

LAW OFFICES OF JOHN E. CHEATHAM, P.A.

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February 28, 2019

V. Claire Allen
Deputy Clerk
Post Office Box 11629
Columbia South Carolina 29211

RECEIVED
MAR 04 2019
SC Court of Appeals

Re; Vivy Haynes Bone v. Robert G. Bone, et al
Appellate Case No. 2019-00005

Dear Deputy Clerk Allen:

In that Mr. Bryan P. Kelley commented on the underlying case which included a breach of a Conservator Fiduciary Duty by Robert G. Bone, Conservator for Albert D. Bone, I feel I must respond.

Initially, a Conservator is personally liable for his misconduct or malfeasance in office.

Section 62-5-429. Individual liability of conservator, provides as follows:

(b) The conservator is individually liable for obligations arising from ownership or control of property of the estate or for torts committed in the course of administration of the estate only if he is personally at fault.

(c) Claims based on contracts entered into by a conservator in his fiduciary capacity, on obligations arising from ownership or control of the estate, or on torts committed in the course of administration of the estate may be asserted against the estate by proceeding against the conservator in his fiduciary capacity, whether or not the conservator is individually liable therefor.

The Conservatorship of Albert D. Bone was started in 2009 by his brother Robert G. Bone, while the Family Court case between Vivy Haynes Bone and Albert D. Bone was pending. While the Final Decree of the Family Court made a division of assets between the parties, it left it to the Probate Court to determine what the assets were. (Att. 1)



While there were ongoing disputes with the Probate Court and its conduct in handling the Conservatorship prior to May 10, 2016, the most egregious incident occurred on May 10, 2016, at a Hearing that was scheduled to review tax returns starting at 10:00 am (Att. 2), then rescheduled for 1:00 pm (Att. 3, p. 20), then rescheduled for some unknown time after 10:00 am because, Bryan P. Kelley could not stay until 2:30 p.m. (Att. 4, p. 1) (which, was noted by the Court as the time Attorney Cheatham's assistant had mistakenly scheduled the Bone hearing time for that date).

According to the Notice of Hearing (Att. 2) the Hearing was scheduled to consider the Tax Returns filed by Robert G. Bone on behalf of Albert D. Bone, for the years 2010 through 2014, and the documents to be reviewed included a Tax Report prepared by Judith Dooley (Att. 5) on behalf of Robert G. Bone, which also included a letter, with tax attachments, from James Cook to Judge Little.

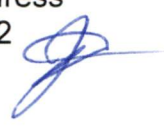
The May 10, 2016, hearing included the testimony of Bryan P. Kelley and the testimony action of Robert G. Bone. (Att. 4,)and the report on the Tax Returns prepared by Judith Dooley (Att. 5)

The statement by Judge Little in the May 10, 2016, transcript states that the hearing is to consider the Tax Returns filed by Robert G. Bone on behalf of Albert D. Bone for 2010 through 2014. (Att. 4, p. 1).

At the hearing, there can be no dispute that the record reveals that Judge Little called Bryan P. Kelly and Robert G. Bone to testify, and put them both under oath before they each testified (Att. 4, p. 1).

As per the attached transcript of the May 10, 2016, hearing (Att. 4, p. 1), Bryan P. Kelley was sworn in by Judge Little. Kelley testified that he had reviewed the Dooley Tax Report and was aware of the \$190,00.00, \$177,000.00, and \$13,000.00 as set forth in the 2010 tax return (Att. 4, p. 2) and the 2011 through 2014 were correct as filed by Robert G. Bone for 2010 through 2014, (Att. 4 p. 2). His question was whether or not the money was put into the Conservatorship and properly distributed for the Court, and he answered by stating, "I have not seen anything to indicate otherwise. Based on my review of the documents it seems the everything appears to be in order and having said that I am here to (inaudible) the Court as to your inquiry of our bonding of the conservator and as to whether any malfeasants occurred." (Att. 4 , p 2)

The issue not addressed is that the testimony of Kelley directly contradicted the Dooley Tax Reports that he based his testimony on. Dooley's report of March 24, 2016, reveals the Tax Return as filed were incorrect as there was \$606,659.82 reported, but there were unreported rollovers of \$351,020.20 and \$94,639.82 (Att. 5, March 24, 2016 and Cook letter of March 23, 2016 sent to Judge Little) Additionally, Kelley did not address the remaining values of the attachments, which were \$183,485.02 and \$95,639.82



Page 3 of Letter to Deputy Clerk Alien date February 28, 2019

The Dooley report of March 24, 2016, revealed total assets of \$1,396,992.41 for 2010; And none of the assets revealed have been accounted for in any Conservator accounting. (Att. 6)

Judith Dooley's report of March 31, 2016, (Att. 5) was in direct contradiction of what Kelley testified to as to the 2011 Return and respective accounting, as it revealed \$125,367.51 yet none of this was included in any Conservator Accounting. (Att. 6) In preparing this response the undersigned first noted an unaccounted rollover of \$808.77.

Judith Dooley's report of March 31, 2016, (Att. 5) was in direct contradiction of what Kelley testified to as to the 2012 Return and respective accounting, as it revealed \$71,257.00 yet none of this was included in any Conservator Accounting. (Att. 6),

Judith Dooley's report of March 31, 2016, (Att. 5) was in direct contradiction of what Kelley testified to as to the 2013 Return and respective accounting, as it revealed \$51,192.00, yet none of this was included in any Conservator Accounting. (Att. 6),

None of these assets are accounted for in the Conservator Accountings filed by Robert G. Bone, and thus Kelley's testimony that Accountings are correct is in error, and clearly contradicts the evidence he claimed to base his opinion on. This argument is one the undersigned has been trying to get someone to realize as being the only one established by the Dooley evidence, all to no avail.

Robert G. Bone's testimony that all transfers were to the CMA checking account and that he paid the bills out of that account (Att. 4, p 3) and that all transfers to that account were taxed removals from the estate were heavily taxed so he only received 50% (Att. 4, p. 4) is in direct contradiction of the attachment for same as it indicates only \$17,000 was withheld as Federal Tax and \$6,081 was withheld as state tax. (Att. 7) The other transfers that are taxable for 2010 indicate comparable taxes. (Att. 8) Transfers in 2010 of \$71,504.14, \$65,625.47, \$279,530.21, \$351,020.20 and \$65,639.62, were all verified tax free in the Dooley report (Att. 5) as they went to an IRA for the benefit of Albert D. Bone. (Att. 5, 8)

Thus, the erroneous ruling by the Court, which Order stated the purpose of the hearing was reviewing Tax Returns for 2010 through 2014 (Att. 9) in accepting the Conservator's Accountings was incorrect and based upon improper testimony. Judge Little's only response to being confronted later about such was that was that she did not see any million dollars. (Att. 3, p. 10)

Clearly Dooley's report establishes that over one million dollars in assets existed (Att. 5) yet no one associated with this case will admit. Further, no Conservator accounting has accounted for same. (Att. 6)



All the undersigned has been trying to do is recover the missing assets from the Conservatorship of Albert D. Bone to the benefit of his client, Vivy Haynes Bone, as provided under the Family Court Final Decree. (Att. 1)

I have done everything possible at the proper time. Most probably not since this case has grown to over 30 banker boxes full of materials from the case, and every time I seemed to be making progress in the Probate Court and in the Court of Common Pleas, no one wanted to consider the evidence introduced by the Conservator established missing assets.

Finally, at the February 20, 2018, hearing I was having physical difficulties with my hearing, was anemic, had low oxygen levels, and other items that made it very difficult for me to participate and make a coherent argument. The major memory I have of the hearing is wondering why all of the people in the Courtroom had an unusual look on their face which made me wonder if I was making any sense. Most probably not. That is why I made a Motion to Reconsider same.

Thus I did not realize until much later that Judge Early and Attorney Kelley agreed at the February 20, 2018, hearing that no relief on Kelley's Motion for Contempt could proceed until Judge Dickerson ruled upon the Kelley's outstanding Motion to Dismiss (Att. 10, p. 14) which stayed all proceedings until ruled upon.

Judge Early then found I acted improper by filing a Motion while Judge Dickerson's Motion To Dismiss was Outstanding, but proceeded to rule upon Kelley's Motion to hold me in contempt, although it was filled and heard when the same Motion to Dismiss was outstanding.

Then the issue of Robert G. Bone having filed Bankruptcy on November 17, 2017, which was approved on September 24, 2018. (Att. 11)

It is and was my understanding that from the date a Chapter 13 is filed, a restraining order goes into effect on the date of Filing as against all creditors and co-creditors of the person filing bankruptcy, Robert G. Bone in this matter.

