. And
11 so, he kind of got a kick out of that, you
12 know. So he has things of that nature. A lot
13 of books. My dad was an avid reader. There's
14 a lot of books in the house. He had a Ph.D. in
15 philosophy. He has a lot of memoirs and books
16 that he has written. I think he did a thing
17 with ROTC and saved the military a large sum of
18 money by compressing the thing, and I have
19 whole volumes of that. And I've been asked by
20 other people can I send that, because they --
21 the ones that they sent him, they did implement
22 it. And they didn't say the cost, but other
23 people wanted the program, and I told them I
24 couldn't do it, you know? I couldn't be
25 sending it. I essentially tried to keep

1 everything intact. Now, if we were moving to
2 the garage. Do you want to know what's in
3 there?

4 Q: Let me ask you. Other than the cars --

5 A: Yeah.

6 Q: -- is there anything that you would say would
7 be of value in the garage? I mean, you know
8 you probably got lawnmowers and stuff in there.

9 A: Yeah, yeah, yeah, lawnmowers. A sit-down mower
10 would be of value, but I got the sit-down
11 mower. He's got two push mowers which are
12 self-propelled. He duplicated a lot of things.
13 You know, every kind of tool you want to name
14 is there. Now, across from the garage there's
15 a separate garage. And in that garage he has
16 boxes that he had stored at his home on Pruitt
17 Drive. Now, in these boxes are papers and
18 different things. I don't know what's in the
19 box. You know, I've peeked inside, but there
20 are different things. I'm thinking that some
21 of the items that are in the box he had stored
22 for 30 years, forgot they were up in the attic
23 at his aunt's house, and I said, dad, your
24 stuff is in the attic. Oh, I forgot about
25 that. So I'm thinking it's items from

1 Washington. Because he wanted my mother to
2 move down here to South Carolina, that's why he
3 bought the land in Pollydale, to build her a
4 house. My mom would follow him anywhere, with
5 all due respect. He told her he would move to
6 Georgia and then turned around -- him and the
7 president of South Carolina, Nance, he was in
8 Felton with Nance's wife when they were three
9 years old, so they were very close. So he
10 said, Sam, if you come back down to stay, you
11 know, you can get a job as teaching. Now, he
12 was offered -- he was told by his boss in the
13 Pentagon, look -- he was in a think tank and
14 there were 12 officers. And the guy came to
15 him and said, look, Sam, you'll be a two- or
16 three-star general. You were handpicked. And
17 all the guys that were in there became two- and
18 three-star generals. But his interest were to
19 come back and to give back in teaching. He
20 just loved education. And he --

21 Q: I understand that he was a highly educated man.

22 A: Well, he -- he was built on -- he was born on
23 Edisto Drive in a one-room house with no
24 toilet, and very humble beginnings. So he felt
25 compelled to give that back. He would do

1 anything for education. When I say anything,
2 I mean anything for education.

3 Q: I got you. And I don't mean to cut you off
4 when I'm doing this. I'm just trying to be
5 mindful of the time. That's all.

6 A: Yes, sir. Yes, sir.

7 Q: So have we gone through all the rooms and stuff
8 in the house? Have we got everything pretty
9 much? So is there any other rooms, is what I'm
10 asking, or have we got it?

11 A: Well, there's a downstairs bathroom, but --

12 Q: Nothing in there but bathroom stuff?

13 A: No. But if you were to go outside and go into
14 the -- there's another garage attached --

15 Q: Three garages?

16 A: Well, no. There's one that's attached to the
17 house and there's another one that's separate
18 that he had built. In there is what I was
19 explaining to you about the items that were
20 taken out of the house on Pruitt Drive, which
21 subsequently I believe came from Washington,
22 DC. I think there's a chandelier that he took
23 down. Because when he left, he always thought
24 if your wife followed you all over the world
25 you -- you kind of think she's kind of mad, but

1 she's going to come. So when he left, he
2 packed up to leave. And my mom would -- I'm
3 not coming. And he was shocked, to be honest
4 with you, but the door was always open.

5 Q: Got you. Got you. Okay. Well, kind of a short
6 follow-up question to that kind of long string
7 of questions right there. The stuff that was
8 in the house, and by that, you know, I mean the
9 outside garage and stuff like that, that -- I
10 assume you probably ate most of the food, but
11 other than that, is it still there?

12 A: Yes. Everything is still there.

13 Q: All right. So -- all right. Going back up
14 here. You say you still got the jewelry?

15 A: Yes.

16 Q: So the -- the safety deposit box. Are those
17 items still in the safety deposit box?

18 A: No. I took them out to look at them, and --
19 the day that he died, took them out to look.
20 Jamileh saw them. I gave them to her. They
21 were not that significant. You know, they were
22 just items -- one was an account that had, as
23 I told you, had been closed for some time. So
24 I think it was -- he had put the items there
25 and, for whatever reasons, as he was going

1 through the probate proceedings with my aunt
2 Ethel and Uncle Frank, he kind of closed some
3 things out, but just never went back into his
4 box and did any changes, you know?

5 Q: Okay. Where are those items now, is what I was
6 getting at?

7 A: Oh, what items?

8 Q: That were in the safe deposit box.

9 A: Oh, they're in the house.

10 Q: They're in the house. Okay.

11 A: Yes, sir.

12 Q: All right. So I know what happened to the
13 three old cars. You had paid some money --

14 A: Yeah. They were put up as an estate --

15 Q: To the special administrator to buy them,
16 right?

17 A: Yeah. And we all had the opportunity to buy
18 them. So I brought them so I could give the
19 Mercury to my sister and -- because she needs
20 a car. My sister, Sheri. I mean, that's --
21 you know?

22 Q: And you hadn't done anything with the land that
23 was in Valencia County?

24 A: No, sir. Not at all. Not at all. It's still
25 undeveloped.

1 Q: So -- all right. The money that --

2 A: I'm sorry. Back up. You said Valencia County?

3 Q: That's right.

4 A: Okay. I haven't done anything with the land,
5 but the development in the area are doing
6 something with the land. In other words,
7 they're to build a hospital, they're trying to
8 make it a resort area, and they call constantly
9 and want to buy it back. But no, have I done
10 anything? Not at all.

11 Q: Okay. I'm just trying to get the status of the
12 various things. So, you know, you hadn't --
13 the undeveloped property in Orangeburg, that's
14 still there, undeveloped, correct?

15 A: Yes, sir. Undeveloped. That's correct.

16 Q: You hadn't cut it or anything?

17 A: No, sir. I think, you know, when we had the --
18 when we had the ice storms, there were a couple
19 of pine trees that had fallen, and I had those
20 removed because they were obstructing the
21 roadway.

22 Q: Okay. The money for the three old cars that
23 you bought, where did that come from?

24 A: It came from a joint account.

25 Q: So tell me about that joint account. Was that

1 a joint account that you say you had with your
2 dad?

3 A: That's a joint account I had with my dad.

4 Q: So do you remember what the account number was
5 on it?

6 A: No, I don't remember the account number.

7 Q: Okay. I'm going to show you something and ask
8 that it be marked as Plaintiffs' Exhibit One.

9 **MR. RADEKER:** I'll hand a copy to Rob right there.

10 And I ask that this be marked as Plaintiffs'
11 Exhibit One.

12 Q: Take a look at that for me, Mr. Stroman, and
13 tell me --

14 A: Excuse me.

15 Q: That's all right.

16 A: I have to get my glasses.

17 Q: Oh, that's okay. We can wait on you to do
18 that.

19 A: Yes, sir.

20 Q: All right. Tell me if these are Bank of
21 America customer receipts that shows the
22 transfers of money --

23 A: That's correct.

24 Q: -- from accounts that were your father's
25 accounts into an account that you opened; is

1 that correct?

2 A: Yes. And this was after -- now, the account
3 that -- the account became joint in 2005. But
4 yes, this is what I opened after returning from
5 my father's funeral, and my mother's funeral in
6 Arlington, Virginia.

7 Q: So -- and that 9 -- that account ending in
8 9452, that's your account, correct?

9 A: That's correct.

10 Q: And that's still open today?

11 A: Yes, sir.

12 Q: So any of the money in that account come from
13 any source other than from assets that your
14 father owned?

15 A: No, it did not.

16 Q: So all the money that's in there came from
17 that?

18 A: That's correct.

19 Q: How much money is in there today?

20 A: Approximately \$124,000.

21 Q: Take a look -- flip for me to the second page
22 of that Exhibit One.

23 **MR. RADEKER:** And, Your Honor, we'd ask that this be
24 admitted as Plaintiffs' Exhibit One. I just
25 kind of skipped that.

1 MR. McCURRY: No objection.

2 (Plaintiffs' Exhibit Number One was admitted into
3 evidence.)

4 Q: Take a look for me at the second page of that
5 --

6 A: Yes, sir.

7 Q: -- on that last customer receipt there.

8 A: Yes, sir.

9 Q: It says available balance, \$346,361.32,
10 correct?

11 A: Yes, sir.

12 Q: So was that the total monies of your father's
13 that you deposited into that account?

14 A: That's the total money that the -- that was
15 deposited into that account. That's correct.

16 Q: All right. Now, you say there's \$126,000 in
17 that account today?

18 A: Yes.

19 Q: What happened to the money between 346,000 some
20 odd dollars and 126,000?

21 A: What happened to the money? I paid for all the
22 expenses for the funeral here in Orangeburg.
23 I paid for the exhumation of my mother and
24 father, and the transport of their bodies to
25 Orangeburg. The flowers, the transportation.

1 Anything that had to do with the funeral
2 arrangements were done and paid. In addition
3 to that, I've been living off of it for five
4 years. I've been paying my DPU. I've been
5 paying living expenses in terms of --

6 Q: You mean Department of Public Utilities, is
7 what you mean?

8 A: That's correct. That's correct.

9 Q: Just to be clear for the record.

10 A: I have -- in addition to that, my sister --
11 whatever my sisters needed during that time,
12 but not up to this time, I did. But whatever
13 they asked for, I would do. And I would give
14 my sister, Sheri, \$500 a month. She had
15 developed diabetes and needed -- did not have
16 a job at the time. You know, had left her job
17 to help take care of her father and did not
18 have a job. And so I would provide for her to
19 be able to pay her co-payments for her
20 treatment. But whatever I had was open to all
21 of them. If they ever asked me for anything,
22 I did it, and would still do it.

23 Q: Did you give any money to Jamileh or Synthia of
24 that money?

25 A: I gave -- no, I did not. But before then I

1 did.

2 Q: So before then. Before when?

3 A: Before the account -- yes, I did, too. I gave
4 them each \$500 -- no, that was before. They
5 were given \$500 at my father's funeral for
6 expenses of preparation for food for the
7 repast. And this initiated the changing of the
8 account, because when I returned -- and I don't
9 know if it's all right for me to get into this.
10 When I returned --

11 Q: I'll object if I don't like it.

12 A: I understand. But I returned to Orangeburg.
13 And when I returned to Orangeburg, I had
14 written Paul Simmons the final check for 2,000
15 some odd dollars, \$2,347, and that was for the
16 exhumation of my mother and the whole process
17 of delivering my parents to their final resting
18 place. When I returned, I --

19 Q: Let's talk a second about these funeral
20 expenses, and just kind of to save time maybe,
21 total them up. How much total money did you
22 spend concerning the funeral arrangements for
23 your dad? I understand it might have been a
24 little bit more than your average funeral.

25 A: It was a lot more than your average funeral.

1 Approximately close to \$25,000.

2 Q: And that money all came from these same
3 sources, correct?

4 A: Yes, it did. Yes, it did.

5 Q: All right. And the rest of the money has
6 either been used for you paying your living
7 expenses, you say --

8 A: Yeah, I paid the living expenses. I kept the
9 property. You know, the property, the
10 painting, the maintenance, and the continuity
11 of keeping the property in a respectable
12 manner.

13 Q: So -- or you gave it to Sheri, your sister?

14 A: I -- and I gave Sheri money for the fact that
15 she, number one, was going through an illness
16 that was not identified until some time later.
17 There were co-payments. There were a number of
18 medical procedures that she had to -- had to
19 kind of ante-up on. They paid up to a certain
20 amount and then they wanted the rest of it, and
21 she didn't have the rest. Then the process of
22 getting to what the problem was, which
23 ultimately was found to be diabetes, would
24 never have been found.

25 MR. RADEKER: All right. I'm going to ask that

1 these be marked, and I'll just do them one at
2 a time, as Plaintiffs' Two -- we'll do all
3 three of them together to save a little time.
4 And Three.

5 **THE COURT:** Any objection?

6 **MR. McCURRY:** No.

7 **MR. RADEKER:** And Number Four.

8 **THE COURT:** Do you want him to look at these?

9 **MR. RADEKER:** Yes. And we'd ask that these be
10 admitted as Plaintiffs' Two, Three and Four.

11 **MR. McCURRY:** No objection, Your Honor.

12 **(Plaintiffs' Exhibit Numbers Two, Three and Four were**
13 **admitted into evidence.)**

14 Q: Mr. Stroman --

15 A: Yes.

16 Q: -- take a look at these for me, starting with
17 Plaintiffs' Exhibit Two. First of all, looking
18 at that, is this a signature card from Bank of
19 America that concerns an account that was
20 established in -- by your father in his name?

21 A: Yes, it does.

22 Q: So -- and it reflects a change in the terms of
23 that account and instructs the bank to change
24 the title of the account to -- from Samuel D.
25 Stroman, and that's all, to Samuel D. Stroman

1 and Samuel D. Stroman, the Roman numeral two
2 and the letters POA?

3 A: That's correct.

4 Q: Okay. And on both of the lines under those
5 typed names, that's your signature there,
6 correct?

7 A: Yes, that is my signature. That's correct.

8 Q: And not your father's, correct?

9 A: That is not my father's.

10 Q: Okay. And that's dated March 30th, 2004? You
11 can look at the bottom kind of on the left.

12 A: Yeah, I see it. Yes, it is. Yes, it is.

13 Q: All right. And take a look for me at
14 Plaintiffs' Exhibit Three. And that seems to
15 concern that same account; is that correct?

16 A: Yes, sir.

17 Q: So there you're changing one established in the
18 name of Samuel D. Stroman, II, and Samuel D.
19 Stroman. I guess meaning that was -- might
20 have been what they had it under at that time.
21 And you're changing it to clarify that the
22 Samuel D. Stroman, II, is Samuel D. Stroman,
23 II, to POA, correct?

24 A: No, I -- well, that's correct and that's
25 incorrect. Correct in the sense that when I

1 went into the bank with my father, I
2 established it as joint -- as a joint account.
3 And I also told them --

4 **MR. RADEKER:** Your Honor, I mean, I would just move
5 to strike this. It violates the Dead Man's Act
6 for him to testify about the transactions with
7 a deceased individual.

8 A: But the decedent was with me at the time.

9 Q: That doesn't matter.

10 **MR. McCURRY:** He's not indicating what the decedent
11 said at that time.

12 **THE WITNESS:** No. I didn't say what he said.

13 **MR. McCURRY:** I think he can testify as to -- that
14 he went to a bank with his father and it was
15 the result of -- result of a visit to the bank
16 that these documents were produced.

17 **THE COURT:** Yeah. As long as he's not quoting what
18 his father said.

19 Q: Well, in any event, here's what I'm getting at.
20 The only signature on that page is yours,
21 correct?

22 A: That is correct.

23 Q: So -- and you understand what that abbreviation
24 POA means? It means power of attorney,
25 correct?

1 A: Yes, I do. Yes, I do.

2 Q: So, and it's your contentions you had power of
3 attorney for your father, right?

4 A: It was contingent of the joint account, and I
5 had power of attorney for my father. That's
6 correct. And I asked them to put POA on the
7 account, because when I made transactions with
8 them, everyone wanted me to go home and get the
9 power of attorney. So I said I want joint
10 accounts and I want you to put POA.

11 Q: You wanted it to be abundantly clear that when
12 you were dealing with this account for your
13 father, for you were doing it as power of
14 attorney for him, correct?

15 A: I wanted it to be abundantly clear that it was
16 a joint account, that's what's correct, and I
17 was also the power of attorney.

18 Q: So you -- look at the next one for me,
19 Plaintiffs' Exhibit Four. This is for a
20 different Bank of America account, correct?

21 A: Yes, sir.

22 Q: And this purports to be a personal --

23 A: 9100027815342, 910027815342.

24 Q: Are we looking at --

25 A: It appears to be the same.

1 Q: Are we looking at Plaintiffs' Exhibit Four?

2 A: No, sir. I'm looking at Three and Two.

3 Q: So if you would look at Plaintiffs' Exhibit
4 Four for me, we'll be on the same page..

5 A: Oh, I got you. I understand.

6 Q: You know. And this one appears to be a
7 signature card -- changing a signature card
8 associated with a different account. One
9 ending in 5020 at Bank of America.

10 A: That's correct.

11 Q: Okay. And it's got -- it's got that little box
12 joined with "survivorship" checked there. And
13 it's titled Samuel D. Stroman, Ph.D., or Samuel
14 D. Stroman, II, POA there, correct?

15 A: That's correct.

16 Q: And the only signature that's on this document
17 is your signature, correct?

18 A: That's correct.

19 Q: So flip it on over to the second page for me.
20 So the writing that's on there, is that your
21 writing?

22 A: No, that's not my writing.

23 Q: Okay. Do you -- do you know why any of that is
24 there?

25 A: Yeah. The person took my driver's license and

1 they wrote the information for my driver's --
2 DC -- Washington, DC driver's license.

3 Q: Okay.

4 A: That's what that is, the information for my
5 driver's license in Washington.

6 Q: Noting that new information for this account?

7 A: That's correct. Now, keep in mind, when you --
8 I know you ask the questions. Can I say
9 something?

10 Q: Well, if I don't -- like I said, if I don't
11 like it, I'll object or ask that it be stricken
12 or something, so if you like.

13 A: Well, I just want to say that -- no. No. My
14 attorney can -- fine. I'm sorry.

15 **THE WITNESS:** Excuse me, Your Honor.

16 Q: All right. Now, your dad, when he died, he had
17 been in poor condition for some time before he
18 died, correct?

19 A: Physical condition, not mental.

20 Q: So would you agree that they assessed him
21 correctly on his death certificate when he died
22 of what he died of?

23 A: That was three years later. He died, now --
24 no. I disagree with the death certificate, and
25 I told his physician that. Not necessarily

1 with what they wrote, but they did not write --
2 my father died of pneumothorax. They tried to
3 put in a -- he had pneumonia. They tried to
4 put in a line to give him dialysis. They
5 missed the line, perforated his lung. This is
6 a man that has pneumonia, and introduced to
7 blood into his lung, which lead to septicemia
8 and ultimate death. It shut down his --

9 Q: Okay. I don't want to belabor this --

10 A: At the end --

11 Q: So -- but are you a medical professional?

12 A: I have medical training. Yes, I do.

13 Q: So -- but you're not a doctor?

14 A: I'm not a doctor until I pass the ECDF and part
15 three of the boards, and then I'll become a
16 full-fledged physician.

17 MR. RADEKER: All right. I have something that I'd
18 like to have marked and admitted, if there's no
19 objection, as Plaintiffs' Exhibit Five. It's
20 a copy of the death certificate.

21 A: Now, at the end of his life, did he have
22 dementia? Yes, he did. At the end of his
23 life.

24 MR. McCURRY: No objection.

25 (Plaintiffs' Exhibit Number Five was admitted into

1 evidence.)

2 Q: And take a look at that for me. And I don't
3 want to belabor this. But this does list
4 dementia as one of the underlying causes of
5 your father's death on this document.

6 A: Yeah, renal failure and also hemorrhagic
7 stroke.

8 Q: Right. Whether you agree with it or not, it
9 says that?

10 A: Yes.

11 Q: All right. And your dad died, we talked about
12 this earlier, on September 21st, 2006?

13 A: Yes, sir.

14 Q: What did you do the day before that?

15 A: The day before my father died I did exactly
16 what he instructed me to. I was --

17 **MR. RADEKER:** We move to strike that as far as
18 instructions as to transactions violative of
19 Dead Man's Act, and that's hearsay, too.

20 A: I went and I put my name on the home, which he
21 wanted me to do.

22 **MR. RADEKER:** So again, same objection.

23 A: I went and put my --

24 **THE COURT:** (Nods head.)

25 Q: So -- and in fact, what you did --

1 MR. RADEKER: We'd have these marked as Plaintiffs'
2 Six and Seven.

3 Q: In fact, what you did Mr. Stroman, was you
4 visited a lawyer and you executed --

5 MR. RADEKER: This will be Six and that's Seven.

6 Q: -- and you executed some deeds.

7 A: Yes, I did.

8 Q: And those deeds purported to transfer to you --

9 MR. RADEKER: Here you go.

10 COURT REPORTER: Mr. Radeker, one second while I
11 mark this, please.

12 MR. RADEKER: Absolutely.

13 COURT REPORTER: Thank you. I appreciate it.

14 Q: And those deeds purported to transfer to you
15 the two parcels of real estate that you
16 testified that your father owned in Orangeburg.

17 A: That is correct.

18 MR. RADEKER: I'd ask that these be admitted as
19 Plaintiffs' Six and Seven.

20 MR. MCCURRY: No objection.

21 THE COURT: (Nods head.)

22 (Plaintiffs' Exhibits Six and Seven were admitted
23 into evidence.)

24 Q: Now, your dad wasn't with you then, was he?

25 A: No, he was not.

1 Q: So he was in the hospital, right?

2 A: That's correct.

3 Q: Okay. He certainly wasn't in any condition to
4 travel to Columbia?

5 A: No. No.

6 Q: And Columbia is where this was done?

7 A: That is correct.

8 Q: So it looks like at the office of Whetstone,
9 Myers, Perkins and Young on Devine Street --

10 A: That's -- that's correct.

11 Q: -- is that correct?

12 A: Yes.

13 Q: And John Eric Fulda did these deeds for you?

14 A: That's correct.

15 Q: So how do you know Mr. Fulda?

16 A: How do I know him?

17 Q: Yes, sir.

18 A: I -- I don't know him. I just sought his
19 counsel out to do the last -- I can't say it.
20 Because my father wanted me to do the last act
21 of doing what was wanted.

22 **MR. RADEKER:** So again, same motion, same objection.

23 **THE COURT:** (Nods head.)

24 A: Well, doing the last act of putting my name on
25 the house and the property.

1 Q: So now --

2 A: I had any --

3 Q: -- you were in Orangeburg, right?

4 A: That's correct.

5 Q: But you went to Columbia to use the lawyer,
6 correct?

7 A: Yes, I did.

8 Q: So did you not think an Orangeburg lawyer would
9 do this?

10 A: I went to some Orangeburg lawyers but they were
11 -- they couldn't do it.

12 Q: They turned you down?

13 A: Well, they were going to court. They didn't
14 necessarily turn it down, no. They were going
15 to court and could not do it, so I went --

16 Q: And you needed it done that day?

17 A: Not necessarily. My father died of a heart
18 attack --

19 Q: Well, I mean, you seemed to be in kind of a
20 hurry to do it, because you said, well, these
21 other guys couldn't do it because they were
22 going to court. You know, you needed it done
23 right then.

24 A: No, I was not in some kind of --

25 Q: Trying to beat the clock.

1 A: No, I wasn't trying to beat the clock. My
2 father died of a heart attack. No one knew
3 when a heart attack was going to come. No one
4 knew they were going to give him pneumothorax.
5 So no, I wasn't beating any clock. I was told
6 by Dr. Swayze that my father would live for an
7 additional three years and probably die of
8 renal failure at home peacefully.

9 Q: But in any event, getting back. Had you ever
10 met Mr. Fulda before you did these
11 transactions?

12 A: No.

13 Q: Did you ever talk to him?

14 A: No. I just knew that there's offices all up
15 and down -- I had gone to the Harpootlian for
16 some other -- for the Methodist Oaks case, so
17 I knew that there were lawyers in that area.

18 Q: And these documents, Plaintiffs' Six and Seven,
19 you signed these, not your dad, correct?

20 A: That's correct.

21 Q: So you wanted to transfer the land that your
22 dad owned to you, right?

23 A: Because he wanted me to have it.

24 **MR. RADEKER:** Same motion, same objection.

25 **THE COURT:** Okay.

1 Q: So -- well, let me ask you this, because you
2 keep doing this.

3 A: Yes.

4 Q: It is very easy for you to sit here now that
5 your father has died and just say what it is
6 you'd like us to believe that he wanted; is
7 that --

8 A: That's not my character and that's not who I
9 am.

10 Q: But is it easy?

11 A: No, it is not easy. It's not easy being here.
12 It's not easy being here.

13 Q: I mean, he's not here to contradict you, is he?

14 A: No. But I'm here to speak his words. And, of
15 course, you cannot accept them. But no, that
16 is not my character, and no, it's not easy.

17 Q: Let me show you something.

18 **MR. RADEKER:** I'd like this marked as Plaintiffs'
19 Exhibit Eight.

20 **THE COURT:** Do you have any objection to this?

21 **MR. McCURRY:** No objection.

22 **MR. RADEKER:** We ask that this be admitted as
23 Plaintiffs' Exhibit Eight, Your Honor.

24 **(Plaintiffs' Exhibit Number Eight was admitted into**
25 **evidence.)**

1 Q: Mr. Stroman, take a look for me at what's been
2 admitted as Plaintiffs' Exhibit Eight.

3 A: Yes, sir.

4 Q: You've testified earlier that you had power of
5 attorney for your dad, correct?

6 A: Yes, sir.

7 Q: Is this the power of attorney document that you
8 were referring to saying that it gave you power
9 of attorney?

10 A: Yes, sir.

11 Q: So let's take a look at this document. And
12 this document does not allow you to take your
13 dad's property by its terms and give it to
14 yourself, correct?

15 A: I did not know that. I thought that in this
16 document --

17 Q: But it doesn't, does it?

18 A: No. I found out subsequently that it does not.
19 But it's not all conclusive, but I had no way
20 of knowing that it did not.

21 Q: So flip to the back page of it for me.

22 A: Yes, sir.

23 Q: So take a look at that. It says it was done at
24 Palmetto Baptist.

25 A: Yes, sir.

1 Q: So at the hospital?

2 A: That's correct.

3 Q: So on September 6th, 2003.

4 A: That is correct.

5 Q: And your dad's signature really doesn't appear
6 on this document. Just kind of some markings,
7 right?

8 A: Well, that was his signature at the time, yes.

9 Q: And Cheryl Holly, who was he -- who was she to
10 you?

11 A: She was a very close friend of his.

12 Q: And how about Virgin Johnson, who was that?

13 A: He was an attorney, and I think -- he was an
14 attorney here in Orangeburg. I think he went
15 there with an attorney here. But he was the
16 one that executed it.

17 Q: Were you there when this document was signed?

18 A: Yes, I was.

19 Q: Now, you testified earlier your father was an
20 educated man.

21 A: Yes, sir.

22 Q: He wasn't stupid?

23 A: Not at all.

24 Q: In fact, he's very smart, wasn't he?

25 A: He was a wholesome, whole human being.

1 Q: So an intelligent man?

2 A: Yes, he is an intelligent man.

3 Q: He was a professor?

4 A: (Nods head.)

5 Q: Is that a yes? You just need to say it for the
6 record.

7 A: Oh, yes. I'm sorry.

8 Q: So when you nod, it's a problem.

9 A: Yes, he is a professor.

10 Q: So -- well, as an intelligent man, and as a
11 professor, if he wanted to leave everything to
12 you, he could have gone and changed his Will
13 and done that.

14 A: He felt he had time.

15 **MR. RADEKER:** So again, same motion, same objection,
16 and speculation as to his feelings or beliefs.

17 **THE COURT:** (Nods head.)

18 Q: So, I mean, he had been represented by lawyers,
19 correct?

20 A: I -- yes, he has.

21 Q: So -- and you understand and know that a Will
22 is a document that shows how somebody's
23 property is supposed to go when they die,
24 correct?

25 A: That's correct.

1 Q: And so you said your father, you know, wasn't
2 stupid.

3 A: No, my father wasn't stupid --

4 Q: In fact, he went farther in school than you
5 did, right?

6 A: -- at all. He wasn't stupid at all.

7 Q: So -- I don't think he was either. In fact, I
8 think that if he wanted to change his Will and
9 leave everything to you, he would have done it.

10 A: I think he would have done it at the time when
11 he felt that it was appropriate to do so. Now,
12 by him not doing it --

13 Q: So --

14 A: -- by him not doing it -- by him not doing it,
15 he felt he had time. He did not know he was
16 going to have a stroke.

17 MR. RADEKER: Again, same motion, same objection.

18 THE COURT: Granted.

19 A: Okay. Can I say this? Unfortunately, he had
20 his stroke. Is that okay?

21 Q: Well, I mean, I think it is unfortunate that he
22 passed having a stroke.

23 A: He didn't pass. He had a stroke. He didn't
24 pass.

25 Q: So you're saying -- your position is that he

1 gave you the power of attorney so he could --
2 so you could make transfers to yourself, right?

3 A: That document that I got I found out did not
4 have that ability to do that. I had no way of
5 knowing. Now, I am -- I am impeded obviously
6 from the Dead Man's Act of saying what he
7 wanted, and I understand that, and I won't
8 waste the Court's time with that. I acted out
9 in fulfilling what needed to be done. That's
10 how I can put it without invoking what he said
11 to me.

12 Q: What needed to be done for you?

13 A: What needed to be done what he want -- well,
14 what needed to be done.

15 MR. RADEKER: So I'd like to have this document
16 marked as Plaintiffs' Exhibit -- what are we up
17 to now, Nine, 10?

18 COURT REPORTER: Nine.

19 MR. RADEKER: Nine. Nine it is. I'd like to have
20 this admitted as Plaintiffs' Nine.

21 (Plaintiffs' Exhibit Number Nine was admitted into
22 evidence.)

23 Q: Take a look for me, sir. It's what's been
24 admitted as Plaintiffs' Exhibit Nine. That's
25 a letter from Carl Grant, who was your lawyer

1 at that time, October 5th, 2007, correct?

2 A: Yes, sir.

3 Q: And what he enclosed with it, and we've
4 attached to it, that's a copy of a Will
5 document, correct?

6 A: Yes, sir.

7 Q: And that says that it is a joint Will of your
8 mother and your father, correct?

9 A: That's correct.

10 Q: And in that Will your father leaves, in the
11 event that his wife predeceased him, everything
12 to his four children equally, correct?

13 A: That is correct.

14 Q: Okay. And your mother did predecease him?

15 A: Yes, she did.

16 Q: So now, I assume you provided this document to
17 Mr. Grant, correct?

18 A: Yes, I did.

19 Q: So you had it?

20 A: Yeah, and I provided it to Jamileh to provide
21 it for you, but all of a sudden she told you I
22 didn't provide it. So where did she get it?

23 Q: Sir --

24 A: I'm sorry.

25 Q: I'll ask the questions.

1 A: Yes, sir.

2 Q: So you have this?

3 A: Yes, I do.

4 Q: And despite the fact that you had this
5 document, you took all this money out of your
6 dad's accounts and you transferred it to
7 yourself?

8 A: I -- I -- say it again.

9 Q: I mean, you had this document, right?

10 A: This document was in the house. I didn't have
11 the document. I had to search for the
12 document.

13 Q: Well, when you found it, did you call up your
14 sisters and apologize for taking all of this
15 money --

16 A: I did not -- no. No.

17 Q: -- and putting it in your account?

18 A: No. I did not take the money.

19 **MR. McCURRY:** Object, Your Honor.

20 A: I did not take the money.

21 **THE COURT:** Excuse me. What is the grounds?

22 **MR. McCURRY:** He's placing words in his mouth about
23 what -- did he call and object to taking money.
24 There's been -- he's got to prove that he took
25 money. I think the evidence will show that he

1 didn't take money.

2 **THE WITNESS:** I did not take money.

3 Q: Did you call your sisters --

4 A: No, I did not call my sisters.

5 Q: So -- well, if you didn't call them, they
6 wouldn't know you had it, right?

7 A: Incorrect. They had a copy of it before they
8 left.

9 Q: So did they get that copy from you?

10 A: Couldn't get it from anybody -- yes, they did.
11 Yes.

12 Q: So they got that copy from you, but, you know,
13 did you -- when did you find this? I don't --
14 I mean, when was this?

15 A: When was this?

16 Q: That you found this Will document.

17 A: The copy of the Will was given after -- after
18 his death. A copy of the Will had been in his
19 files, and I had to go look in his files,
20 because I was looking for any type of health
21 insurance, any type of life insurance, any type
22 of benefits from the DOD, Department of
23 Defense. This copy of this Will was sent to
24 him by me from Washington, DC when my mother
25 died, because --

1 Q: Oh, so you've known about it for a while?

2 A: They wanted the original copy. They've known
3 about -- I'm sorry. Yes, I've known about this
4 for a while.

5 Q: So -- and as far as -- is it your testimony
6 that as far as you know there was no other
7 Will?

8 A: There was no other Will. No.

9 Q: So -- and you knew about it before December of
10 2006, correct?

11 A: Of course.

12 Q: Now, you're familiar with the probate
13 proceedings in the estate of Ethel Glover?

14 A: Yes, I am. To a limited degree. Not --

15 Q: I've got a -- I'll clarify that.

16 A: Okay.

17 Q: Are you familiar with a proceeding brought in
18 that estate, Marie Robinson versus Samuel D.
19 Stroman, that is your father, individually and
20 as personal representative of the estate of
21 Ethel Glover?

22 A: Yes, sir.

23 **MR. RADEKER:** So I would like to have this marked as
24 -- I think now we're at 10. I'll get you --
25 I've got other copies of it. Hold on.

1 MR. McCURRY: I have no objection.

2 MR. RADEKER: If you could hand a copy of this to
3 the judge, too, I would appreciate it. We ask
4 that this be admitted as Plaintiffs' Exhibit
5 10.

6 (Plaintiffs' Exhibit Number 10 was admitted into
7 evidence.)

8 Q: Sir, take a look at that. That's a -- that's
9 an order from that proceeding, that Marie
10 Robinson versus Samuel Stroman, your father's
11 proceeding. And you were present at the
12 hearing that led to that decision; is that
13 correct?

14 A: Yes. He was unable to attend. He was at
15 Methodist Oaks in rehabilitation, the
16 rehabilitation program. Now, the matter of
17 October 14th, 2003; is that correct?

18 Q: So if this says this came before the Court on
19 October 14th, '03, you were there at that
20 hearing?

21 A: Yes, sir.

22 Q: So an order says that you were and that's why
23 I asked you that.

24 A: I was there.

25 Q: So now, as a result of this proceeding -- I

1 think you were aware of this. You tell me.
2 You know, it was determined that your father
3 had impermissibly changed signature cards on
4 accounts that belonged to Ethel Glover to make
5 himself the, quote/unquote, joint owner of
6 those accounts and then transferred money into
7 his own account. Do you recall that?