Obviously, the Order of Judge Early from the February 20, 2018, hearing was before Judge Dickerson's order of June 6, 2018, and the question presented is how Judge Early and Attorney Kelley can agree that no proceeding could occur at the February 20, 2018, hearing, that all issues were stayed by Judge Dickerson's pending Motion (Att. 10 p. 14) plus, after the November 17, 2017, filing date of the Robert G. Bone Chapter 13, Bankruptcy this matter was stayed according to information provided to the undersigned.

Likewise, the April 26, 2018, Order of Judge early is after the Bankruptcy, as is his Order of November 19, 2018.



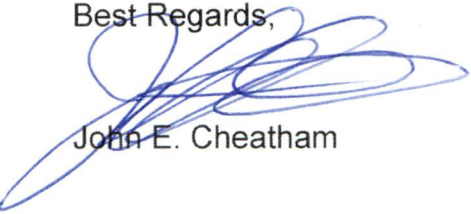
Judge Early's November 19, 2018 Order (Att. 12).stating in his Order that I had called and stated I was running late, but since that had happened before, he was not waiting and dismissed my Motions. (What was said or done cannot be verified by any record, as no record was created on that date according to Judge Early's court reporter Sigwald (Att. 13)

The main reason I was late on September 24, 2018, was I spent time trying to file a Notice of Bankruptcy, but the E-flex message that I received was that the system was down and should be back up any time. When I realized it was not going to come back up, I emailed the Notice of Bankruptcy to Judge Early and to attorney Kelley. I called Judge Early's office to make sure it had been received, and was advised to send it directly to Judge Early, which I did. I called Attorney Kelley's office to make sure it had gone through, and if I recall correctly no one was available.

I then finished getting ready and left for Aiken, and while on the way my assistant called the Courthouse to explain that I would be a few minutes late. I did not record the specific time I arrived, but would estimate it was between 8 to 15 minutes late. I was advised by a Clerk of Court employee that Judge Early had left the Courthouse.

Judge Early apparently ruled without officially calling the case as of record (No Transcript as per Stigwald, Court Reporter for Judge Early, Att. 13) Vivi Haynes Bone was inside the Aiken Courthouse on the morning of the hearing.

Best Regards,



John E. Cheatham

A copy of this letter was served contemporaneously to:

Mr. Bryan Patrick Kelley, Esquire
PO Box 1887
Greenville SC 29602-1887

Robert G. Bone
888 Currytown Road
North Augusta SC 29861

Albert D. Bone
803 Vancouver Road
North Augusta SC 29841

AFFIDAVIT OF MAILING

Vivy H. Bone v Albert D. Bone, Robert G. Bone, et al

No. 10-DR-02-0284

I, John E. Cheatham, affirm under penalty of perjury, that on the 1st day of March, 2019, mailed a letter to V. Claire Allen with Attachments concerning the above matter with the correct postage attached with copies to the following at their respective addresses labeled.

V. Claire Allen
Deputy Clerk
P.O.Box 11629
Columbia, SC 29211

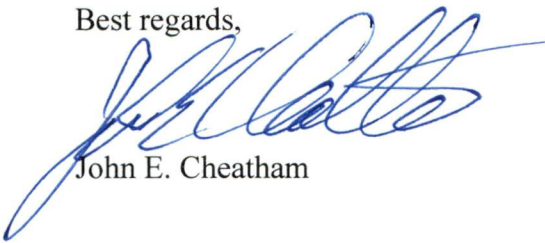
Robert G. Bone
888 Currytown Rd.
N. Augusta, SC 29061

Albert D. Bone
803 Vancouver Rd.
North Augusta, SC 29841

Bryan P. Kelley, Esq.
Post Office Box 1887
Greenville, SC 29602

RECEIVED
MAR 04 2019
SC Court of Appeals

Best regards,



John E. Cheatham

Sworn to before me this 1st day of March, 2019.



Alice L. Cameron

My commission expires 3-31-21

LETTER OF FEBRUARY 28, 2019, TO DEPUTY CLERK ALLEN

INDEX TO ATTACHMENTS BONE V. BONE

- 1. FINAL DECREE OF DIVORCE BONE V. BONE**
- 2. NOTICE OF HEARING TO BE HELD MAY 10, 2016**
- 3. PARTIAL TRANSCRIPT OF MAY 17, 2016, HEARING**
- 4. TRANSCRIPT OF MAY 10, 2016, HEARING**
- 5. JUDITH DOOLEY TAX REPORTS (3-24-16 AND 3-31-2016)**
- 6. CONSERVATOR ACCOUNTINGS 2009 THROUGH 2017**
- 7. ALBERT D. BONE TAX ATTACHMENT FOR 2010, \$177,000**
- 8. ADDITIONAL ALBERT D. BONE TAX ATTACHMENTS FOR 2010**
- 9. JUDGE LITTLE'S ORDER OF 5-12-2016**
- 10. PARTIAL TRANSCRIPT OF FEBRUARY 20, 2018 HEARING**
- 11. NOTICE OF ROBERT G. BONE'S BANKRUPTCY**
- 12. JUDGE EARLY'S NOVEMBER 19, 2018 ORDER**
- 13. BONNIE KELLY'S EMAILS ABOUT NO JUDGE EARLY TRANSCRIPT**

STATE OF SOUTH CAROLINA

COUNTY OF Aiken

VIVY ANN HAYNES BONE

Plaintiff,

vs.

ALBERT D. BONE and ROBERT GRADY, ET AL

Defendant.

IN THE FAMILY COURT
SECOND JUDICIAL CIRCUITJUDGMENT IN A
FAMILY COURT CASE

Docket No. 10-DR-02-0284

Submitted by:

PAIGE WEEKS JOHNSON

Attorney for ☐ Plaintiff ☐ Defendant
or
☐ Self-Represented Litigant. ☒ GAL

DECISION BY COURT (check all that apply)

- ☒ This action came to trial, hearing or was resolved by consent and an order was rendered.
☐ This action has been dismissed pursuant to ☐ Rule 12(b), SCRPC ☐ Rule 41(a), SCRPC
☐ Rule 43(k), SCRPC ☐ Family Court Benchmark
☐ Other: _____

IT IS ORDERED AND ADJUDGED: ☒ See attached order; ☐ Statement of Judgment by the Court:☐ Additional information for Clerk: _____

ORDER INFORMATION

- This is a ☐ Temporary ☒ Final order. If Final, does this order end the case? ☒ Yes ☐ No
 Support ☐ is not ordered ☒ is ordered, and it is to be paid ☒ through the court. ☐ directly to the CP.
 Case number under which support is paid if different from this one: _____
 This order involves the immediate ☐ issuance ☐ dismissal of a bench warrant, or ☒ does not apply.
☐ The following motions are ended by this order (include motion filing date): None
☐ This order adds or dismisses the following parties to this case:
☐ dismiss ☐ add: _____ ☐ dismiss ☐ add: _____

INFORMATION FOR THE PUBLIC INDEX/TRANSCRIPT OF JUDGMENT (§ 20-3-670(B)(1))		
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 to enroll, 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)
NONE	NONE	\$NONE
NONE	NONE	\$NONE
NONE	NONE	\$NONE

If applicable, describe the property, including tax map information and address, referenced in the order:

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 South Carolina 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.

Family Court Judge

Judge Code

Date

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

SECOND JUDICIAL CIRCUIT
IN THE FAMILY COURT

VIVY ANN HAYNES BONE)

10 DR 02 284

Plaintiff,

-vs-

FINAL ORDER OF DIVORCE

ALBERT D. BONE, AND ROBERT
G. BONE, INDIVIDUALLY AND
AS CONSERVATOR OF
ALBERT D. BONE, PAIGE W.
JOHNSON, AS GUARDIAN *AD*
LITEM FOR ALBERT D. BONE

Defendants.

STATE OF SOUTH CAROLINA,
COUNTY OF AIKEN,
I, Liz Godard, Clerk of Court of Common Pleas and General
Sessions for Aiken County, South Carolina do hereby certify
that the foregoing constitutes a true and correct copy of the
original documents which have been filed in my office this

MAY 28 2015

CCCCP & G. S. Aiken County, S.C.

Deputy Clerk

DATE OF HEARING: FEBRUARY 18, 2015

PRESIDING JUDGE: DOROTHY MOBLEY JONES

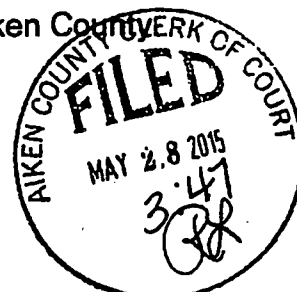
ATTORNEY FOR PLAINTIFF: JOHN E. CHEATHAM

ATTORNEY FOR A.D. BONE: *PRO SE*

GUARDIAN AL LITEM FOR A.D. BONE: PAIGE W. JOHNSON

COURT REPORTER: T. Dayton Grainger, Jr.

The Court calls the case of Bone v. Bone case, number 2010 DR -32-0284,
which is a case involving all marital issues between the parties, except that of custody
which has become moot by virtue of the age of the parties' child being over 18 years.
This matter was properly filed, commenced and served on the Defendants, who both
made general appearances. I find this Court has jurisdiction of all parties and of all
issues set forth in the pleadings filed herein, and venue is proper in Aiken County.



Mr. Albert Bone, appeared, with his Court appointed Guardian *ad Litem*, Paige W. Johnson, Esq., and he also has a Probate Court Conservator, Robert G. Bone, as Albert D. Bone has been deemed incapacitated by the Aiken Probate Court. Robert G. Bone is also listed individually in this case.

Based upon representation by Paige Johnson, GAL for Albert D. Bone, and the finding of the Probate Court that he is in need of a conservator, I find that Mr. Albert D. Bone does not have the capacity to testify in this matter, and further, that his testimony would not be in his best interest.

I further find that the Conservator can bind him to the agreement reached by the parties, if the Court approves same, and if such is recommended to be in his best interest by the GAL.

The Court indicated to the parties that this was a 2010 case and that everyone was abiding by the applicable rules. That is, this case was going to be settled, tried or dismissed. The parties indicated they were trying to resolve the matter by assigning almost all assets to Vivy Haynes Bone and the transfer of other rights and claims to the Plaintiff, in order to resolve equitable apportionment by and between the parties.

Ms. Johnson represented that Mr. Albert D. Bone could not make any or all decisions on his own, but that his Probate Conservator Robert Grady Bone is here in that position and individually. The Court inquired of Robert G. Bone, and found him qualified to proceed *pro se* and as Conservator, as he is a fifty-five year old male, who has worked all of his life in construction, which required life skills that qualified him to proceed as Conservator.

At the Hearing the Court receive updated financial declarations from both parties.

After consultation and negotiation, the parties reached an agreement that was read into the record by Ms. Johnson.

Prior to Ms Johnson so reading, the Court informed Mr. Albert D. Bone, Mr. Robert G. Bone, and Vivy Haynes Bone, to listen carefully to the comprehensive, lengthy agreement, as it was read into the record. The Court advised them that, after it was read into the record, all parties would be questioned about it being a correct agreement of all issues, that it was understood, freely entered into, and the Court had to consider additional matters to make sure the agreement is a full resolution of every issue in dispute.

MS. JOHNSON: "The Conservator, Robert G. Bone, individually and on behalf of Albert D. Bone, and the Plaintiff, Vivy Ann Hayes Bone, has agreed as follows:"

(Items in quotes [" "] are taken directly from the transcript in this case.)

"Initially, the Conservator will continue paying alimony to Mrs. Bone; however, the alimony will be reduced to four hundred dollars per month, as of March, 2015, and twelve payments will be made at four hundred dollars a month. These will continue to be paid through the Clerk of Court's office for a total of \$420. It is a twelve month alimony payment, non-modifiable, except upon the death of Albert Bone or Vivy Bone." When Mr. Albert Bone's disability check is directly deposited into his account, then Merrill Lynch is automatically sending a check to the Clerk of Court's office every month.

The disability check does not come in until around the 18th of the month. So, we agree to say by the 25th of every month beginning March 25, 2015. If it is determined that there is any arrearage, it will be resolved as soon as possible. The Clerk of Court keeps the record of any payment that goes through that office. So, we will be using the

Clerk of Court's accounting records and printouts, because they are automated. So, it will be whatever the Clerk of Court records reflect. That if the Clerk of Court determines that there is any arrearage owed, that that arrearage must be paid before the alimony is terminated."

"The husband owns a two-twelfths interest in High Brass Plantation in Edgefield County. The wife will receive all of the husband's interest in High Brass Plantation; however, it will be subject to any liens that might be associated with husband's interest. There is no mortgage on the property, but attached to the financial declaration is a statement from a representative of High Brass that there's some past due dues, and then, there was some equipment bought that Mr. Bone did not contribute to, which total \$8,200.00. So, she is taking this subject to that, with the Plaintiff reserving the right to ask a representative of High Brass Plantation for verification of those expenses prior to any payment."

"There is a condo owned by the husband and wife at 25 Summit Court in North Augusta. The Conservator will deed the husband's interest in that condo to the wife. The wife will begin receiving the rent from the condo as of March 1, 2015. The rental account is located at, Merrill Lynch, and it has \$2,304.44 in that account. The Conservator will close that account on or before March 1, 2015. He will issue two checks. One will be issued to Nationwide Insurance Company for the Conservatorship Bond that is due March 25, 2015 in the amount of \$1,118.00. The remaining, \$1,186.44 will be issued to Paige W. Johnson as Guardian ad Litem as payment towards the two thousand dollars that she was to be paid many months ago when she was appointed Guardian ad Litem. That leaves a balance of \$406.78 each for the Plaintiff and for the

Conservator to pay on the remaining balance to the Guardian which will be paid by May 18, 2015. The Guardian *ad Litem* agrees to accept the two thousand dollars as payment in full for all services rendered as Guardian *ad Litem*."

"In March the Plaintiff will open up her own rental account, and she'll be dealing directly with Meybohm who has the rental. Now, it's actually not a contract. So, if the Plaintiff decides to terminate the services of Meybohm she can do that, and the

~~Conservator will put Meybohm on notice of the change of ownership in the condo."~~

"Mr. Albert Bone worked for twenty-eight years for Merrill Lynch who was then later bought out by Bank of America. So, part of that pension was premarital. We have found out specifically through a phone call this morning that at age sixty-five Mr. Albert Bone can draw \$687.52 a month as a pension. The Conservator has agreed that that annuity or pension will be divided equally with the Plaintiff and that the Plaintiff would be responsible for the preparation of the QDRO or any other paperwork necessary to affect that transfer to her; establishing an account or whatever needs to be done."

"The husband has a 2005 Ford Expedition. He will continue to be responsible for all costs associated with that and will maintain possession of that along with all personal property that he has in his household."

"The wife has been driving a 2003 Ford Expedition titled in the husband's name. If the wife has that title, she agrees to produce that title in the next few weeks. If she does not, the Conservator will apply for a duplicate title, and he will sign the title over to the wife for that automobile on or before April 1, 2015. At that point the wife will get her own car insurance. As soon as it goes into her name she's responsible for getting the insurance on that vehicle. The last day should be April 15, 2015."

The Wife will maintain possession of that along with all personal property in her household.

"Each party is responsible for their own attorney's fees and costs. Mr. Bone will continue to be responsible for and will pay in full all of the past due IRS debt, which is reflected on his financial declaration. The parties last filed jointly in 2006, and this IRS debt is just in Mr. Albert Bone's name; and the Conservator has set up a payment plan, which deducts six hundred a month out of Albert's checking account."

"The Wells Fargo debt, Mr. Bone will be responsible for, even though Mrs. Bone is getting the condo. This is a debt associated with a heating and air unit that just had to be replaced in the condo, but Albert will continue to make those payments and will pay those in full."

"Mr. and Mrs. Bone will be responsible for any separate debt on his/her financial declaration." "Each party shall be responsible for his or her own medical and dental insurance, and any uninsured medical and dental expenses."

"If the Conservator for the Husband or the Wife refuses to sign any documents necessary to implement this agreement, that upon application to the Clerk of the Family Court, which has approved this agreement, the Clerk will sign such documents and in so signing will transfer all rights of the party refusing to sign as if that party had actually signed such document. So, in other words, the Clerk will sign anything to effectuate the intent of this agreement. That is if someone is either I guess impaired to the extent they can't do it or decides they don't want to, they're already bound to do it; therefore, the Clerk of Court has the authority for that person to execute whatever documents are necessary to comply with the intent of this agreement."

"The each party will take free and clear of all claims of the other, such furniture, fixtures, household goods, that type thing, in his/her possession."