8 A: No, I don't. I mean, the Judge Pandora, at the
9 end of the day we had the hearing, her final
10 ruling is that he did not -- and I have that at
11 home and I wish I would have brought it, that
12 he did not do anything wrong. He had told me
13 before he got sick about the money that was
14 there that he was going to distribute amongst
15 the 19 people. Ultimately it started out with
16 10. Turned into 19. So that was an act of
17 following through what he was going to do, and
18 I explained that to the judge. I don't know if
19 this one -- I'm sorry. Go ahead.

20 Q: I'll represent to you, for what it's worth,
21 that I've gone and looked through that file and
22 there's no order exonerating your dad. It just
23 says what the law is in this state.

24 A: Yeah.

25 Q: Power of attorney can't do that.

1 A: But they tried to say he did something wrong
2 and the judge said that he did not.

3 Q: But it's unlawful.

4 A: The judge said he didn't.

5 Q: So -- well, I believe Judge Bennett said that
6 he did. Turn to page six of this order for me.

7 A: Judge Bennett? I was in front of -- is her
8 first name Pandora?

9 Q: So Pandora Jones Glover is the probate judge
10 now.

11 A: Okay. I'm --

12 Q: She succeeded Vivian Ross Bennett.

13 A: Right. I was never in front of George Bennett
14 -- I mean, Judge Bennett. I'm sorry.

15 Q: So you say you weren't, and you testified
16 earlier that you were.

17 A: No. I said I was -- now, the attorney that was
18 there at the -- I mean, the judge that was
19 there at the time was Pandora Glover. A black
20 woman.

21 Q: So, in any event, look at the last page of
22 this. You know, it -- subparagraph A where the
23 order is there. It says, "The actions taken by
24 Samuel D. Stroman as attorney-in-fact in
25 creating the co-owned accounts were beyond the

1 scope of his authority and therefore, the gift
2 to himself as attorney-in-fact for the
3 purported co-owned accounts is void."

4 A: Uh-huh.

5 Q: Do you see that?

6 A: Uh-huh.

7 Q: So --

8 A: Okay. And also that Mr. Stroman was not in
9 breach of fiduciary. So okay. I'm sorry.

10 Q: So -- and look at paragraph eight on page three
11 of that order. It's got some language about
12 paragraph five and the power of attorney. Take
13 a look at that. That's substantially the same
14 language as in your power of attorney that you
15 showed me earlier, correct?

16 A: Yeah. But here's the thing. To my
17 understanding with this case is that they say
18 he did not take Ethel Glover into the bank with
19 him. I took my dad into the bank with me.

20 **MR. RADEKER:** So, objection, Your Honor. Again he's
21 testified about transactions.

22 Q: Well, sir, I just find it interesting that you
23 would testify that at the beginning, yeah,
24 you're at this hearing, and then when I started
25 asking you about it, you say, "No, I don't know

1 what you're talking about. I never appeared
2 before --

3 A: I never denied anything about --

4 Q: -- that judge." Did you know what the result
5 of that decision was?

6 A: The judge -- that judge that I know is Pandora
7 Glover. Now, with Bennett -- when you said
8 Judge Bennett, I'm not familiar with Judge
9 Bennett. I am familiar with Pandora Glover.
10 And under his circumstances, it was stated he
11 went in alone and did those things.

12 Q: So you thought as power of attorney you could
13 change these account designations, correct?

14 A: No. I thought -- I didn't use the power of
15 attorney to change it at all. No. I used --

16 Q: So are you saying that's not your signature on
17 these signature cards that are in evidence?

18 A: That is my signature. But I went in with my
19 father. And it was verbal authorization from
20 him. I did not go in --

21 **MR. RADEKER:** Again, objection, Your Honor. He's
22 testifying about transactions, and in the Dead
23 Man's Act, that is hearsay.

24 **THE COURT:** Granted.

25 Q: So that's what the Dead Man's Act is for, is to

1 prevent testimony like this.

2 A: But let me ask you. If you took someone in
3 with you, a human being and they were not dead
4 or deceased and you did that --

5 Q: Your father's not here to testify here today.

6 A: Yes.

7 Q: So you agree with that statement, right?

8 A: Yes, sir.

9 Q: Well, you also changed some beneficiary
10 designations on some --

11 A: No. No, I didn't.

12 Q: -- Department of Defense bonds?

13 A: No, I did not.

14 Q: So you say you did not.

15 A: I did not.

16 Q: Let me ask you. At what point did your father
17 -- when was it? You know, when in time did he
18 become incapable of handling his own affairs?

19 A: The time that he became where he needed
20 assistance in handling his affairs was after
21 his stroke. But he was very much aware of his
22 bills. He was aware of the places he wanted to
23 donate money. He would tell me the different
24 organizations he wanted to continue to donate
25 to. I would put it before him. He would tell

1 me the organizations he did not want to donate
2 to. So he was able to handle his affairs with
3 assistance. He could not write because of the
4 inflammation in his right hand, and the fact
5 that he had to wear a brace constantly to keep
6 his hand --

7 Q: We're getting kind of afield here.

8 A: Yes, sir.

9 Q: For the benefit of the judge -- I mean, we all
10 know. But for the benefit of the judge, you
11 said it's after his father's stroke. When was
12 the day of the stroke?

13 A: The day of the stroke was July 31st.

14 **MR. McCURRY:** Your Honor, I object. He -- that's
15 not what he said. He stated that after his
16 daddy's stroke he was still able to handle his
17 affairs, and he couldn't speak and had
18 difficulty writing. But if you could rephrase
19 the question and ask him exactly when it is, I
20 think -- he's confused -- he's --

21 **MR. RADEKER:** I'll -- the issue.

22 Q: When did your father suffer a stroke?

23 A: He suffered a stroke on July 31st, 2003. Now,
24 that's a projected date. He was found on July
25 31st, 2003 in his home.

1 Q: At least -- at least by then?

2 A: By who?

3 Q: At least by then? By that time?

4 A: By then what?

5 Q: By July -- of the date you gave, July 31st,
6 2003 he had suffered a stroke?

7 A: He -- right. That's correct.

8 Q: All right.

9 **MR. RADEKER:** I want to show you these documents,
10 and I might clip them together, and ask that
11 they be marked as our Exhibit -- I think it's
12 11. I only have one copy of these. Do you
13 have any objection to those being --

14 **MR. McCURRY:** No objection, Your Honor.

15 **MR. RADEKER:** Okay. And we'd ask that that be
16 admitted as Plaintiffs' Exhibit 11.

17 **(Plaintiffs' Exhibit Number 11 was admitted into**
18 **evidence.)**

19 Q: Mr. Stroman --

20 A: Yes, sir.

21 Q: -- what you've got before you, those are copies
22 of bonds, correct?

23 A: Yes, sir.

24 Q: So -- and they're all designated in your
25 father's name or your name, correct?

1 A: That's correct.

2 Q: And the date's on the right, correct?

3 A: That's correct.

4 Q: And that's the date that they're issued, right?

5 A: That's correct.

6 Q: So now, many and, in fact, most of the dates on
7 those bonds, those are after the date of your
8 father's stroke, correct?

9 A: That's correct. But this was done -- I had --
10 this was done before his stroke. The only
11 thing they did was send the bonds to the house.

12 Q: Did you have any involvement in these?

13 A: None, zero.

14 Q: So I'll represent to you we got these copies of
15 these documents from Carl Grant, your
16 attorney.

17 A: I gave them to him because I had the bonds.

18 Q: Where did you find bonds?

19 A: They came in the mail.

20 Q: When did they come in the mail?

21 A: They came in the mail approximately -- let's
22 see. . . You know, they were -- they were
23 sporadic. I'd like to tell you once a month.
24 But sometimes they would come two in the mail
25 and then one in the mail.

1 Q: About how long after they were issued,
2 approximately?

3 A: The initiation of the issuing of them, I have
4 no idea. That's what I'm saying.

5 Q: I'm talking about after the issue dates that
6 are on the right.

7 A: You're asking me -- what is the question? I'm
8 sorry.

9 Q: How long after the issue dates that are on the
10 right of those bond documents was it that
11 they'd arrived presumably in the mail at the
12 Pruitt Drive house?

13 A: I see. I see. You said based on -- for
14 instance, an example, on March 2nd, '04, how
15 long would it take to actually get to the
16 house?

17 Q: That's what I'm asking.

18 A: Okay. I understand. I guess about a week. I
19 really don't know. I don't know. I have no
20 idea.

21 Q: So fairly shortly thereafter they'd -- they'd
22 come there?

23 A: Possibly.

24 Q: Okay. And did your father keep these in the
25 house?

1 A: Yes. I just collected them and put them in a
2 place for safekeeping.

3 Q: Okay. But you didn't list them earlier when
4 you were describing what was in the house?

5 A: No. But I knew you had a copy of them because
6 I gave it to you. I couldn't remember
7 everything in the house. I mean, if you tell
8 me is there an antenna on the house, I don't
9 know. There's cable in the house. I didn't
10 mention cable. But no. I knew you had that
11 information because I submitted it to you. So
12 it's not trying to -- you know, you're trying
13 to say I tried to not give you the information.
14 It certainly wasn't intentional. So not at
15 all.

16 Q: Now, you were present at a hearing September
17 24th, 2008 in this courtroom, correct?

18 A: Yes, sir.

19 Q: In front of Judge Burgdorf, correct?

20 A: That's correct.

21 Q: And you knew coming out of that hearing that
22 Judge Burgdorf ordered that you were not to use
23 more than 25 percent of the money that was in
24 that account that you'd opened during the
25 pendency of this case, correct?

1 A: Yes, sir.

2 Q: But you, in fact, violated that order?

3 A: And I -- I've been told by my attorney that I
4 did. But I did the same things that I did
5 before and had no idea. I did not go out --

6 Q: Just doing the same things that you did before.

7 A: Taking care of the home.

8 Q: Taking care of yourself.

9 A: No, actually --

10 Q: Writing checks to yourself?

11 A: I wrote checks to myself to pay the things that
12 needed to be done. They were things that --
13 they had the car maintenance. I have a whole
14 list of receipts of things that I did. I never
15 wrote a check to myself to buy myself a car, to
16 do -- enjoy -- to do those things. No. To buy
17 food, of course I wrote checks to myself. But
18 no. I was in the grounds as being as frugal as
19 I possibly could be. I didn't go out -- he
20 told me not to go out and buy a car. I did
21 nothing extravagant. I didn't go out on
22 vacations --

23 Q: Well, let me ask --

24 A: Yes.

25 Q: You've been living in a house that has no

1 mortgage payment --

2 A: Yes, sir.

3 Q: -- correct? The car that you're driving, that
4 was your father's car.

5 A: Yes.

6 Q: And the money that you -- that you used to buy
7 it probably came from this.

8 A: Yes, it did.

9 Q: This very money that we're here talking about
10 today.

11 A: Yes.

12 Q: So using estate funds to buy stuff from the
13 estate. So -- so essentially you have no
14 expenses. Your expenses are eating and
15 utilities. And you're telling me that you
16 spent \$126,000 over what it is that you were
17 authorized to spend since that order just, you
18 know, to keep yourself alive?

19 A: Sir, I was told that it was -- it was another
20 amount, but not 126. As this probate period
21 was extended for years, of course more is
22 spent.

23 Q: Did you seek any court authorization to do
24 that?

25 A: I continued to pay the bills. I continued to

1 keep the update --

2 Q: Your bills.

3 A: The upkeep of the property. I continued to get
4 food to eat. I continued helping my sister,
5 Sheri, with the needs that she had. I did not
6 go over and exploit. I didn't go over and
7 spend -- just, I'm going to go buy this -- I
8 kept doing the things that were normal. As
9 time goes on -- it's been five years and --
10 three years -- three and a half years since
11 that point. Three and a half years I've done
12 the same thing. I've done nothing extravagant.

13 Q: So, in other words, this order came down and
14 put some limits on you, but you just kept doing
15 the same thing you did before?

16 A: Paying my bills. Paying my bills.

17 Q: Paying your bills, correct?

18 A: Paying my bills. Paying --

19 Q: Paying your cell phone bill?

20 A: Paying bills.

21 Q: Going out to eat at Bojangles'.

22 A: Going out to eat, period. Yes, I did.

23 Q: So you did?

24 A: Yes.

25 Q: Never once made a motion to get any authority

1 to do that?

2 A: I don't -- I don't -- I don't understand the
3 question.

4 Q: Never once did you ask this Court if it was
5 okay for you to spend more money than Judge
6 Burgdorf's order authorized you to do, did you?

7 A: No, sir. Because I wasn't aware that I was
8 doing that. If I was -- if I was going along
9 the same path that I was doing before, and I
10 was frugal before with a three year period, and
11 a three year projection, the longer it takes to
12 settle it, the more that it's been. So it's
13 almost like I'm put in a situation that's a
14 Catch 22. No. I --

15 Q: You were real frugal, weren't you?

16 A: I was --

17 Q: I'm sure you were very frugal, and that you
18 supplemented this with income from the job you
19 had been working at.

20 A: I -- sir, no, I did not.

21 Q: How long has it been since you've been
22 employed, Mr. Stroman?

23 A: I have not been employed since I left
24 Washington, DC to take care of my father.

25 Q: That's how long ago again?

1 A: That's eight years, sir, and -- eight years and
2 a week today.

3 Q: So did you come down with any savings?

4 A: I did not come down with any savings. I had --
5 well, I had a little bit in the Bank of
6 America. No. The Bank of --

7 Q: You went through that fairly quickly?

8 A: -- Washington.

9 Q: Fairly quickly?

10 A: Yes, I did.

11 Q: So, and ever since then you've been living off
12 of your father's money?

13 A: That's correct.

14 Q: So even after he passed?

15 A: That's correct.

16 Q: So even after you had all of this showing you
17 that it wasn't yours?

18 A: It was -- no, sir. I mean, that -- that's like
19 an open-ended question. I -- I continued to be
20 able to eat and to pay my bills. And --

21 Q: Well, lots of people are able to eat, and most
22 of them work --

23 A: I understand.

24 Q: -- isn't that right?

25 A: That's correct. But I --

1 Q: Are you incapable of working?

2 A: I'm -- no, I'm not incapable of working. I
3 left my job --

4 Q: Because you seem to me to be a fairly, you
5 know, intelligent guy and --

6 A: And you seem to be a fairly intelligent guy as
7 well.

8 Q: -- probably could get a job.

9 A: You know, the reason I came down here was to
10 take care of my father. After that --

11 Q: He's been dead since 2006, correct?

12 A: And then I had to take care of the Methodist
13 Oak situation, which drug on, and on, and on.

14 Q: Are you aware, sir, that there are people who
15 are parties to civil litigation who maintain
16 gainful employment?

17 A: Yes. Are you aware of the fact that people
18 actually charge their parents to take care of
19 them when they're sick? I did none of that.
20 I took care of my mother and my father.

21 Q: You just feel like you deserved it, right?

22 A: I don't deserve it.

23 Q: You earned it, right?

24 A: No, I do not. And that is not my attitude.

25 Q: But you were going to take it all, right?

1 A: I was going to do what -- and I can't say he --
2 you know, I was going to do what I was
3 instructed to do, and I wasn't going to take it
4 all. You know, my intent was to secure the
5 property. Secure things, sit down, and have a
6 civil conversation and decide what we were
7 going to do. It never got that far, because I
8 was constantly attacked from the minute that
9 he died to the moment of burying him in
10 Arlington, Virginia.

11 Q: But in any event --

12 A: I had no -- I had no -- I -- I -- I reached out
13 an olive branch at Pandora's court and said,
14 "Let's work on it together. Let's do it
15 jointly." That was turned down. When my --
16 when I had to coordinate, if you will, the
17 burial of my parents in Arlington, they were in
18 Washington. I had to prove that my mother, in
19 fact, was buried down here in Bellview. I had
20 to prove that she was his wife. I had to prove
21 that he died. I had to prove that they were
22 married. They were in Washington getting a
23 lawyer and offered no assistance.

24 Q: And this extra money was your compensation for
25 all that work?

1 A: I didn't -- no. The extra money was not
2 compensation for all that work.

3 Q: So -- well, sir, you agree that you spent more
4 than the order authorized you to do?

5 A: I had no idea that I --

6 Q: Did you bother to find out how much the order
7 authorized you to spend? I guess that's a no?

8 A: No, I wouldn't say that. I'm thinking of the
9 question. I -- well, I had -- put it this way.
10 I had no idea that based exponentially as the
11 years went on, of course, that went down, that
12 I would be putting myself in arrears of
13 spending more. No. No.

14 Q: Well --

15 A: That wasn't an intention -- that wasn't an
16 intentional act of, well, I'm just going to
17 spend it. No. No.

18 Q: So you didn't mean to spend any money when you
19 went out and spent money?

20 A: No, it -- no. I'm not saying I didn't mean to
21 spend money when I spent money. I spent money
22 for needs, sir.

23 Q: Well, we don't know what you did with the cash,
24 but we'll have somebody to go through -- who's
25 gone through the bank records and tell us a

1 little bit about --

2 A: And that would be good.

3 Q: -- the other things that you did. Please
4 answer any questions that your lawyer has for
5 you.

6 **MR. STROMAN - CROSS-EXAMINATION BY MR. McCURRY:**

7 Q: Mr. Stroman, you had indicated that your
8 parents -- that your father particularly
9 praised and supported education, if you will,
10 and was proud of -- and was proud of his
11 children, I presume?

12 A: Yes, sir. Yes, sir.

13 Q: What is -- what is Jamileh's educational
14 background, your sister?

15 A: I believe that Jamileh has a degree -- an
16 undergraduate degree, two masters, and a Ph.D.

17 Q: And how about your sister, Sheri?

18 A: My sister, Sheri, has three years of -- I think
19 three years of college in the area of
20 communications.

21 Q: Okay. And how about your sister, Synthia?

22 A: My sister, Synthia, has a degree and a master's
23 in early childhood education.

24 Q: Okay. And you are -- were studying to be a
25 physician?

1 A: That's correct.

2 Q: And were about to do your -- your residency in
3 --

4 A: When my mother got sick, I was at Harvard
5 University doing clinical trials. I was
6 studying for what's called your ECDF, which is
7 the equivalency examination, part three of the
8 boards, national boards, and I would have been
9 placed in a residence of my choosing when my
10 mother became ill, and I elected to take care
11 of my mother.

12 Q: And what did you do for your mother? And by
13 the way, your mother and father had separated
14 --

15 A: Yes, sir.

16 Q: -- when your father came down here to
17 Orangeburg?

18 A: That's correct.

19 Q: Approximately when was that?

20 A: That was approximately in 1976.

21 Q: But they never divorced, did they?

22 A: No, sir.

23 Q: Did they have a good relationship?

24 A: Yes, they did.

25 Q: Did they visit each other back and forth

1 sometimes?

2 A: Yes. My father would come during the holidays.
3 He would come some Christmases and stay for
4 approximately almost a week.

5 Q: After your mother took ill, tell the Court what
6 you did for her.

7 A: When my mother took ill, it was on August 26th.
8 I guess you don't want full detail in terms of
9 time. It was August 26th, 1991. I drove her
10 to the hospital because I didn't want her to go
11 to DC General, because I knew about DC General,
12 because it wasn't a good hospital. Took her to
13 Andrew's Air Force Base, and to make a long
14 story short, they diagnosed her with a stroke.
15 They transported her to Bethesda Medical. At
16 that point I was with my mother from the time
17 that she got sick until the time that she died.

18 Q: And how long --

19 A: Doing whatever she needed it.

20 Q: And how long a time period was that?

21 A: That was approximately six years.

22 MR. RADEKER: Your Honor, I mean, we've got a
23 limited amount of time. I'm not really sure of
24 the relevance of him taking care of his mother.

25 MR. McCURRY: Your Honor, I think this is all

1 interwoven for the care of -- given to his
2 family, and it's associated with his father's
3 -- with his father's wishes with regard to his
4 assets and what people say.

5 **MR. RADEKER:** Your Honor, it's -- I mean, it's
6 undisputed, and they're in default, that
7 Colonel Stroman didn't Will David everything.
8 So -- and it's a matter of law that this power
9 of attorney doesn't authorize him to go change
10 the designations on this account and, you know,
11 turn this into money that he's going to get.
12 So --

13 **THE WITNESS:** I didn't change the power of attorney.
14 I'm sorry.

15 **MR. RADEKER:** So I would just note that, you know,
16 it's all just irrelevant. You know, if -- I
17 mean, I think probably the best evidence of his
18 wishes would be a Will document. But in any
19 event, if he had other wishes and didn't
20 express them through a Will document, then it's
21 all the same. It's as though they weren't. So
22 I just kind of note in the interest of time,
23 this doesn't really matter.

24 **THE COURT:** I tend to agree with Mr. Radeker.

25 **MR. McCURRY:** All right, Your Honor.

1 Q: Mr. Stroman, you were presented documentation
2 with -- regarding certain transactions and also
3 the accounts with Bank of America.

4 A: Yes.

5 Q: I ask you to take a look at --

6 **THE COURT:** I don't know what exhibit -- do you know
7 what exhibit it was?

8 **MR. McCURRY:** Plaintiffs' Exhibits Two, Three and
9 Four.

10 **THE COURT:** Two, Three and Four.

11 Q: Mr. Stroman, with regard to Plaintiffs' Exhibit
12 Number Two, that document was executed March
13 30th, 2004.

14 A: Yes, sir.

15 Q: And is executed by you as POA, correct?

16 A: Yes.

17 Q: And Plaintiffs' Exhibit Three was executed by
18 you on July the 15th, 2005; is that correct?

19 A: That's correct.

20 Q: And Plaintiffs' Exhibit Four is also executed
21 on 7/15, there's a notation at the top, and
22 your signature appears as was testified to?

23 A: Yes, sir.

24 Q: Okay. Mr. Stroman, you've indicated that you
25 went to the bank on that day and executed these

1 signature cards?

2 A: Yes, sir.

3 Q: Who was present with you at the execution of
4 these signature cards?

5 A: My father.

6 Q: Okay. And Mr. Stroman, there was also another
7 account -- there was also another account that
8 was -- in which a signature card was executed;
9 is that correct?

10 A: That's correct.

11 Q: I ask you to take a look at the document which
12 has been -- which is also dated 7/15.

13 A: Yes, sir.

14 Q: And ask you to take a look at that check --
15 what are the last four numbers of that checking
16 account?

17 A: 5849.

18 Q: Okay. And that differs from the other
19 documents in your possession, correct? In your
20 hand?

21 A: Yes, sir.

22 **MR. McCURRY:** This is the other account. I'd like
23 to introduce this into evidence as Defendant's
24 One.

25 **MR. RADEKER:** Hold on a second. Your Honor, I'm

1 going to note something and then tell you that
2 it doesn't matter. They're really not
3 permitted to introduce evidence under Howard
4 versus Holiday Inns, but I don't mind this
5 exhibit coming in.

6 (Defendant's Exhibit Number One was admitted into
7 evidence.)

8 Q: Mr. Stroman, the documents -- the documents
9 before you --

10 A: Yes, sir.

11 Q: -- those accounts -- the two checking accounts
12 are marked with an X where it says joint with
13 right of survivorship; is that correct?

14 A: Yes, sir.

15 Q: And was that the intention of yours and your
16 father's when you went to the bank?

17 A: That is correct.

18 MR. RADEKER: I object. Clearly, this is testimony
19 about transactions barred by the Dead Man's Act
20 and it's hearsay. We move that the answer he
21 started, that it be struck.

22 THE COURT: Granted.

23 Q: Mr. Stroman, as a result of that -- that visit
24 to the bank --

25 A: Yes, sir.

1 Q: -- the bank accounts were -- you obtained the
2 ability to write checks from these accounts --

3 A: That's correct.

4 Q: -- and they are marked, joint with
5 survivorship; is that correct?

6 A: That's correct.

7 Q: And you used those accounts to pay bills -- pay
8 debts of your father during his lifetime; is
9 that correct?

10 A: That's correct.

11 Q: And during that -- during that time did you
12 also pay -- did you continue, if you will, the
13 pattern of giving, if you will, that your
14 father had done with regard to charities and
15 family?

16 A: That's correct.

17 Q: Okay. And did your -- did you write checks for
18 the benefit of your sisters, all three of them?

19 A: Yes.

20 Q: And what type of expenses were paid for from
21 these accounts?

22 A: The expenses were paid for them to come and to
23 -- come see their father, and the amount needed
24 to go back. If they had educational needs,
25 they were provided for. If there were any

1 emergencies that they needed money, it was
2 taken care of. If it were situations where
3 things were cut off, money was provided to cut
4 things back on. Whatever they needed. I
5 continued to do whatever needed.

6 Q: And whatever household expenses there were --

7 A: Yes.

8 Q: -- you continued to pay for those?

9 A: That's correct.

10 Q: And checks to charities, churches, what have
11 you?

12 A: Yes.

13 Q: And you wrote checks upon instruction from your
14 father, as the case may be?

15 MR. RADEKER: Again, Your Honor, same objection and
16 motion as last time.

17 THE COURT: Granted.

18 MR. McCURRY: I'm going to show you a picture of Mr.
19 Sam Stroman there. And that's an uncle, James
20 Able, that's in front of him there. Could you
21 hand that to Mr. Stroman.

22 Q: Mr. Stroman, I've presented a photograph to
23 you. Who are those persons in the photograph?

24 A: That's my uncle, James Able, and that's my
25 father, Sam Stroman.

1 Q: Okay. And that's taken around Christmastime,
2 obviously.

3 A: Yes, sir. I think Christmas of 2005.

4 **MR. McCURRY:** Your Honor, I'd like to introduce that
5 as Defendant's Exhibit Two into evidence, Your
6 Honor.

7 **MR. RADEKER:** Again, you know, I know we're
8 reserving our rights under the Howard decision,
9 but as to this exhibit, I don't necessarily see
10 the harm of it coming in. I don't really know
11 where you're going with it, but I don't see how
12 it would hurt. It doesn't show any
13 transactions taking place.

14 **THE COURT:** What about that, Mr. McCurry? What's
15 the purpose?

16 **MR. McCURRY:** Your Honor, the photograph -- and you
17 can see from the photograph itself that Mr. Sam
18 Stroman, who is sitting in the wheelchair, is
19 -- has a splint or a cast on his -- a splint,
20 if you will, on his right arm, and therefore,
21 he was unable to execute documents post --
22 post-stroke, because that's been existent from
23 the time of his stroke until the time of this
24 death.

25 **THE COURT:** Okay. It's limited.

1 (Defendant's Exhibit Number Two was admitted into
2 evidence.)

3 Q: Mr. Stroman, that photograph has been marked as
4 Defendant's Exhibit Two. And can you describe
5 briefly, if you will, that the splint on your
6 father's arm.

7 A: Yes. The splint on my father's arm was put
8 there to keep his hands from curving in because
9 of the stroke. And to actually keep his hand
10 extended, as my hand is here, you had to
11 exercise each digit, you had to turn his wrist,
12 you had to make it supple, and then you would
13 put it in the cast so that he would have proper
14 blood innervation to his fingers.

15 Q: And you're using your left hand, but actually
16 your father -- this was on your father's right
17 hand; is that correct?

18 A: Right, yes.

19 Q: Is he right-handed -- was he right-handed?

20 A: Yes, sir. He was.

21 Q: And are you left-handed?

22 A: Yes, I am.

23 Q: Okay. And, David, after the stroke of your
24 father, was he able to write in any meaningful
25 way, other than to make a mark?

1 A: No. No.

2 Q: Okay. Mr. Stroman, with regard to these joint
3 -- in fact, when you and your father went to
4 the bank, your father could not sign anything,
5 could he?

6 A: No.

7 Q: Okay. And as a result of these various
8 documents, the Exhibits Two -- Plaintiffs' Two,
9 Three and Four, and Defendant's Exhibit Number
10 One --

11 A: Yes.

12 Q: -- what was the result of those accounts? In
13 other words, the creation of those joint
14 accounts, what was your understanding of what
15 would occur upon the death of your father?

16 A: Upon the death --

17 **MR. RADEKER:** Again, this is testimony as to the
18 transactions with the deceased person who is
19 involved in this litigation, barred by Dead
20 Man's Act, plus hearsay..

21 **MR. McCURRY:** Your Honor, I don't think a question
22 as to what the effect of joint account is, is
23 inadmissible if the decedent -- whoever the
24 decedent might be, if the decedent dies, it's
25 clear what the result of that account is to the

1 joint -- joint account holder.

2 **MR. RADEKER:** Well, if that's the question, then the
3 question calls for a legal conclusion and it's
4 improper for that reason.

5 **MR. McCURRY:** I can ask him what his understanding
6 is. He's not an attorney. I understand that.

7 **MR. RADEKER:** I don't really know if his
8 understanding is relevant. I mean, it's the
9 effect of what happened.

10 **MR. McCURRY:** Your Honor, I think that's critical.
11 Because, Your Honor, upon death of the father
12 --

13 **MR. RADEKER:** We're here to determine damages, you
14 know? He's power of attorney. I mean, he
15 signed the documents POA, so power of attorney
16 doesn't permit self-gifts. The law is clear on
17 that. If he understood that it did, doesn't
18 matter. It doesn't. So I just note that what
19 he thought about it or felt about it isn't
20 material.

21 **MR. McCURRY:** Your Honor, I have subpoenaed these
22 documents. I think some of them that even Drew
23 presented to the Court were from documents --
24 yes, were documents that I presented to him
25 today by virtue a subpoena served upon Bank of

1 America, which documents were forwarded to me
2 today. A Bank of America officer is awaiting
3 my call to testify as to the -- testify as to
4 these -- the effects of these accounts. And
5 so, I -- I think it's certainly relevant to the
6 assets of Mr. Sam Stroman at the date of death.

7 **THE COURT:** Well, I'm going to allow you a little
8 latitude here, but not too much. So let's just
9 keep more on course of what Mr. Radeker has
10 pointed out. This is a damages hearing, not
11 what the merits of the default.

12 **MR. McCURRY:** Your Honor, with regard to the --
13 well, from a timing standpoint. What time is
14 Your Honor -- do you intend to break today,
15 Your Honor? To finish today?

16 **THE COURT:** Well, you know, we said two hours.
17 Obviously, that would be 25 more minutes.
18 Depending on what else you all have to put up.
19 But we're probably going to have to go beyond
20 two hours today, so --

21 **MR. McCURRY:** Well, Your Honor, I would like to
22 contact that banker if I can and ask him to
23 appear. I could get your secretary to give her
24 a call -- give him a call.

25 **THE COURT:** Okay.

1 MR. RADEKER: Are we in recess for a moment?

2 THE COURT: We'll take a short recess for five
3 minutes.

4 (A brief recess took place from 3:47 p.m. until
5 3:50 p.m.)

6 MR. McCURRY: Your Honor, I'm ready to proceed.

7 THE COURT: Yeah.

8 MR. McCURRY: I made a call -- I made a call to the
9 bank, Your Honor.

10 Q: Mr. Stroman, the -- there was a question
11 regarding the US savings bonds.

12 A: Yes, sir.

13 Q: And those U.S. savings bonds, as I recollect,
14 a number of those bonds were executed, or
15 issued, I should say, issued prior to your
16 fathers death and -- and some were issued --
17 excuse me, after your father's stroke and some
18 were issued after your father's stroke.

19 A: Yes, sir.

20 Q: Did you have any part in the issuance of these
21 bonds, or can you tell --

22 A: Absolutely not, no.

23 Q: And can you tell the Court, if you know, why
24 these bonds were issued?

25 A: I don't know. *g*

1 Q: Did anyone ever tell you why they were issued?

2 A: No.

3 Q: Okay. And they -- and you received those in
4 the mail; is that correct?

5 A: That's correct.

6 Q: And each of those bonds, as I recollect, it
7 says Samuel D. Stroman, or Samuel D. Stroman,
8 II; is that correct?

9 A: That's correct.

10 Q: All right. Mr. Stroman, regarding the --
11 regarding the order of the court --

12 A: Yes.

13 Q: -- regarding the amount of funds that you could
14 -- could expend from the account.

15 A: Yes, sir.

16 Q: Did you recollect -- did you ever recollect the
17 percentage amount of -- contained in that
18 order?

19 A: The percentage amount contained in the order,
20 I believe is 25 percent.

21 Q: Correct. Correct. And we talked about that
22 today.

23 A: Yes.

24 Q: Did you recollect that during the process of --
25 during the pendency of this hearing?

1 A: No.

2 Q: Was it ever your intention to willfully disobey
3 an order of the court --

4 A: No, never.

5 Q: -- or to receive the funds?

6 A: Never.

7 Q: Okay. And you used a comment earlier, and I'm
8 paraphrasing, you -- you continued to -- you
9 continued to use the funds in those bank
10 accounts as had been done prior to your
11 father's death; is that correct?

12 A: That's correct. To take care of bills.

13 Q: Okay. And Mr. Stroman, there was a -- there
14 was an order from the probate court regarding
15 the estate of Ethel Glover --

16 A: Yes.

17 Q: -- and pursuant to that order you executed a
18 check and made -- made a check payable to the
19 estate of Ethel Glover; is that correct?

20 A: That's correct.

21 Q: And those were from -- those were from those
22 joint accounts in question; is that correct?

23 A: Yes, sir.

24 Q: Okay. And Plaintiffs' Exhibit One -- where is
25 that?

1 COURT REPORTER: It's right here.

2 Q: Plaintiffs' One. I'm sorry. Those -- those
3 accounts, Mr. Stroman --

4 A: Yes.

5 Q: -- the new account, if you will, that was in
6 your name only.

7 A: Yes.

8 Q: That account I think has numbers ending in
9 9452, as indicated in some of that
10 documentation.

11 A: Yes.

12 Q: Okay. And post -- post death, upon actually
13 post burial at Arlington when you -- when you
14 came home --

15 A: Yes.

16 Q: -- you transferred the funds from each of the
17 three accounts that we've been speaking of, two
18 bank accounts and a certificate of deposit, you
19 deposited them into an account in your name --

20 A: That's correct.

21 Q: -- is that correct?

22 A: That's correct.

23 Q: Why did you do that?

24 A: Because it was a joint account.

25 Q: Okay.

1 A: Now, the reason I did that -- let me be very
2 clear. I know we're based on time. The reason
3 I did that is that when I returned from burying
4 my parents at Arlington National Cemetery, I
5 wrote Paul Simmons, and to make a long story
6 short, a finalized check for 2,300 and some odd
7 dollars. He called me subsequently and told me
8 that they would not honor the bonds. I went to
9 the bank with the death certificate, approached
10 the bank manager at the time. He looked at the
11 computer. He apologized profusely for freezing
12 the accounts --

13 MR. RADEKER: Objection. This is hearsay. I mean -

14 -

15 A: -- and then put it all in one account.
16 Otherwise, we're not a joint account --

17 MR. RADEKER: -- and that it be stricken, and that
18 if the Court asks Mr. Stroman to stop going on
19 about it.

20 THE COURT: Okay.

21 THE WITNESS: Your Honor?

22 THE COURT: Yes.

23 THE WITNESS: Can I ask you a question?

24 THE COURT: No. I'm not answering plaintiff's
25 questions.

1 **THE WITNESS:** Yes, sir.

2 **THE COURT:** Mr. Radeker, on your objection, we will
3 sustain that objection.

4 **MR. RADEKER:** Thank you, Your Honor.