"The parties agree they will not incur any bills or obligations for services, property or any other matter in the name of the other party, which is standard. In other words, you can't go out and start charging to the other party."

The Conservator affirmatively states that there is no other wealth than what has ~~been claimed on the financial declaration, there is no depositor accounts, cash stored,~~ stocks, bonds, anything else of value anywhere. Robert, individually and as Conservator represents Albert D. Bone never had any foreign accounts or investments, any investment within the United States not previously disclosed, and he's verifying and affirming that he has disclosed all items of value acquired before or after the marriage. Everyone understands that if any such asset has not been disclosed, then, the Wife will have the right to proceed with obtaining all of Albert's interest in anything of value not disclosed. Robert is also affirming, in any capacity, he has disclosed all of Mr. Albert Bone's interest in receiving payments from, having any monies deposited in or having anything of value connected with Merrill Lynch, Bank of America, JP Morgan Chase, Savannah River Plant Credit Union or any other like institution. That is, if the Wife discovers anything of value, including cash, including stocks, depository accounts, or anything of value undisclosed, all of that, she gets all of it. She gets every bit of it. If she finds an offshore account she gets every bit of it. So, the Wife gets anything and everything so discovered; and Husband agrees she can have it all and he waives any and all claims to such."



"In consideration of equitable apportionment Robert G. Bone as Conservator for Albert D. Bone transfers and conveys all of Albert D. Bone's rights, titles, interest, claims and demands in and to all causes of action in or related to actions or inactions regarding any injuries, damages, money, assets, stocks, bonds, contracts and all other items of value arising out of any contract or agreement or transaction which Albert D. Bone may own or attain any interest in by virtue of any current interest in the same, and by non-disclosure of same in this matter."

"Mrs. Bone has an action pending in the Aiken County Probate Court for an accounting and malfeasance of the Conservator, and against Robert G. Bone individually, and anticipates additional litigation against Liberty Mutual Insurance, Merrill Lynch, Bank of America, and any other entities that may now hold or in the past have held, anything of value as to avoid it being included as marital and/or non-marital property in the proceeding before this Court. If there's some irregularities the Wife would want to proceed against any bond or entity liable. Then, if that happens and any recovery is made, then, none that item of value or recovery would go to Albert D. Bone; that money or item of value would be owned and/or payable to Vivy Haynes Bone."

"Further, if any civil action in any Court against Merrill Lynch, J.P. Morgan Chase, or Bank of America alleging that they allowed money to be withdrawn inappropriately and Vivy Haynes Bone makes some recovery, that recovery would go solely to Vivy Haynes Bone. The intent is to assign any interest to in and to of Albert D. Bone unto Vivy Haynes Bone, except for the items fully and specifically revealed by Albert D. Bone in this proceeding."

The Court inquired of Mr. Robert G. Bone if he was in a position to do that today, and he responded he was.

"Thus, Vivy H. Bone will have the right to bring such actions and/or assert such claims or demands in the name of Albert D. Bone and/or Robert G. Bone individually and as Conservator or in the name of Vivy H. Bone."

Vivy H. Bone will be solely entitled to the proceeds obtained, any money or property obtained and anything of value she decides to settle if she decides to settle any right, claim, demand or cause of action."

If there's something that hadn't been disclosed, if something pops up that's out there, money, property, asset, whatever or a contract that's going to bring in some money and Mr. Albert Bone is entitled to it she gets it, unless it was disclosed.

Such agreement is binding against any and all persons, corporations, partnerships, sole partnerships, their heirs, personal representatives, successors and assigns arising out of the fact on which the cause of action is based. Vivy H. Bone accepts such assignment without recourse and with the understanding she owes no duty or recovery to the husband, and all decisions are to be in her sole judgment and for her sole benefit and without regard to any adverse result or consequence to the husband."

The Court has been advised that there are no existing life insurance policies on Albert Bone. However if a policy is discovered, the Wife Vivy will be made beneficiary of same.

The parties agree that whatever Mrs. Bone has agreed to today cannot be then turned and used against her to prejudice Mrs. Bone in any claim, action or entitlement she may have in another lawsuit or another court."

Upon inquiry of Vivy Haynes Bone and Robert G. Bone, I find there is no possibility of the parties considering a reconciliation of the marriage.

Upon agreement between the parties, the Plaintiff amended her complaint to ~~request a divorce on the grounds of one-year separation, without cohabitation.~~

Vivy Haynes Bone then testified she and her husband lived separate and apart for over one year prior to the commencement of this action; and that they last lived together as husband and wife in Aiken County. She requests a divorce on the grounds of one-year mutual separation with no cohabitation for one year.

She further testified these grounds are true and that no one is trying to defraud the Court into getting a divorce.

Robert G. Bone, being duly sworn, verified the fact that Vivy and Albert last lived together as husband and wife in Aiken County; and that he has known both parties for clearly several years and that they have lived separate and apart, without cohabitation, since 2006.

The Court established thirty days from the filing of this Order to transfer the deeds and titles between the parties.

The Court will retain jurisdiction to execute any further or supplemental orders, including qualified domestic relation orders. The QDRO will be submitted within 60 days of the filing of this Order Court. The Plaintiff shall be responsible for preparing the QDRO and for any expense involved.



The Court will terminate and release the GAL from any further services, upon the filing of this Order.

I find The Defendant is not in the Armed Services of the United States and is not entitled to protection under the Soldier's And Sailor's Civil Relief Act of 1940 as set forth in 50 USC Appendix Sections 501 ET SEQ.

Consideration of Agreement

~~I find that each party, the Plaintiff and the Conservator, freely and voluntarily, with~~
knowledge, entered into the agreement, which, which is intended to be a full and final resolution of all marital issues, save that of divorce.

I find the parties are entitled to have the Court consider their rights granted pursuant to Title 20 of the South Carolina Code of Laws, 1976, as amended, as it pertains to marital issues, including divorce, alimony, attorney's fees, and equitable distribution.

I find that both parties testified that: 1) each understood the agreement and that no further explanation of it was needed or desired; 2) that each understood that if approved, the agreement became a Court order and was enforceable by the contempt powers of this Court; 3) that each was waiving his/her right to bring each and every issue before this Court and have the Court rule upon each issue after a full trial; 4) that if approved and adopted by this Court that the provisions, including that of alimony, could not be altered; 5) that each had made a full and honest disclosure of their respective finances on the family Court Financial Declaration; 6) that neither desired any other or further financial information from the other, and that each had sufficient information to make a reasonable decision as to requesting approval of the agreement;

7) that neither was under the influence of any mind altering substance at the time the agreement was signed or at the hearing; 8) that each understood the ramification of the Court approving the agreement ; 9) that each was competent, or had someone competent, to enter into the agreement and did so freely and voluntarily; and 10) that each was satisfied with the agreement under the circumstances and each believed that it was in his/her best interest to have the Court approve same.

~~In that the within matter is before the Court pursuant to a divorce action, and in~~
that both parties want approval of the agreement, it is appropriate for the Court to consider such agreement dealing with the parties' marital issues. The Court is well aware of its duty to make an independent determination that the agreement is a fair resolution of such issues.

I find the benefits derived by the wife, a result of the agreement, are substantial, fair, and reasonable. Likewise, I am convinced that the benefits derived by the husband, a result of the agreement, are substantial, fair and reasonable under the circumstances.

Considering the principles, set forth by the South Carolina Appellate Court's pertaining to the respective rights of parties and those pertaining to the approval of agreements by the Family Court, I find the agreement should be approved and that such should be adopted by and merged into this Court's Order, and issued as its Order.

DIVORCE

I find the Plaintiff seeks a divorce on the grounds of separation, without cohabitation, for more than one year prior to the filing of this action.

I find the Defendant and the Plaintiff separated in 2006, and have lived separate and apart, without cohabitation, since that date. I find such testimony of the Plaintiff was appropriately corroborated by separate testimony from a witness whose name appears in the transcript of this matter, and as per *sua sponte*.

I thus find the parties have lived separate and apart continuously, without cohabitation, since their separation in 2006, and such is conduct within the meaning ~~contemplated by the laws of this State for authorizing the granting of a divorce to~~ Plaintiff. I find such conduct has interfered with the parties' marriage and the relationship between the parties has deteriorated to the extent that it has become impossible for Plaintiff to continue to live with the Defendant.

I find there has been no collusion or fraud between the parties for the purposes of obtaining a divorce, and that the grounds for divorce, that of mutual separation, without cohabitation, do in exist; and that the parties have complied with the Laws of this State as to the granting of divorces on such grounds.