5 **Q:** Mr. Stroman, the -- with regard to -- with
6 regard to those accounts.

7 **A:** Yes, sir.

8 **Q:** I had presumed to Mr. Radeker on prior
9 occasions copies of checks that were -- that
10 were written -- representative checks that were
11 written from this account. In each of those
12 occasions Mr. Stroman asked you what those are
13 in your hands. What are those photocopies of?

14 **A:** Those are photocopies of the sanitation
15 payment, the Department of Public Utilities
16 payment, and the H&R payment for the
17 preparation of the taxes.

18 **Q:** And that was checks from account number ending
19 in 5849; is that correct?

20 **A:** That's correct, sir.

21 **Q:** And those checks state on the checks -- can you
22 read -- can you read the lines on the checks?
23 The account name?

24 **A:** Yeah. The account name is Colonel Samuel D.
25 Stroman, Ph.D., Samuel D. Stroman, II.

1 **MR. McCURRY:** Okay. And I'd like to mark that as
2 Defendant's Exhibit Number Three, Your Honor.

3 **MR. RADEKER:** Your Honor, I mean, I've -- I've got
4 to object. If they're going to be, you know,
5 trying to put exhibits into evidence and call
6 witnesses all day, I mean, that's not what
7 Howard versus The Holiday Inn permits. This
8 particular document, and it seems fairly
9 innocuous, and not a whole lot of money
10 involved here, but also, I mean, I don't
11 really, you know, see -- see why this should --
12 this should come in, you know? But, I mean,
13 frankly, I assume my initial basis is, 'you
14 know, this violates Howard versus Holiday Inns.
15 They can't call witnesses. They can't put
16 stuff into evidence. They can cross-examine
17 and object, and that's what they can do. So
18 that's my objection. I'll wrap up.

19 **THE COURT:** Yeah, I've been liberal so far in just
20 allowing things to come in, but as Mr. Radeker
21 said, the Howard case is pretty clear in that
22 regard that the defendant in default cannot
23 introduce anything at all. But I have been
24 liberal and let you just do a few things, but
25 I think we're getting maybe a little too far

1 off base trying to support these exhibits and
2 so forth. So I'm going to grant Mr. Radeker's
3 objection.

4 **MR. RADEKER:** Thank you, Your Honor.

5 Q: Mr. Stroman, after your -- after your father's
6 death a number of bills were paid regarding the
7 funeral, the marker, the exhumation of your
8 mother's body, and transportation, what have
9 you, back and forth to Washington --

10 A: Yes, sir.

11 Q: -- is that correct?

12 A: That's correct.

13 Q: And those all came from the accounts that --
14 the accounts in question?

15 A: That's correct.

16 Q: And were checks also paid -- you may have
17 testified to this. Were checks also paid for
18 family members to fly in, if you will,
19 transportation costs?

20 A: Five hundred dollars was given to each for the
21 repast, or whatever needed to be done.

22 Q: Okay. And have you ever sought reimbursement,
23 Mr. Stroman, from --

24 A: No, I have not.

25 Q: -- from funds that were paid to any of your

1 sisters for any of the expenses that you paid
2 on behalf of your father?

3 A: No, I have not.

4 Q: Okay.

5 **MR. McCURRY:** I have no further questions of Mr.
6 Stroman at this time, Your Honor.

7 **MR. STROMAN - REDIRECT EXAMINATION BY MR. RADEKER:**

8 Q: Mr. Stroman.

9 A: Yes, sir.

10 Q: Very briefly in follow up.

11 A: Yes, sir.

12 Q: It won't be nearly as long as I questioned you
13 before. Now, you testified after your father's
14 stroke all he could make was a mark, correct?

15 A: Yes.

16 Q: In fact, the power of attorney document has a
17 mark on it?

18 A: Yes, sir.

19 Q: Correct.

20 A: That was before his hand started to stiffen up
21 actually.

22 Q: But these signature cards don't?

23 A: Right.

24 **MR. RADEKER:** Thank you.

25 **THE COURT:** Okay. Anything further of this witness?

1 MR. McCURRY: Nothing, Your Honor.

2 MR. RADEKER: I don't have anything further.

3 THE COURT: Call your next witness.

4 MR. RADEKER: Thank you. We call Kathleen Palinski
5 to the stand, Your Honor.

6 KATHLEEN PALINSKI, having been duly affirmed,
7 testified as follows:

8 MS. PALINSKI - DIRECT EXAMINATION BY MR. RADEKER:

9 Q: Ms. Palinski, you're the special administrator
10 of the estate of Samuel Stroman, correct?

11 A: That is correct.

12 Q: So -- and I won't belabor what the order says
13 that appoints you, but one of the things you
14 were tasked with was finding out, as best as
15 you could, what assets were in the estate of
16 Samuel Stroman; is that right?

17 A: Yes, sir.

18 Q: Could you tell us a bit about what you found?

19 A: Yes. And it may just serve -- be more
20 efficient for everyone, I've prepared a
21 schedule, as I have provided to the two
22 attorneys earlier today, and would like to
23 offer that for everyone to follow along on.

24 Q: Absolutely.

25 MR. RADEKER: And we'd like to offer that as

1 Plaintiffs' 12. Any objection to this?

2 **MR. McCURRY:** No, Your Honor.

3 **MR. RADEKER:** So I ask that this be admitted as
4 Plaintiffs' Exhibit 12.

5 **THE COURT:** Okay.

6 **MR. RADEKER:** Thank you, sir.

7 **(Plaintiffs' Exhibit Number 12 was admitted into**
8 **evidence.)**

9 **Q:** Tell me about -- about this chart that you put
10 together here, Ms. Palinski.

11 **A:** This came from reviewing bank records and
12 talking with Mr. David Stroman, who was very
13 helpful in helping me find -- talk about the
14 assets. But what I did was I created one
15 column, and in this I have listed the date of
16 death value off of -- on items one, two and
17 three, the actual bank statements from Bank of
18 America. And those were the balances as of the
19 date of death. And then going on down, as was
20 testified, there were three vehicles that were
21 valued at the time at 8,500. Mr. Colonel
22 Stroman was insured by USAA, and so, every
23 insured with that company has a subscriber's
24 savings account, so that was out there as an
25 asset of his. The pieces of jewelry that have

1 been discussed, this case from the Schedule of
2 Insurance. These were scheduled items with
3 USAA, and that's where we got the jewelry.
4 There was a small life insurance policy with
5 the State of South Carolina, because he was a
6 retiree. He was both a military and state
7 retiree. And that was collected. And then
8 I've listed the two properties here in
9 Orangeburg. And the values that I've used here
10 were the tax assessor's values at that time, so
11 -- back in '06. There are the vacant lots in
12 New Mexico. I've got the paperwork again on
13 that from online research. So we had a total.
14 If we went back to that September 22nd -- or
15 21st of 2006, the value would be \$587,000.
16 Then I've also listed -- we've talked about
17 this. Mr. Stroman has testified about the
18 savings bonds, and I show these as non-probate
19 assets. And so, that brought it up to 595,000.
20 What I've done then is in the next column I've
21 brought forward really where we are today.
22 And, of course, as the testimony has been,
23 those three accounts -- it was two checking
24 accounts and a CD. Those were closed out, so
25 there's -- that asset is gone. And it was

1 transferred, again as testimony, into this --
2 the new account. The 9 -- what I call the 9542
3 account. And that -- the balance that I list
4 here was as of the June statement. That was
5 the last one I had. And so, that 127, I
6 believe Mr. Stroman testified, it's now around
7 124, but for our purposes. The car has been
8 sold and the proceed was deposited into the
9 estate checking account. The subscriber's
10 savings account was obtained and that money was
11 deposited, and also the life insurance. So
12 that's why those are now zeroed out. But
13 they're really represented in item number 12,
14 the estate checking account. They were
15 deposited into that account. All the real
16 estate is still there. And again, as I've
17 prepared this, I did not dwell on the deeds and
18 the purported transfer and all that, but just
19 really looking back as to what would have been
20 -- been Colonel Stroman's. so that brings us
21 to a total of 426,000, and the savings bonds
22 are still there. I also have another exhibit.
23 And this is the estate checking account. And
24 this is the account that I opened as special
25 administrator to deposit funds that were coming

1 into the estate. And so, I guess this would be
2 --

3 Q: Plaintiffs' 13, I believe.

4 A: Uh-huh.

5 **MR. RADEKER:** I ask that this be admitted as
6 Plaintiffs' Exhibit 13, Your Honor.

7 **THE COURT:** Mr. McCurry?

8 **MR. McCURRY:** No objection, Your Honor.

9 **(Plaintiffs' Exhibit Number 13 was admitted into**
10 **evidence.)**

11 A: And so, as you can see, it's plain on it's
12 face, but tax refunds came in. I did file the
13 2006 tax return in 2009. It had not been
14 filed. The life insurance and all the things
15 that came in. I guess a particular note is
16 that item of 82,952. That was the settlement
17 of the Methodist Oaks. The tort action that
18 Mr. Grant had brought. And I provided the
19 attorneys with the settlement sheet to show how
20 it came to that amount. Also, the estate of
21 Ethel Glover. Mr. Sims here in town has been
22 waiting to distribute this 10,396, and he
23 issued a check today. This is -- would have
24 been Samuel Stroman's share of that estate.
25 And so, that will come into the account. And

1 then, of course, I've got my payment, so if
2 there are any questions about that. If not,
3 that money is also now an asset of the estate.

4 Q: All right.

5 **MR. RADEKER:** Now let me show you something here. I
6 can help hand these up. And I guess we'd have
7 this whole stack marked as Plaintiffs' Exhibit
8 14. And don't worry. We have a summary. And
9 I'll hand -- I've got a copy of the stack for
10 Mr. McCurry here. So -- as well as a copy for
11 myself. And we're not going to go through this
12 much or anything because you've got a summary.

13 **THE COURT:** You want her to have this?

14 **THE WITNESS:** I think I'll work from my summary.

15 **MR. RADEKER:** I'll represent these are copies of all
16 of the records that we've received from Bank of
17 America through subpoenas in this case. Do you
18 have any objection to these coming in?

19 **MR. McCURRY:** No.

20 **MR. RADEKER:** And we'd ask that these be admitted as
21 Plaintiffs' 14. So she's got them -- or he's
22 got them.

23 **THE COURT:** Okay.

24 **(Plaintiffs' Exhibit Number 14 was admitted into**
25 **evidence.)**

1 Q: Here's the question, so we don't have to go
2 through all this. Have you prepared a summary
3 of these records?

4 A: Yes, I have.

5 Q: All right. Do you have that with you as well?

6 A: Yes, I do. And if I may preface that. As I
7 looked at this, I just would like to give you
8 the approach that was used, and I think it'll
9 help us follow through this. On my schedule of
10 the assets of the date of death, I brought that
11 bank balance, those three accounts forward is
12 the money that was there as of the date of
13 death. And then as Mr. Stroman has testified,
14 there were expenses that were paid for --
15 particularly for the house, which was the
16 annual property tax, the insurance and
17 different things like that. And my position
18 was that whether Mr. Stroman held this money or
19 whether I held it as the special administrator,
20 somebody would have had to pay these expenses
21 in terms of maintaining the title to the home,
22 so it wasn't lost either by an uninsured loss
23 or a tax sale. And so, in working through
24 this, and the information was what I could
25 glean from copies of checks that I was provided

1 and the statements, there was about, I have
2 found, \$37,000 in expenses, again related to
3 the burial of his father, the payment of
4 funeral expense, the tombstone at Arlington and
5 those things. And my premise there was that,
6 that should not be charged against Mr. Stroman
7 personally as part of this quarter that he
8 would -- the 25 percent that ostensibly he was
9 allowed to -- you know, to use. And so, I have
10 prepared this summary. And then I show if he
11 used his one-fourth what would have been left.
12 What would be expected to be left. And then
13 compared that to the balance as of June 16th.
14 And so, I have this, and I'd like to present
15 this. The actual number is down to the penny.

16 **MR. RADEKER:** I guess we'd like that admitted as
17 Plaintiffs' 14.

18 **THE COURT:** That would be Plaintiffs' 15.

19 **MR. RADEKER:** Fifteen. I'm sorry. I knew I was
20 going to screw up eventually.

21 **A:** And actually, I have a summary in support of
22 the summary, and this was -- these were the
23 estate -- the estate expenses that make up that
24 37,638.90.

25 **MR. RADEKER:** Okay. Then I guess we'll make that

1 Plaintiffs' 16.

2 MR. McCURRY: No objection.

3 (Plaintiffs' Exhibits Number 15 and 16 were admitted
4 into evidence.)

5 Q: Explain these to us, if you could, Ms.
6 Palinski.

7 A: Okay.

8 Q: And you take the time that you need to do it.

9 A: Okay. As I -- as I say, I set out my premises
10 as to what I was attempting to show here. And
11 so, this would leave -- if we start with the
12 date of death value at the top, those three
13 accounts, we give credit for these expenses.
14 And then we say that these were the funds that
15 David Stroman had available to him per the
16 court order. And this amount differs slightly
17 from the amount -- no, wait. I think it's
18 pretty close to the amount that was actually
19 transferred in December. That was 354, or
20 something like that.

21 Q: It was very close.

22 A: Close to that, right. Because some of this
23 37,000 was before the date of the transfer, and
24 then, of course, some of the expenses were paid
25 after the date of the new account. And then if

1 you take one-fourth of that amount of the 339,
2 that would have been basically the allowance
3 that the court had given Mr. Stroman, the
4 84,000. So if you look at that, say, he's
5 spent his 84,000, plus the 37,000 for expenses,
6 we were looking for a 254,000 to remain in the
7 account. In the new account. But the actual
8 balance was less than that. And again, this
9 was as of June 16th, the last statement I had.
10 And so, the bottom line then is the amount that
11 was spent above what was allowed. What would
12 have been Mr. Stroman's one-fourth share of
13 this cash, and that's 126,000.

14 Q: Thank you. Let me take a look at 16 and see if
15 I have any questions for you about that. Let
16 me ask you this. What have your fees been in
17 this matter to date, Ms. Palinski?

18 A: Before the hearing, they -- they are at
19 \$11,400, without today's hearing. And I
20 certainly have detailed bills that I can
21 present to the Court. But there was a lot of
22 work done, a lot of those hours were in terms
23 of the settlement, or the -- that personal
24 injury case, because I was attending
25 depositions, and then an approval hearing by

1 the judge, and that. So there was quite a bit
2 of time on that. There was also a concern
3 about assets that may not be being reported,
4 and so I actually went to the IRS to get the
5 tax information returns for '06, and I needed
6 that to file a return. And looking back at
7 '04, '05, it was very consistent that these
8 Bank of America accounts were -- basically
9 where Colonel Stroman had consolidated all of
10 his money. Again, that is corroborated by
11 David Stroman's testimony that as time went on
12 he had consolidated. He had other accounts
13 than that, but he put it all in Bank of
14 America. He had excellent income. Over
15 \$100,000 a year from his retirements. So he
16 had all the money that he could possibly,
17 possibly need living in a paid home and lived,
18 I think, fairly simply. Not a fancy man. And
19 the -- so there was a lot of investigative work
20 in getting it down. And so, that would be my
21 bill for special administrator. And that was
22 charged, Your Honor, at \$175 an hour, without
23 travel. Without travel time.

24 Q: So while there may be other assets out there
25 possibly, we don't know. What we do know is if

1 they were earning any interest, it wasn't
2 reported on the tax returns; is that correct?

3 A: No, no. And I wouldn't think Colonel Stroman
4 would have much money anyway that wasn't
5 paying, you know, some interest. I think there
6 is one thing that I would like to clarify.

7 Q: Absolutely.

8 A: I know you're supposed to ask the questions,
9 but --

10 Q: No. You go ahead.

11 A: There's been discussion about in today's
12 testimony about the money that was repaid to
13 Ethel Glover's estate, that \$161,000. And I
14 would just like to emphasize that that was paid
15 in July of '04. So that is not anywhere part
16 of this calculation of what was paid from the
17 account or what should be there. The Colonel
18 had already -- well, actually, David actually
19 did the lay-work to get that done. But that
20 was from July of '04. And, of course, I worked
21 from September of '06 is my work.

22 Q: Right. I mean, that came out of an account
23 that was in Colonel Stroman's name, correct?

24 A: Exactly. But it was definitely before the date
25 of death. Not part of this calculation.

1 Q: I see. Anything else about your -- your
2 investigative work that you'd like to tell us
3 about today so we understand it?

4 A: No. And again, as I say, I guess I was not
5 surprised -- I don't want to say I was
6 prejudiced by what was -- you know, that this
7 is all there should be there. But again, this
8 is a gentleman, a very distinguished career,
9 very charitable. Gave to a lot of charities.
10 His returns were showing, you know, an itemized
11 deduction each year. He had simple
12 investments. Nothing was in the market. I
13 guess, thank God. We can all say that, you
14 know, that cash is -- cash is king. And so, as
15 I worked on this, what I was finding made sense
16 to me based on my experience working with
17 probate in that -- that it was in so many ways
18 nothing -- nothing out of the ordinary. Even
19 a gentleman like this still driving his old
20 cars. I mean, that's just the way he was,
21 right? He wasn't going to have a fancy car.
22 I have not filed an inventory with the probate
23 court. I certainly can. But because the
24 question of the title and what it was as of
25 date of death. Of course, that's going to drive

1 what goes on the inventory and appraisement.
2 But I would have all the information that would
3 be necessary to complete that.

4 **MR. RADEKER:** Thank you very much. Please answer
5 any questions Mr. McCurry has for you.

6 **MS. PALINSKI - CROSS-EXAMINATION BY MR. MCCURRY:**

7 Q: Ms. Palinski, I think you've indicated this,
8 but have -- have you found that Mr. David
9 Stroman was forthcoming in his dealings with
10 you with regard to assets of his father?

11 A: Yes.

12 Q: And were there any assets that were found or
13 discovered, if you will, by you -- to your
14 efforts that were not divulged to you, or in
15 any way seemed to be tempted to be hidden?

16 A: No. For example, he and I didn't talk about
17 the South -- South Carolina Retirement Group
18 Live Insurance, but that was -- I mean, that's
19 not unusual. And actually with that, their
20 mother was the beneficiary. The wife of
21 Colonel Stroman was the beneficiary. And I --
22 again, I had to get her death certificate, and
23 that's how the money came to the estate. So,
24 you know, all -- that's not -- but again,
25 that's not unusual for a -- for a family member

1 to not say, oh, yeah, and there is this life
2 insurance.

3 MR. MCCURRY: Okay. I have no further questions.

4 MR. RADEKER: Just very brief redirect. There's
5 something I forgot on direct. I'll have this
6 marked. We're up to 17 now. That's Plaintiffs'
7 Exhibit 17. Here's an extra copy if anybody
8 needs it.

9 THE WITNESS: I don't have it with me, but I could -
10 -

11 MR. RADEKER: She can use mine. I have another one.

12 THE WITNESS: Thank you.

13 MR. RADEKER: Do you have any objection to this
14 coming in?

15 MR. MCCURRY: No.

16 MR. RADEKER: So we move that this be admitted.
17 This Plaintiffs' 17. I understand that's
18 without objection.

19 (Plaintiffs' Exhibit Number 17 was admitted into
20 evidence.)

21 MS. PALINSKI - REDIRECT EXAMINATION BY MR. RADEKER:

22 Q: Take a look for me at what's been marked
23 Plaintiffs' Exhibit 17 and tell me what this is
24 and what this tells us about what Colonel
25 Stroman likely died owning.

1 A: Okay. And this came from my contact with USAA.
2 The Colonel had his cars, his house, all his
3 liability policies, all those were with USAA.
4 Again, exactly what you would expect from a
5 retired military. And as I talked with the
6 people at USAA, we talked about this -- this
7 floater, basically, where you do -- you
8 schedule your jewelry, because a typical
9 homeowner has a very small amount for jewelry.
10 I think it's \$500 or something. So this --
11 this raised the question in my mind, and that's
12 why it is included, these pieces of jewelry, on
13 my schedule, that this is what he was paying
14 insurance on until his death. This was part of
15 his premium. And so, of course, it led me to
16 believe that there was jewelry. That there had
17 to be some jewelry. And as the testimony was
18 today, Mr. David Stroman is saying that except
19 for -- and I think that what you're talking
20 about was item number six, the Phi Kappa Phi.
21 I'm sorry. I wasn't good at Greek.

22 MR. STROMAN: Yes, ma'am.

23 A: The 10 carat gold pendant. That is the one
24 that is not there.

25 MR. STROMAN: That's correct.

1 A: And may have not been there before his death.

2 **MR. STROMAN:** That's correct.

3 A: And so that's why it adjusted the current
4 value. But this was something that I obtained
5 from USAA, in terms of personal property of the
6 Colonel's.

7 Q: All right. Thank you very much. I don't think
8 I have any further questions from you unless
9 you feel you've got anything else we need to
10 divulge.

11 A: No, nothing.

12 **MR. McCURRY:** I have no further questions, Your
13 Honor.

14 **MOTION:**

15 **BY MR. RADEKER:** Your Honor, we will call another
16 witness, but as we're probably going to run out
17 of time today and probably have to continue the
18 conclusion of this hearing to another time, I'd
19 like to bring something up and see what we can
20 do about it. David Stroman is in contempt of
21 the previous order that came out of the
22 September 2008 hearing that restrained him from
23 using more than a quarter of the funds for his
24 living expenses. He's significantly exceeded
25 that. I mean, his excess more than doubles

1 what a quarter is of what was there. Whether
2 we'll ever be able to get that back is another
3 question for another day, and probably one
4 we'll revisit when this hearing resumes. But
5 what we could do today to make sure that this
6 money isn't lost is something that I -- I'd
7 asked the court about previously, and I think
8 you were giving Mr. Stroman a chance to do
9 right, and you gave him a leash and he chewed
10 through it, is to let the special administrator
11 take possession of those funds now so that the
12 funds that are left in that bank account -- so
13 that they don't go away. I mean, they're going
14 to be dissipated. You've heard him testify as
15 he has no job. He's going to take the funds
16 and -- and use them more while we're waiting on
17 this hearing to resume. I mean, I'd issue --
18 I'd probably revisit further after Your Honor
19 has heard all the evidence what further
20 contempt sanctions or anything you'd levy
21 against him for that. But, I mean, this, I
22 think, right now is pretty much something that
23 we need to go ahead and handle, because this
24 money is going to get gone, you know. Like I
25 said, you gave him a leash and he chewed

1 through it and ran away. So we need to, you
2 know, take the money out of the dog pen area.

3 **THE COURT:** Mr. McCurry.

4 **MR. McCURRY:** Your Honor, as indicated earlier, Mr.
5 Stroman had no intention of exceeding the
6 allocated funds that were issued from your
7 order several years ago. Under the
8 circumstances I would defer to the Court, Your
9 Honor. If the Court feels it is in the best
10 interest that Ms. Palinski administer those
11 funds with some -- some agreement of a cap or
12 what have you, or maybe write all the checks,
13 I would understand the Court's position in that
14 matter, Your Honor.

15 **THE COURT:** Thank you.

16 **MR. RADEKER:** Just very briefly I'd just say, as to
17 whether he did it intentionally as Mr. McCurry
18 said, that's only if you believe Mr. Stroman.
19 You know, I don't. I mean, I think, you know,
20 it was pretty simple what Your Honor ordered
21 and, you know, he knew what he was doing and he
22 wasn't going to let a piece of paper stop him,
23 and a piece of paper won't stop him in the
24 future.

25 **MR. McCURRY:** Your Honor, I very much object to that

1 line of question -- to those comments. Because
2 as it was indicated by Mr. Stroman, he feels
3 that the funds were in joint accounts and were
4 his money. Notwithstanding that fact, I
5 understand that the -- there has been an
6 excessive use, maybe by virtue of time as much
7 as anything. But certainly I can't -- can't
8 sit idle by in saying he was willful and wanted
9 to chew through the leash and what have you.
10 Certainly he -- he felt the funds were his by
11 virtue of the joint accounts. So -- but again,
12 I -- whatever the Court wants to do in this
13 particular matter is certainly up to the
14 judge's discretion.

15 **THE COURT:** Well, I think that the issue that we're
16 talking about as far as contempt and so forth,
17 that's a matter for another day. That's not
18 going -- we're not going to obviously get to
19 today --

20 **MR. RADEKER:** Right.

21 **THE COURT:** -- and we don't have time.. And so --
22 but there can certainly be no harm in granting
23 Mr. Radeker's request for the -- it's going to
24 have to be given to Ms. Palinski to basically
25 handle it from now on. I mean, that's --

1 **MR. RADEKER:** Yes, Your Honor. I mean, and she
2 could keep those funds until any further order
3 on what's to be done with them --

4 **THE COURT:** Right. Until then. Until we basically
5 can we get through with the --

6 **MR. RADEKER:** Kathleen, do you see any problem with
7 that?

8 **MS. PALINSKI:** No, I don't. I guess -- and by way of
9 clarification, and this may be wrapped up
10 before then, but like the property taxes will
11 be coming due and that. So I would continue to
12 pay those to preserve that. I think one of the
13 things to consider with Mr. Stroman living in
14 the house, the utility bills and that. The
15 public -- whatever.

16 **MR. RADEKER:** Department of Public Utilities, DPU,
17 et cetera.

18 **MS. PALINSKI:** The waste, the cable and different
19 things like that. My experience has been in
20 probate administration, that if a beneficiary
21 or an heir of law is living in the house,
22 they're not paying any rent, that they would
23 pay those expenses. And if there's any
24 direction from the Court on that, I'd certainly
25 be glad to do whatever the Court would like in

1 that area.

2 **THE COURT:** I think that's reasonable.

3 **MS. PALINSKI:** Okay. For the -- for the -- whoever
4 occupies the premise to take care of those type
5 of expenses?

6 **THE COURT:** Right. And then with the property tax
7 and things of that nature --

8 **MS. PALINSKI:** That I should pay?

9 **THE COURT:** You should pay that.

10 **MS. PALINSKI:** And then the basic utilities and
11 cable and things like that?

12 **THE COURT:** That would be the occupant.

13 **MS. PALINSKI:** The occupant. Thank you, sir.

14 **MR. RADEKER:** And I would be happy, if Your Honor
15 would let me use a computer around here, to
16 draft an order now to that effect so that she'd
17 have something to show the bank. And if we
18 were to do that, that would probably take up
19 the remainder of the time that we've got today.
20 And I'd certainly leave up to Your Honor how
21 you wish to handle that. I'm just concerned
22 about letting there be a lag in the time.
23 That's all. So, you know, you're the judge.
24 You tell us. You're going to anyway.

25 **THE COURT:** I mean, if you can go do something now,

1 that's perfect.

2 **MR. RADEKER:** Okay.

3 **MR. McCURRY:** Your Honor, if I could inject. It may
4 be that the banker is outside that would be
5 able to testify as to the accounts. If he's
6 here, I'd like to put him, if he's arrived.

7 **MR. RADEKER:** I don't really know that they can put
8 up witnesses. But, I mean, I wouldn't mind him
9 being here to hear Your Honor telling Bank of
10 America to release these funds to Ms. Palinski.
11 So, you know --

12 **THE COURT:** For that purpose I think we can have him
13 come in.

14 **MR. RADEKER:** So, just so we know that they know.
15 So even if we're not able to get down to the
16 bank before close of business today. So --

17 **THE COURT:** It's going to be agreed that we're not
18 going to take any testimony.

19 **MR. RADEKER:** We're not taking any testimony from
20 him.

21 **MR. McCURRY:** Mr. Jenkins, this is Judge David
22 Burgdorf and this is Mr. Jerry Jenkins with
23 Bank of America.

24 **MR. RADEKER:** Are you from the Johnson Calhoun Drive
25 branch?

1 MR. JENKINS: Yes, sir.

2 MR. RADEKER: Okay. I just bring that up, because
3 that would probably be -- if we can get this
4 done in the next few minutes, the next place
5 we'd have to deal with this little procedural
6 matter. And, I guess, Your Honor, would you
7 like me to tell him or you tell him?

8 THE COURT: You can go ahead.

9 MR. RADEKER: What we've decided to do, the Judge
10 has ruled that as to the funds -- and I'll
11 identify the account here for you, that are in
12 an account that Mr. Samuel D. Stroman, II, who
13 is seated here directly to your right, opened
14 -- and I'm, of course, having a hard time
15 finding the document that I need. That ends in
16 the numerals 9452. And I'll write that down
17 for you and give it to you to take back. That
18 those funds are to be, you know, immediately as
19 soon as possible, turned over to this lady here
20 sitting at the end of this row --

21 MR. JENKINS: Okay.

22 MR. RADEKER: -- Kathleen Palinski --

23 MR. JENKINS: Okay.

24 MR. RADEKER: -- who's the special administrator.
25 We're going to take the next few minutes,

1 before it gets to be 5:00, for, you know,
2 getting an order drafted, so we'll try and have
3 something to bring down by the end of the day
4 and do that. But since you were here --

5 **MR. JENKINS:** Okay.

6 **MR. RADEKER:** -- we wanted to put Bank of America on
7 notice that all of those funds that are in
8 there now should be distributed to Ms.
9 Palinski.

10 **MR. JENKINS:** Okay.

11 **MS. PALINSKI:** Excuse me. Actually to the estate of
12 Samuel D. Stroman.

13 **MR. RADEKER:** Right. They need to be written to the
14 estate of Samuel D. Stroman. She's the special
15 administrator of the estate, so she would be
16 the person who would get that.

17 **MR. JENKINS:** Okay.

18 **MR. RADEKER:** So that's what we wanted to tell you.
19 Anything else that we need to let him know that
20 you all can think of?

21 **THE COURT:** Do you need anything else from us?

22 **MR. McCURRY:** And, Your Honor, as I understand it,
23 you're not going to allow me to ask him
24 questions or have him testify regarding those
25 accounts?

1 **THE COURT:** What sort of questions were you going to
2 ask him?

3 **MR. McCURRY:** Well, the accounts -- whether the
4 accounts were, in fact, joint accounts, it
5 would have been joint survivor accounts as
6 indicated, it would have been the funds of
7 David Stroman upon death.

8 **THE COURT:** That's a legal question.

9 **MR. RADEKER:** That's a legal question.

10 **THE COURT:** That's going to be a legal question
11 anyway, so he couldn't answer that.

12 **MR. McCURRY:** Well, he could testify as to what Bank
13 of America -- how Bank of America deemed it.

14 **THE COURT:** That's still a legal question. That's
15 not a factual matter. That's -- I go straight
16 by the book. That should take care of
17 everything that we need from him.

18 **MR. RADEKER:** Okay. And, Your Honor, am I correct
19 in understanding we'll adjourn? I'll try to
20 get a little draft order together for Your
21 Honor to review and obviously give to Mr.
22 McCurry to look at, and we'll reschedule this
23 hearing and resume it at --

24 **THE COURT:** Yeah. How many more witnesses do you
25 have?

1 **MR. RADEKER:** It'll be three, but they're going to
2 be much shorter than everybody else that we put
3 up.

4 **THE COURT:** Who are they?

5 **MR. RADEKER:** Mr. Chuck Henson, he's here today, and
6 Jamileh and Synthia Stroman, who are here. And
7 although they are parties, and party witnesses
8 tend to take a long time, I don't think they're
9 really going to take very long. But I don't
10 think we're going to be able to get to them
11 today before quitting time.

12 **THE COURT:** No. No, it's not. We're not going to
13 get to it today.

14 **MR. RADEKER:** But probably if we were to, you know,
15 schedule something for another two or three
16 hours next time you got it, that would probably
17 be fine.

18 **THE COURT:** You think it would take that long?

19 **MR. RADEKER:** I don't think it would take long. But
20 I have also learned to know that it takes
21 longer than I say that it's going to take.

22 **THE COURT:** Always.

23 **MR. RADEKER:** So, you know?

24 **THE COURT:** Ask Mae to come in here, please.

25 **MR. RADEKER:** I brought my calendar thinking this

1 might happen.

2 **THE COURT:** And this is off the record.

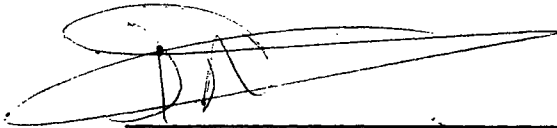
3 (There being nothing further, the damages hearing
4 adjourned at 4:33 p.m.)

CERTIFICATE

This is to certify that the within hearing consisting of One Hundred Twenty-Five (125) pages, is a true and correct transcript of the testimony given by said witnesses after being duly sworn; said hearing was reported by the method of Stenowriter with Backup.

I further certify that I am neither employed by nor related to any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal on August 22, 2011.



Diane M. Hendricks
Court Reporter

Notary Public for South Carolina
My Commission Expires: May 27, 2021

STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
COUNTY OF ORANGEBURG) C/A No 2008-CP-38-310

Estate of Samuel D. Stroman,
Jamileh S.D. Stroman and Synthia
D. Stroman,

Plaintiffs,

v.

Samuel D. Stroman, II and
Sherolyn D. Stroman,

Defendants.

(COPY

DAMAGES HEARING

Wednesday, October 5, 2011
3:13 p.m. - 5:07 p.m.

The hearing before the Honorable Olin Davie Burgdorf, as Master-in-Equity for Orangeburg County, was taken at Orangeburg Courthouse, 190 Gibson Street, Orangeburg, South Carolina on the 5th day of October 2011, before Diane M. Hendricks, Court Reporter and Notary Public in and for the State of South Carolina.

APPEARANCES:**Andrew S. Radeker, Esquire**

Harrison and Radeker, PA

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Columbia, South Carolina 29201

Attorney for the Plaintiffs, Jamileh S.D. Stroman and
Synthia D. Stroman**Robert F. McCurry, Jr., Esquire**

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Orangeburg, South Carolina 29116

Attorney for the Defendant, Samuel D. Stroman, II

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EXHIBITS(Plaintiffs' Exhibits 18 through 25 were retained by
the Court.)(Defendant's Exhibit Three was retained by the
Court.)

1 **CHUCK A. HENSON**, having been duly affirmed, testified
2 as follows:

3 **MR. RADEKER:** Now, I understand that opposing
4 counsel will stipulate that Mr. Henson is
5 qualified as an expert in real estate
6 appraisal?

7 **MR. McCURRY:** That's correct, Your Honor.

8 **MR. RADEKER:** And we would ask that he be so
9 qualified, Your Honor.

10 **THE COURT:** Right.

11 **MR. HENSON - DIRECT EXAMINATION BY MR. RADEKER:**

12 Q: I'm going to be real brief with you. I asked
13 you to appraise a couple of pieces of property;
14 is that correct?

15 A: Yes, sir. It is.

16 Q: All right.

17 **MR. RADEKER:** And I ask that this be marked as an
18 exhibit. I want to see what exactly we got up
19 to the last time. I think it might have been
20 17.

21 **MR. RADEKER:** Plaintiffs' 18.

22 **(Plaintiffs' Exhibit Number 18 was marked for**
23 **identification purposes.)**

24 Q: Chuck, take a look at what I handed you. Is
25 that your appraisal of one of the pieces of

1 property I asked you to appraise, sir?

2 A: Yes, sir. It is.

3 Q: And which piece of property is that?

4 A: This is the residence that's at 1193 Pruitt
5 Drive at the corner of Pruitt Drive and Tolly
6 Ganly Circle.

7 **MR. RADEKER:** And we ask that that be admitted as
8 Plaintiffs' 18.

9 **MR. McCURRY:** No objection, Your Honor..

10 **(Plaintiffs' Exhibit Number 18 was admitted into**
11 **evidence.)**

12 Q: Taking a look at that, sir. I asked you to
13 appraise the value of that property as of two
14 dates, correct?

15 A: That is correct, sir.

16 Q: And what dates were those?

17 A: Those dates, sir, were the date of Mr.
18 Stroman's death, that was September the 21st,
19 2006. And then you asked me to appraise it as
20 of the date I actually inspected it, and the
21 last inspection was on August the 4th, 2011.

22 Q: All right. And what determinations, to a
23 reasonable degree of certainty in your field,
24 did you make as to the value of this property
25 as of those dates?

1 A: Well, sir, as of September the 21st, 2006 I was
2 at \$191,000. That was using two valuation
3 methods; the cost approach, which inventories
4 all the components of the subject property, and
5 the direct sales comparison approach where you
6 use sales to make adjustments to estimate or
7 render value opinion. I used both the cost and
8 the direct sales for both appraisal dates. And
9 the report reflects -- it's rather detailed, so
10 bear with me, if you would, please.

11 Q: It took me a while to flip through to get it,
12 too.

13 A: It's a complicated process. As I said, we used
14 two approaches; the cost where you value the
15 land, you build the buildings new and
16 depreciate them, you add the site improvements,
17 so that you show the contributory value of both
18 properties. On the last page of the appraisal,
19 right before the pictures, I correlated the two
20 approaches. In other words, as of 9/21/2006,
21 the date of Mr. Stroman's demise, the cost
22 approach showed \$203,500. The direct sales
23 comparison approach showed \$191,000. The
24 August the 4th, 2011 value, the cost approach
25 was \$205,000. And again, after slight

1 rounding, the direct sales comparison approach,
2 based on the best sales available, was also
3 \$191,000. So it is my opinion that the values,
4 because of the economic turndown, hadn't
5 changed much in that time period. While cost
6 had changed, you had to factor in differences
7 in the depreciation schedules.

8 Q: And is that because if the economy had stayed
9 as it previously was, you would have expected
10 the value to go up and that just didn't happen
11 as a result of economic effect?

12 A: Exactly, sir. If you look at the multiple
13 listing sales of sales in the area, you'll find
14 that the marketing times now are extremely much
15 longer than they were in September of 2006.

16 Q: Okay. So you might be able to sell this
17 property for the same amount of money as you
18 would have been able to sell it for around the
19 end of 2006, it would just take you a good bit
20 longer?

21 A: In my opinion, yes, sir, based on the sales.

22 Q: All right. Thank you very much.

23 **MR. RADEKER:** I'm going to have this marked as
24 Plaintiffs' 19. Do you have any objection to
25 that coming in?

1 MR. McCURRY: No.

2 MR. RADEKER: And ask that that be admitted as
3 Plaintiffs' 19, Your Honor.

4 THE COURT: Okay.

5 (Plaintiffs' Exhibit Number 19 was admitted into
6 evidence.)

7 Q: Now, what do we have here, Mr. Henson?

8 A: What we have here, if it please the Court, is
9 also a piece of property that the late Mr.
10 Stroman owned. This is a vacant wooded lot in
11 a residential subdivision off of Bellville
12 Road. It is an unimproved lot. There are
13 still trees on it. It has not been cleared to
14 build on yet. But it is a residential lot due
15 to restrictions, restrictive covenants. And
16 zoning now, county zoning.

17 Q: And, sir, just to save a little time, I asked
18 you to appraise that property as of the same
19 dates as the other piece of property, correct?

20 A: Well, sir, we were able to get to this one
21 earlier, and the dates on this one are
22 September the 21st, 2006, then we did it as of
23 July the 29th, 2011, which is the actual date
24 my associate and I went to the property, took
25 photographs and walked over the site.

1 Q: Okay. Now, let me ask you, what opinions, to
2 a reasonable degree of certainty as a real
3 estate appraiser, have you formed as to the
4 value of this property as of those dates?

5 A: Again, on the last page of the supplement,
6 before the picture addendum, as of September
7 the 21st, 2006, I have a value of \$10,000. As
8 of July the 29th, 2011 it was up to \$12,500.
9 Now, in using the sales, if you look at the
10 sales in that report, we've done a lot of work
11 in that area. We had a good many vacant lot
12 sales. So we were able to pair. And there's
13 actually a slight time increase on these vacant
14 lots. I calculated two percent a year by
15 pairing sales to see what that difference was.

16 Q: Okay. Sir, that may be all I have for you.
17 Any information that I haven't asked you about,
18 about these appraisals that you feel would be
19 relevant to this proceeding?

20 A: I think that the attorneys and the Court knows
21 my reputation for being thorough. I hope that
22 it's true. We spent a good bit of time trying
23 to be fair and objective to make sure that we
24 used the best sales that we could. We did
25 printouts bimonthly, or every other week, of

1 every sale in this county over \$1,000 in
2 numerical tax map order. So you are actually
3 able to go through those sales for several
4 years in four or five hours and pick out the
5 sales that appear to be most relevant to value.
6 We feel like that we have used the best sales
7 that we could. In the case of the residence,
8 with Mr. Stroman's help, we were able to look
9 at every single room, including the closets,
10 the garages of that property. He was cordial
11 in letting us take our time and see everything.
12

13 **MR. RADEKER:** Thank you very much. Please answer
14 any questions that my opposing counsel has for
15 you.

16 **MR. HENSON - CROSS-EXAMINATION BY MR. McCURRY:**

17 Q: Mr. Henson, just a few questions. It sounds as
18 though you were fairly thorough in your viewing
19 and appraisal of the home and grounds. Is that
20 -- do you think you were thorough in that
21 respect?

22 A: I feel so. Yes, sir.

23 Q: And with regard to the condition of the home
24 itself, in looking at the photographs, that the
25 home appears to be newly painted and in very,

1 very good condition for its age. And the
2 grounds appear to immaculate. Can you describe
3 for the Court the condition of the home and the
4 appearance of the grounds?

5 A: I'm sorry, counselor. As I mentioned,
6 counselor, I went through every room of that
7 house, as I tend to do. I looked for what is
8 known as differed maintenance: the lack of
9 painting, cracked floors, wall holes. I didn't
10 find that. In my professional opinion, based
11 on 40 years doing this, I think the house has
12 been reasonably well maintained. I think
13 there's nothing that would keep that house from
14 being put on the market and sold. I feel like
15 it has been maintained. Mr. Stroman answered
16 my questions about when painting and things
17 were done. But that house is a very, extremely
18 good house. It's structurally and mechanically
19 sound. I found no major items of differed
20 maintenance.

21 Q: And the grounds, did they appear to be well
22 maintained and manicured?

23 A: They were, sir. The pictures, I think, are
24 evidenced through that fact.

25 MR. McCURRY: I have nothing further of the witness,

1 Your Honor.

2 MR. RADEKER: I don't have anything further for Mr.
3 Henson, Your Honor.

4 THE COURT: Okay. Can he be excused then?

5 MR. RADEKER: That's certainly fine with me.

6 MR. McCURRY: Certainly.

7 MR. HENSON: Thank you, Your Honor.

8 THE COURT: Thank you, Mr. Henson.

9 MR. RADEKER: Your Honor, we would call Synthia
10 Stroman to the stand.

11 SYNTHIA STROMAN, having been duly affirmed, testified
12 as follows:

13 MS. SYNTHIA STROMAN - DIRECT EXAMINATION BY MR.
14 RADEKER:

15 Q: Ms. Stroman.

16 A: Yes.

17 Q: It's been a long time coming?

18 A: Yes, very.

19 Q: So Colonel Stroman was your father, correct?

20 A: Yes.

21 Q: And David Stroman here is your brother?

22 A: Yes.

23 Q: How do you feel about having to be here today?

24 A: I'm broken hearted. It's Stroman versus
25 Stroman. It's family.

1 Q: Thank you. Where do you live?

2 A: Washington, D.C.

3 Q: How long have you lived there?

4 A: In my home?

5 Q: How long have you lived in Washington?

6 A: Since I was five, but in and out, off and on,
7 pursuing education and everything.

8 Q: And you said pursuing education. Let's talk
9 about your education; let's talk about your
10 education. What is your educational
11 background?

12 A: I'm a teacher, elementary school teacher. I
13 have a BA in elementary education and a
14 master's in early childhood.

15 Q: Okay. Let's talk a little bit about your other
16 siblings' educational background. What about
17 David's?

18 A: David has -- to my understanding, David has a
19 BA in -- I don't know. Science. I don't
20 really know. I know he has a BA degree. He
21 has gone on to pursue higher education in
22 various medical schools.

23 Q: He's never worked as a doctor, to your
24 understanding?

25 A: Not to my understanding.

1 Q: What's the last job that you -- as far as you
2 know, that he had?

3 A: I -- very long, long time ago I think he had a
4 job in the government for a year, and that's
5 the only recollection of a job.

6 Q: Okay. Do you know how he's been able to
7 support himself since then?

8 A: Well, he -- he used to work with newspaper
9 distribution.

10 Q: How long ago was that?

11 A: Well, not since he's been down here in the
12 state of South Carolina.

13 Q: Okay. Tell me about -- about what happened.
14 And I don't mean for you to necessarily tell me
15 like medically how he died or anything, but the
16 circumstances of your dad's death and how you
17 learned about that.

18 A: Let's see. We were planning a birthday party
19 for my brother. It was his birthday, and we
20 got a call from South Carolina that said that
21 my father was critically ill and that attention
22 needed to be made to him immediately. David
23 packed his bags. I owned the house. I was --
24 the bank owns the house but I hold the deed.
25 The mortgage to the house, not the deed. David

1 left that day and, you know, has been, you
2 know, seldom back to Washington since. But
3 that's when he left.

4 Q: Okay. And when was that?

5 A: I don't know. It was before September 2006.
6 So my father was ill for about, I guess, seven
7 years. And my dates are not exact.

8 Q: Okay. Let's talk about September of 2006. How
9 did you learn that your father had passed away?

10 A: My father died in my arms. That's how I
11 learned. In my arms. Heart to heart. We were
12 at the hospital.

13 Q: Tell me, with an eye toward what we're here to
14 talk about, you know, the issues are in this
15 case, you know, what -- what happened after
16 that with regard to your interactions with your
17 brother.

18 A: It -- it was a terrible -- I mean, we were all,
19 you know, heartbroken. And I remember the day
20 before my father was eulogized by the campus,
21 because he was a Kappa in Orangeburg, my
22 brother told us that we would not receive a
23 penny of the estate. And, you know, I asked
24 him did -- you know, was -- is that really the
25 way he felt, because then we want to litigate,

1 and I need to employ an attorney. And he said
2 again that -- he told me that he was father now
3 and that he -- that I would not receive a dime.
4 Not one red penny. So I -- after the eulogy
5 and about a day or so after, I left to go back
6 to Washington, D.C. and I contacted legal
7 counsel.

8 Q: Well, let me ask you this: Your brother had
9 -- last time you were here, correct, and you
10 heard him testify, and he listed some things.
11 I asked him what your dad owned at the time
12 that he died. What do you know of, other than
13 -- what your brother listed, that you can recall
14 what your dad owned at the time of his death?

15 A: Okay. Not -- not as far as the material things
16 that were in his house, you know. But, you
17 know, my father spoke to me about his Will, you
18 know, when he was living, and he told me --
19 told us all -- he had a conference with us all
20 when my mother passed and said upon his death
21 --

22 MR. McCURRY: Your Honor, I need to object on the
23 Dead Man Statute. She's testifying about
24 statements that her father made while living.

25 Q: What I was focused on was things that he owned.

1 Not necessarily what he intended to do with
2 them.

3 A: Okay. Well, I -- well, I know that my father
4 owned cars. He owned a house and property in
5 -- on Pruitt Drive.

6 Q: To speed this up a little bit --

7 A: Okay.

8 Q: I don't -- I'm asking other than what your
9 brother talked about, so --

10 A: Okay. Well, I don't know. Well, he's talked
11 about the jewelry. I know that -- I don't --
12 you know, per se, I didn't have conversations
13 as to dollar about my father's Will.

14 Q: Sure, sure. I understand.

15 A: Okay. As to dollar. But I -- you know, I do
16 realize that he was a wealthy man.

17 Q: Okay. Well, you know, to your knowledge, what
18 was that wealth in? You know, I mean, are you
19 talking about --

20 A: Bonds. There were -- you know, there were
21 bonds that my father talked to us that he had
22 established since the birth of all four of us.
23 You know, that we knew that there were bonds
24 with the Department of Defense that were --
25 that he put aside each year of our birth dates

1 for us that he was putting money in. There was
2 land in, you know, New Mexico that was
3 mentioned. There are -- there was something
4 about land in Neeses Highway that I'm not sure
5 how it was appropriated. It might have been
6 given or sold to an uncle, but I don't know if
7 that was a legal thing. I don't know.

8 Q: Okay. Now, other than your brother telling you
9 that you weren't going to receive anything from
10 the estate and that he was your father now, do
11 you recall anything else that he said to you
12 about what his intentions were with regard to
13 the property that your dad had in his life?

14 A: Other than -- no. I mean, because it was quite
15 clear to me that I was disinherited by him.
16 And when he said he was my father now, you
17 know, there was nothing more to be said. There
18 was nothing more to be said. After I said, "Do
19 you want to litigate? Is this -- is this
20 really the way you feel? Before I go employ
21 counsel I want to know is -- can this be
22 mediated, or is this a grief thing coming out,
23 or is this real. You know, do I take this as
24 a realty and move forward?"

25 Q: Okay. You've heard testimony at the previous

1 hearing and you've seen the evidence that's
2 come in in this case. Let me ask you, what do
3 you think should happen here?

4 A: I -- I would like for -- you know, I kind of
5 can't believe that my father did not leave a
6 Will. He was an astute businessman, you know?
7 He talked to me about his Will, but I can't --
8 I don't want to cross over the lines about
9 putting words in -- my father's Will. But I
10 -- you know, I know that he loved all of his
11 children, and wanted the best for us. And I --
12 I think that he would want all of us to prosper
13 and continue to be good citizens of the planet.
14 All of us. Not one set aside. Every last one
15 of us.

16 MR. RADEKER: Okay. Thank you very much. Please
17 answer any questions Mr. McCurry has for you.

18 THE WITNESS: Certainly.

19 MS. SYNTHIA STROMAN - CROSS-EXAMINATION BY MR.

20 McCURRY:

21 Q: Ms. Stroman, the home that you lived in -- that
22 you live in presently in D.C., that home was
23 also shared by David for -- and your mother
24 during the time period when your mother was
25 ill; is that correct?

1 A: Correct.

2 Q: And during that approximately six year time
3 period that your mother was ill, did David
4 cease his educational -- education and work and
5 take care of your mother while you were living
6 at your house?

7 A: It wasn't at that time; it wasn't at the time.
8 David was there with my mother. But it was my
9 understanding when he lived -- when he was
10 living there that he was not employed.

11 Q: Correct. And he was taking care of your mother
12 during that time; is that correct?

13 A: Yeah. It was a shared responsibility with
14 Sheri, and I had action, too.

15 Q: Okay. And during that time period David also
16 ceased his educational pursuits in regard to
17 his medical pursuit toward a medical degree,
18 did he not?

19 A: I'm not aware that he was involved in the
20 practices and the kinds of things that he says
21 he was.

22 Q: Okay. During that time did David care for your
23 mother by bathing her and feeding her and
24 taking care of her needs, whatever those needs
25 might be?

1 A: As I said before, it was a shared
2 responsibility. But yes, David did.

3 Q: Okay. And after your mother died, David still
4 remained at that house with you; is that
5 correct?

6 A: Yes.

7 Q: And during -- during the interim between your
8 mother's death and your father's stroke, which
9 was about another six years as I understand it
10 --

11 A: Uh-huh.

12 Q: -- he was -- he was going to school during that
13 time period, was he not?

14 A: Quite frankly -- and I know this might sound
15 strange. But I'm not aware. I didn't know.
16 I didn't know that -- you know, I really didn't
17 know, you know, whether he was going to school
18 or --

19 Q: You mentioned he was in newspaper distribution.
20 Did you also know that he sometimes worked at
21 a free health clinic around the D.C. area, or
22 were you aware of that?

23 MR. RADEKER: Objection. Assumes facts not in
24 evidence.

25 A: I really don't know. I've heard him speak of

1 having to be at a hospital and things like
2 that. But as -- as the real logistics of it,
3 I didn't know. There were not calls from a
4 hospital or this, that and the other. And it
5 wasn't my intent to know.

6 Q: All right. Ms. Stroman, you are -- you are a
7 teacher; is that correct?

8 A: That is correct.

9 Q: And your -- education was obviously very
10 important to your family?

11 A: Yes.

12 Q: I mean, without question. From your mother,
13 your father, and all the children?

14 A: Uh-huh.

15 Q: Did your father help you with school expenses?

16 A: Yes -- yes, he did. There were periods --
17 there was a time that I was receiving financial
18 aid and things like that. But for the most
19 part. There's nothing that he would not do to
20 further my education.

21 Q: And did he -- did he ultimately pay off your
22 college loans, your father?

23 A: I didn't have college loans.

24 Q: Did your father help out with Jamileh's
25 expenses for education?

1 A: I think so, but the logistics of it, I have no
2 idea.

3 Q: Okay. Do you know if your father helped pay
4 off any of Jamileh's student loans?

5 A: I have no idea. I think that he might have
6 helped, but that's just a thought, you know?

7 Q: Okay. Were you aware that David also had
8 student loans?

9 A: I guess. I'm sure he did.

10 Q: And are you aware that David's student loans
11 have not been paid off by any persons -- by
12 himself or anyone else or --

13 A: I have no idea. I have no idea.

14 Q: All right. Ms. Stroman, while -- while David
15 was living at your house, if you will, in D.C.
16 --

17 A: Uh-huh.

18 Q: -- and that house was deeded to you by your
19 father; is that correct?

20 A: It wasn't deeded to me. It was sold to me. I
21 have a mortgage that I still carry on the
22 house.

23 Q: Okay. And did he sell it for less than market
24 value to you?

25 A: I think -- I think the house at the time was

1 appraised at \$153,000 and he sold it to me for
2 \$100,000. But what he said to all of his
3 children is the person interested and the
4 person that can finance the \$100,000 may buy
5 the home. It wasn't, say, Synthia, it was to
6 all of us.

7 Q: Okay. During the time that David lived with
8 you, didn't he pay for utilities and --
9 utilities and maintenance and repairs on the
10 home?

11 A: Not as I was the owner. David lived with me
12 for three years when I was the owner of the
13 house. No.

14 Q: So you -- who paid for those expenses?

15 A: I worked and paid for it. It was my home.

16 Q: So he didn't -- he didn't pay utilities and
17 didn't pay for repairs?

18 A: There was no money exchanged, and all those
19 other things were my responsibility.

20 Q: Did he maintain the grounds around the home?

21 A: Yes, he did. Yes, he did.

22 Q: Ms. Stroman, you mentioned your understanding
23 of -- you mentioned some things about your
24 father and his assets.

25 A: Uh-huh.

1 Q: Did any of your relatives ever indicate to you
2 your father's desires with regard to whom he
3 would leave his assets to?

4 A: No. Not at all.

5 Q: In 2005, that's -- I'm jumping ahead a little
6 bit. That was after your -- that was after
7 your father's stroke. Was your -- were you --
8 were you close to having your gas, water, and
9 electricity, or utilities cut off from your
10 home?

11 A: I recall what you're talking about, because it
12 was indeed my birthday. I came home -- yes.
13 Not close. My gas was cut off. I came home
14 from -- do you want to hear the story?

15 Q: Well, go ahead. Well, let me ask you this. My
16 question is this: Did you appeal to David at
17 that time to send money to pay for those
18 expenses and utilities so that they would be
19 cut back on?

20 A: No, I did not. I was about to say. When I
21 came home from school, my sister told me that
22 David had paid my gas bill. It was a surprise
23 to me.

24 Q: Said that David had paid your gas bill?

25 A: Yes. That David has sent money and paid the

1 gas.

2 Q: Okay.

3 A: I did not appeal to him.

4 Q: After your father had the stroke in 2003, I
5 believe you -- you came down at some point soon
6 -- very soon thereafter?

7 A: I can't tell you dates. I came down several
8 times to see him.

9 Q: And I'm sure Jamileh and Sheri also came to
10 visit your father; is that correct?

11 A: That's correct.

12 Q: Okay. After that stroke, the day after the
13 stroke, did David come down from D.C. and
14 basically stay with your father up until his
15 death three years later?

16 A: He came back to D.C. maybe about twice. But
17 basically, yes.

18 Q: Okay. And did he care for your father around
19 the clock, if you will?

20 A: I would say around the clock that he gave him
21 wonderful care.

22 Q: Okay. We had -- we had much -- or some
23 testimony in the last hearing regarding the
24 accounts that were in your father's name and
25 David's name as well, and we spoke of those.

1 Did you ever have any discussion with any
2 persons prior to your father's death about your
3 father's bank accounts, your father's liquid
4 assets?

5 A: No. I don't think so.

6 Q: Okay. Has any -- have you had discussions with
7 your siblings since that time as to what you
8 feel should happen with regard to those bank
9 accounts?

10 A: Since my father's death?

11 Q: Since your father's death, yes.

12 A: Yes. You know, number one, I thought that
13 there was a Will, being that my father was an
14 astute businessman, but supposedly there was
15 not. But there was a Will that between --
16 existing already between my mother and father
17 where the siblings we talked about would have
18 25 percent. I thought that was very fair,
19 because we were all offspring of my mother and
20 father. One no more, and no less.

21 Q: After your father's death was David the person
22 largely responsible for taking care of the
23 funeral arrangements or --

24 A: Yes. He had control of his financial --
25 everything.

1 Q: Was he responsible in assisting with the
2 exhuming of your mother's body, if you will,
3 from Orangeburg and --

4 A: Yes, for the ceremony --

5 Q: -- to Arlington?

6 A: -- in Arlington Cemetery, he was.

7 Q: And that occurred a couple of months after your
8 father's death and burial --

9 A: Right.

10 Q: -- is that correct?

11 A: Correct.

12 Q: Was David the sibling most involved with the
13 resolution of Methodist Oaks litigation and
14 lawsuit?

15 A: Yes.

16 Q: During the time that David was with your
17 father, after the stroke, do you -- you said he
18 went to D.C. twice. Did you know of David
19 taking any vacations, or taking a long time
20 away from your father?

21 A: I have no idea what was happening. I would not
22 think, but I have no idea what was happening in
23 one state to another.

24 Q: Do you know of anything since your father's
25 death, or since David came down in 2003,

1 anything -- I use the word extravagant, that
2 David has spent any money on?

3 A: I have -- I was not privy to any of my father's
4 accounts or how David was handling the money.

5 Q: Okay. You understand -- or you heard David
6 testify last time that he really thought, from
7 comments from the bank, that he was the owner
8 of those joint accounts. Did you hear that
9 testimony?

10 A: I did not believe that testimony.

11 Q: But you heard the testimony?

12 A: Somewhat.

13 Q: And were you aware that -- were you aware that
14 during -- after your father's death that David
15 has not only assisted with maintaining the
16 properties that we've discussed, but also he
17 actually gave some money to Sheri for living
18 expenses and what have you with regard to her
19 diabetes?

20 A: I was not aware of that, and I know that my
21 sister has support otherwise for her medical
22 expenses.

23 Q: Your sister, Sheri?

24 A: Sheri Stroman.

25 Q: Yeah. She might receive some governmental

1 assistance?

2 A: Exactly.

3 Q: Sure. But you were not aware that he also
4 supplemented that --

5 A: Not at all. No monies am I privy to. None.

6 Q: All right. If you will tell me if you agree
7 with this. If David has testified that he
8 thought the money was his own after your
9 father's death, if he had given money to Sheri,
10 or to anyone if you all had asked for it, that
11 money would be coming out of his own pocket,
12 correct?

13 A: No.

14 MR. RADEKER: Objection. That calls for a legal
15 conclusion. It doesn't matter what he thought.

16 Q: Synthia, would you -- would you say that David
17 was relatively straightlaced, conservative,
18 kind of a neat freak with the way he takes of
19 property and the yard and what have you?

20 A: He is excellent in handling the estate.

21 Q: Would you say he respects authority, if you
22 will? Is that a true statement, in your
23 opinion?

24 A: I don't think so.

25 Q: Okay. Knowing David's character, of being his

1 brother, do you think he would intentionally
2 --

3 A: I am not is brother.

4 Q: Do you think David would have intentionally
5 disobeyed the court with regard to the
6 expenditures of funds?

7 A: Do you want me to answer that question? Yes,
8 I do think he did.

9 Q: And why do you think he intentionally would
10 disobey the court?

11 A: I feel that -- if you're asking me, I feel that
12 he's delusional. I feel maybe that he really
13 feels that it was all his. I don't understand
14 it.

15 Q: All right. I spoke a while ago about David's
16 student loans. Are you aware of whether or not
17 David ever used any of the funds that he had
18 control of to pay off his student loans?

19 A: I have no idea how monies were appropriated.
20 I don't know.

21 MR. McCURRY: I have nothing further of Ms. Stroman,
22 Your Honor.

23 MR. RADEKER: Just a brief redirect, Your Honor.

24 MS. SYNTHIA STROMAN - REDIRECT EXAMINATION BY MR.

25 RADEKER:

1 Q: We know from previous testimony of David's that
2 David spent more than the 25 percent of money
3 in the account that Judge Burgdorf had
4 authorized him to spend by a previous order in
5 2008, which stemmed from a hearing that he
6 attended, as he admitted in court here.
7 Knowing that, you know, how does that impact,
8 you know, your assessment of him when Mr.
9 McCurry asked you about whether David respects
10 authority?

11 A: That's why I said -- that was my answer. I do
12 not believe that he respects authority. You
13 know, he was true to his word that -- you know,
14 when he told me that I would not receive one
15 penny. And that's what the intentions to me
16 have been. That has been the outcome. That's
17 why we sit here over, and over again.

18 Q: All right. I hear some people talking in the
19 background. Who are these people?

20 A: This is my sister, Jamileh, my sister, Sheri.
21 And that's Christina James.

22 Q: So -- okay, ma'am. Who is Ms. James?

23 A: Well, he was my favorite uncle.

24 Q: Ms. James?

25 A: No. No. James. The --

1 Q: Okay. Mr. James who --

2 A: Mister.

3 Q: Who is this lady who --

4 A: That's his wife.

5 Q: Okay. So this has caused some rancor within
6 the family?

7 A: The pain of it all, it has split family. We
8 have lost family. There's been testimony that
9 was deeply hurtful from family, you know? It's
10 beyond finances.

11 Q: Okay. How much money did you get from David,
12 you know, after your father had died?

13 A: Absolutely zero.

14 Q: Okay. Now, you know, Mr. McCurry asked you
15 about this, and we heard some testimony from
16 David about David helping with the funeral.
17 And you testified that he gave your dad
18 wonderful care, you know, and that he, you
19 know, apparently had paid your gas bill one
20 time. Question about that. Do you know
21 whether he did that with his own money or with
22 your father's money?

23 A: I have no idea. I told you, when I came home
24 from school, it was my birthday and this was a
25 gift -- and I'm not saying -- that I did not

1 ask David for it, you know? But I appreciated
2 it.

3 Q: Absolutely.

4 A: No doubt about it. But --

5 Q: Well, the fact that he's done those things, how
6 do you feel about whether that allows him to
7 take all of your father's property?

8 A: I mean, it's kind of -- it's like a nightmare
9 to me. It's just unbelievable. It's caused so
10 much stress and heartache and damage between,
11 you know, family members. And we're not spring
12 chickens. None of us -- I'm 57, one's 58, 59,
13 60. You know, it's -- you know, I would like
14 for this to be resolved so there can be some
15 healing, so that we can be family. So that the
16 -- what my mother and my father wanted for us
17 as far as us loving and supporting and caring,
18 and making Stroman a reputable name, can be
19 restored.

20 MR. RADEKER: Thank you very much. I don't have
21 anything further for you.

22 THE COURT: Thank you. You can step down.

23 MR. RADEKER: We call Jamileh Stroman to the stand,
24 Your Honor.

25 JAMILEH STROMAN, having been duly affirmed,

1 testified as follows:

2 MS. JAMILEH STROMAN - DIRECT EXAMINATION BY MR.

3 RADEKER:

4 Q: Jamileh, you're also David's sister, correct?

5 A: Yes.

6 Q: And Colonel Stroman's daughter?

7 A: Yes.

8 Q: Where do you live?

9 A: I live in Texas.

10 Q: How long have you lived there?

11 A: Maybe 25 years, about.

12 Q: Okay. So you like living in Texas?

13 A: Not really.

14 Q: Maybe 25 years too long then. Around August of
15 2003, at that time, that was shortly after your
16 dad had had a stroke; is that right? Tell me
17 about what was going on then in your family.

18 A: Well, when I heard that my father had a stroke,
19 I was on the west coast and I took a plane out
20 that night and was here the next day. And, of
21 course, we were all concerned about my father.
22 And so, in those first days it was about being
23 in the hospital and being around my father and
24 praying that he would pull through. And the
25 things at home were basically about praying and

1 seeing what we could do, and waiting for calls
2 from the hospital, and that kind of thing.
3 After that, when my father started showing a
4 little improvement, I was still basically
5 around him. During that time I had taken a
6 semester off of school, so I was there for,
7 what, three or four months at that -- at that
8 time. So it was all about trying to take care
9 of him.

10 Q: Okay. And what, if any, conversations did you
11 have with your brother about what might need to
12 be done legally for your father?

13 A: Well, I was --- I had said to him that we needed
14 to get some attorneys involved. And he did not
15 want to do that. He said he didn't trust
16 attorneys and he didn't want them involved. He
17 went looking through my father's things. I
18 remember at one point he broke into a file
19 cabinet that was under the stairs in my
20 father's home looking for papers and things.
21 And then he had said that there were papers in
22 the wall in one of the rooms upstairs in the
23 office. At that time I didn't look at the
24 papers in the wall. I wasn't really concerned
25 about papers at that time. But he was looking

1 very hard for different kinds of papers. And
2 during that time when I was there he told me
3 that at some point he would put my name on the
4 bank work also and that I could go into the --
5 what do you call it, safe deposit box? But
6 that never happened. I never saw anything in
7 the safe deposit box. It was more around
8 making sure my father was getting what he
9 needed than anything else.

10 Q: Right. And your focus wasn't on legal matters
11 or anything at that time?

12 A: No.

13 Q: All right. Now, we've seen a power of attorney
14 document that got admitted into evidence in
15 this case.

16 A: Uh-huh.

17 Q: Tell me about attempts that your brother made
18 with regard to becoming -- or having power of
19 attorney for your father?

20 A: Well, my understanding was that when that was
21 broached with my father in the hospital room,
22 and you would have to ask Synthia about that
23 more because she was present, that my father
24 said that he was not comfortable with that.
25 But Synthia was present. I was not present.

1 **MR. McCURRY:** Your Honor, I move to strike in the
2 sense that that's, again, in violation of the
3 Dead Man's Statute.

4 **MR. RADEKER:** Well, I mean, I guess, about the only
5 argument I have in response to that is, you
6 know, that horse has already been out the barn
7 door. But --

8 **THE COURT:** Yeah, we don't have a jury in, so --

9 **MR. RADEKER:** Yeah. I mean -- you know, yeah, she
10 is talking about conversations that --

11 **THE WITNESS:** Sorry.

12 **THE COURT:** Yeah.

13 **MR. RADEKER:** That's all right.

14 **Q:** But, you know -- well, not talking about that
15 incident or those communications, but following
16 that, you know, what efforts, if any, do you
17 know that David took with regard to, you know,
18 coming into any sort of power of attorney role?

19 **A:** Well, there was one point at which he asked us
20 to write letters supporting getting the power
21 of attorney, which at that time we did. I had
22 no reason not to trust him. But then he told
23 me later that he couldn't get power of attorney
24 with those letters. There was one point where
25 he had a conversation with me and he told me

1 that he had found paperwork from my father. He
2 didn't call it a Will. He said he found
3 paperwork that gave 37 percent of the estate to
4 me. And I -- and he said, "What do you think
5 about that?" And I remember saying to him,
6 "The Will that our mother and father did
7 together said 25 percent for all of us, so we
8 would make it 25 percent for all of us." I had
9 no desire to have any more than anyone else.
10 And I remember saying that to Attorney Suggs,
11 who at that time was the immediate --

12 Q: Let me cut you off there about conversations
13 that you had with lawyers or prospective
14 attorneys.

15 A: Okay.

16 Q: I know you don't know. But --

17 A: No.

18 Q: -- yeah. But, you know, in any event, do you
19 know anything about why it is, you know -- or
20 rather, what did your brother say to you about
21 why it is that he wasn't, as you said as he
22 phrased it, able to obtain power of attorney
23 from those letters?

24 A: I don't know why he wasn't. He just told me
25 that he couldn't get them with the letters that

1 we wrote for him.

2 Q: Okay. You wrote those letters?

3 A: I wrote a letter. Yes, I did.

4 Q: And as far as you know, so did Synthia, right?

5 A: Uh-huh.

6 Q: And so did Sheri, as far as you know?

7 A: Yeah. I had no reason to not trust him. It
8 was about -- because he had the medical
9 education more than the rest of us, we wanted
10 my father to have that kind of care. And it
11 was about facilitating whatever kind of good
12 care we could get for my father.

13 Q: And at that time you didn't know that any of
14 this was going to happen?

15 A: No. No. No.

16 Q: All right. Did you ever happen to come across
17 any Department of Defense paperwork of your
18 fathers?

19 A: Yes. When I was there during that four-month
20 period, we saw paperwork that my father had
21 filled out to the Department of Defense. David
22 and I saw it. And it had our names on it, and
23 I remember our Social Security numbers, but he
24 had not filled in the percentages for any of
25 us. And it was the four of us. It was the

1 four people who are in the room now. The four
2 children of theirs that are in the room now.
3 But the percentages were not in there.

4 Q: And --

5 A: Because David and I had a conversation about
6 whether or not we should put in 25 percent for
7 each of us, or whether or not we should ask my
8 father's best friend, General Price, to do the
9 percentages. We had a conversation about that.
10 But at that time we did not put in any
11 percentages.