I find the Plaintiff has complied with the laws of this state as to the proving grounds for a divorce, and thus find she is entitled to a complete divorce, a *vinculo matrimonii*, from the Defendant.

I find that the Guardian ad Litem has complied with the rules and statutes and has performed her duty in a satisfactory manner.

CONCLUSIONS OF LAW

I conclude as a matter of Law that this Court has Jurisdiction to hear and determine all issues in this action and that it has *in personam* jurisdiction of the parties. This Court has the authority to issue an Order of divorce and to grant relief incidental

thereto. Article XVII Section 3 of the South Carolina Constitution; and Title 20 of the South Carolina Code of Laws, 1976, as amended, including sections 20-3-140 and 20-7-420.

I conclude that the agreement should be adopted by the Court and issued as its Order, with right of enforcement as to any order of this Court.

IT IS THEREFORE, BASED UPON THE ABOVE FINDINGS OF FACT AS
~~APPLIED TO THE CONCLUSIONS OF LAW HEREIN SET FORTH,~~

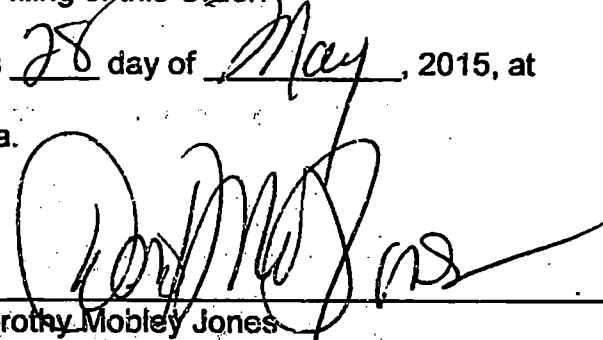
ORDERED, ADJUDGED AND DECREED that the parties' agreement as set forth above, is hereby approved and merged into this Divorce Decree.

IT IS FURTHER ORDERED that the Plaintiff is granted a divorce upon the grounds of mutual separation, without cohabitation, for a period of one year.

ORDERED that the Guardian ad Litem is relieved from any further responsibilities in this case, upon the filing of this Order.

AND IT IS SO ORDERED this 28 day of May, 2015, at

Aiken South Carolina.



Dorothy Mobley Jones
Presiding Family Court Judge

STATE OF SOUTH CAROLINA

IN THE PROBATE COURT

COUNTY OF AIKEN

IN THE MATTER OF Albert Dempsey Bone

CASE NUMBER 2007GC02-00060

NOTICE OF HEARING

Robert G. Bone
888 Currytown Road
North Augusta, S.C. 29860

John E. Cheatham, Esquire
Post Office Box 1345
Lexington, S.C. 29071

Bryan P. Kelley, Esquire
Elmore Goldsmith, P.A.
Attorney for Liberty Mutual
Insurance Company
Post Office Box 1887
Greenville, S.C. 29602

DATE: May 10, 2016

TIME: 10:00 a.m.

PLACE: Aiken County Probate Court
109 Park Avenue
Aiken, South Carolina 29801

DESCRIPTION OF PLEADINGS:

To review the attached explanations of tax returns regarding the years 2010 through 2014 as submitted per Court Order dated February 24, 2016.

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND
CORRECT COPY OF THE ORIGINAL ON FILE IN THIS COURT
WITNESS MY HAND AND SEAL OF THIS COURT THIS 10TH DAY OF
MAY 2016

[Signature]
CLERK OF COURT
AID. 2016
JAMES H. ROSE
CLERK OF PROBATE COURT, S.C.
[Signature]
CLERK

[Signature]
HONORABLE ANGELA E. LITTLE
ASSOCIATE JUDGE OF PROBATE

Executed this 4th day of
April, 2016.

#2

STATE OF SOUTH CAROLINA)

IN THE PROBATE COURT

COUNTY OF AIKEN)

Case Number: 2007GC02-00060

IN THE MATTER OF:)
ALBERT DEMPSEY BONE,)
An incapacitated person)

TRANSCRIPT OF HEARING

Summons and Petition for the)
Finding of capacity)
_____)

HEARING:

May 17, 2016

BEFORE:

The Honorable Angela E. Little
Associate Judge of Probate
Aiken County, South Carolina

APPEARANCES:

Robert G. Bone, Conservator for Albert D. Bone

Albert D. Bone

APPEARANCE OF COUNSEL:

John E. Cheatham, Esquire: Attorney for Vivvy H. Bone

Thomas P. Murphy, Esquire: Attorney for Robert G. Bone, Conservator

Patrick McWilliams, Esquire: Guardian Ad Litem for Albert D. Bone

Bryan P. Kelley, Esquire: Attorney for Liberty Mutual Insurance Bonding
Company

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John E. Cheatham, Esq.: I would just like to point out that you issued an Order March 2, 2015 that dealt with the Inventory and Appraisement etc. and they were supposed to produce and they never have produced. There are other Orders in the Probate Court that addressed them to make production of documents from 2013 which they have never done. That was per your Orders.

Honorable Angela E. Little: As far as I'm concerned they have produced everything to my satisfaction. We got letters from Merrill Lynch explaining the drop in the assets. We received an explanation from the attorneys that were involved in that matter in Family Court stating that everything had been part of the discovery in that Court. We received information from the CPAs that explained everything. It was explained to my satisfaction.

John E. Cheatham, Esq.: You are saying that the expenditures and all deposits and transfers have been.....

Honorable Angela E. Little: It appeared to me that it was clear through Merrill Lynch how they explained the monies were released.

John E. Cheatham, Esq.: I hate to beat a dead horse but we have the ten, eleven and twelve 1099s and W-2s is what you addressed.

Honorable Angela E. Little: That is right and the CPA explained them to my satisfaction.

John E. Cheatham, Esq.: The problem is they never were accounted for in the Probate Court. He did not include those in his accountings which he is supposed to do before we go in and accept his accountings. Those are the two reasons we were trying to get the information. The notice of hearing said you weren't going to rule on anything but the tax returns.

Honorable Angela E. Little: Well Mr. Cheatham at that hearing it was explained that those monies that had been attained from Merrill Lynch, the monies that showed on the income tax was not necessarily the money that was, it was from when he divested some of the stocks they were cashed in order to make those yearly payments that are part of the annual accounting. And that without the sale of the stocks there was no money to pay for monthly expenses.

John E. Cheatham, Esq.: I understand but when you take out over a million dollars.....

Honorable Angela E. Little: I didn't see any evidence of a million dollars coming out. Mr. Cheatham, I will say one more time I am not going to go over that again now. We have talked about it, why there wasn't a million dollars. Merrill Lynch sent information why there wasn't a million dollars and I am not going to through that anymore.

John E. Cheatham, Esq.: Inaudible.

J. Cheatham, Esq.:

(Inaudible) this shows there was additional items that the Court never properly considered because of the fact that the situation at the May 10th hearing we submitted all this and other documents to the Court and again we would ask the Court again to take judicial notice of those and make them a part of this transcript.

Honorable Angela Little:

Well that is fine Mr. Cheatham but.....

B. Kelly, Esq.:

I am sorry Your Honor I object to that. I don't see how this has anything to do with the issue at hand.

J. Cheatham, Esq.:

The issue at hand is he testified at the hearing that he had reviewed the accountings and they appeared appropriate and therefore the Court apparently accepted them. When he gives an opinion about an accounting then he should have investigated and made a determination.

Honorable Angela Little:

No sir he did not need to investigate that was up to the Court to take testimony from Mr. Bone and from you as opposing counsel and we didn't have an opportunity to do that because you did not appear at the hearing. That was an error made by your office or you personally whatever. If you had appeared at that May 10 hearing you would have had an opportunity to object if you didn't like the way the hearing was going. When Mr. Kelly was present that was the time for you to make your statements then. It didn't happen and this is a day late and a dollar short. This is nothing to do with what we are talking about now.

J. Cheatham, Esq.:

It is Your Honor because it is my position and I will offer testimony from my assistant that we were informed that the hearing was at one o'clock. The transcript gives a reason for moving the hearing up.

Honorable Angela Little:

No sir.

J. Cheatham, Esq.:

There is a transcript and therefore the moving from that transcript is inaccurate and again that is another reason we moved to recuse you from this because you stated at the hearing it was being moved up because we couldn't have a 2:30 hearing and a 2:30 hearing was never set. The only hearing that was ever set was at 1:00 and that was moved up.