12 Q: Okay. Did you ever put in any percentages?

13 A: Not when I was present. I don't know what
14 happened after that. But not -- not when I was
15 present.

16 Q: And you didn't -- if that was ever done, you
17 didn't have anything to do with it?

18 A: No. And I did not see him do it.

19 Q: Okay. Now -- and what do you understand that
20 that would have given you all percentages of?

21 A: Twenty-five percent of whatever it was that was
22 in my parents' estate.

23 Q: Okay. That's what I was going for is --

24 A: Yes.

25 Q: -- you know, is what was that.

1 A: Yeah. Twenty-five percent each.

2 Q: Or whatever it was --

3 A: Yeah.

4 Q: -- that the Department of Defense was looking
5 for such form for?

6 A: Right.

7 Q: Or we don't know what that is.

8 A: Right.

9 Q: Okay. Did you ever have any communications
10 with the Department of Defense about that or --

11 A: Yes, I did.

12 Q: Tell me about those.

13 A: I called the Department of Defense looking for
14 the savings bonds that were in each of our
15 names. And during that time -- this was after
16 my father was dead. And even around the time
17 when I think when we were burying him in
18 Arlington Cemetery. It might have been a
19 little after that. I'm thinking March, but I
20 may not be exact. But the Department of
21 Defense, the person on the line told me that
22 two of the accounts --

23 **MR. McCURRY:** Your Honor, I don't know -- she's
24 testifying to what somebody else said. I think
25 it's inadmissible.

1 **THE COURT:** Or hearsay. Okay.

2 **THE WITNESS:** I thought that's what I was asked.

3 Q: Well, in any event, we'll move on from that.
4 The Judge has ruled and sustained Mr. McCurry's
5 objection on that.

6 A: Okay.

7 Q: Let me move on. Well, let me ask you this:
8 What is your understanding as to whether your
9 brother made any changes with regard to any --
10 anything financial through the Department of
11 Defense that your father owned while he was
12 alive?

13 A: The accounts of two savings bonds accounts, the
14 names were changed. That is my understanding.

15 Q: Now, when your father died, he had a funeral,
16 as we all know, and it was -- you know, maybe
17 a little bit more money went into it than the
18 average funeral. You know, talk to me about
19 talking with your brother after that funeral.
20 What did he say to you then?

21 A: I remember being in the garage with him at one
22 point and he said that from now on he was
23 looking out for himself and only himself.

24 Q: What, if anything, did he say to you about
25 whether you should get an attorney?

1 A: I wasn't actually in that conversation. That
2 was a conversation with my sister.

3 Q: Okay. Now, at any point did you ever bring
4 your brother paperwork to start estate
5 proceedings?

6 A: Yes. I went downtown and I got probate papers,
7 and I got copies for each of the four of us.
8 And I gave Synthia her copy, she took them.
9 Sheri, I tried to give her hers. She said give
10 it to David. But yes, I went and got papers --
11 sets of papers for all four of us.

12 Q: And what was David's reaction to all of that?

13 A: He may have taken them.... I don't know. He
14 wasn't concerned about it. We were trying to
15 get the four of us to sit down to the table
16 together, and work on it together. And even in
17 the first year of -- well, we waited a year,
18 you know, thinking maybe he was going through
19 stress, or shock, or whatever, grieving. But
20 then we got attorneys to start writing him
21 letters asking him to sit down to the table
22 with us. That was our first approach to it.

23 Q: Okay. Did he --

24 A: No. Absolutely not.

25 Q: Okay. And, you know, this -- and it's been a

1 while since it got done. But, you know, I
2 believe you testified to this, as the record
3 reflects, David didn't ever initiate any estate
4 proceedings concerning your father at all?

5 A: No. No. I had never tied up any monies that
6 he couldn't get to. I had never put anything
7 in the probate until I -- we were working with
8 you, was the first time that that property was
9 put into probate. It had not -- we hadn't done
10 anything to it up to that point.

11 Q: Okay. And to your knowledge, neither did he?

12 A: No.

13 Q: And so, other than -- then took that like it
14 was his?

15 A: Uh-huh.

16 Q: All right. Did you ever at any point attempt
17 to obtain a copy of your father's death
18 certificate?

19 A: Yes. Yes.

20 Q: Tell me about that.

21 A: I think my uncle -- one of my uncles was
22 present at that time, and I kept asking my
23 brother for a copy of the death certificate.
24 And he said he would give it to me, but he
25 wasn't giving it to me. So I said, "Well, I'll

1 get -- I'll ask the funeral director for a
2 copy." And he says, "I'll tell the funeral
3 director not to give it to you." And then in
4 the presence of my uncle I asked him again if
5 I could have a copy of the death certificate,
6 and he did give it to me. And I put it in my
7 purse. I was supposed to be leaving that day.
8 And he started taking my bags out to the car
9 and grabbed my purse and said he had to go gas
10 up the car. So I went after him and got my
11 purse back because I -- I thought that he was
12 after that copy of the death certificate.

13 Q: Your sister had testified earlier, and maybe
14 was having a little trouble remember anything.
15 What, if anything, do you remember about assets
16 that your father had that he owned when he
17 died, or that you have reason to believe he
18 owned when he died, but David didn't mention in
19 his testimony?

20 A: Well, I didn't know it at the time, because I'm
21 not interested in diamonds, but my father had
22 bags of diamonds. The only reason that I knew
23 that was because my brother accused me of
24 stealing a bag of diamonds, and I didn't even
25 know they existed. And that uncle was there at

1 that time and saw that exchange, because I was
2 very, very much upset. Because I would -- you
3 know, I didn't even know they existed. And
4 they were supposed to have been up in a closet
5 shelf. Well, I wouldn't go up there because
6 there was a gun up there. I wouldn't go up
7 there on that closet shelf.

8 Q: Take me through that. As best you can recall,
9 who said what? Just take us through that
10 exchange.

11 A: I remember him coming down the steps and
12 accusing me of taking a bag of diamonds, and I
13 was shocked because I didn't know that my dad
14 had bags of diamonds. And I asked him, "Well,
15 where was it?" And he said, "It was on the
16 closet shelf." And I told him, you know, I
17 wouldn't go on that shelf because there was gun
18 up there, a loaded gun up there, that there was
19 no way I'd go up on the closet shelf. Plus, I
20 didn't know about them. And so, I was really
21 hurt that he was accusing me of stealing
22 diamonds, bags of diamonds that I didn't even
23 know my father had.

24 Q: Okay. And how did he react when you said that
25 to him?

1 A: He just kept accusing me of it. I mean, we
2 were yelling. I mean, my blood pressure was
3 very high. And we had to make that ride to the
4 airport in Columbia, so it was very difficult.

5 Q: I imagine that was pretty hard. Did you bring
6 anything with you, as far as documents, here
7 today?

8 A: (Reveals a document.)

9 Q: That's what I'm talking about. I guess I'd
10 like to see if you could hand that to the court
11 reporter, if you would, or this deputy can help
12 you with it, and have that marked as --

13 MR. RADEKER: I think we're at Plaintiffs' 20?

14 COURT REPORTER: Yes, sir.

15 (Plaintiffs' Exhibit Number 20 was marked for
16 identification purposes.)

17 MR. RADEKER: And then I'll show this to Mr. McCurry
18 so he can see what it is.

19 Q: The deputy had just handed you what's been
20 marked as Plaintiffs' Exhibit 20 in this case.
21 What is that?

22 A: This is a check written out to me by my
23 brother, on my dad's account, where my
24 brother's name also is, for \$500. After my
25 father died, when we were doing the funeral in

1 Washington, D.C., my sister and I decided that
2 we needed to get ready for a repass, because we
3 didn't know who was going to be coming to our
4 house. We were not told about anything. So we
5 were scrounging for money as -- and people
6 helped us bring chairs, bring this, bring
7 anything, and we spent everything we had to
8 make that repass happen the way that we thought
9 my father would like it, and it turned out very
10 nicely. The only thing that we -- we ran out
11 of money. And for my dad's best friend,
12 General Price, we didn't have money for his
13 drinking that he likes. So at that point I
14 went out and I told David, "You've got to get
15 General Price his drinks because we don't have
16 the money for it. We spent everything for
17 that." And then some days later a neighbor
18 gave us this, that he had left off. This was,
19 you know, days after the burial and after the
20 repass. And as you can see, it's never been
21 cashed. And other than that, there has not
22 been one dime that he has offered or we have
23 gotten since my father's death. Not one penny.
24 This is the only effort that he made.

25 **MR. RADEKER:** Thank you. We'd move that that be

1 admitted as Plaintiffs' Exhibit 20.

2 MR. McCURRY: No objection.

3 (Plaintiffs' Exhibit Number 20 was admitted into
4 evidence.)

5 Q: You mentioned the -- a repass.

6 A: Yes, sir.

7 Q: I'd like to ask you a specific question about
8 that. That was after the funeral at Arlington
9 Cemetery, correct?

10 A: Yes.

11 Q: And after it was, you know, the family and
12 friends gathered. You know, this is from an
13 affidavit of yours that was filed in this case.
14 It's of record. It says, "At one point David
15 gave Sheri a credit card of my father's and
16 sent her to buy more liquor for the party."

17 A: That was for General Price.

18 Q: Okay. How did you find that out?

19 A: I was there. I went up to him where he was
20 talking to people outside, where they were
21 talking, and I -- you know, I told him. "You
22 need to get some booze for General Price. We
23 don't have any more money." And so, I saw him
24 give her the credit card to go get booze.

25 Q: So that was his reaction to you saying, "You

1 need to go pay for this --"

2 A: Yeah, because I said we have no money.

3 Q: -- is for him to take your father's credit card

4 --

5 A: We had no money.

6 Q: -- to pay for it. And you also said in that
7 affidavit, "During the party, David told people
8 that he had taken every dime from, quote --"
9 you quote him --

10 A: Yes.

11 Q: "-- those bitches and was going to, quote,
12 spank them good."

13 A: People were coming to us and saying -- telling
14 us those things, yes.

15 Q: Let me show this to --

16 **MR. McCURRY:** Your Honor, I'd move to strike that as
17 well. That's hearsay. Those persons, whoever
18 they might be, aren't in court to testify to
19 that. And certainly an out-of-court statement
20 that she's testifying to.

21 **MR. RADEKER:** They're his statements. They may have
22 come through someone else. I think it would be
23 consistent to what he's testified to earlier.
24 I mean, I understand they do come through
25 someone else who's not in court.

1 **MR. McCURRY:** I'm certain he would deny those
2 statements. But the point is that these are
3 statements made by someone out of court that
4 she's used to move to the truth of the matter,
5 so we would move to strike, Your Honor.

6 **THE COURT:** Well, it's a question of whether it
7 going to be used to prove the matter. I mean,
8 the statement itself, I mean --

9 **MR. RADEKER:** I think what it goes to show is
10 David's statement. Not necessarily that he
11 carried through on his threats to --

12 **THE COURT:** Right.

13 **MR. RADEKER:** -- spank them good. I mean, that's a
14 pretty, you know, inflammatory --

15 **THE COURT:** Right.

16 **MR. RADEKER:** -- thing to say anyway. I mean,
17 whether what he did in this case would be
18 considered spanking them good, you know? Like
19 the law doesn't really have a term like that.
20

21 **THE COURT:** Yeah.

22 **MR. RADEKER:** But it does go to show he's animus
23 toward his sisters, which would certainly
24 explain some of his actions in the case. I
25 would say as far as it goes to his state of

1 mind that, you know, the court can let it in
2 as being offered for that.

3 **THE COURT:** Yeah, that's what it was -- where it was
4 coming from and whatnot.

5 **MR. McCURRY:** Nonetheless, we maintain the objection,
6 Your Honor.

7 **THE COURT:** Go ahead.

8 **MR. RADEKER:** Thank you, Your Honor. I would like
9 to have these marked as -- I think we're at
10 Plaintiffs' 21 and 22.

11 **(Plaintiffs' Exhibits Numbered 21 and 22 were marked**
12 **for identification purposes.)**

13 **Q:** Tell me, what are we looking at here when we're
14 looking at Plaintiffs' Exhibits 21 and 22?

15 **A:** These are two different pictures of my father
16 in suites and wearing jewelry that he often
17 wore; four gold chains with diamond encrusted
18 pieces on them.

19 **Q:** All right.

20 **MR. RADEKER:** I would like to have those admitted as
21 Plaintiffs' 21 and 22.

22 **THE COURT:** Any objection?

23 **MR. McCURRY:** Can I look at them?

24 **MR. RADEKER:** You can take a look at them. All
25 right.

1 MR. McCURRY: No objection.

2 (Plaintiffs' Exhibits Number 21 and 22 were admitted
3 into evidence.)

4 Q: All right. Now, do you have any of that
5 jewelry that he's wearing?

6 A: No. No. My hopes were that each of us could
7 have one, because they were jewelry that he
8 wore around his neck. I mean, I'll take the
9 cheapest one. It doesn't matter. This is
10 sentimental value. No, I don't have any of
11 these.

12 Q: Okay. You know, who has them?

13 A: To my knowledge, they would be with my brother
14 or in that house.

15 Q: Thank you. Now, your brother testified that he
16 couldn't locate something that was referred to
17 as a Kappa pin --

18 A: Yes.

19 Q: -- in the testimony.

20 A: I think that's the most expensive piece.

21 Q: Okay. When's the last time that you saw that?

22 A: At the funeral in Arlington Cemetery.

23 Q: And what were the circumstances of you seeing
24 that?

25 A: My brother had it.

1 Q: What was he doing with it?

2 A: I believe he was wearing them.

3 Q: All right. That's the last time you saw that?

4 A: Not the chains, but the pin.

5 Q: The pin?

6 A: Yeah.

7 Q: So the pin that he testified he didn't know
8 where it was?

9 A: Yeah. I'm sure he was the last one with it.

10 Q: I'm trying to see if I've got any more
11 questions for you, Jamileh. I'll ask you the
12 same thing I asked your sister. What do you
13 think ought to happen given the situation you
14 find yourselves in?

15 A: Well, I think that given the Will that my
16 parents made in 1966, both of them wanted --
17 for all of us, they wanted us to have a really
18 good education. For all of us, they wanted to
19 give us all 25 percent. And I think that that
20 should be followed since the -- any other Will
21 has not appeared.

22 MR. RADEKER: Thank you very much. Please answer
23 any questions that Mr. McCurry has.

24 MS. JAMILEH STROMAN - CROSS-EXAMINATION BY MR.

25 McCURRY:

1 Q: Ms. Stroman, I have some questions for you.
2 The -- I'd asked -- I'd asked the same thing of
3 your sister, Synthia. In both -- both the time
4 your mother took ill, as well as your father,
5 David basically moved in with them, one time in
6 Washington, one time in Orangeburg, to take
7 care of them. Is that -- is that a correct
8 statement?

9 A: I believe that David was already living there
10 when my mother got sick. It wasn't that he
11 left school to move in to be there.

12 Q: Okay. And did he cease his educational
13 pursuits at each time to take care of his -- of
14 your parents?

15 A: I can only -- I was not living in that house at
16 that time, so I can only speak to what I saw
17 when I came in and out. And so, I don't know
18 for sure that he never -- if he was taking any
19 classes at all. I can't speak to that for
20 sure. I don't believe he was, but I don't know
21 for sure. I wasn't living there.

22 Q: And you -- you were attending school and
23 pursuing your degrees in Texas, I believe, at
24 that time; is that correct?

25 A: Well, when my mother took ill, it was first

1 with a tumor in her head, and at that time it
2 was decided that she should not know about it.
3 And I was told that if I didn't go back to
4 school then she would know that she was
5 seriously ill, so I had to go. It was when I
6 began the Ph.D. program, which I never wanted.

7 Q: Did your father help you pay for your school
8 and educational expenses?

9 A: Yes, some. Sometimes. Not all the time. But
10 yes. And I agree with my sister that my father
11 would do anything to further my education and
12 the education of the other three. He always
13 encouraged education, and so did my mother.

14 Q: Okay. Did your father help pay off your
15 student loans?

16 A: My undergrad degree, yes, he did help pay for
17 them.

18 Q: Are you aware that David still has some student
19 loans that remain unpaid?

20 A: I don't know about David's school finances. I
21 know my father paid a lot of money for him, but
22 I don't know what he has left to pay.

23 Q: Okay. Have any of your relatives, some of whom
24 are in the court today, ever indicate to you
25 how your father intended to leave his assets at

1 death?

2 A: No. My father indicated, but I can't say what
3 those are. But no, not them.

4 Q: All right. You indicated earlier that your --
5 the three sisters have each executed a document
6 authorizing -- or indicating your consent to
7 David being appointed attorney-in-fact; is that
8 correct?

9 A: Yes. That was at the very beginning of my
10 dad's illness. And again, that was to
11 facilitate the care of my father.

12 Q: Okay. And I'm going to ask you to take a look
13 at that document and ask if that is a copy of
14 the statement you prepared and had executed?

15 A: Yes. I did write this.

16 MR. McCURRY: If you'll hand that to the court
17 reporter, please. I'm not sure which defense
18 exhibit that is.

19 (Off the record.)

20 MR. McCURRY: I'll move that into -- move to
21 introduce that into evidence, Your Honor.

22 MR. RADEKER: Your Honor, subject to, you know, the
23 fact that Howard versus Holiday Inns doesn't
24 allow him to introduce that, I don't mind this
25 coming in. It's a prior statement of a

1 witness. So, you know, I mean, they could read
2 the whole thing into evidence and impeach her
3 from any anyway. So I think for housekeeping
4 purposes, it might be fine. But, you know,
5 just a little more expedient for her to go
6 ahead and make it an exhibit. So I don't have
7 an objection to it.

8 **THE COURT:** Uh-huh.

9 **(Defendant's Exhibit Number Three was admitted into**
10 **evidence.)**

11 **MR. McCURRY:** Thank you, Your Honor.

12 **Q:** During the time period from 2003 to 2006, while
13 your father was being cared for in South
14 Carolina by David, you were in school in Texas
15 at that time; is that correct?

16 **A:** I was working full time and working on my
17 doctorate, trying to finish something that my
18 parents wanted for all of us.

19 **Q:** Okay.

20 **A:** Something that I never wanted.

21 **Q:** Ms. Stroman, you indicated some Department of
22 Defense documentation. Have you -- are you
23 aware of any Department of Defense proceeds of
24 any kind that have been distributed to the
25 estate in any way?

1 A: I'm not aware of anything that has been
2 distributed to the estate. I have not been
3 involved in any of the finances of the estate.

4 Q: Okay. And do you recollect if Ms. Kathleen
5 Palinski spoke of any Department of Defense
6 proceeds that were paid to the estate, or do
7 you recall?

8 A: I don't recall her -- I mean, she's -- you'd
9 have to ask her.

10 Q: Okay. And the \$500 check that was admitted
11 into evidence, David has spoken to me about
12 that. Was that check, in fact, given to --
13 given to you to help with the repass that you
14 spoke of?

15 A: It wasn't given to me. It was given to a
16 neighbor who then gave them to Synthia and
17 Synthia gave it to me.

18 Q: Okay. And you have not deposited that check?

19 A: No.

20 Q: Okay.

21 A: That is -- that is the check.

22 Q: Okay. Ms. Stroman, did you ever tell any of
23 your relatives that you knew that the house in
24 Orangeburg was, in fact, David's house?

25 A: No, didn't say that. I may have said that I

1 would like him to have the house, because I had
2 those feelings. But no, I did never say that
3 it was his house.

4 Q: Okay. Have you or -- have you found or
5 discovered anything, I'll use the word
6 extravagant, that has been purchased by David
7 since your father's death with funds from any
8 source?

9 A: I don't know about how the funds from my
10 father's account -- we've -- I've been kept
11 totally out of it. Even though I was told that
12 I would be put on things, I never was. So I
13 don't know what has happened financially.

14 Q: Well, my question is, do you know of anything
15 extravagant that you've seen that David has
16 obtained since your father's death?

17 A: I don't -- I've seen lots of Armani suits and
18 things. I don't know if that was before my
19 father's death or after my father's death. I
20 don't know.

21 Q: Okay. During the time that David took care of
22 his father, did he -- was he basically 24/7 in
23 taking care of your father?

24 A: He was the primary caretaker for my father.
25 There were times when Sheri was there when she

1 was helping, and when I was in town I was
2 helping. But no, he was the primary caretaker
3 of my father.

4 **MR. McCURRY:** I have nothing further for Ms.
5 Stroman, Your Honor.

6 **MR. RADEKER:** Just a couple more on redirect, Your
7 Honor.

8 **MS. JAMILEH STROMAN - REDIRECT EXAMINATION BY MR.**
9 **RADEKER:**

10 Q: When you said that your feelings were that you
11 wanted David to have the house, we're talking
12 about the 1193 Pruitt Drive house?

13 A: Yes. I thought that we were going to go with
14 my parents' Will, and, like I said, I had no
15 reason to distrust my brother. I -- at one
16 point I thought he was a hero, and so, I didn't
17 have suspicions. I didn't think that he would
18 do what he did.

19 Q: Well, let me ask you something, you know, to
20 clarify, and maybe keep anybody from getting
21 any misconceptions about what your response to
22 that question Mr. McCurry asked about, then.
23 Which of these is closer to what it is that you
24 meant when you wanted him to have the house,
25 that you wanted him to have it as part of his

1 25 percent share of your father's estate, or
2 that he wanted him to have it and then the rest
3 get divided up between you all 25 percent each?

4 A: I don't think I really thought that through.
5 I really don't think I had thought that
6 through. I mean, I can't say what it was at
7 that time. I just knew that I didn't want to
8 live there, and Synthia didn't want to live
9 there. And, you know, so, I mean, it could go
10 as part of his 25 percent. I don't know. I
11 hadn't really thought that through.

12 Q: All right. Thank you very much. Now, Mr.
13 McCurry asked you about whether you know if
14 David's made any extravagant purchases. How
15 much information has David shared with you
16 about his finances since your father's passing?

17 A: He would not share any. That is what we were
18 trying to get him to sit and -- try to get all
19 four of us to sit down to the table and make
20 decisions about things, but that was not -- it
21 wasn't happening.

22 MR. RADEKER: Thank you very much. I don't have any
23 further questions for you.

24 MR. McCURRY: Nothing further.

25 THE COURT: Next witness.

1 **MR. RADEKER:** Your Honor, I think that might be all
2 of the witnesses that we've got. I don't know
3 if Ms. Palinski would like to address the Court
4 with anything. But I just point that out. She
5 got here right after we just started, so
6 didn't get the opportunity to say anything.

7 **MS. PALINSKI:** First, I need to apologize to the
8 Court. I hope my office called that I was on
9 the way, to everyone here. But life happens,
10 as they say. I do have an update that I think
11 might give a better -- more up-to-date snapshot
12 of the assets of the estate, Your Honor. I had
13 presented something last time, a table, and I
14 think it would be helpful to the Court and to
15 everyone if I may present that. I can do it as
16 a witness and mark it as an exhibit, or
17 whatever you like.

18 **MR. McCURRY:** Your Honor, is it worth it for me to,
19 maybe off the record, mention to Ms. Palinski
20 that we had discussed earlier the possibility
21 of leaving the record open with regard to her
22 updating her forensic accounting by virtue of
23 some of the expenses that we spoke of prior to
24 her --

25 **MR. RADEKER:** Allowing her to make a -- keep it open

1 for a little while and --

2 **MS. PALINSKI:** You did. Okay. Because if the Court
3 will recall, I had, from going through the
4 check registers, there were -- there was an
5 amount of \$37,000 that I felt would have been
6 him charged from the estate. Mr. McCurry
7 advised me today that there's probably some
8 more, some significant dollar amount. I'd be
9 glad to look at that. He did provide me some
10 schedules today, but, of course, I need to see
11 the documentation from the receipts or the
12 credit card statements or whatever. So, you
13 know, that would seem appropriate. And that
14 would then really update, again, where we
15 stand. And I think this would be useful
16 information when the family's talking about
17 accounting for the estate. It might be helpful
18 to them if I could provide these. Do you want
19 to mark them as an exhibit? It doesn't matter
20 to me.

21 **MR. RADEKER:** I wouldn't have no problem with that.

22 **MR. McCURRY:** That would be fine.

23 **THE COURT:** For who?

24 **MS. PALINSKI:** For who. For the special
25 administrator.

1 **MR. RADEKER:** We can make it -- well, I'll jump on
2 it. We'll make it a Plaintiffs' exhibit.

3 **MS. PALINSKI:** He hasn't seen it, but he's willing
4 to make it his exhibit.

5 **THE COURT:** You just have one sheet, Ms. Palinski?

6 **MS. PALINSKI:** Yes, it's just one, for this, and for
7 the parties.

8 **MR. RADEKER:** Twenty-three?

9 **COURT REPORTER:** Yes, sir.

10 **(Plaintiffs' Exhibit Number 23 was admitted into**
11 **evidence.)**

12 **MS. PALINSKI:** What I'm showing here is -- well, I
13 do have an extra copy, if Your Honor would like
14 this.

15 **THE COURT:** We've got one.

16 **MS. PALINSKI:** You've got one. Okay. I need this.
17 I have you two. Okay. Again, this is like two
18 points in time. One was the date-of-death
19 value, the assets that we captured. I spoke
20 about these last time. And what I did with
21 item number eight is I updated it now when I
22 received the appraisal, I believe yesterday, on
23 Pruitt Drive, and went ahead and dropped that
24 in. I also added item number 12, which is the
25 net proceeds from that accident lawsuit that

1 had been mentioned, and also the Glover estate.
2 There was a distribution to Colonel Stroman,
3 and that's been received. So my goal there was
4 to show what the probate assets would have been
5 as of the date of death, if everything had been
6 collected. There was the non-probate assets,
7 the savings bonds, that are jointly with Samuel
8 David Stroman, II. And, you know, as you work
9 in probate the first thought is, okay, if this
10 estate goes in equal shares, if you were to
11 divide it by the four people, we would be
12 dividing the \$716,000, except for the expenses
13 of the administration of the estate. And
14 that's what I've added here below. From the
15 estate checking account, I have paid this
16 3,709. And I do have a check register for
17 that, of what those expenses have been. Let's
18 make that the next one.

19 **(Plaintiffs' Exhibit Number 24 was entered into**
20 **evidence.)**

21 There should be one for each child, and the
22 attorneys. So this was from when I first
23 received money into the estate with the income
24 tax refunds. And the payments you can see are
25 in one column out there, and they total 3,709.

1 So that's obviously money not available for
2 distribution. And then I have submitted my
3 fees and costs, and that has not been paid, and
4 that would be another 12,000 that would have to
5 be subtracted. And then the expenses that I
6 presented in that exhibit last time, the 37,000
7 that I had captured from the -- from the
8 checking accounts, even after the money was in
9 Mr. Stroman's -- David Stroman's accounts, that
10 included the property taxes and things of that
11 nature. There is a \$4,600. I talked with the
12 personal injury attorney's office today.
13 There's a little bit of money that was held
14 back from the Medicaid final demand letter, and
15 that amount is going to be 4,600. So again, I
16 wanted to add that, because that should be
17 available for distribution. But then we have
18 a net amount of 667 to be distributed. Then
19 because money has been spent out of the account
20 that is not captured at the bottom there as an
21 adjustment of the first column, there is a
22 lower amount. If we were to buy the estate
23 today, the court would be dividing \$457,000.
24 And you can see there, item 11, that's the
25 estate checking account balance which agrees

1 with the check register that I gave you all.
2 Because what has happened there is the money,
3 per the court order of the last hearing, that
4 money came into the estate checking account
5 from Bank of America account for David Stroman.
6 So that's -- I believe that's a more complete
7 picture of where we are now with the assets in
8 the -- in the estate. I have one more schedule
9 that I've prepared. And this is really -- this
10 is really for discussion purposes. I'm not
11 dividing the estate or whatever. But this is
12 --

13 **MR. RADEKER:** We can go ahead and mark this as an
14 exhibit.

15 **MS. PALINSKI:** An exhibit also.

16 **MR. McCURRY:** Sure.

17 **MR. RADEKER:** So that one was 24 and this one is 25?

18 **COURT REPORTER:** Yes, sir.

19 (Plaintiffs' Exhibit Number 25 was entered into
20 evidence.)

21 **MS. PALINSKI:** And here you can see at the very top
22 line the 66,702.88. That'll tie back to my
23 schedule, the adjusted totals of the date of
24 death as to what would be there. And I've
25 divided that just equally, just four shares,

1 four intestate shares, and that would be each
2 child's share. Just the value of the assets.
3 And then looking -- and this, of course, is the
4 gross number, but this is the amount of money
5 that David then, through the checking account,
6 had been paid out net of the 37,000 that was
7 not counted against him. And then this is just
8 -- and by way of illustration. But then from
9 the assets that are available to distribute, if
10 the Court's decision was that then it would be
11 divided four ways, that the estate would go to
12 the four people, there would be a shortfall for
13 the three sisters. Now, this is -- this is
14 definitely a work in progress, and this is what
15 Mr. McCurry was talking about if the Court
16 allows us to keep the record open, that this
17 would be -- well, both schedules would really
18 be updated to reflect what's there. But as I
19 say, I'm just offering this out as one way to
20 look at this and say where are we with this
21 estate. I'll be glad to answer any questions
22 that anyone has about it.

23 **THE COURT:** I don't have any questions on anything.

24 **MR. McCURRY:** The only question I have, the Byrd,
25 Stillinger and Associates Private

1 Investigation. I just wasn't familiar with
2 what that was.

3 **MS. PALINSKI:** Okay. I'll be glad to speak to that.
4 There has been discussion throughout that there
5 was other property that, you know, Colonel
6 Stroman owned. Talking about perhaps he had
7 millions in investments and different things
8 like that. And so, I did engage an
9 investigative agency to go and look for
10 property in Hawaii. Anything that, you know,
11 might be out there. From my experience in
12 working in probate, from what I had from the
13 IRS, and the bank accounts that I had from
14 2002, which was before David Stroman was
15 involved, before Colonel Stroman had his
16 stroke, it was all consistent as to what was
17 there at the date of death, Your Honor. And --
18 but I just felt because of the concerns, and
19 today we heard the testimony about the bag of
20 diamonds. Well, no private investigator is
21 going to be able to find a bag of diamonds.
22 That would be a great -- that would be a great
23 investigative thing if they could do that. But
24 I felt like we did need to search, you know,
25 real estate records, see if there was anything

1 we could find, or if it looked like there was
2 anything out there. I myself, personally,
3 went to the IRS for 1099s, which is where, if
4 there are accounts or any dividends or
5 interest, the IRS is going to report it under
6 the Colonel's Social Security number. And
7 again, it was all consistent with what was
8 there in 2002. But because of the request, I
9 just felt that it was a prudent thing to do.
10 So, at this point, there is -- was no
11 indication that there was other things besides
12 what was listed originally, which is on my
13 schedule.

14 **MR. McCURRY:** If I could ask another question. And
15 you may have testified to this the last time,
16 Ms. Palinski. I can't remember when we had
17 this discussion. But can you speak to the fact
18 that some of the family members, I think,
19 thought that Colonel Stroman's estate was much,
20 much larger than your investigation has
21 revealed. Can you just speak of that for a
22 minute, and what you did with the private
23 investigator that goes toward showing that?

24 **MS. PALINSKI:** Colonel Stroman, from his tax
25 returns, had income with this -- all of his

1 retirement in over \$100,000 a year. I think
2 approaching somewhere like 110,000, which is a
3 good amount of income for an older person
4 living in a home that's fully paid for in a low
5 -- low living expense area such as South
6 Carolina. It wouldn't go far in New York City,
7 but down here -- or maybe even Washington.
8 That's kind of middle class up there. But he
9 had a lot of money. He was very generous. He
10 made a lot of charitable donations. I'm sure
11 he always had money. You know, if someone
12 needed something, I'm sure he always had access
13 to cash. He was a military retiree. Actually
14 for a military retiree, again, my experience
15 with probate is that he really had saved quite
16 a bit of money with this 200, \$300,000. Many
17 of those people -- you know, people don't. And
18 I think he lived well, and it looked like he
19 had a lot of money. And he did. I mean, he
20 had probably more than he could -- could really
21 spend. But whether he had amassed assets
22 elsewhere, there just isn't any evidence of
23 that. And again, I was not surprised. His
24 income probably wasn't always that high. And,
25 you know, just -- and he had -- did have good

1 insurance, you know, through TRICARE and his
2 state retirement insurance. But no life
3 insurance. A little bit from the state retiree
4 program. Also, checking with the Department of
5 Defense, and talking with the VA benefits'
6 attorney also, his wife predeceased him. So
7 when he retired the survivor annuity, the
8 beneficiary would be the spouse, and typically
9 then when that spouse dies, even if he
10 predeceases, there's no benefits for anyone
11 else. So that is -- that is gone. The
12 children were entitled to one-fourth of his
13 partial-military retirement pay--for the month
14 of September. And the three daughters, I
15 believe, have put in for it, but there may a
16 lost check, one who didn't actually receive the
17 check. I sent Mr. Stroman -- I sent David the
18 forms. Because I went out to the retiree
19 office out at Fort Jackson to meet with them to
20 say, you know, "Is there anything else? What
21 should I be looking for here?" So in terms of
22 benefits, there are just -- there really -- you
23 know, you're getting -- while you're alive,
24 you've got your military pay and you've got
25 great benefits, but so much of that is gone

1 unless there's a dependent child or a surviving
2 spouse. There is still -- in my mind there's
3 still a question of life insurance. And I
4 actually -- well, when I came on the case,
5 which actually was in November of '09 -- I'm
6 sorry, Mr. McCurry. I hope this isn't more
7 than what you were looking for.

8 **MR. McCURRY:** No, no. Go ahead.

9 **MS. PALINSKI:** Looking for in '09, the Colonel had
10 already been deceased for three years. So one
11 of the limitations at Fort Jackson was a lot of
12 the information was no longer in the system
13 that they could access in the archives. And
14 there's a little bit -- and I've asked David
15 Stroman if his father had a pay stub from his
16 military pay, it was direct deposit, if there
17 was a stub. Those are not sent every month.
18 They're only sent when there's a change in
19 benefits, and he told me that he didn't have
20 any. Because -- when the Colonel was
21 discharged, that D214, I think is the form from
22 the military, it showed that he did have
23 \$20,000 worth of life insurance. So I was
24 looking for that policy. And he did not have
25 Servicemen's Group Life. He did not have VA

1 insurance. I talked with both of those
2 agencies. They did not have it. I actually
3 went to Representative Clyburn's office and met
4 with him personally and submitted a request for
5 them to go to see if they could get behind the
6 scenes to see if there was some policy. And
7 I've got a letter from them, and I think I
8 shared that. I know I shared it with Mr.
9 Radeker. I'm not sure with Mr. McCurry. But
10 there's nothing that anybody -- anybody can
11 find. Now, that policy may have lapsed, you
12 know, or whatever. And one of the things I
13 would like to say about this estate are -- I
14 have appreciated the opportunity to serve and
15 to do this, and even my involvement was
16 settling the personal injury case with Mr.
17 Grant, I think there's a time in a case like
18 this, once the Court renders its decision on
19 what will happen with this estate, that I just
20 don't see it being appropriate for me to
21 continue as special administrator. That either
22 this court or the probate court name someone,
23 hopefully within the family, as the personal
24 representative to take care of the property.
25 And I just offer that. The type of -- it can

1 be -- it is expensive. I mean, frankly, it is
2 expensive. And family members, a lot of really
3 educated, qualified people in this family, you
4 know? And so, I just offer that. But, I guess
5 -- so does that -- does that answer your
6 question, Mr. McCurry?