Honorable Angela Little:

No sir.

B. Kelly, Esq.:

It was actually set at 10:00.

Honorable Angela Little:

The hearing was scheduled for 10:00.

J. Cheatham, Esq.:

It was reset.

Honorable Angela Little:

No sir it was not reset. No sir it was not reset. It was not reset for 1:00. There was an attempt to see if it was possible, it wasn't possible. Ms. Powell called your office and left a message. It would have been before the hearing started at 10:00 she would have left a message at your office saying the 1:00 hearing is not going forward we are going forward as scheduled. That was 10:00, you wouldn't have even left Columbia. You didn't arrive until 1:00. You would have left Columbia around 12:00. She called your office shortly after 10:00.

J. Cheatham, Esq.:

She talked with my assistant.

Honorable Angela Little:

I don't care who she talked with. She left a message at your office. I heard her leave it.

J. Cheatham, Esq.:

Well we didn't receive it. We said she said and again this is why an impartial Judge should be hearing all this. You have to go on who said what and when and when you have an employee you are obviously going to.....

Honorable Angela Little:

I overheard the message Mr. Cheatham. I am not taking anybody's word for it. I heard the message. It was left on your machine. When Ms. Powell had asked was somebody there to take the message when we called back to confirm it she was told yes. She called back and left the message. It was somewhat surprising when you turned up at 1:00 actually because you had been left the message. The hearing went off just after 10:00.

J. Cheatham Esq.:

When Ms. Powell called I was not there because I was at the Coroner's office.

Honorable Angela Little:

I understand.

J. Cheatham, Esq.:

She noted that in her, somebody did in their communication. We had it down for 2:30. She told my assistant that it was rescheduled for 1:00. That is why you should not be hearing it and my assistant should be allowed to testify that the hearing was rescheduled for 1:00 which it would have given us an opportunity to question Kelly and Mr. Robert Bone as to whether or not there situation was. When you go into a hearing and say we can't have it because he can't be here at 2:30 that is for the record. That is black and white and everybody knows that. All of this other stuff is he said she said. The record speaks that the reason was moved up and held was he couldn't be there at 2:30. That is what the record says. What you are doing now is exactly what I was afraid of you are saying it was just a mistake blah blah blah.

Honorable Angela Little:

No the mistake was yours Mr. Cheatham. It was scheduled in plenty of time. You received notice in plenty of time. Everybody else was here but you were not.

J. Cheatham, Esq.:

I admit that mistake and the Court was generous enough to reschedule for 1:00.

Honorable Angela Little:

No sir.

J. Cheatham, Esq.:

Yes it did. That is why we are having problems and somebody else should be hearing the case.

Honorable Angela Little:

Well you are certainly welcome to appeal.

B. Kelly, Esq.:

Your Honor, I will try to address the very small portion of that in my motion. The only thing that I need to rebut on is Mr. Cheatham's reference to Rule 26B5. He contends that my failure to submit a privilege log makes my Motion facially defective. What this Rule actually means is that when a party is producing written discovery to another including a document production if they are withholding documents from that production then the party holding those documents is required to provide a privilege log to the other side that says here is what we are withholding and I am not going to give it to you because it is subject to these privileges. Subpart B of 26B5 that has to do with information that is produced and then after production an issue about privilege comes up. To suggest that that Rule makes my Motion under Rule 26C defective it is inconsistent with the law. That is about the nicest way I know how to put it your Honor. In terms of the Conservatorship being closed I don't know what the status of the Conservatorship is to be quite frank. The last hearing that I attended had to do with the wards testamentary capacity. To my understanding that as a result of Your Honor's Order from the bench at that hearing the Conservatorship would be left open pending the filing of the Final Accounting. I don't know if the Final Accounting has been filed. The Conservator tells me that it has been but I don't know that. When I say that the matter has been adjudicated I am referring to the Petition filed by Ms. Bone in which she seeks a declaration from this Court that malfeasance has occurred by our bonding conservator. The Court has made a ruling on that. So that is what I mean when I say it has been adjudicated. I don't know if the Conservatorship has ended or not. It may have been or may not have been. Thank you Your Honor.

J. Cheatham, Esq.:

Were there any receipts submitted in 2014, 2013, 2012, 2011?

Honorable Angela Little:

Well it wouldn't have been. It wouldn't have been. We don't always on Conservatorships if we had everyone provide every receipt for groceries for regular living we would not have enough storage space. So we do not, unless it looks inappropriate on the accountings once reviewed we don't ask for it. If it is an extraordinary expense we want preapproval that is with all of them.

J. Cheatham, Esq.:

The 2013 said they were to all be preapproved.

Honorable Angela Little:

The monthly expenses are to be preapproved in this case that is not on every case. It is on this case.

J. Cheatham, Esq.:

There was an Order and I think it was when you first had set it up that the conservator was to get preapproval. No conservator account was ever set up. All he has been doing is running money through the CMA banking (inaudible). The statute that I cited said that there shall be no release of liability of the conservator until the final hearing has been held and he has accounted for all of the assets. You can't rule on something that a statute says has to be determined through a proper Petition. That has not been done. So your Order the way you are now interpreting it, which I think is wrong, but if you interpret it that way you have violated the Probate Code which says you cannot release a conservator from liability until capacity has been determined and a final hearing with a final accounting and a proper Summons and Petition filed by the conservator.

Honorable Angela Little:

But I have not Mr. Cheatham. I have not released the bonding company. I have not released the conservator. It has not been closed. It has not been. That is what we said at the other hearing. When we had the hearing for capacity I said I am not closing the Conservatorship everything stays in place. That is why Mr. Kelly brought it up a minute ago. It has not been, they have not been excused, and nobody has been excused.

J. Cheatham, Esq.:

I appreciate that clarification. That was a big load on my mind.

Honorable Angela Little:

No it is still open.

J. Cheatham, Esq.:

I just wanted to make sure about that. Now, as far as the discovery. He went in and testified. I am entitled to discovery.

Honorable Angela Little:

Who testified Mr. Cheatham?

J. Cheatham, Esq.:

Mr. Kelly. Therefore, I made and I will make another one. This is a situation where Mr. Kelly went in to Court and under oath testified that he had reviewed the tax returns, he reviewed the accountings and said they appear to be correct. Now, if the Court would instruct him to show me where those assets are in the accounting and if he would do so then it would certainly help me.

Honorable Angela Little:

But this gentleman would have no way to know. He said it appeared to be fine in his opinion. He wasn't saying it is definitely there. That was left up to the Court to decide.

J. Cheatham, Esq.:

He said in his opinion everything appeared to be fine.

Honorable Angela Little:

In his opinion and that is all it was his opinion. It wasn't a statement of fact he didn't know.

J. Cheatham, Esq.:

As we are now then we are running out of (inaudible) at some time when they file a proper Summons and Petition and schedule a hearing to discuss all these issues.

Honorable Angela Little:

Before the Conservatorship is closed we are going to have a final hearing to decide if the Final Accounting is correct. The bonding company is still in place.

J. Cheatham, Esq.:

Now again going back to my Motion to take the deposition we also had some written discovery. We have a situation where the attorney goes into testify and to me that should disqualify him from further representation because again he is making statements about what happened in his office. Again it is just a conflicting; there are so many conflicts that is why we need your recusal but anyway.

Honorable Angela Little:

Well I am denying the recusal Mr. Cheatham.

J. Cheatham, Esq.:

The situation then would be the Motion For Protective Order. Rule, excuse me, it says claims of privilege or protection of trial preparation materials. Now it says claims of privilege. That would be an attorney (inaudible) so if he has things that are protected by the attorney client privilege he is supposed to inform the Court. He can put them in a sealed envelope and let the Court review them in camera to determine if they are discoverable. He is not entitled just because he says it is all attorney client privilege. He has to establish this. I would at least ask the Court to require him to set forth what is required in Rule 26-5. If they are withholding information that may be relevant. We are entitled in having him do that especially in light of the fact that he testified at the trial. That is a major concern that we have is that he took an oath. He was under oath.

Honorable Angela Little:

But I also stated that was my error.

STATE OF SOUTH CAROLINA)

IN THE PROBATE COURT

COUNTY OF AIKEN)

Case Number: 2007GC02-00060

IN THE MATTER OF:)

ALBERT DEMPSEY BONE,)

An incapacitated person)

TRANSCRIPT OF HEARING

The matter of review of income)

tax returns regarding the years)

2010 through 2014 as submitted)

per Court Order dated)

February 24, 2016.)