7 **MR. McCURRY:** Yes, it does.

8 **MS. PALINSKI:** No. But I think he lived well. He
9 had plenty of money. But whether he had
10 amassed fortune somewhere in terms of real
11 estate, financial assets, I just don't believe,
12 Your Honor, that they're out there. It would
13 be nice if I were wrong, but --

14 **MR. McCURRY:** And maybe one more question. You
15 touched upon something I was going to ask you,
16 too. This Department of Defense document that
17 may have been testified to earlier, each child
18 would be entitled to 25 percent of his last pay
19 stub; is that --

20 **MS. PALINSKI:** Actually, that goes by intestacy.

21 **MR. McCURRY:** Okay.

22 **MS. PALINSKI:** That goes by intestacy. And I've had
23 estates where none of the family members were
24 beneficiaries under the Will --

25 **MR. McCURRY:** Right.

1 MS. PALINSKI: -- but the Department of Defense
2 still did it to that man's children. So it's
3 not -- you don't need a Will, and you don't
4 designate it. It just goes.

5 MR. McCURRY: That's it. Thank you.

6 MR. RADEKER: Just one more follow up. So plainly
7 that document that was testified to about
8 earlier, would have had to have been for
9 something else?

10 MS. PALINSKI: Yeah. And, you know, I was listening
11 to that because, again, it wouldn't be the
12 survivor annuity. I don't know what -- I don't
13 know if anybody has that document. I would
14 like -- welcome a chance to see it.

15 MR. RADEKER: Me too.

16 MS. PALINSKI: But I don't know what that would be,
17 what that would be.

18 MR. RADEKER: Thank you. I don't know if I have any
19 other questions for you or anything, or if
20 Judge Burgdorf does. I think we've got -- I
21 believe, Ms. Palinski, you've got a motion to
22 get paid your fees out there. You know, we had
23 talked earlier about, you know, holding this
24 open for a while. I think everybody's in
25 agreement with doing that. How long do you

1 think you would need to make that --

2 **MS. PALINSKI:** I would say 30 days from when I get
3 the documents. And David Stroman can get -- if
4 we don't have to go through subpoenas, if he
5 could get the documents for the money that was
6 spent at Lowe's, I believe, is the gist of it.

7 **MR. McCURRY:** Lowe's and -- I told you Lowe's and I
8 told you there were two.

9 **MS. PALINSKI:** I'm sorry. I don't know if I talked
10 with you about it, Mr. McCurry.

11 **MR. McCURRY:** Yeah.

12 **MS. PALINSKI:** Yeah, okay.

13 **MR. McCURRY:** Farm equipment and -- not farm
14 equipment. Lawn equipment and --

15 **MS. PALINSKI:** Lawn equipment and that, yeah. I
16 would say 30 days. And it may be something
17 that instead of another hearing, that it just
18 be circulated to all the parties and then we
19 see if people can consent to it.

20 **MR. RADEKER:** See if we need to come back for a
21 hearing on that.

22 **MS. PALINSKI:** Right.

23 **MR. McCURRY:** Ms. Palinski, have you found that
24 there's any -- I'm glad for David to request
25 those documents. You, as special

1 administrator, has that opened any doors for
2 you, or not necessarily to your way of
3 thinking? You said 30 minutes from the date we
4 received the document --

5 **MS. PALINSKI:** No, 30 days from -- 30 days from the
6 time I receive those. You said 30 minutes.

7 **MR. McCURRY:** Right. I'm concerned about getting
8 those documents.

9 **MR. RADEKER:** I thought it was days, too. I was
10 like, 30 minutes?

11 **MS. PALINSKI:** Thirty minutes.

12 **MR. McCURRY:** Did I say minutes?

13 **MS. PALINSKI:** Yes.

14 **MR. McCURRY:** Sorry.

15 **MS. PALINSKI:** I use a lot of Excel, but I don't
16 think I can -- but I was late for the hearing.

17 **MR. McCURRY:** I didn't realize I said that. Thank
18 you.

19 **MS. PALINSKI:** Yeah, I mean, I can -- if you can --
20 if you can narrow in with this -- or could you
21 send a subpoena.

22 **MR. McCURRY:** We will jump on that as quick as we
23 can.

24 **MS. PALINSKI:** Yeah, okay.

25 **MR. McCURRY:** It may be that I might need to call

1 you at some point in time if we run up on a
2 time constraint.

3 **MS. PALINSKI:** And I talk to somebody, or I send my
4 credentials or something, my --

5 **MR. McCURRY:** Thank you.

6 **MS. PALINSKI:** But whatever we can do, I'll be glad
7 to do that -- that aspect of it.

8 **THE COURT:** What do we want to do about this -- your
9 motion today about your payment at this point?

10 **MR. RADEKER:** Well, I'm all in favor of getting
11 paid, so --

12 **MS. PALINSKI:** And I brought a consent --

13 **MR. RADEKER:** Consent order.

14 **MS. PALINSKI:** I brought a consent order.

15 **THE COURT:** Oh, okay. Good.

16 **MS. PALINSKI:** I appreciate that very much.

17 **MR. RADEKER:** Do you have the one that I sent you --

18 **MS. PALINSKI:** Yes, I do.

19 **MR. RADEKER:** -- or do I need -- do I need to sign
20 that?

21 **MS. PALINSKI:** No, I have that.

22 **MR. RADEKER:** Your Honor, also we've got our
23 verified petition for a rule to show to cause
24 for another hearing to, you know, give Mr.
25 Stroman his due process rights about whether

1 any contempt sanctions should be issued against
2 him. I don't know if we've got time today to
3 get that scheduled today, you know, but I'm
4 certainly going to let Your Honor handle it
5 however you decide to handle that. But, you
6 know, I -- A, I didn't think we'd have time to
7 handle it today, and B, I wanted to make sure
8 we followed the right procedure.

9 **THE COURT:** Yeah, we don't obviously have time
10 today. We'll have to set it for --

11 **MR. RADEKER:** I also -- I'd say this, too. You
12 know, we're here -- essentially what this is,
13 is kind of a drawn-out default damages hearing.
14 You know, we've got -- right now, our total
15 attorney's fees to date -- well, actually
16 through last Wednesday -- I mean, the last
17 billing, the 28th, are \$22,329.83, \$1,833.68 in
18 cost. It doesn't include anything from then
19 on. All that right now, \$7,293.21 is unpaid.
20 Given that the probate court -- the probate
21 code, rather, authorizes any, you know, expense
22 estate administration, including attorney's
23 fees, to come out of the estate rather than to
24 have these ladies go into their pocket anymore
25 while this is coming. I'd just move for the

1 Court maybe to authorize Ms. Palinski to write
2 my firm a check for that from the estate
3 account, at the same time that she does her
4 fees, so --

5 **MR. McCURRY:** Your Honor, have prior -- have prior
6 estate funds been used to pay earlier fees?

7 **MR. RADEKER:** So, no. All the other fees other than
8 that 7,200 have been paid by these ladies.

9 **MR. McCURRY:** You're asking for authorization to pay
10 the balance of that from the estate?

11 **MR. RADEKER:** Right. Ultimately, what the Court
12 does with the award of attorney's fees, I think
13 that would be determined at a later time, and
14 I think probably after she submits her report
15 --

16 **THE COURT:** Right, yeah.

17 **MR. RADEKER:** -- we'll probably submit a memorandum
18 or something asking you to do what we want you
19 to do.

20 **MR. McCURRY:** Given that fact, I don't object.
21 Given the fact that we might revisit this at
22 some point in the future.

23 **MS. PALINSKI:** And certainly -- and if you'll send
24 me something. The bill. Have you got the bill
25 you can --

1 **MR. RADEKER:** So I can -- actually, I brought an
2 affidavit in case this became contested. I can
3 give you a copy of that.

4 **MS. PALINSKI:** Yeah. Just so I can use it for
5 support, since there is the 236,000 in the
6 estate account.

7 **MR. RADEKER:** And I'll give a copy of this to Mr.
8 McCurry as well.

9 **MR. McCURRY:** Your Honor, if I may, I'm not sure --
10 we're just trying to wrap things up right now.
11 But Mr. Stroman was called as a witness by the
12 plaintiffs' attorney and I would like an
13 opportunity for redirect. And since he's --
14 there's been some statements attributed to him
15 that I would like to present --

16 **THE COURT:** Okay. So you want him -- you want him
17 back on --

18 **MR. RADEKER:** I would object. I mean, they -- you
19 know, they had ample time to cross-examine him
20 here at the last hearing, you know? And
21 pursuant to our case, they're not allowed to
22 call witnesses, including the defendant. So,
23 you know, I think that that would be violative
24 of that case to do that.

25 **MR. McCURRY:** Your Honor, I -- I don't know that

1 that would be violative of the case. And
2 again, I did not call Mr. Stroman last time.

3 **THE COURT:** Right. I understand.

4 **MR. McCURRY:** He was called by the plaintiff.

5 **THE COURT:** Right. I understand.

6 **MR. McCURRY:** So in that vein, I believe it would be
7 appropriate for me to have him have the
8 opportunity to address those comments
9 attributed to him today in court.

10 **THE COURT:** Well, I think some basis for some
11 rebuttal --

12 **MR. McCURRY:** Right.

13 **THE COURT:** -- testimony is what you're asking for
14 really.

15 **MR. McCURRY:** Right, correct.

16 **THE COURT:** I think that would be appropriate. Now,
17 are we going to try to do this today?
18 Because, I mean, it's about time to get out.

19 **MR. McCURRY:** Well, this won't take long from my
20 perspective, Your Honor.

21 **THE COURT:** I mean, are we going to --

22 **MR. RADEKER:** I examined him at length when we did
23 that before, so I doubt if Mr. McCurry is not
24 going to take a long time, but I won't.

25 **MR. McCURRY:** No, I don't plan on taking too long at

1 all.

2 THE COURT: Okay. You're still under oath. You're
3 still under oath.

4 MR. STROMAN: Yes, sir.

5 MR. STROMAN - DIRECT EXAMINATION BY MR. McCURRY:

6 Q: Mr. Stroman, you've had the opportunity to
7 certainly be in court both two months ago and
8 as well as today, and you've heard the
9 testimony by your sisters earlier.

10 A: Yes.

11 Q: First, Mr. Stroman, have you -- have you, or
12 any person to your knowledge, ever found a Will
13 that your father executed other than the copy
14 of the joint Will that's been filed in
15 Washington, D.C. for your mother?

16 A: No.

17 Q: Okay. And you have searched the home for the
18 Will?

19 A: High and low.

20 Q: And lockbox, any place whatsoever?

21 A: Yes.

22 Q: Mr. Stroman, just a few questions regarding
23 some of the things you've heard here today.
24 Did you ever tell your sister, Jamileh or
25 Synthia, that they would never get a dime from

1 the estate?

2 A: I have never, ever said that to them, and never
3 would. They -- I would have given them
4 whatever they asked for. I've always been
5 supportive of them. Always, my whole life.
6 Not only my parents, but my sisters as well.

7 Q: Okay. And have you, in fact, given some funds
8 to your sister, Sheri, during --

9 A: Yes.

10 Q: -- post -- pre-death and post-death?

11 A: Yes, I have.

12 Q: Okay. And why did you give funds to your
13 sister, Sheri?

14 A: My sister, Sheri, was going through medical
15 discovery, if you will. There were health
16 issues that were undiagnosed. There were
17 actions that she needed to do. She needed to
18 do certain things to make that happen. To make
19 a long story short, she had diabetes.

20 Q: And during that time did she have some
21 employment difficulties by virtue of her health
22 situation?

23 A: Of course.

24 Q: And you had -- she asked for funds and you
25 gave it to her; is that correct?

1 A: I continued to do for them what my father would
2 do. Upon asking, they would receive. And
3 those two never asked.

4 Q: All right. Mr. Stroman, there's some testimony
5 regarding a death certificate sought by
6 Jamileh. Was there any reason you would not
7 want -- not be willing to give her a death
8 certificate?

9 A: Not at all. I can't see how she can say she
10 didn't get a death certificate. But yet, she
11 filed with the probate court with a death
12 certificate. So that's contradictory to what
13 she's saying. I have no -- to make a long
14 story short, she is lying about that.

15 MR. RADEKER: Objection, Your Honor. We'd object to
16 the characterization. Plus, he's
17 mischaracterizing her testimony. She testified
18 she got the death certificate, so -- she
19 testified that --

20 THE WITNESS: She testified --

21 MR. RADEKER: -- he gave her the death certificate,
22 ultimately. So, you know, I just -- I'd object
23 to that. That's just kind of inflammatory and
24 incorrect.

25 THE COURT: Well, we don't have jury. Sure.

1 Q: Mr. Stroman, along that same time, your
2 testimony regarding the death certificate
3 issue, there was testimony regarding a bag or
4 bags of diamonds. Were you ever aware of your
5 father owning any diamonds?

6 A: The only diamonds that I know that he has were
7 the jewelry that was displayed here in the
8 court. The diamonds were the diamonds that
9 were encrusted in his jewelry. That's the only
10 diamonds that I know of.

11 Q: Had you ever known of a bag of diamonds that
12 were in possession of your father?

13 A: Never. I'd never seen them in eight years that
14 I've been down there.

15 Q: And Ms. Jamileh's statements that you accused
16 her of taking the bag of diamonds, would you
17 characterize that as a true or untrue
18 statement?

19 A: I characterize it as untrue.

20 Q: In other words, you deny that you made that
21 statement; is that correct?

22 A: I've never told her she took a bag of diamonds.
23 No, I did not.

24 Q: The Kappa pin that was also testified to. Were
25 you wearing it at the time of your father's

1 funeral?

2 A: What I wore at the -- no, I was not. What I
3 wore at the time of my father's funeral was his
4 cufflinks. I have not seen the Kappa pin in
5 years. And I assume he probably put it on his
6 lapel and sent his stuff off to the cleaners
7 and it got taken. No, I've never worn -- ever
8 worn the Kappa pin. I am not a Kappa, and I
9 respect the position of what Kappas are, given
10 the fact that he started the organization in
11 South Carolina state. He was one of the
12 founding fathers, and I would not disrespect
13 that position in saying I'm a Kappa when I'm
14 not.

15 Q: And do you own any Armani suits?

16 A: I own a -- this is -- I have two suits. You've
17 seen them both. One black, one white. Two
18 cheap suits. No. I've never possessed an
19 Armani suit in my life.

20 Q: You said one black and one white. One brown --

21 A: I'm sorry. One brown. One brown and one
22 white. Very cheap suits. Very cheap suits.
23 Not Armani, no. I've never owned an Armani
24 suit in my entire life.

25 Q: All right. And the check -- the \$500 check

1 that was placed into evidence, can you tell me
2 about that check?

3 A: That check, on the day of the repass, after the
4 funeral --

5 Q: This was actually your mother's burial or your
6 father?

7 A: Well, my mom and dad were buried together at
8 Arlington.

9 Q: I'm sorry.

10 A: This was in Washington --

11 Q: Thank you.

12 A: -- on November 15th, to be exact, 2006. My
13 three sisters, I gave each of them a check. I
14 gave Jamileh a check to cover her flying
15 expenses, as I told her. Her ticket in and
16 out, as she had always received. Whenever she
17 came to see her dad, whatever educational
18 expenses she needs, all that was covered. All
19 she had to do was ask. I gave a check to my
20 sister, Sheri, to cover her expenses. A check
21 to my sister, Synthia, same check in the same
22 amount, to cover the food and the beverages
23 that were needed. I was approached about some
24 drinks for General Price. It wasn't just
25 General Price, you know, the Army buddies.

1 There were other people that, you know, they
2 drink. And I gave the card for them to go get
3 food. But that check was distributed to each
4 of them to cover expenses that they incurred.

5 Q: So a check for \$500 was given to each of your
6 sisters?

7 A: Yes. Yes.

8 Q: David, I'll ask you again. This was testified
9 to. Did you willingly, or would you willingly
10 disobey an order of the court?

11 A: No, I would not. I was raised by a military
12 man. I wouldn't willingly disobey any orders.
13 In terms of authority, I was raised around
14 authority my whole life. My father was an
15 anal-retentive -- I was his only son. Combat,
16 Vietnam twice, Korea, World War II. He did not
17 take any kind of foolishness whatsoever from
18 me, and he was very strict upon me. So no, I
19 would not willfully disrespect authority at
20 all.

21 MR. McCURRY: I have nothing further, Your Honor.

22 MR. STROMAN CROSS-EXAMINATION BY MR. RADEKER:

23 Q: Mr. Stroman, can you do math?

24 A: Can I do math?

25 Q: Can you do math? Can you add, subtract, that

1 sort of thing?

2 A: Yes, sir.

3 Q: Can you read?

4 A: Yes, sir.

5 Q: So you can read a bank statement?

6 A: Yes, sir.

7 Q: So you could determine the amount of money that
8 was in the account that's the subject of this
9 case as of the date of Judge Burgdorf's order,
10 and as of the date of that hearing when you
11 were in here when he told you -- as you
12 testified, that you knew that he told you that,
13 that you could use 25 percent of the money in
14 that account for your ordinary living expenses,
15 correct? Now, do you seriously expect this
16 Court to believe that you're sitting there and
17 going to say, "Oh, I didn't mean to overspend
18 it by \$126,000"?

19 A: That is -- that is incorrect. What I did was
20 took care of the property and kept doing the
21 things I was doing to maintain the property.

22 Q: Yeah, you didn't change a thing that you were
23 doing, did you?

24 A: I didn't buy any -- I didn't buy any cars. I
25 didn't go on vacation. I didn't do any of

1 that. I was very frugal and thought that I was
2 under the radar. I would not intentionally --

3 Q: You felt that you were under the radar. Got
4 you.

5 A: Doing what the judge -- under the radar meaning
6 doing what the judge wanted me to do, sir.

7 Q: Doing what he -- under the radar means doing
8 what the judge wants you to do? Under the
9 radar means --

10 A: Under the authority of him telling me what I
11 needed to do.

12 Q: Under the radar means, sir, doesn't it, doing
13 something so as not to get caught?

14 A: No, not at all. I didn't mean it in that
15 respect.

16 Q: How long have you been speaking English?

17 **MR. McCURRY:** Your Honor, this seems to be more
18 confrontational than is necessary to me.

19 **THE COURT:** Well, I was getting ready to --

20 **THE WITNESS:** I've been speaking English all my
21 life.

22 **THE COURT:** I was getting ready to say that this
23 goes more to the rule than -- the rule than it
24 does anything that Mr. McCurry has brought up
25 today.

1 MR. RADEKER: Mr. McCurry had him up here testifying
2 about how, oh, yeah, he would never
3 intentionally violate an order of the court.

4 THE WITNESS: And I would not. And I would not.

5 MR. RADEKER: And this is ridiculous.

6 THE COURT: But, I mean, that's your what your rule

7 --

8 MR. RADEKER: You know, this is ridiculous.

9 THE COURT: -- like we said at the very beginning,
10 your rule is going to be taken up at a
11 different time. And so, I think --

12 MR. RADEKER: Thank you, Your Honor. I'll leave it
13 alone.

14 THE COURT: At this point, I mean, you can go into
15 it at the rule -- at the rule hearing. But I
16 think at this point it's not appropriate to do
17 that.

18 MR. RADEKER: Thank you.

19 Q: Are you wearing cufflinks today?

20 A: Yes, I am.

21 Q: So pull them out and show them to us.

22 A: They're my father's cufflinks. They have "SDS"
23 on a piece of the metal. Yes, I am. If that's
24 where you're going.

25 Q: All right. Thank you very much for that. Let

1 me -- let me ask you this: Should Jamileh and
2 Synthia have to ask you for money that doesn't
3 belong to you?

4 A: I was under the impression that the money
5 belonged to me. I was --

6 Q: I need you to answer my question.

7 A: I was told by the Bank of America that it
8 belonged to me. I was told that --

9 MR. RADEKER: I ask that that be stricken.

10 A: -- it was a joint account. This is what I was
11 told by the bank authorities, so how can you
12 strike it? This is what I was told.

13 MR. RADEKER: Your Honor, I move for that to be
14 stricken as hearsay.

15 THE WITNESS: Your Honor -- Your Honor, I was told
16 by the bank authority --

17 Q: My question is, should they have to ask you for
18 money that doesn't belong to you?

19 MR. McCURRY: I think that's been asked and
20 answered, Your Honor. He's answered --

21 MR. RADEKER: No, he didn't answer. He said he
22 thought it belonged to him.

23 THE COURT: It's a simple yes-or-no answer.

24 Q: Should they? It's a yes-or-no question.
25 Should they have to ask you for money that

1 doesn't belong to you?

2 A: No one should have to ask me for money that
3 doesn't belong to me.

4 Q: I didn't think so either.

5 A: I thought the money belonged to me.

6 Q: Sir, you testified earlier that you would have
7 been supportive of --

8 A: Of anything they wanted to do. Of course.

9 Q: Anything that they wanted to do?

10 A: I've always been supportive of my sisters.

11 Q: Were you being supportive of your sisters when
12 you transferred all of the money that were in
13 your father's Bank of America accounts into
14 your account?

15 A: The Bank of America at that point, when that
16 transfer was made, I was told to do so --

17 Q: Sir, again, it's a simple yes-or-no question.

18 A: Was I being supportive?

19 Q: Were you being supportive of them when you took
20 the money from your father's bank accounts and
21 put it in yours?

22 A: I don't -- I don't know what -- I don't know
23 where the question is leading. You say was I
24 being supportive --

25 Q: You don't need to know where it's leading. You

1 just need to answer it.

2 A: I was doing what the bank authorized me to do.

3 **MR. RADEKER:** I move that that be stricken --

4 A: No. No. I understand what you're asking me.
5 Secure the funds. So yes, at that point, I
6 felt I thought I was doing what they told me to
7 do. What the bank told me to do. So yeah, I
8 thought I was being supportive. My sisters
9 could have gotten anything from me, and they
10 know it. Jamileh and Synthia know that.

11 Q: I think we get, Mr. Stroman, what you --

12 A: And still can.

13 Q: -- know of being supportive is.

14 **MR. RADEKER:** I don't have any further questions.

15 **THE WITNESS:** I've been very supportive of them
16 their whole life.

17 **THE COURT:** I think you've answered the question.
18 Anything further?

19 **MR. McCURRY:** Your Honor, I don't know if Sheri
20 Stroman is going to testify, but that's not my
21 decision. She was a party.

22 **MR. RADEKER:** I don't intend to call her. You know,
23 she's in default as well, so I don't think she
24 can call witnesses either, under how most of
25 this concerns David and his conduct.

1 **THE COURT:** Well then, that leaves the last thing
2 then, really, is to determine this rule to show
3 cause that was mentioned before. That's the
4 latest -- last to be done. We'll have to
5 schedule a hearing sometime for that. But
6 that'll be another date.

7 **MR. McCURRY:** With regard to that, it may -- it
8 seems to me it would be appropriate to not
9 schedule that hearing until Ms. Palinski makes
10 her calculations.

11 **THE COURT:** Yeah. We'll wait to see what everything
12 --

13 **MR. McCURRY:** With respect to several of us.

14 **THE COURT:** -- once everything's in then --

15 **MR. RADEKER:** I think that would be okay.

16 **THE COURT:** Okay.

17 **MR. RADEKER:** Thank you, Your Honor.

18 **MR. McCURRY:** Thank you, Your Honor.

19 **THE COURT:** Thank you all.

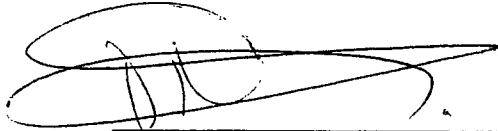
20 (There being nothing further, the hearing concluded
21 at 5:07 p.m.)
22
23
24
25

CERTIFICATE

This is to certify that the within Damages Hearing consisting of Ninety-Eight (98) pages, is a true and correct transcript of the testimony given by said witnesses after being duly sworn; said hearing was reported by the method of Stenotype with Backup.

I further certify that I am neither employed by nor related to any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal on November 15, 2011.



Diane M. Hendricks
Court Reporter

Notary Public for South Carolina
My Commission Expires: May 27, 2021

STATE OF SOUTH CAROLINA)

COURT OF COMMON PLEAS

COUNTY OF ORANGEBURG)

C/A No. 08-CP-38-310

In the Matter of)
Samuel D. Stroman,)
Decedent)

Jamileh S. D. Stroman and)
Synthia D. Stroman,)

Petitioner,)

v.)

Samuel D. Stroman, II and)
Sherolyn D. Stroman,)
Patty Hill and Willie)

Respondents.)
-----)

(COPY)

HEARING

Thursday, June 28, 2012

3:44 p.m. - 5:04 p.m.

The hearing before the Honorable O. Davie Burgdorf, Master in Equity for Orangeburg County, was taken at the Orangeburg County Courthouse, 190 Gibson Street, Orangeburg, South Carolina on the 28th day of June 2012 before Alexandra A. Patrick, Court Reporter and Notary Public in and for the State of South Carolina.

APPEARANCES:

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(The original Exhibits were retained by Judge Burgdorf.)

1 **MR. RADEKER:** Judge, we're here in Stroman versus
2 Stroman. As you know, I'm Drew Radeker,
3 representing Jamileh and Synthia Stroman. Bob
4 McCurry is here for David Stroman. He's also
5 here as Jamileh is here. I wanted to give to
6 Mr. McCurry, just so he would have it, a letter
7 that Jamileh and not at the instance of me,
8 sent to Your Honor, which you were just showing
9 me. I don't really know that it much really
10 impacts the issues that are here to be heard
11 today. So I just wanted to let him have a copy
12 of that because I think I got it when y'all did
13 and just want to let you know that it was
14 there. I am not going to try to be putting it
15 in the record or anything like that. What
16 we're here to do today essentially in this case
17 -- this is kind of a contested estate case, it
18 started out in Probate Court. Our previous
19 proceedings have been, since Mr. McCurry got
20 involved in the case, to hear a motion of his
21 for his client, Sammy D. Stroman, II. He goes
22 by David and we'll probably be calling him
23 David just to keep the Samuels straight as we
24 go through. Get him out of default, Your
25 Honor, deny that motion. We essentially had

1 the presentation of evidence portion of our
2 damages hearing, left it open to hear anything
3 else from the special administrator, Kathleen
4 Palinski, that she might have to present the
5 Court today and I know she sent some stuff in
6 on May the 18th that she's got with her today.
7 We're also here on a rule to show cause, why
8 David Stroman should not be held in contempt
9 for violating a previous order of this Court
10 that said there is money in this account and we
11 don't know yet whether it's going to be
12 adjudged to be a estate funds or not, but
13 during the pendency of this case since he would
14 be entitled to a quarter of it in any event,
15 you can spend only up to 25 percent of it for
16 your reasonable living expenses and also the
17 Court required him to document what the
18 expenses were. He didn't abide by that order.
19 He didn't document the expenses and he over
20 spent that account by some \$126,000 and a
21 little change. So, we're here to, you know,
22 have proceedings as to why he shouldn't be held
23 in contempt. Your Honor issued a rule not too
24 long ago on that in anticipation of having this
25 hearing today and to see, you know, what it is

1 the Court is going to do, both as to the
2 substantive issues in the case and what
3 sanction if any, the Court is going to render
4 against Mr. Stroman for contempt. So that's
5 basically where we are today. So, I've gotten
6 the introduction out of the way, I suppose at
7 this point if it please Your Honor, what might
8 be the best thing to do is for us to hear from
9 Ms. Palinski as to anything that she's found
10 since last time so we can know where we are as
11 far as what assets have been found that are
12 part of the estate; what has been done with
13 them and what it looks in her opinion like the
14 respective shares of the parties are at this
15 point.

16 **MR. MCCURRY:** Your Honor, if I may?

17 **THE COURT:** Sure.

18 **MR. MCCURRY:** Maybe prior to doing that -- maybe the
19 -- Ms. Palinski and Mr. Radeker and I need to
20 speak with you, off the record or on the
21 record, prior to her testimony. She submitted
22 an order, she submitted a proposed accounting
23 and I -- David Stroman had been out-of-town
24 several weeks taking care of a sick relative.
25 He's been -- done that before and so, when I

1 contacted him, some of the documents he noticed
2 from a charge card saying what didn't --
3 weren't there. We since have found out that
4 there was a debit card that was used and I have
5 forwarded to Mr. Radeker and Ms. Palinski,
6 charge card, debit card, excuse me,
7 documentation as well as electronic check
8 documentation that was not taken into account,
9 which those two aspects on their own total
10 about \$26,000. We have collectively talked
11 outside a little bit trying to figure out what
12 we can do today before you. We know that -- in
13 other words, we've talked about me having
14 another proposed accounting that she looks at
15 or we look at because the contempt issue is,
16 you know, we certainly can address that, but,
17 you know, you can be talking about a contempt
18 from a \$30,000 is may be shown on some of her
19 records, down to zero or \$3,000 and so to me we
20 are a little premature possibly with any
21 contempt issue and sanctions. So I just wanted
22 to mention that. We have collectively talked
23 about it and, you know, haven't really reached
24 a resolution as to what to do from here. We
25 all do want to have it resolved. There was

1 some talk about having an accounting submitted
2 in several weeks time for you to review, for
3 everyone to review and I am open to any of
4 that, but I do think that we need to get the
5 numbers right.

6 **MR. RADEKER:** I'd like to get done as much as we can
7 get done today. This case has been going on
8 for a very long time. It started in the
9 Probate Court in 2007. So it's been going on
10 coming up on five years now, so I would really
11 like to bring it to a close. End this Circuit
12 Court proceeding whatever remaining estate
13 administration be done in the Probate Court,
14 like it states in the law and all.

15 **THE COURT:** Yes. I just want to get through before
16 I retire.

17 **MR. RADEKER:** So, I was hoping to bring that about,
18 as well.

19 **THE COURT:** Which will be not that long now.

20 **MR. RADEKER:** That's what I hear. And so I would
21 say that I think the Court can take what's
22 here. I would note, you know, that we got this
23 information from Mr. McCurry. I think he sent
24 it to me at the same time that he sent it to
25 Kathleen only very, very recently and some of

1 that was kind of supposed to be coming before
2 the October hearing and hadn't come then and
3 hadn't come in quite some time and she got some
4 information and used that to update her
5 accounting and so I would just say that, you
6 know, I guess I plan to put her up and ask her
7 kind of about what information she got and
8 whether she could determine from that if any of
9 these are estate expenses and, you know, and I
10 guess, I would kind of like to go from that as
11 to what, you know, she could say are estate
12 expenses and what aren't. Just to kind of
13 bring this thing to a close. I mean, kind of,
14 we're here now with David playing catch-up from
15 the stuff that he was supposed to be doing
16 while he was under the pendency of Your Honor's
17 order as he was spending the money, documenting
18 it now, trying to go and look back and it's
19 just delaying these proceedings further and
20 further and further. So, I'm of the mind to
21 get done as much as we can today and hopefully
22 that would be everything that there is to get
23 done.

24 **MR. MCCURRY:** And my intent, Your Honor, is not to
25 delay, but to get it done right and so, I just

1 think that there are some issues that, you
2 know, some expenses that weren't taken into
3 account that should be that I think we again --

4

5 **THE COURT:** You're saying that you think these are
6 legitimate expenses.

7 **MR. MCCURRY:** Yes, sir. Yes, sir. Legitimate.

8 **MR. RADEKER:** And certainly, you know, the way that
9 I understand anyway and with my, you know, not
10 everybody's in contempt proceedings everyday,
11 certainly not me, but that I understand that
12 they work is that, you know, David would have
13 a chance to testify and try to present evidence
14 as to why he shouldn't be held in contempt or
15 maybe more relevantly to how the money was
16 spent, what the sanction would be. Because, I
17 mean, I think it's clear that he overspent what
18 the limits of the Order were and what he spent
19 the money on wouldn't go to whether he violated
20 the Order. It might go to what the
21 appropriate, you know ---

22 **THE COURT:** Sanction.

23 **MR. RADEKER:** Smack on the hand sanction is or what
24 ought to happen as a result of that. So,
25 that's kind of my position on that and you

1 know, certainly I'm not going to say that he
2 can't testify on the rule to show cause
3 proceeding just because he's in default in the
4 case or anything like that. I think that, you
5 know, I'd be setting myself up if you were to
6 agree with me to get you reversed. We'd be
7 back here again. I don't want that. That's
8 kind of my position on, you know, whether we
9 ought to try and hear the whole shooting match
10 today and I mean, there's not really a whole
11 lot left. Pretty much all the evidence has
12 been presented.

13 **MR. MCCURRY:** I didn't know if you wanted to hear
14 from Ms. Palinski. I don't know what her
15 thought process is on this.

16 **MR. RADEKER:** I would certainly think that she would
17 be the perfect person to hear from first.

18 **THE COURT:** And I'm going to just consider Ms.
19 Palinski as being still under oath.

20 **MS. PALINSKI - DIRECT EXAMINATION BY MR. RADEKER:**

21 Q: Kathleen, could you kind of, generally just
22 kind of bring us up to speed from where we
23 were last time.

24 A: Okay. One of the things that I presented in
25 court some time ago because you know we've had

1 several hearings, but at one point there was a
2 difference of \$126,815 that was spent above the
3 one quarter. That was just literally the
4 difference between the opening balance and then
5 what was left and computing the one-fourth
6 share of that. Well, a lot of work has been
7 done on it and Mr. McCurry and his client and
8 Mr. McCurry's staff have presented quite a bit
9 of information and also, bank statements that
10 were subpoenaed. I went through those and I
11 did make the determination that some of the
12 expenses, some of the money that was spent, if
13 they had been in the hands of whoever was the
14 personal representative or whatever, they would
15 have been legitimate expenses of the estate and
16 so I have reflected them on page two of my
17 accounting. For example, Simmons Funeral Home
18 and so on and so forth and so working through
19 that, that was one piece of the puzzle, and
20 another thing that -- after we left the court,
21 I think it was early in October that we were
22 here last, Mr. McCurry and again David Stroman
23 presented evidence, documents from Western
24 Union, wire transfers, because Mr. David
25 Stroman had been providing some assistance to

1 his sister, Sherolyn, who is not here today,
2 but, so, what I did with that was on my
3 distribution of the estate and the last page of
4 what I submitted on May 18th, I moved, I
5 charged \$24,166 to Sherolyn as basically that
6 she had an advance from the estate. So that
7 was again taken off of that number that I was
8 originally showing that Mr. Stroman had
9 exceeded the \$140,000. So through all of this,
10 you know, at this point in the beginning of May
11 and I had not heard any more from Mr. McCurry,
12 I felt that it was time to go forward and see,
13 you know, see where we stood and also finalize
14 the inventory and appraisement and since,
15 because we had done the appraisals on Pruitt
16 Drive and Willow Road and to do the
17 computations from that proposal for
18 distribution and that was this spread sheet
19 that I have. I looked at the assets that would
20 be available to distribute to the children and
21 then I charged everyone with what benefit they
22 had already received from the estate and for
23 example, under Jamileh and Synthia Stroman,
24 there had been an agreement that from the money
25 held in the estate the bill on Mr. Radeker

1 would be paid. So the Court can see where I
2 have charged that to them as an advancement
3 because that was a benefit and then the same
4 way with Sherolyn, her \$24,000 that I had
5 documentation of that had been sent to her by
6 David and so that then left this, the excess
7 above the 25 percent that David had
8 distributed, had paid, was \$31,000, almost
9 \$32,000 down from the 127. So there certainly
10 had been an effort to get this in perspective
11 and not just assume, you know, the worst. My
12 predicament is that Mr. McCurry started
13 providing information I believe on Monday of
14 this week and his assistant has typed up his --
15 really prepared a schedule from the bank
16 records and he also sent all the bank records.
17 I have no doubt about the validity that these
18 were actual transactions. The problem with it,
19 Your Honor, is number one, it has come so late
20 that there wasn't time to make any adjustments.
21 The second issue that I have with it is like
22 there are a lot of transactions, like from Wal-
23 Mart and Lowe's and there's no indication just
24 \$50 here, \$60 here. You know, what do you do
25 with that? Are those estate expenses or not?

1 There's just not enough to say that's, you
2 know, that's definitely is estate expenses and
3 so that's the problem right now, you know. It
4 may be less than the 31,000, but I do believe
5 and I have expressed this to Mr. McCurry, I'm
6 obviously not a judge. I do work in probate
7 quite a bit and as I look at some of these
8 things we have a -- some of the expenses -- we
9 have a beneficiary of the estate who has been
10 living in the house rent free and indeed, if he
11 has been spending money at Lowe's and Ace
12 Hardware and doing little things around the
13 house, very often that's just considered an
14 offset to the imputed income, you know, that
15 he's got from living in the house. So, you
16 know, I have found over the years you can
17 always push numbers around. You can also do
18 more work. Accountants like that. But are we
19 at the point of diminishing returns. There's
20 a part of me that's just my opinion that I do
21 feel that we're pretty close to what we're
22 going to -- there was some amount that was
23 beyond what the Court had ordered and Mr.
24 Stroman had not come back to the Court to seek
25 relief, to ask for clarification on what he

1 could pay or could not pay and to spend more of
2 the estate money tracking this down and working
3 on it, it's not going to be a significant
4 benefit to anyone and that's just for what it's
5 worth, that's my opinion.

6 Q: Thank you. What were the total of the estate
7 assets including the money that was originally
8 in this account before it got spent, that you
9 were able to locate?

10 A: Well,, everything was able to be tracked. The
11 inventory, itself, you know, Col. Stroman, had
12 amassed an estate of \$713,635 and so that was
13 all traceable from the bank statements that had
14 been obtained under subpoenas going back to the
15 original bank accounts, you know, there was
16 \$377,000 and what was complicating the
17 accounting is that those accounts then were
18 within two or three months of his death. That
19 money then was all moved to accounts that were
20 in the name of David L. Stroman and I also had
21 those bank statements and so I continued to
22 again, credit expenses for the estate and
23 account for it that way and then come up with
24 non-estate, you know, non-estate payments that
25 were made. So it's all been tracked through

1 from one account to another and, you know, what
2 I -- my methodology was to say, okay, what was
3 estate, which we knew had been withdrawn. If
4 I couldn't categorize it as an estate account
5 based on the information I had, I did then move
6 it and basically charge it against Mr. Stroman.

7 Q: Okay. So those figures are reflected on the
8 documents that you provided the court on the
9 18th?

10 A: Right. They ---

11 Q: That have already been filed in this case.

12 A: Yes. And so from that then, I worked on this
13 proposal for distribution which is also in
14 there and I have two, what I call, non-family
15 items. One was there is going to be filing
16 fees when we get to the Orangeburg County
17 Probate Court based on the \$713,000 and so I
18 have computed that under the Code and that's
19 \$1,107 and then I've got some fees I'm
20 currently due and what would take to wrap it
21 up, I would estimate at \$3,500, and then I go
22 on down and looked at the property that was
23 there and for the three children who are
24 entitled to receive additional assets, Jamileh
25 and Synthia and Sherolyn, and just put it out

1 there as undivided interests. There would be
2 deeds to the property with three names on it
3 which is what the law requires unless someone
4 wants to buy someone out or do something like
5 that, that they're all entitled to shares. And
6 then I went down with the remaining cash and of
7 course, Sherolyn Lynn would receive less cash
8 than Synthia and Jamileh because her advances
9 of the \$24,000, she received more already than
10 they have. So that was the methodology that
11 was used and this is really the snapshot
12 proposal for distribution. It's a snapshot of
13 what's left in the estate and what potentially
14 would become of it.

15 Q: Okay. And using the figures that you were able
16 to come up with for the inventory and
17 appraisement and with and crediting to David
18 any estate expenses that you determined would
19 be legitimate estate expenses, that if he had
20 actually been acting as a duly appointed
21 personal representative that he would have
22 spent on behalf of the estate anyway.

23 A: Right.

24 Q: What were you able to -- in assuming that all
25 of the remaining assets of the estate, beyond

1 what David has already got and divided evenly
2 between the three sisters, Synthia, Jamileh and
3 Sherolyn, by what amount has David over spent
4 his share?

5 A: That would be the \$31,969.86. So as they say,
6 it's moved a long way, but, it wasn't -- it was
7 more than his one-fourth share.

8 Q: I'm trying to think if I have any more
9 questions for you. I don't --- go ahead.

10 A: Well, the only thing that I would say, I would
11 mention the real estate, but the proposal for
12 distribution is based on the assumption that
13 all of the jewelry that is in the inventory and
14 again, I developed that from the insurance
15 schedule. He had a schedule of special
16 coverage, you know, for the jewelry. That, you
17 know, is based on the fact that the jewelry
18 would still be in the estate and it would be
19 available to the three sisters as part of, you
20 know, as part of this distribution, as part of
21 the math that went with this distribution.

22 Q: Okay. Thank you. I don't know if I have any
23 more questions for you at this time.

24 **MS. PALINSKI - CROSS EXAMINATION BY MR. MCCURRY:**

25 Q: Ms. Palinski, I'm Bob McCurry.

1 A: Yes, sir.

2 Q: As you know it, we have discussed the last
3 several days some items and I understand your
4 testimony with regard to the accounting you
5 developed thus far and I want to give to you a
6 copy, or do you have a copy of that already?

7 A: Yes, I do.

8 Q: Documents of some information which I had
9 forwarded to you and we have, you and I have
10 discussed, I guess, with Mr. Radeker, the
11 possibility of holding -- me preparing an
12 accounting which would reflect some of these
13 expenses on here which had been given to you.
14 Have we not?

15 A: Yes, we have.. Uh-huh (affirmative response).

16 Q: And just as an example, there are a number of
17 charges to Lowe's that were -- all the
18 information that I have given to you, by the
19 way, is either debit card or electronic check
20 and these, other than those items which were
21 stricken out which we determined were
22 duplications, is it your understanding that
23 these -- you said you don't question the
24 validity of these as being charges?

25 A: No. I would say I, you know, I can say that

1 these dollar amounts and these payees are
2 correct.

3 Q: Because they're reflected on the bank ---

4 A: I've got the bank statement. I haven't' traced
5 them all back individually, but it just looks
6 like the type of activity.

7 Q: And among the charges there, Lowe's, State Farm
8 Insurance, USAA premium for insurance, like
9 electric, that's for a pump, irrigation pump,
10 ADT Security, Sear's -- just a number of items.
11 There's a Gaffney funeral expenses, there was
12 \$1,800 entry which was not reflected. She was
13 a florist. That's probably on Bates five or
14 six as you go back. I'm sorry, I can show you.
15 It's actually the last page -- several
16 documents and Belleville Memorial Garden is an
17 \$1,100 item. My question Ms. Palinski, do you
18 -- if items are reflected on this sheet that
19 I've given to you are proper estate expenses,
20 home expenses, would you agree that they should
21 be taken into account on the final accounting
22 that you present to the Court?

23 A: Yes. If they're legitimate expenses. We
24 always try to get all of those reported, you
25 know, reported to the Court.

1 Q: Okay. All right. And also, I had noted there
2 were no charges on your accounting for AT&T
3 expenses or Department of Public Utilities
4 expenses and I can give you a copy of those
5 which we will calculate, and I will ask you
6 this from a -- ADT is a security service?

7 A: Right.

8 Q: Were you aware to have the security service
9 operational, you need to have the phone service
10 operational and would you agree that there
11 should at least be a minimum expense that would
12 be allowed for telephone service?

13 **MR. RADEKER:** I think I'd have to object. I mean,
14 her expertise is in, you know, accounting and
15 estate administration, not home security, but
16 in any event -- plus I mean, it's just lack of
17 foundation to show, you know, that this is
18 connected to that. That there is a security,
19 you know, system in place at the house, so.

20 **MR. MCCURRY:** I can rephrase the question if you
21 like.

22 Q: Ms. Palinski, have you noted that there's some
23 ADT expenses that have been attributed to the
24 house, that have been paid through the checks?

25 A: Yes. Uh-huh (affirmative response).

1 Q: And ADT being an alarm service, are you aware,
2 do you agree with me that there needs to be
3 phone service in order for the ADT to provide
4 service?

5 A: Well, the technology has really gotten to the
6 point where you don't need one, but when this
7 estate was starting I think that the general
8 approach to security was that there was a land
9 line, if that's what you're talking about -- a
10 land line in the house.

11 Q: Okay. Did the home need to have a minimum
12 amount of power to it to keep the alarm system,
13 for that matter, but also to keep the house
14 from falling into a state of disrepair? Would
15 you agree with that?

16 A: Yes, sir.

17 Q: And if presented in the accounting by me, or if
18 asked by the Court to take into account some of
19 these items which have been given to you by
20 virtue of debit card, electronic check and
21 other checks that were not earlier taken into
22 account, would you be able to come up with a
23 revised accounting to present to the Court?

24 A: Yes, of course. I mean, you can always redo an
25 accounting, add numbers, subtract numbers. The

1 issue there would be that I would be -- and I'm
2 willing to do that -- to exercise my judgment
3 as to what I believe a Probate Court, a typical
4 probate administration would allow because, I
5 believe as I have expressed, the Court looks at
6 some offset for someone who's occupying the
7 home, that they have some duty, just as they
8 have to clean the bathroom, then they have to,
9 you know, mow the yard and things like that if
10 they're living there. And normally the Court
11 would not allow the person to be reimbursed for
12 those types of activities that was an offset.
13 There are -- well, that's what you asked me, so
14 ...

15 Q: Okay. But there are some items that should be,
16 that could be attributable. Is that correct?

17 A: There are some items -- there are some. For
18 example, there's auto repairs and auto parts
19 and again, Mr. David Stroman was driving the
20 cars throughout the pendency of this until at
21 one point and I was faced with losing insurance
22 -- the car insurance was being paid from the
23 estate but because Col. Stroman had been
24 deceased so long, USAA would not renew the auto
25 policy and at that point he actually purchased

1 it. So we've got quite a few car expenses
2 related. And another item on here, there's a
3 check on September 20th which was the day
4 before the Colonel died and it's to the
5 attorneys who prepared the deed that Mr.
6 Stroman had made to transfer, to use his power
7 of attorney to transfer the Pruitt Drive to his
8 name. So that would not be a legitimate
9 expense, you know, those types of things and
10 Mr. Maynard, I met Mr. Maynard. He was the man
11 who did all the auto repairs and there's
12 payments to him. I do see that there's some
13 checks actually written to Sherolyn Stroman,
14 which I had not used in the allocation of the
15 advancement to her. So there's a few items
16 that could be picked up.

17 Q: And I believe also mentioned here today that
18 Ms. Stroman indicated to Mr. -- Ms. Sherolyn
19 Stroman, excuse me, indicated to David that she
20 had been given cash by him in the amount of
21 \$1,800 that is also not reflected. Is that
22 correct?

23 A: Not reflected in here. No. I didn't have
24 that.

25 **MR. MCCURRY:** Your Honor, I have no further

1 questions of Ms. Palinski.

2 **MR. RADEKER:** Just a real brief re-direct.

3 **MS. PALINSKI - RE-DIRECT EXAMINATION BY MR. RADEKER:**

4 Q: Taking a look at these, you know, Mr. McCurry
5 asked you, could there be expenses that are on
6 here that are legitimate estate expenses. Let
7 me ask you, do you have enough information from
8 what you've been given to determine whether the
9 expenses listed on here are legitimate estate
10 expenses?

11 A: No.

12 Q: Okay. Just a brief follow-up, there's an entry
13 on this long document that's got the strike-
14 outs on the first page. You don't necessarily
15 need to look at it. You'll probably remember
16 this guy's name when I say it to you. There's
17 one that says a check for \$50 to John Eric
18 Fulda and it says it's for AC repair. Now John
19 Eric Fulda, that was the lawyer who prepared
20 the deeds where David purposed to transfer the
21 real estate to himself. Correct?

22 A: That is correct and one of the checks, that one
23 I was just talking about, the \$320 to
24 Whetstone, Myers, Perkins and John and Young --

25 -

1 Q: They're right there right beside each other.
2 Correct.

3 A: Beside each other. Right.

4 Q: So, I guess, Mr. Fulda decided to charge him
5 \$50 more I suppose, but ---

6 A: I mean, I wouldn't know, but that wouldn't
7 strike me as something that was an estate
8 expense just by what description there is there
9 and as I say, with the Lowe's and the Corbitt
10 flowers -- just a lot of -- Best Buy -- and
11 that's really difficult, I mean, it's not like
12 a major repair to the house or something like
13 that. You know if the roof had to be repaired
14 or the water heater went out, that would be
15 different. These are just kind of out-of-
16 pocket walking around with day to day living
17 things, so.

18 Q: Okay. And looking at these AT&T expenses that
19 are listed on this document here, would you
20 agree with me that they fluctuate rather a
21 great deal from month to month on what's, you
22 know, paid to AT&T per month?

23 A: Yes. They do and I mean, the analysis there
24 would be like what's the minimum for this phone
25 service and other long distance charges or

1 internet charges or whatever. Those typically
2 would not be -- that's being used by the person
3 who's residing in the house. That's not to
4 preserve and protect the real estate, so. It
5 would be -- the minimum I would say, it would
6 be the minimum bill for that service at that
7 location.

8 Q: Okay. And would you agree that Mr. Stroman
9 would have benefitted from having an ADT
10 security service and possibly being protected
11 from violence to his person.

12 A: Well, if you see the commercials on TV, that's
13 what it's all about.

14 Q: Okay. So, you would say that, you know, to the
15 extent there's no way to say that that's an
16 estate expense either, is there? So, or is
17 that no? You were shaking your head.

18 A: Oh. I have to make a verbal response. No. I
19 mean, and that's what I say, the Court looks at
20 that and I have seen the Probate Court look at
21 that and say, well, what would it have cost you
22 to go rent a place if you had to pay -- if you
23 had to live for these five or six years. He's
24 no longer taking care of his father, you know,
25 and it's a very different fact pattern that

1 when an elderly person is alive and sick, the
2 family is being a care giver. And at this
3 point, you know, once the estate is opened it's
4 preserve and protect and each, you know, the
5 other heirs are all living somewhere and paying
6 their way and it's just, it could be, you know,
7 how the Probate Court looks at it. You know,
8 he's definitely had a benefit of having a place
9 to live and from everything the appraiser said
10 Mr. David Stroman did a very good job of
11 keeping up the house and that, you know, that's
12 to his credit, but you can't get away from the
13 fact that he lived there. That he lived there
14 and derived that benefit.

15 Q: And based your experience, had Mr. Stroman had
16 cooperated in the administration of the estate
17 instead of necessitating this litigation, would
18 the estate have been able to be fully
19 administered several years ago?

20 A: Yes. In many ways. It's relatively straight
21 forward. It's over \$700,000, but it consists
22 of, you know, of real estate, some personal
23 property and basically three bank accounts. So
24 it's not -- I wouldn't consider it a complex
25 administration. And no, probate court and

1 court administration they're after you at one
2 year that you better -- you need to close it or
3 really show cause why you can't close it.
4 There's no creditor's claims against this
5 estate. There was, you know, nothing except
6 this litigation to keep it from being closed.

7 Q: Okay. One more question then and I won't have
8 anything else for you. You had talked about
9 the estate selling the car that David ---

10 A: Uh-huh (affirmative response).

11 Q: From what account did the money come that David
12 used to quote, unquote, pay, the estate for
13 that?

14 A: I don't know.

15 Q: Did it come from the account, I think, I want
16 to call it the 9452 account?

17 A: I don't have that transaction in front of me.
18 That was the money that ---

19 Q: Well, I'll represent it to you that the
20 Exhibits were admitted last time showed that
21 the check for that came from that account and
22 that Mr. Stroman's testimony indicated that all
23 of the money in that account was, came from
24 accounts that were in his father's name that he
25 took and deposited.

1 A: Yes. And that's the tracing of the transfers,
2 you know, through the accounts.

3 Q: So. Well, I don't have any more questions for
4 you.

5 **MS. PALINSKI - RE-CROSS EXAMINATION BY MR. MCCURRY:**

6 Q: Ms. Palinski, just a few and I apologize about
7 my mistake on John Eric Fulda, the AC repair
8 that obviously, because I actually added that.
9 I had the name wrong and I saw that the other
10 day when we were making that charge. I asked
11 you earlier and Mr. Radeker did as well, there
12 would be a minimum amount of AT&T charges
13 required as indicated to keep the security
14 system up if nothing else and some of these
15 other expenses -- the annual ADT, the fire
16 contract, the casket spray and Belleville
17 Memorial Gardens, some of those things would be
18 appropriate expenses. Would they not?

19 A: Yes.

20 Q: And with regard to the validity of these
21 expenses would almost have to be whether they
22 could be explained to you by affidavit or
23 broken down that these are checks, in most
24 cases checks or debit cards to payees. There's
25 some, for example, there's Valencia County

1 Treasurer items that were not picked up that
2 should be added for the Valencia County minimum
3 expenses, but for New Mexico, I believe, but
4 those type of expenses speak for themselves
5 somewhat, do they not?

6 A: Yes. And that's the property tax because we
7 have taken -- also the vacant lot in New
8 Mexico, Arizona and that's the \$5 for each lot.
9 So it's around \$50 for that. So some of the
10 things on their face you can say, yes, that
11 would be, and I have worked with United States,
12 USAA for the insurance. I guess I'm just not
13 aware of the State Farm. What would have been
14 covered by State Farm because there's premium
15 payments here for that. Now the USAA was the
16 house and it was car and so I don't know what
17 the State Farm. I guess for something like
18 that, one would want to see the policy
19 declaration or the invoice from State Farm as
20 to what that coverage was. Those are really
21 some substantial bills there.

22 Q: Okay. All right. But if given some
23 information, documentation, you would be able
24 to determine whether or not they would be
25 estate-related expenses?

1 A: I would be glad to express my opinion as to
2 whether they would be.

3 Q: Right. I have no further questions, Your
4 Honor.

5 **THE COURT:** Okay.

6 **MR. RADEKER:** I don't have anything further for Ms.
7 Palinski, Your Honor. And I ask that she be
8 excused from the stand. Your Honor, I suppose
9 at this point just in the interest of trying to
10 move on and get as much of this done today as
11 we can, I guess at this point we want to
12 proceed into the rule to show cause
13 proceedings. I've got a couple of things here
14 just if it makes it easier for the Court's
15 reference that are just excerpts of testimony
16 from previous hearings and the Court may have
17 already read quite a bit of this in any event
18 and I'll hand these up to you, Your Honor. Let
19 me get them all together. Thank you, deputy.
20 And I'll also hand a copy of these to Mr.
21 McCurry. And I guess I would have these made
22 -- out exhibits to this hearing.

23 **(Plaintiff's Exhibit Numbers 1 through 3 were offered**
24 **into evidence.)**

25 **MR. RADEKER:** And I would just ask that those be

1 admitted into evidence, as our evidence of this
2 hearing and their prior testimony in this case.
3 That might be overkill in any event. I just
4 want to make sure it's in the record. And I
5 don't want to belabor these by asking the Court
6 to read them at this time considering what Your
7 Honor was present when these things occurred.
8 I would just note that these show -- what we
9 need to show for our burden to bring a contempt
10 proceeding before the Court, they show -- and
11 I think they would meet the standard for civil
12 contempt, clear and convincing evidence
13 standard, and the standard for criminal
14 contempt, which is beyond reasonable doubt,
15 that Your Honor's order existed. That Mr.
16 Stroman was aware of it. That he knew what it
17 was that he was supposed to do. That he did
18 not do it. That he did not change his behavior
19 in any way as a result of the order and that he
20 over spent it, not as a result of a careless,
21 but as the result of a -- I guess, a calculated
22 disregard for the order of this Court because
23 he didn't over spend it by a couple of grand.
24 He over spent it by \$126,000 which as we've
25 heard, has been to the detriment of this

1 estate. So I know we've shown what we've got
2 to show. I guess, I would ask that the defense
3 put up any evidence they would like to put. If
4 they would like to show why it is that Mr.
5 Stroman should not be held in contempt and if
6 so, why the court should be lenient on him and
7 ask the Court for what we believe would be an
8 appropriate sanction or put up any rebuttal
9 testimony from Jamileh Stroman, if necessary.

10 **THE COURT:** Okay. Mr. McCurry.

11 **MR. MCCURRY:** Your Honor, I believe it would be
12 appropriate to call Mr. Stroman to the stand at
13 this point in time.

14 **SAMUEL D. STROMAN, II,** having been duly sworn,
15 testified as follows:

16 **MR. STROMAN - DIRECT EXAMINATION BY MR. MCCURRY:**

17 Q: Mr. Stroman, you've heard the testimony here
18 today regarding the accounting that's been
19 filed and also the supplementary items that
20 we've given to a special administrator. Is
21 that correct.

22 A: Yes, sir.

23 Q: You also heard Mr. Radeker speak of the
24 contempt matter before the Court?

25 A: Yes, sir.

1 Q: Mr. Stroman, I want to ask you, the allegation
2 is that you willfully disobeyed an order of the
3 Court and therefore, you should be subject to
4 contempt. I want to ask you, at the time that
5 this order was handed down in 2008, who was
6 your attorney at that point in time?

7 A: Attorney Grant.

8 Q: And did you ever receive a copy of that order
9 from Mr. Grant?

10 A: No, sir.

11 Q: Tell the Court what you recollect from that
12 hearing with regard to what you were charged to
13 do as a result of that hearing?

14 A: As a result of that hearing I recollect the
15 Judge, the Honorable Judge telling me one-
16 fourth, one-fourth, one-fourth, don't buy any
17 cars, anything extravagant. That's what I
18 remember.

19 Q: Yes. Okay. And Mr. Stroman, I want to ask
20 you, since before that point in time, since
21 your father passed away, have you bought any
22 automobiles other than the ones from the
23 estate?

24 A: No, I haven't.

25 Q: Have you lived an extravagant lifestyle?

1 A: Not at all.

2 Q: Have you gone on vacation to Vegas, the
3 Bahamas, wherever you want to pick?

4 A: No, I haven't.

5 Q: And to your way of thinking, what did you do
6 after your father died? What was your
7 intentions with regard to property and the
8 estate?

9 A: My intent was to take care and upgrade the
10 condition of the property of the estate because
11 when he was sick all of my attention were on
12 him. I knew that it needed to be painted. I
13 knew that things needed to be repaired. I knew
14 that the pumps were broken. I knew that things
15 inside the house that were deteriorating needed
16 to be fixed, toilet handles, toilet, things
17 inside the toilet, the mechanisms. Whatever I
18 saw that needed to be done to bring the house
19 up. That's what I did. I put my energies into
20 that. Now I had no idea that it was going to
21 take this long, but I thought to myself to
22 upgrade the property. To fix and repair
23 whatever needed to be repaired and I threw
24 myself into that. A lot of the charges you see
25 at Lowe's are a direct result of items that

1 were bought to enhance the property, and,
2 incidentally, not by anyone else. I didn't
3 hire anyone to do these things. I did them
4 myself.

5 Q: Okay. What did you do at the house?

6 A: I painted. I painted the house. When I say
7 paint the house -- I primed it, well, first I
8 had to scrape it. I had to scrape off all the
9 paint around that structure. I primed around
10 the structure. I took putty and filled in
11 whatever areas in the wood were salvageable.
12 The areas in the wood that were not
13 salvageable, I replaced the wood, replaced
14 whatever I needed to replace that was rotten.
15 I put an undercoat and I painted the whole
16 area. There were areas in this irrigation
17 system that run all around the property, PVC
18 valve, pipe, that were broken. You would turn
19 on the water source, the pump would pump the
20 water, you would see maybe a water spout around
21 the yard in various places. I would fix one
22 and then the other would go off, whatever had
23 the weaker pressure. I repaired -- the
24 gutters. The shutters were rotten. So I took
25 down all of the shutters that were rotten. I

1 went and I was going to get the plastic ones,
2 but I went and got the wooden ones so they
3 could match because they gave more distinction
4 to the home. So I bought the shutters and I
5 primed them, painted them black, put them on
6 the house. There were trees. The house is
7 surrounded by pine trees. So it's a constant,
8 where you have maybe one of them getting ready
9 to fall.

10 Q: Uh-huh (affirmative response).

11 A: And if one was in that condition which could
12 damage the property or damage the home or
13 anything around it I would cut it down. There
14 were times that it broke the fence. I would go
15 to Lowe's, buy fence posts. I did that several
16 times and replace the post that was hit by the
17 tree. I would buy weed whackers. Several of
18 them because the area is pretty big and weed
19 whackers burn out pretty quick. I would buy
20 blowers. I bought two lawn tractors in that
21 time period. I would do whatever I needed to
22 do to upgrade it. I replaced the rocks. He
23 has rocks that goes all around the entry of the
24 home. They were pebble rocks that come in I
25 guess, five pound bags. I don't know. I don't

1 know how many I purchased, you know. I got
2 whatever was needed to cover the area. He had
3 the wooden boarders that actually went around
4 the driveway itself which were rotten and would
5 come up and as they would come up, I would take
6 them up and I would -- anything I saw that
7 needed to be done. The porch, it really
8 started to get -- for a better word, grungy
9 and so I had to buy acid, take the acid, clean
10 it off, come back, polish it, the front and the
11 back. Around the columns, they were -- and
12 that can go back to the paint. The columns
13 needed to really be paid attention to because
14 they kind of stand out and so I put a lot more
15 money and time on the columns to make them
16 look, quote, unquote, flawless. There were
17 roots that were compromising areas of the
18 fence, fencing within the yard and also the
19 exterior of the yard and I had to actually take
20 out the fence, dig up the roots as much as I
21 could and then replace the fence that I could
22 replace. That which was entwined, I couldn't
23 save that section. So that had to be replaced.
24 I lived in Sear's. I lived in Lowe's getting
25 items that were needed to repair the property,

1 not only on the outside, but on the inside as
2 well, but it wasn't for selfish purposes. You
3 know, the house, I had put in my name, was
4 going to be for all of us. It wasn't just
5 mine. I never said it was going to be my
6 house. It would have been a house for a family
7 home. I never had any intentions of violating
8 an order by this Court. I never had any
9 intentions of keeping things from you or
10 keeping things from my sisters. I love my
11 sisters. I told my sisters the last court date
12 we had, you know, I love you and I do. I
13 didn't want -- my only selfish reason was and
14 I would say it's selfish, but maybe selfless,
15 I didn't want the property to become in a
16 condition of disarray or deterioration because
17 I felt that my father always had an obligation
18 and he did, you know, to his neighbors and they
19 had a certain format or standard that they kept
20 up and I wanted to actually see that.

21 Q: Okay.

22 A: And so I did whatever I could and probably
23 three-fourths of the things I'm not even
24 naming, but we're talking a six year period and
25 I dedicated myself to doing whatever needed to

1 be done.

2 Q: As you described those things, you are -- has
3 anyone ever described you as a neat freak, a
4 perfectionist?

5 A: I was raised by a man who was anal retentive
6 and I'm very anal retentive. I can honestly
7 say that they would -- if a psychiatrist were
8 to talk to me they would say I was an anal
9 retentive person. I'm a clean freak. I'm a
10 neat freak. Choice of bad words.

11 Q: Also, during this time of the administration of
12 the estate, you certainly spend money eating
13 out. Are you a cook?

14 A: No. I'm not.

15 Q: And so when you were taking care of your father
16 did you cook at that point in time?

17 A: No. I would go get the food. We would take
18 out.

19 Q: And so you eat out, take out, whatever the word
20 is since you ---

21 A: McDonald's. You see the charges. Yeah.

22 Q: Okay. What was your mind set with regard to
23 carrying on as your father had?

24 A: I wanted to do the things that he told me to
25 do.

1 **MR. RADEKER:** Objection. I mean, the same thing
2 went on in here the last time. Hearsay, Dead
3 Man's Act ---

4 A: I wanted to continued along ---

5 **THE COURT:** Sustained.

6 Q: In your thought process with regard to how you
7 spent other funds, how did you -- the funds
8 that you expending after your father's death,
9 were any of them expenditures of funds
10 different from how funds had been expended
11 prior to his death?

12 A: They stopped after Your Honor told me to be,
13 you know, do not, to tamp down. Now, I think
14 the things that were done before -- when people
15 were dying, I did the things that were done
16 along the lines of what was done before.

17 Q: Well, you just said that. If a friend of his
18 passed away, what would you do?

19 A: Send flowers.

20 Q: Did persons send flowers to him when he was out
21 at Methodist Oaks?

22 A: When my dad was at Methodist Oaks, people sent
23 flowers. He had fresh flowers every day. When
24 we came home his friends would send him
25 flowers. He had fresh flowers in the house for

1 three and a half years and when he was at
2 Methodist Oaks, they would not only bring
3 flowers, but they would come themselves and
4 spend time with him.

5 Q: Okay. And did you, after his death, did you
6 continue his practice of sending flowers to
7 those persons who sent flowers to him.

8 A: Yes. I did.

9 Q: Okay. And at some point in time that stopped,
10 correct?

11 A: Yes. It did.

12 Q: Okay. Mr. Stroman, what -- the accounting thus
13 far that has been prepared by the special
14 administrator indicates that you over spent
15 your share, if you will, to the point that you
16 are \$30,000 deficient in owing that to your
17 sisters. Do you feel that the information that
18 we have provided recently to the special
19 administrator and to Mr. Radeker would
20 essentially offset or wipe that out?

21 A: I think it would possibly wipe that out.

22 Q: Okay. And those expenditures were debit cards
23 and electronic funds, electronic checks?

24 A: That is correct. That is correct.

25 Q: And also, DPU expenses and some AT&T expenses.

1 A: Yes, sir.

2 Q: Will you acknowledge that DPU and the AT&T
3 expenses could be reduced by an amount, by a
4 minimum amount if you would, that were required
5 to keep lights on in the home and keep minimum
6 phone service for ADT service?

7 A: Yes, sir.

8 Q: But even notwithstanding those, is it true that
9 the other two items that we've referenced,
10 total about \$26,000?

11 A: That is correct.

12 Q: And are you asking that the Court allow the
13 special administrator to review those -- review
14 that, those charges to determine what are
15 applicable to the estate and household
16 expenses?

17 A: I am begging the Court.

18 Q: Okay. Mr. Stroman, I'm going to ask you again
19 -- well, let me ask you this. Are you a
20 bookkeeper?

21 A: No. I'm not.

22 Q: Did you -- didn't you have any idea that you
23 were expending funds in excess of the Court
24 order that you were charged with and was there
25 any willfulness on your part to do so?

1 A: No, it wasn't.

2 Q: And do you understand that in the event that it
3 is not determined that some of the expenses
4 wash out, if you will, that the Court could
5 authorize a judgment be handed down against you
6 for an amount that you might be obligated to
7 owe to your sisters?

8 A: I understand.

9 Q: Your Honor, I have nothing further for my
10 client.

11 **THE COURT:** Mr. Radeker.

12 **MR. STROMAN - CROSS EXAMINATION BY MR. RADEKER:**

13 Q: Thank you very much. Mr. Stroman, you
14 testified that you never got a copy of the
15 order that came out of the September court
16 hearing ---

17 A: No. I did not.

18 Q: --- from Carl Grant?

19 A: No. I did not.

20 Q: But you were at that hearing, correct?

21 A: I was at the hearing.

22 Q: You knew an order was coming?

23 A: That's correct.

24 Q: Did you ask Mr. Grant for a copy of the order?

25 A: Mr. Grant didn't give me a copy of the order.

1 Q: Well, that's not my question.

2 A: No, I didn't ask for a copy. I thought that he
3 would automatically send me things that were
4 done because he was doing that in the past.

5 Q: Okay. Did you think that that would be an
6 important thing for you to know whether an
7 order had come down?

8 A: I knew the order was down because the Judge had
9 told me and based on that I -- my actions, I
10 thought were in compliance for what Your Honor
11 had told me to do. I never once tried to
12 exceed it. Never once tried to be flamboyant.
13 Never once did things that were not congruent
14 with what was done in the past.

15 Q: Now I believe this is consistent with your
16 prior testimony and even with the testimony
17 that you given earlier today. You understood
18 that you were under instruction from this Court
19 not to spend more than 25 percent of the money.

20 A: And I felt that I didn't based -- it's real
21 hard for her if we talk over each other. Let
22 me ask the question. You understood that you
23 were under instruction from this Court not to
24 spend more than 25 percent of the money that
25 was in that account. Correct?

1 A: Correct.

2 Q: Now, do you mean to tell us that you
3 accidentally ran up the amount that you spent
4 out of that account, less amounts that Ms.
5 Palinski has determined to be estate expenses,
6 to \$197,378.09?

7 A: No.

8 Q: You did it on purpose, didn't you?

9 A: No. I did not do it on purpose.

10 Q: Well, you just told me that you didn't do it.
11 You just told me that you didn't do it
12 accidentally. Correct?

13 A: Sir, I'm sorry. When you asked the question I
14 didn't understand. Would you re-word the
15 question that you asked?

16 Q: Do you mean to tell us that you spent over
17 \$197,000 out of this account by accident?

18 A: I spent it taking care of the estate.

19 Q: And that is a thing that you did on purpose?
20 Is that what you're telling us or is that a
21 thing that you did accidentally?

22 A: That's what I did to maintain the estate.

23 Q: Was that a purposeful activity on your part?

24 A: I don't know. I had no idea it was that
25 amount. I didn't know. I didn't know. I

1 honestly did not know.

2 Q: You testified that you kept spending money the
3 way that your father had. Is that what you
4 just testified to earlier here?

5 A: I do not -- yes, I did. Yes, I did.

6 Q: Okay. Now before your father died, all of this
7 money, that was his money. Correct?

8 A: Yes, sir.

9 Q: All right. And after he died, you treated it
10 like all of it was your money. Correct?

11 A: The court -- the bank stated it was a joint
12 account.

13 Q: I move to strike that. He's talking about
14 stuff other people said. They're not here.
15 That's hearsay. I just need you to answer my
16 question anyway. After your father died, you
17 treated all of his money like it was your
18 money. Right?

19 A: The bank told me it was my money.

20 Q: No. Same thing. Strike that. Move to strike
21 that. I move to strike that.

22 **THE COURT:** Just answer what he's saying.