HEARING:

May 10, 2016

BEFORE:

The Honorable Angela E. Little
Associate Judge of Probate
Aiken County, South Carolina

APPEARANCES:

Robert G. Bone, Conservator for Albert D. Bone

APPEARANCE OF COUNSEL:

Bryan P. Kelley, Esquire: Attorney for Liberty Mutual Insurance Bonding
Company.

Non-appearance: John E. Cheatham, Esquire: Attorney for Vivy H. Bone.

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Honorable Angela E. Little:

This hearing is being held in the chambers of the Probate Court for Aiken County, South Carolina on May 10, 2016. We're here in the matter of Mr. Albert Dempsey Bone: File Number: 2007GC02-00060. The Court scheduled this hearing regarding a clarification on 1099's that were filed previously. I would like the record to reflect that the attorney representing the bonding company is present and your full name, sir?

Bryan P. Kelley, Esq:

Bryan Kelley.

Honorable Angela E. Little:

Thank you, sir. Mr. Bone, the conservator is also present. Mr. Bone represents his brother Albert Dempsey Bone who was previously found incapacitated. Also, Mr. Cheatham is the attorney for his client Ms. Vivy Bone who had been going through a divorce settlement. Ms. Bone was previously married to the incapacitated Mr. Albert Dempsey Bone. The Notice of Hearing was sent out --- was mailed out on the 4th day of April by certified mail. We received notice that Mr. Cheatham just did pick it up later in that month on the 21st day of April. The attorney for the bonding company received his much earlier in the month but Mr. Cheatham did receive his notice. We've also received notification that Mr. Cheatham misread the hearing notice or his secretary made an error in writing it down on his calendar. At any rate, he has not appeared. On checking with his office, he is not in his office but at the Coroner's office. We checked with the attorney for the bonding company. He is not able to stay until 2:30 when Mr. Cheatham had it noted on his calendar so for courtesy sake I would ask you, sir, if you are not able to stay until 2:30? You are coming from Greenville? Is that how I understand it sir?

Bryan P. Kelley, Esq:

Correct.

Honorable Angela E. Little:

Okay, thank you, sir. The option then would be we can either schedule it for a different date or we can move forward with all the testimony here today and give Mr. Cheatham a chance to answer, whatever comes out today. So, I think for expediency we will move forward and we can provide Mr. Cheatham a transcript of the hearing. He'll have an opportunity to answer. At this point I would like to swear you in, sir. Would you raise your right hands, both you gentlemen?

ROBERT G. BONE

BRYAN P. KELLEY, ESQ.

HAVING BEEN DULY SWORN

AND TESTIFIED AS FOLLOWS:

Robert G. Bone:

Yes.

Bryan P. Kelley, Esq:

Yes.

Honorable Angela E. Little:

I would be glad to hear from you first, sir, representing the bonding company.

Bryan P. Kelley, Esq:

Your Honor, I don't have much to contribute, I guess, to this morning's proceedings and I did not anticipate the need to be heard. I'm mostly here in an observatory capacity. I think the Court based on the pleadings of record and my observations through hearings I've attended has this matter well in hand in terms of the issues at play. The only thing that I'll note is my understanding of the Court's Order from February that there was some need for clarification as to the \$177,000.00 of reported income on Mr. Bone's 2010 tax return. I have reviewed the documents that Mr. Bone submitted and I note that he included in his submission 2011 to 2014 which I assume is in response to the final paragraph to the Court's February Order which asks for some clarification of all tax returns and all income that had not been previously reported to the Court. Based on my review of the 2010 return that have been submitted along with the new documents that were submitted in response to the February Order it appears that there was an early distribution from what I believe was a IRA account with Merrill Lynch of \$190,000.00 one of those was for \$177,000.00 and the second one for \$13,000.00. It is my understanding that as a consequence of taking that early distribution in terms of a pre-retirement distribution that there was a significant tax penalty due to the fact that it was made early. In the 2010 report it indicates a net tax payment due of a little short of \$20,000.00 which is in addition to the \$26,611.00 in federal income taxes that had previously been withheld from the 2010 income. So, there was a significant tax burden as a consequence of taking (inaudible). It seems that the money, when it was withdrawn from Merrill Lynch and put into the conservatorship, I think that the question for the Court, I assume that the question for the Court is whether or not that money was put into the Conservatorship and once it got there whether it was properly distributed. I have not seen anything to indicate otherwise. Based on my review of the documents it seems that everything appears to be in order and having said that I am here to (inaudible) the Court as to your inquiry of our bonding of the conservator and as to whether any malfeasants occurred.

Honorable Angela E. Little: Did you have an opportunity to look over the CPA's explanation of the 2011 federal tax return? 2012, 2013 and 2014?

Bryan P. Kelley, Esq.: I did.

Honorable Angela E. Little: You did? It was dated March 31st.

Bryan P. Kelley, Esq.: Yes Your Honor I have it here in front of me.

Honorable Angela E. Little: And it said that there were IRA distributions of \$95,000.00, \$29,000.00 and the \$45,000.00?

Bryan P. Kelley, Esq.: I have reviewed that Your Honor.

Honorable Angela E. Little: And then also in 2012 there was \$71,000.00, \$29,000.00 and in 2013 \$3,700.00, \$51,000.00 and so on and so forth.

Bryan P. Kelley, Esq.: I have reviewed that Your Honor and I am not sure what specifically the Court is asking of me. I may be in a better position to respond or ask questions depending on different things, testimony on this. I certainly don't have any personal knowledge of those.

Honorable Angela E. Little: Thank you sir. I appreciate it. Mr. Bone if you would come up here please. Take a seat. Mr. Bone, I see that you did go to Ms. Judith Dooley to have the CPA try to clarify some of these distributions.

Robert G. Bone: Yes ma'am.

Honorable Angela E. Little: It appears that Merrill Lynch did distribute some funds to your brother or did they distribute them to you, yourself?

Robert G. Bone: They distributed them to a CMA checking account. Where then I paid bills with that money out of his checking account.

Honorable Angela E. Little: Okay. So in each of these cases, this \$177,000.00 that was stated in the 2010, that was \$177,000.00 worth of stock?

Robert G. Bone: Yes ma'am.

Honorable Angela E. Little: Okay, now did he actually receive \$177,000.00?

Robert G. Bone: No ma'am. You have to pay your ten percent penalty for early withdrawal. You have got a thirty-eight percent federal tax and a ten percent state tax that is taken out of all that money before it is ever distributed to your checking account.

Honorable Angela E. Little: Okay so of that \$177,000.00 he had, what percentage for income tax?

Robert G. Bone: Ten percent penalty for early withdrawal, you have to pay a thirty-eight percent federal tax and then a ten percent state tax.

Honorable Angela E. Little: So that is at least fifty percent then.

Robert G. Bone: Yes ma'am.

Honorable Angela E. Little: So of that half that he did receive of that \$177,000.00, that would be \$85,000.00 something like that.

Robert G. Bone: Yes ma'am.

Honorable Angela E. Little: What happened to that money?

Robert G. Bone: That money was distributed to his checking account which I disbursed to pay bills with.

Honorable Angela E. Little: Did you reflect that on your 2010 annual accounting?

Robert G. Bone: Yes ma'am. That is the top figure that you see on every annual accounting. That \$177,000.00 occurred throughout the year it was not all one disbursement.

Honorable Angela E. Little: Right it was several disbursements that added up to \$177,000.00.

Robert G. Bone: Right and on my annual accounting at the beginning of each year, that figure at the top of that accounting reflects because I am dealing in stock so I have to tell you that I have \$200,000.00 in stock it is not cash and then as I sell the stock to fund his checking account then that is the money that goes into his checking account which would then have a check wrote against it.

Honorable Angela E. Little: Okay so that top amount that is on the top of each annual accounting that is all part of what was on that initial Inventory then? That \$230,000 on the Inventory that was never in cash? That was all in stock?

Robert G. Bone: All in stock. That is all he ever dealt with is stock.

Honorable Angela E. Little: So the initial accounting on the inventory was in stock, what it was valued at, at that time.

Robert G. Bone: Yes ma'am.

Honorable Angela E. Little: Okay and we had previously noted from Merrill Lynch where they said that was because his, all his stock had been in that one Merrill Lynch stock which took a dive.

Robert G. Bone: Yes.

Honorable Angela E. Little: So you are saying that each year you started out with that amount that was in stock but when you cashed it, it was not that full amount because of these?

Robert G. Bone: Because of penalties and interest.