23 Q: You treated, after your father had died, all of
24 the money that he had when he died, like that
25 was your money.

1 A: No.

2 Q: You didn't treat it like it was your money?

3 A: No. I did not.

4 Q: You said you kept spending it on all the same
5 things that he spent it on.

6 A: No. I told you. I told you that after he died
7 I looked around the estate and looked to see
8 things that needed to be done. The people had
9 the people who gave him the flowers. The
10 people who gave the wheelchairs. The people
11 who came and sat with him while I went and got
12 him food, I gave them flowers. If I were to
13 give them money the way -- if I thought the
14 money was mine as you so stated that I treated
15 the money as if it were mine, I would have
16 gotten my mouth fixed. I would have gone on
17 vacation. I would have done things along that
18 line. I didn't do that at all. I felt it was
19 our money. I never once intended and never
20 would have and never will cut my sisters out.
21 I never have.

22 Q: Is that the reason that you transferred all the
23 money that was in your father's accounts when
24 he died into accounts that were in your name?

25 A: The bank president, the bank manager said I

1 needed to do that.

2 **MR. RADEKER:** Again, I move to strike.

3 **MR. MCCURRY:** Your Honor, may I object. The
4 questioning -- we're all around the issue of
5 bank funds and he's answering to the best of
6 his ability and I don't know how we can hide
7 the fact what he said.

8 **MR. RADEKER:** He's trying to say a guy told him it
9 was okay and I'm trying to say he treated it
10 like it was his money, so

11 **MR. MCCURRY:** Well, he's responding.

12 **THE COURT:** Well, I think the question's been
13 answered.

14 **MR. RADEKER:** In any event we'll move on to the next
15 thing. We'll move on to the next thing.

16 Q: You say you were making decisions about where
17 you thought that the money ought to go,
18 correct?

19 A: What needed to be done with the property.

20 Q: What you thought needed to be done with the
21 property.

22 A: Yes.

23 Q: So, because you thought that what you thought
24 needed to be done with it was more important
25 than what this Court thought needed to be done

1 with it. Is that right?

2 A: No. Not at all.

3 Q: So.

4 A: Not at all. No.

5 Q: So you violated this Court's order because you
6 thought it was important to comply with it?

7 A: I had no intention of violating the Court
8 order. I didn't intend to do it. I didn't
9 know I was doing it.

10 Q: Do you seriously expect us to believe ---

11 A: Yes, I do.

12 Q: --- that you overspent this -- what you were
13 allowed to spend in this account, by \$126,000
14 and change.

15 A: Yes, I do and you know why? Can I talk?

16 Q: By accident?

17 A: Yeah, and you know why? Because I continued to
18 do the things within the property what needed
19 to be done the time in between the resolution
20 as we all stated here, that it's gone on for
21 almost five years, during all that time, sir,
22 there were bills that were still being
23 accumulated. I couldn't say, well, I'm not
24 going to pay DEU, I'm not going to pay ADT, I'm
25 not going to do -- I couldn't do -- how can I

1 do that?

2 Q: How many ---

3 A: And I had and, and, and as long -- I'm not, you
4 know, as long as I was in the confines of that
5 I am implore to you, to you, Jamileh, and to
6 this Court that I had no intention and did not
7 know that I was depleting or just going, just
8 spending haphazardly. I thought that I was
9 going along the lines of that which I was
10 allowed to do or told to do.

11 Q: You didn't know you were violating the order
12 when you wrote checks to yourself?

13 A: Not at all. I wrote checks to myself to send
14 money to my sister.

15 Q: So, did the order provide for you to do that?

16 A: The Order did not say I couldn't send money to
17 my sister.

18 Q: Sir, I'm sorry, I'm just a little amused. Sir,
19 you didn't have a job during the entire time,
20 from the time that this case commenced until
21 today, correct?

22 A: That is correct. That is correct.

23 Q: You didn't seek out a job, did you?

24 A: My going back to my job would be going back to
25 Washington. I expected, well, I hoped, that

1 this issue would be resolved. When I go back
2 and get into clinical studying which I am going
3 to do, I can not come back to Orangeburg. I
4 stayed here to hope against hope, that things
5 would be resolved so I could leave and leave
6 and not have things, let's say, left open, or
7 not left properly finished.

8 Q: How many jobs did you try to get in Orangeburg
9 during the time that you've been here?

10 A: I didn't get a job in Orangeburg.

11 Q: I know that, but I asked you how many did you
12 try to get.

13 A: I, I did various things with Maynard. He would
14 pay me to help him at the auto body shop. He
15 would pay me.

16 Q: On a part time basis?

17 A: No. He didn't hire me. I was not under ---

18 Q: It wasn't even a part time basis?

19 A: No. It was ---

20 Q: It was just a very, very little bit?

21 A: Yes. An insignificant amount.

22 Q: An insignificant ---

23 A: That's correct.

24 Q: --- amount, but you used money from this estate
25 to pay for yourself to go out to eat, right?

1 A: Yes, I did, but I thought the money that I was
2 using from the estate to eat was my portion.

3 Q: Sir, I guess, some men you just can't reach.
4 Would you agree with that, saying that?

5 A: That's your opinion. Would you agree to that
6 statement?

7 Q: So, I've got to agree with the general
8 proposition that some men you just can't reach.

9 A: Well, that's your opinion.

10 Q: Well, let me ask you this. You still wearing
11 your daddy's cuff links?

12 A: Yes. I'm still wearing my daddy's cuff links.

13 Q: Thank you.

14 A: Is that a problem?

15 Q: Please answer ...

16 **MR. RADEKER:** Bob, we'd love for you to turn them
17 over to the special administrator right now,
18 all right?

19 A: I'm sorry.

20 Q: Please answer any questions that Mr. McCurry
21 has for you.

22 **MR. MCCURRY:** I have no further questions for Mr.
23 Stroman, Your Honor.

24 **THE COURT:** Okay. At this point ---

25 **MR. RADEKER:** I would just ask that -- I mean, I

1 don't have any further questions of Mr. Stroman
2 so he can step down if that's fine with
3 everybody else. I would just, you know, I
4 guess, I would put up Jamileh Stroman briefly
5 just to speak to an issue that may be relevant
6 as to, you know, the manner in which sanctions
7 are rendered, really maybe when the rules.
8 She's hurt so I would ask that she just be
9 allowed to remain seated.

10 **JAMILEH S. D. STROMAN**, having been duly sworn,
11 testified as follows:

12 **MS. STROMAN - DIRECT EXAMINATION BY MR. RADEKER:**

13 Q: Jamileh, let me ask you, what's your
14 understanding as to what your brother's travel
15 plans are in the near future?

16 A: My understanding is that he's going to move to
17 Cambodia with his girlfriend who works for
18 Homeland Security and is being promoted and
19 sent to Cambodia in January.

20 Q: I'm trying to think if I have anything else for
21 you. Oh, let me ask you this. Other than the
22 United States, are there any countries of which
23 you are aware your brother has any familiarity?

24 A: He's familiar with the Dominican Republic. He
25 was in school down there for a while and so,

1 that would be a comfortable place for him.

2 Q: Thank you. I don't have any further questions
3 for you.

4 **THE COURT:** Mr. McCurry, do you have any questions?

5 **MS. STROMAN - CROSS EXAMINATION BY MR. MCCURRY:**

6 Q: Ms. Stroman?

7 A: That is Dr. Stroman.

8 Q: Excuse me. Dr. Stroman, how are you aware of
9 any plans to go to Cambodia?

10 A: Through other people. He did not tell me.

11 Q: I have no further questions. I would like to
12 call Mr. Stroman in reply because I'm curious

13 as to

14 **THE COURT:** Okay. Well, Mr. Stroman, you are still
15 under oath.

16 **MR. STROMAN - RE-DIRECT EXAMINATION BY MR. MCCURRY:**

17 Q: You know, Mr. Stroman, you heard your sister
18 testify, are you planning on going to Cambodia?

19 A: No time soon. I don't plan on leaving the
20 country.

21 Q: Okay.

22 A: And the person in question, she works for
23 Homeland Security, my fiancé. She will write
24 a deposition that she in no way ---

25 **MR. RADEKER:** Well, objection. You can't testify to

1 what other people are saying. I mean, you know
2 ...

3 Q: Mr. Stroman, you just indicated that you have
4 no plans to go to Cambodia.

5 A: None whatsoever.

6 Q: Is your fiance planning on going to Cambodia?

7 A: None whatsoever.

8 Q: Are you planning on going and moving to the
9 Dominican Republic?

10 A: No, no. Not at all.

11 Q: I have no further questions, Your Honor.

12 **THE COURT:** Okay.

13 **MR. STROMAN - RE-CROSS EXAMINATION BY MR. RADECKER:**

14 Q: Just real briefly re-cross. You also told us
15 that you didn't intend to violate this Court's
16 order when you spent nearly \$200,000 out of the
17 account at issue. Didn't you say that?

18 A: You're figures are changing. No. I did not
19 intend to do anything improper.

20 **MR. MCCURRY:** Your Honor, I object. Is that a
21 correct re-cross question given my question to
22 him regarding Cambodia.

23 **THE COURT:** I think we've peaked out on this. We're
24 just plowing the same ground.

25 **THE COURT:** And I've got a question for the

1 attorneys. I had something about \$30,000 and
2 then all of a sudden \$197,000.

3 **MR. RADEKER:** Your Honor, the \$31,000 figure is --
4 that would be what David would still have
5 overspent for all of the estate assets,
6 including land, the money that was recovered
7 and paid directly to the special administrator
8 through the lawsuit concerning injuries to
9 Colonel Stroman when he died, the -- all the
10 land. Here, the land out west, you know,
11 everything.

12 **THE COURT:** Wait a minute. Let me narrow this down
13 real quick. Thirty-five -- how much was it,
14 roughly \$32,000, that's really what he has
15 overspent.

16 **MR. RADEKER:** Of his total share.

17 **THE COURT:** Of his total share.

18 **MR. RADEKER:** That is correct.

19 **THE COURT:** In other words ---

20 **MR. RADEKER:** He did overspend the account by a lot
21 more.

22 **THE COURT:** Okay. Right, but he in other words, he
23 was entitled to everything up to that \$32,000.
24 He would -- correct?

25 **MR. RADEKER:** If this hadn't happened then, you

1 know, then and all of the estate assets had
2 just been disbursed one-fourth, one-fourth,
3 one-fourth, then there would be a difference
4 between it is he's actually gotten out of that
5 account and what he would have gotten, by
6 \$31,000.

7 **THE COURT:** By \$31,000.00. All right. I think this
8 was pretty clear that -- I think we need to
9 disregard the \$197,000 figure from this
10 proceeding, from the contempt proceeding. This
11 is kind of a mixture of civil, criminal
12 contempt deal, but to be fair, from the
13 testimony, Mr. Stroman, it seems to me that the
14 proper end for this thing is to, and you
15 alluded to this earlier -- is to basically have
16 a judgment, how high it can be structured, for
17 him -- against him for his sisters for \$32,000
18 and that if that, I mean, as far as contempt,
19 as far as jail time or -- I don't think that's
20 going to do Mr. Stroman any good to put him
21 behind bars for a year. I don't feel that's
22 going to be of any use to anybody. I mean, it
23 might be, it might be, satisfaction by
24 somebody's relatives, but it certainly, I don't
25 feel like it was done intentionally. It was

1 done carelessly. Very, very carelessly, but
2 with the difference between Mr. Grant not
3 giving him the order and so forth and so on, I
4 mean, there's a lot of little nuances there
5 that I think would relieve him from a Court-
6 appointed jail time or anything like that;
7 however, I think the judgment would certainly
8 be proper and he not receive anything more from
9 the estate. He owes his sisters \$32,000,
10 approximately, whatever the figure is.

11 **MR. RADEKER:** Your Honor, just, and I understand the
12 Court may have just ruled, but I just want to
13 put on the record ---

14 **THE COURT:** Sure.

15 **MR. RADEKER:** --- what our opposition is and I think
16 everybody's done with questioning Mr. Stroman.
17 Yes. We all kind of forgot he was there, but
18 just to put on the record what it is that, you
19 know, that we would have asked for -- a
20 contempt sanction against him -- is I think, we
21 certainly met the burden for civil contempt and
22 we would have asked for a civil contempt
23 sanction and that would be this -- is to
24 sentence him to some period in jail, not
25 necessarily a year, but some time that he could

1 purge by repaying the \$31,000 that ---

2 **THE COURT:** Well, that's okay. I agree. I mean,
3 that's a very good thing. He, as the saying
4 goes, he holds the key to the jail. And so
5 basically if he pays back this money within I
6 mean, we have to have some kind of reasonable
7 time.

8 **MR. RADEKER:** Sure, sure.

9 **THE COURT:** And what would you suggest based on
10 that?

11 **MR. RADEKER:** I mean, I might suggest -- if Your
12 Honor is not comfortable with a year and I
13 guess that you're not, I might suggest six
14 months. Certainly, what contempt sanctions are
15 rendered all the cases say is within the --
16 virtually unfettered discretion of the Court.

17 **THE COURT:** Yes.

18 **MR. RADEKER:** You know, I'm kind of thinking of
19 remedies similar to in that Kirby v. Howell
20 case that I emailed to the Court earlier today
21 where the Court said, you're sentenced to jail
22 for this, specify a period of time, obviously
23 ---

24 **THE COURT:** Suspended.

25 **MR. RADEKER:** Suspended, if you pay -

1 **THE COURT:** If you pay the money back ---

2 **MR. RADEKER:** --- the money. Yes.

3 **THE COURT:** Otherwise -

4 **MR. RADEKER:** Right. I mean, I think we'd be under
5 the, you know, what, just the pleadings in the
6 case, we'd be entitled to judgment against him.
7 Possibly to include punitive damages above the
8 actuals, but I wouldn't ask for that as part of
9 the contempt remedy. The whole idea of the
10 contempt remedy for civil contempt is to
11 recompense, rather than ---

12 **THE COURT:** Right. Like Family Court, to try to get
13 --- somebody to pay the money, not put them in jail
14 so they can't work.

15 **MR. RADEKER:** Right. Yes, rather than to simply to
16 punish. So, I mean, that's what I'd ask for as
17 far as a civil contempt remedy and that way, if
18 he's got the monies already or if he can get
19 enough together or something like that, then he
20 doesn't have to go to jail. Or, we get to go
21 to jail now long enough to have somebody get
22 the money together and he's out. And if he
23 doesn't then the integrity this Court is upheld
24 because, I mean, I think when he testified it
25 was clear that he understood that he could only

1 spend 25 percent of the money that was in the
2 account and simple math would dictate this
3 isn't just an error. You know, he spent well
4 above that ---

5 **THE COURT:** I agree. I agree. We've established
6 that and I don't think we need to go any
7 further than where we are and if you can
8 prepare me an order.

9 **MR. MCCURRY:** Your Honor, if I may. Certainly I
10 favor the Judge's initial ruling. My client
11 doesn't have any assets. He's -- the home, he
12 -- we understand that. The home was going to
13 be conveyed to his siblings and he's not going
14 to get any of the proceeds, but having my
15 client serve any time is just
16 counterproductive.

17 **THE COURT:** Well, it's suspended, as I said, subject
18 to six months ...

19 **MR. MCCURRY:** I just don't know of any way that he's
20 going to come into those funds and I think you
21 said yourself earlier, he was careless with the
22 way he spent the money. He's no bookkeeper by
23 any definition. This wasn't a willful, wanton
24 act. He did not willfully disobey the order of
25 the Court. You said, I don't think he ever

1 received a copy of the order from Carl Grant
2 and so, you know, that judgment is going to
3 cause him -- a judgment against him will cause
4 him big problems in whatever he might choose to
5 do in the future, but to have a suspended jail
6 sentence with the possibility of serving jail
7 time if not paid when he doesn't have it, is of
8 grave concern to me and I think that ---

9 **THE COURT:** It's like I said, in Family Court they
10 do it everyday. I mean, it's a very common
11 remedy and I'm trying to be as generous as I
12 can with him to satisfy the situation because
13 there's been a wrong done and the only way to
14 right the wrong is basically, make the parties
15 whole and that's -- if nine months would be
16 more, maybe ..

17 **MR. MCCURRY:** Certainly the longer, the better.

18 **THE COURT:** I'll be glad to give him nine months,
19 then. Certainly, with his abilities, I mean,
20 I think he's quite capable of doing something.
21 He said he was going back to Washington, so to
22 speak, and ---

23 **MR. MCCURRY:** Your Honor, if I will, I would also
24 very much wish to have the opportunity to
25 decrease the amount of his indebtedness by

1 virtue of these bills and documentation that I
2 had forwarded to Ms. Palinski.

3 **THE COURT:** Let's do this. Let's modify it a little
4 bit. Let's go back to that. Whatever Ms.
5 Palinski comes up with, let that be the amount.
6 Can we agree with that?

7 **MS. PALINSKI:** And I would just ask, Your Honor,
8 that there be a deadline to get more of this
9 information to me so that we can ---

10 **THE COURT:** What would you like?

11 **MS. PALINSKI:** By the end of July. We're at the end
12 of June, right? And I think there's some
13 vacations and things they had mentioned.

14 **THE COURT:** Yes. The end of July. By the end of
15 July would be fine.

16 **THE COURT:** That would be fine. Okay?

17 **MR. MCCURRY:** That would be fine. Thank you, Your
18 Honor.

19 **MR. RADEKER:** Your Honor, we still have to maybe,
20 deal with the substantive issues in the case.
21 I wanted to maybe go ahead and get that done.
22 I know it's after five. Would you like me to
23 just draft an Order and send a copy to Mr.
24 McCurry just like you would after a damages
25 hearing and just say, like, you know, he's in

1 default of these things and so we're entitled
2 to -- on the substantive case. So I can do
3 that in the same order as the contempt order or
4 a different order, or however we'd like to
5 handle that.

6 **THE COURT:** That's fine, however you want to. Thank
7 you.

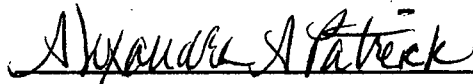
8 **(There being nothing further, the hearing was**
9 **adjourned at 5:04 p.m.)**

CERTIFICATE

This is to certify that the within hearing consisting of Sixty (66) pages, is a true and correct transcript of the testimony given by said witnesses after being duly sworn; said hearing was reported by the method of Stenomask with Backup.

I further certify that I am neither employed by nor related to any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal on July 19, 2012.



Alexandra A. Patrick
Court Reporter

Notary Public for South Carolina
My Commission Expires: February 13, 2019

LAW OFFICES
JAMES C. HARRISON, JR., P.A.
923 CALHOUN STREET
COLUMBIA, SOUTH CAROLINA 29201

James C. Harrison, Jr.
Attorney at Law
Mediator/Arbitrator

P.O. Box 50143
Columbia, SC 29250

Andrew S. Radeker
Attorney at Law

(803) 779-2211
(803) 779-6700 (FAX)

September 26, 2008

VIA U.S. MAIL

The Hon. Lisa W. Mizell
Clerk of Court of Orangeburg County
P.O. Drawer 9000
Orangeburg, SC 29116

Re: Estate of Samuel D. Stroman
Jamileh S.D. Stroman v. Synthia D. Stroman, Samuel D. Stroman II, and
Sherolyn D. Stroman
Case No.: 2008-CP-38-310

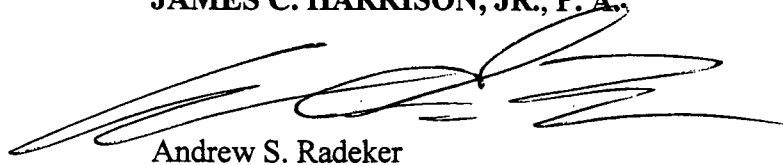
Dear Ms. Mizell:

Enclosed herewith for filing in the above-referenced action are an original and one copy of a certificate of service of the Amended Petition and Complaint and Order Granting Leave to Amend in the above-referenced action. Kindly file the same and return a clocked copy thereof to this office in the stamped and addressed envelope enclosed.

Thank you for your attention to this matter. Of course, if you or your staff have any questions or concerns, please do not hesitate to contact me.

With kind regards, I am,

Very truly yours,
JAMES C. HARRISON, JR., P.A.



Andrew S. Radeker

ASR/

Enclosures

cc: The Hon. O. Davie Burgdorf
Ms. Jamileh S.D. Stroman
Ms. Synthia D. Stroman
Kathleen Palinski, Esq.
Carl B. Grant, Esq.

LAW OFFICES
JAMES C. HARRISON, JR., P.A.
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James C. Harrison, Jr.
Attorney at Law
Mediator/Arbitrator

P.O. Box 50143
Columbia, SC 29250

Andrew S. Radeker
Attorney at Law

(803) 779-2211
(803) 779-6700 (FAX)

September 26, 2008

VIA U.S. MAIL

Carl B. Grant, Esq.
The Law Firm of Carl B. Grant, P.A.
P.O. Box 1203
Orangeburg, SC 29116

Re: **Estate of Samuel D. Stroman**
Jamileh S.D. Stroman v. Synthia D. Stroman, Samuel D. Stroman II, and
Sherolyn D. Stroman
Case No.: 2008-CP-38-310

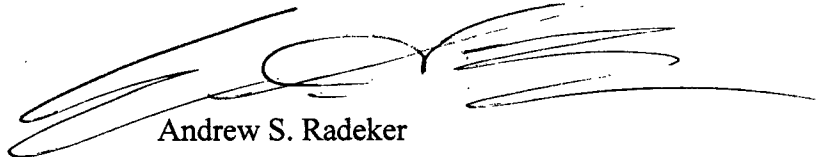
Dear Carl:

Enclosed herewith and served upon you are the Amended Petition and Complaint and Order Granting Leave to Amend in the above-referenced action.

Thank you for your attention to this matter. Of course, if you have any questions or concerns, please do not hesitate to contact me.

With kind regards, I am,

Very truly yours,
JAMES C. HARRISON, JR., P. A.



Andrew S. Radeker

ASR/

Enclosure

cc: Ms. Jamileh S.D. Stroman
Ms. Synthia D. Stroman
Kathleen Palinski, Esq.

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

IN THE COURT OF COMMON PLEAS
CASE NO. 2008-CP-38-310

In re:

Estate of Samuel D. Stroman,

Decedent.

Jamileh S.D. Stroman and Synthia D.
Stroman,

Plaintiffs/Petitioners,

vs.

Samuel D. Stroman, II, and Sherolyn D.
Stroman;

Defendants/ Respondents, being
the other Devisees of the Decedent.

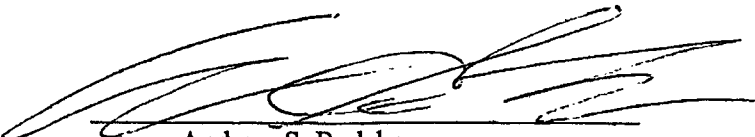
CERTIFICATE OF SERVICE

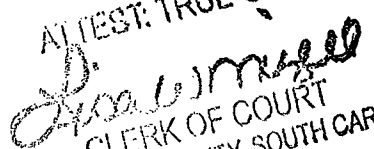
2008 SEP 29 P 3 12
CLERK OF COURT
ORANGEBURG COUNTY, SC

I, Andrew S. Radeker, an attorney with the law firm of James C. Harrison, Jr., P. A., Attorneys for Plaintiffs/Petitioners, do hereby certify that I, on the 26th day of September, 2008, served the Plaintiffs/Petitioners Amended Petition and Complaint and a copy of the filed Order Granting Leave to Amend by depositing same in the United States Mail, first class, postage prepaid, with the return address clearly noted, addressed as follows:

Carl B. Grant, Esq.
The Law Firm of Carl B. Grant, P.A.
P.O. Box 1203
Orangeburg, SC 29116

Kathleen Palinski, Esq.
McAngus, Goudelock & Courie, LLC
P.O. Box 21519
Columbia, SC 29211


Andrew S. Radeker

ATTEST: TRUE COPY

CLERK OF COURT
ORANGEBURG COUNTY, SOUTH CAROLINA

LAW OFFICES
JAMES C. HARRISON, JR., P.A.
923 CALHOUN STREET
COLUMBIA, SOUTH CAROLINA 29201

James C. Harrison, Jr.
Attorney at Law
Mediator/Arbitrator

P.O. Box 50143
Columbia, SC 29250

Andrew S. Radeker
Attorney at Law

(803) 779-2211
(803) 779-6700 (FAX)

October 27, 2008

VIA U.S. MAIL

The Hon. Lisa W. Mizell
Clerk of Court of Orangeburg County
P.O. Drawer 9000
Orangeburg, SC 29116

Re: **Estate of Samuel D. Stroman**
Jamileh S.D. Stroman and Synthia D. Stroman v. Samuel D. Stroman II, and
Sherolyn D. Stroman
Case No.: 2008-CP-38-310

Dear Ms. Mizell:

Enclosed herewith for filing in the above-referenced action are an original and one copy of an affidavit of default and a certificate of service thereof in the above-referenced action. Kindly file the same and return a clocked copy thereof to this office in the stamped and addressed envelope enclosed.

Thank you for your attention to this matter. Of course, if you or your staff have any questions or concerns, please do not hesitate to contact me.

With kind regards, I am,

Very truly yours,
JAMES C. HARRISON, JR., P. A.



Andrew S. Radeker

ASR/

Enclosures

cc: The Hon. O. Davie Burgdorf
Ms. Jamileh S.D. Stroman
Ms. Synthia D. Stroman
Kathleen Palinski, Esq.
Carl B. Grant, Esq.

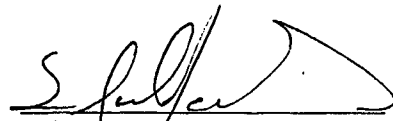
Release of Law Firm

I, Samuel D. Stroman, Jr., hereby release The Law Firm of Carl B. Grant, P.A. from any further responsibility in representing me in the litigation pertaining to the probate of the estate of, Dr. Samuel Stroman, my father. I paid the Law Firm of Carl B. Grant, P.A. a total of \$6, 000 to represent me in this matter. Although the estate litigation has been going on for years, Mr. Grant and I have agreed that he will refund 50% of that amount, or \$3,000 to me on October 14, 2010, and I will retain new counsel to represent me at the final hearing in this case. Additionally, Mr. Grant has agreed to provide me with the original of the probate litigation file created by his office pertaining to my father's estate. I understand that Mr. Grant has retained no copies of this file and all copies of any documents created or maintained by him pertaining to this case have been provided to me. My signature below confirms my decision to release The Law Firm of Carl B. Grant, P.A., confirms that I have personally received the \$3,000 check from Mr. Grant as a 50% refund of the attorney's fees, and that I have personally received the large box containing the original probate litigation file that was created and maintained by the Law Firm of Carl B. Grant, P.A. I sign this document freely and voluntarily, and with full understanding of its meaning and effect.

10 / 14 / 10
Date


Samuel D. Stroman

10 / 14 / 10
Date


Witness

RECEIVED NOV 15 2010

**Equity Court of Orangeburg County
Post Office Box 9000
Orangeburg, South Carolina 29116**

O. Davie Burgdorf
Master-in-Equity and
Special Circuit Court Judge

Telephone #: (803)533-6286
Fax #: (803)533-5898

November 9, 2010

Andrew S. Radeker, Esquire
Post Office Box 50143
Columbia, South Carolina 29250

Carl B. Grant, Esquire
Post Office Box 1203
Orangeburg, South Carolina 29116

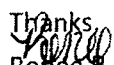
RE The Estate of Samuel D. Stroman vs Synthia D. Stroman, et al
C/A No. 2008-CP-38-00310

Counselors:

The above captioned case is scheduled for a status conference on Monday ,
December 6, 2010 at 3:30 P.M. in Master-in-Equity Office, Room 305 in the Orangeburg County
Courthouse. Allotted time, 15 minutes. If there are pending issues which prevent you from going
forward with this conference, please call the court immediately to ask for a continuance, and
then send the request in writing. You must attend the status hearing before the court will go
forward with a hearing.

Hearing schedule for November 30, 2010 at 2:30 has been cancelled. The judge will give a
new hearing date at the conference hearing.

Please call Renee at 803-533-6286 if you have any questions.

Thanks

Renee B. Wingard
Administration Assistant IV

cc: Kathleen Palinski, Esquire

LAW OFFICES
HARRISON & RADEKER, P.A.
923 CALHOUN STREET
COLUMBIA, SOUTH CAROLINA 29201

James C. Harrison, Jr.*
Andrew S. Radeker
Andrew M. Thompson

P.O. Box 50143
Columbia, SC 29250

(803) 779-2211
(803) 779-6700 (FAX)

* Mediator/Arbitrator

November 17, 2010

VIA U.S. MAIL

Robert F. McCurry, Jr., Esq.
Horger, Barnwell & Reid, L.L.P.
P.O. Drawer 329
Orangeburg, SC 29116

Re: **Estate of Samuel D. Stroman**
Jamileh S.D. Stroman and Synthia D. Stroman v. Samuel D. Stroman II, and
Sherolyn D. Stroman
Case No.: 2008-CP-38-310

Dear Rob:

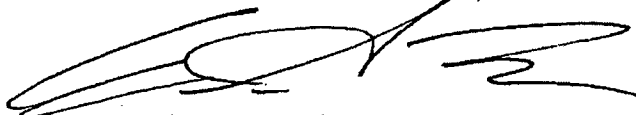
Enclosed is the draft consent Order for Substitution of Legal Counsel that you sent to me. I am sorry to have taken so long in getting this back to you. Per our discussion, I am also enclosing a copy of the amended petition and complaint, a copy of the certificate of service thereof on Carl Grant as David Stroman's attorney on September 26, 2008, and a copy of the affidavit of David Stroman's default for failure to serve a responsive pleading to the amended petition and complaint, with the certificate of service showing service of that affidavit on Mr. Grant. I have never received any pleading, late or otherwise, in response to the amended petition and complaint, nor have I ever heard from Mr. Grant with regard to the default.

Please also note that the November 30, 2010, hearing has been cancelled to be rescheduled at a later date. There is now a status conference set before Judge Burgdorf on December 6, 2010, at 3:30 p.m.

Thank you for your attention to this matter. Of course, if you have any questions or concerns, please do not hesitate to contact me.

With kind regards, I am,

Very truly yours,
HARRISON & RADEKER, P.A.



Andrew S. Radeker

ASR/

Enclosures

cc: Kathleen Palinski, Esq.

LAW OFFICES
HARRISON & RADEKER, P.A.
923 CALHOUN STREET
COLUMBIA, SOUTH CAROLINA 29201

James C. Harrison, Jr.*
Andrew S. Radeker
Andrew M. Thompson
Kathryn B. Beighley
* Mediator/Arbitrator

P.O. Box 50143
Columbia, SC 29250

(803) 779-2211
(803) 779-6700 (FAX)

February 7, 2011

VIA FACSIMILE ONLY TO 533-5898

The Hon. O. Davie Burgdorf
Master-in-Equity for Orangeburg County
P.O. Drawer 9000
Orangeburg, SC 29116

Re: Estate of Samuel D. Stroman
Jamileh S.D. Stroman and Synthia D. Stroman v. Samuel D. Stroman II, and
Sherolyn D. Stroman
Case No.: 2008-CP-38-310

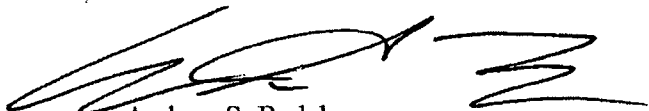
Dear Judge Burgdorf:

Please allow this letter to confirm my understanding that there is no hearing currently scheduled in the above-referenced action and that a final hearing needs to be scheduled. At the status conference in December, we had set aside today as a possible date for a hearing on a motion to set aside default, should Mr. McCurry make one on behalf of Samuel D. Stroman II (who goes by "David"). Renee Wingard from your office let me know that this hearing date and time would have to be moved to tomorrow at 1:30 if Mr. McCurry made a motion to set aside default. As I have received no motion in this matter since the status conference, it is my understanding that there will be no hearing tomorrow (or today), as there is no motion to be heard.

My clients are eager to get this matter resolved but will need time to plan to travel to South Carolina to attend the final hearing in this matter. If Ms. Wingard could let us know some possible dates for a final hearing, I would greatly appreciate the same. Thank you for your attention to this matter. Of course, if you have any questions or concerns, please do not hesitate to contact me.

With kind regards, I am,

Very truly yours,
HARRISON & RADEKER, P.A.



Andrew S. Radeker

ASR/

cc: Jamileh Stroman
Synthia Stroman
Robert F. McCurry, Jr., Esq. (531-3030)
Kathleen Palinski, Esq. (252-6890)

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

O. Davie Burgdoff, Master-in-Equity

Civil Action No.: 2008-CP-38-310

RECEIVED

DEC 11 2013

SC Court of Appeals

In Re: Estate of Samuel D. Stroman, Decedent,

Jamileh S.D. Stroman and Synthia D. Stroman,.....Respondents,

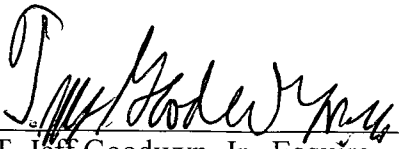
v.

Samuel D. Stroman, II and Sherolyn D. Stroman
of whom Samuel D. Stroman, II is the.....Appellant.

PROOF OF SERVICE

I certify that I have served the **Record on Appeal** on Andrew S. Radeker, Esquire, Counsel for the Respondents at the address below by depositing a copy of same in the United States Mail, postage prepaid, on December 11, 2013.

Andrew S. Radeker, Esquire
Harrison & Radeker, P.A.
P.O. Box 50143
Columbia, SC 29250


T. Jeff Goodwyn, Jr., Esquire
Goodwyn Law Firm, LLC
2519 Devine Street, Suite A
Columbia, South Carolina 29205
(803) 251-4517
(803) 251-4527 (fax)
JGoodwyn@Goodwynlaw.com
Attorney for Appellant

December 7, 2013

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

O. Davie Burgdoff, Master-in-Equity

Civil Action No.: 2008-CP-38-310

In Re: Estate of Samuel D. Stroman, Decedent,

Jamileh S.D. Stroman and Synthia D. Stroman,.....Respondents,

v.

Samuel D. Stroman, II and Sherolyn D. Stroman

of whom Samuel D. Stroman, II is the.....Appellant.

CERTIFICATE OF COUNSEL

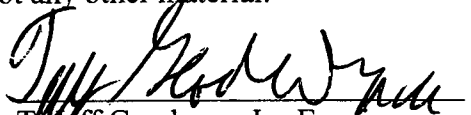
The undersigned hereby certifies that this Record on Appeal contains all materials proposed to be included by any of the parties and not any other material.

RECEIVED

DEC 11 2013

SC Court of Appeals

December 9, 2013


T. Jeff Goodwyn, Jr., Esquire
Goodwyn Law Firm, LLC
2519 Devine Street, Suite A
Columbia, South Carolina 29205
(803) 251-4517
(803) 251-4527 (fax)
JGoodwyn@Goodwynlaw.com
Attorney for Appellant