Honorable Angela E. Little: Okay.

Robert G. Bone: That is why you have a little deviation in the figures because the stock market would change every day. The stock market went up his figures went up, if it went down his figures would go down.

Honorable Angela E. Little: So at no point during these annual accountings that this cash that was shown you never had access to the cash then it was all stock.

Robert G. Bone: It was all stock.

Honorable Angela E. Little: It would have been so much easier Mr. Bone if you had relayed that to us so that we could have understood.

Robert G. Bone: I thought I had explained that several times that it was in stock not cash.

Honorable Angela E. Little: Okay.

Robert G. Bone: If I needed a \$1,000.00 to go in his checking account to pay bills I would end up having to pay, cash in \$1,500.00 to \$2,000.00 worth of stock to cover the interest and the penalties just to get the \$1,000.00 in the checking account.

Honorable Angela E. Little: I also noted that his retirement, he has not started receiving his retirement yet has he?

Robert G. Bone: No ma'am.

Honorable Angela E. Little: He has not started receiving his retirement.

Robert G. Bone: He is not old enough. He is only 59.

Honorable Angela E. Little: He is just 59 now, okay. What age would he be eligible for that?

Robert G. Bone: Anything after 62 I believe.

Honorable Angela E. Little: Like social security kind of thing. Okay.

Robert G. Bone: Those accounts are locked and nobody can mess with those. He couldn't do an early withdrawal and start retirement early if he wanted to or nobody can even pull money out of those accounts.

Honorable Angela E. Little: So then you would not know exactly what would be eligible for him to receive in retirement at this point anyway then would you?

Robert G. Bone: Family Court, in the Family Court when they started splitting up the marital assets they got a Court Order and went to Merrill Lynch and I think at age 62 it is going to be a little over \$18,000.00, I mean \$1,800.00 a month that he could draw at 62. So the Court split that money up he will get a check and Ms. Bone will get a check they split it up in half.

Honorable Angela E. Little: So it will probably be eight or nine hundred dollars each.

Robert G. Bone: Each month.

Honorable Angela E. Little: And until that time Ms. Bone does not receive any more alimony does she?

Robert G. Bone: We paid the last check in March.

Honorable Angela E. Little: She has received other monies though from the Family Court issue.

Robert G. Bone: Yes ma'am.

Honorable Angela E. Little: Is there anything that you would like to ask this gentleman while you are here sir?

Bryan P. Kelley, Esq.: I do have just a couple of questions.

Honorable Angela E. Little: Okay.

Bryan P. Kelley, Esq.: Mr. Bone, I know that the accountings for the conservatorship were prepared in 2015. Is that correct?

Robert G. Bone: Yes.

Bryan P. Kelley, Esq.: So you are not necessarily preparing these contemporaneously with preparing the returns, you went back and reviewed the returns after they were filed to determine the amounts that are in the accountings. Is that correct?

Robert G. Bone: Right.

Bryan P. Kelley, Esq.:

In terms of calculating the net, you gave testimony about how the distributions were made and some taxes were deducted and then you got a net that was around fifty percent of the actual deduction amount. In determining that net figure did anyone assist you in that calculation? A CPA or accountant or anything like that?

Robert G. Bone:

No sir.

Bryan P. Kelley, Esq.:

What documents did you use to calculate those figures that are in the accountings?

Robert G. Bone:

I usually called Merrill Lynch and deal with either Jim Cook or Jane Floyd who are stock brokers with Merrill Lynch. I would base it off of what my monthly statements were.

Bryan P. Kelley, Esq.:

Did the individuals you identified at Merrill Lynch and Bank of America did they provide you any information about the tax deductions that were incurred in each of the distributions that are identified in the document dated March 31, 2016?

Robert G. Bone:

No.

Bryan P. Kelley, Esq.:

So how did you determine?

Robert G. Bone:

They told me you know that we had to pay taxes on it, if that is what you are asking. They told me the percentage they were taking out. They asked me if I wanted to take out anymore or stick with the standard deductions. I told them just to stay with the standard deductions.

Bryan P. Kelley, Esq.:

So if I understand you correctly, correct me if I am wrong. When you were determining the amounts the net amounts you were getting some assistance from Bank of America and Merrill Lynch in terms of determining the amount of the deductions that would apply to those distributions?

Robert G. Bone:

Yes. They were the ones that told me how much stock I had to sell in order to get whatever money I needed to go in the checking account.

Bryan P. Kelley, Esq.:

So you would go to Merrill Lynch or Bank of America and say I need this amount and then they would determine based on the deductions that would apply to the distribution the actual amount of the distribution.

Robert G. Bone:

Right.

Bryan P. Kelley, Esq.:

Is that correct?

Robert G. Bone:

Right because what they would do, they would go look at his accounts and they would determine what stock they could sell to get me what I needed. The stock prices were all different. They wouldn't just go in and sell Merrill Lynch stock they might go in and he might have some in Crest or Colgate or whatever.

Bryan P. Kelley, Esq.:

That is all the questions that I have.

Honorable Angela E. Little:

So what you are saying Mr. Bone is that they determined which stocks to sell in order to facilitate?

Robert G. Bone:

I had no idea what stocks he had. All I had was what all his stocks were worth.

Honorable Angela E. Little:

The bottom line.

Robert G. Bone:

Right.

Honorable Angela E. Little:

And how much does he have in stocks remaining?

Robert G. Bone:

We have none in stock now, I mean all that was sold and distributed between him and her. The only thing that he has left now is his corporate 401 retirement.

Honorable Angela E. Little:

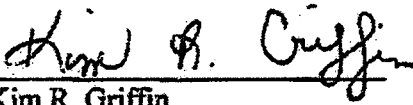
Anything else sir? Thank you Mr. Bone. Thank you Ms. Powell.

—THIS HEARING IS HEREBY CONCLUDED —

C E R T I F I C A T E

This is to certify that the foregoing 8 pages were transcribed by me or under my supervision; that I am neither employed by nor related to any of the parties to this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

This 19th day of May, 2016



Kim R. Griffin
Aiken County Probate Court



P O BOX 6010
NORTH AUGUSTA, SC 29861
803 613-9047

Judith K. Dooley, EA

March 24, 2016

Honorable Angela E. Little
Associate Judge of Probate
Aiken County Probate Court
P. O. Box 1576
Aiken, South Carolina 29802-1576

REF: Albert Bone
***-**-1859
Tax year 2010

This letter is to certify that I have reviewed Mr. Albert Bone's original and amended tax returns for the year 2010. In my review, I found documentation to support the following distributions:

Merrill Lynch -	\$177,000.00 - "1" early distribution
Merrill Lynch -	\$13,000.00 - "1" early distribution
Bank of America-M/L -	\$71,504.14 - "G" rollover - trustee to trustee
Bank of America-M/L -	\$65,625.47 - "G" rollover - trustee to trustee
Bank of America-M/L -	\$279,530.21 - "G" rollover - trustee to trustee
TOTAL	\$606,659.82

The original tax return showed he received \$606,659.82 in IRA distributions (\$416,659.82 were rolled into another tax deferred account and \$190,000.00 he received as an actual distribution. The \$416,659.82 distributions were a trustee to trustee rollover which is a non-taxable event as he did not actually receive any monies.

The amended return was filed to remove the taxability of his social security income. A permanent and total disabled person does not pay tax on their social security income. The amended return did not change any of his IRA distributions.

If I can be of further assistance, please don't hesitate to contact me at 803 613-9047.

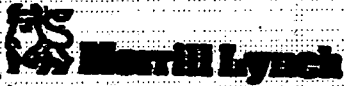
Sincerely,

Judith K. Dooley, EA
Owner

Filed: March 24, 2016
Sue H. Roe
Judge of Probate

By: [Signature]

#5



Merrill Lynch
Wealth Management
James V Cook
933 Broad Street
Augusta, GA 30901
706-823-4130
877-836-8195 toll-free

March 23, 2016

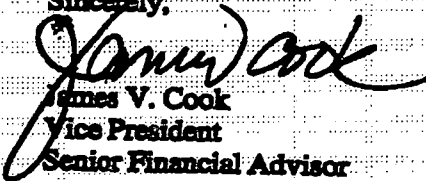
Aiken County Probate Court
Honorable Angela E. Little
Associate Judge of Probate
109 Park Ave
P O Box 1576
Aiken, SC 29802

RE: Distribution / Rollover
Albert D. Bone

Dear Judge Little:

Per our conversation with Robert D Bone, please find enclosed a copy of two Forms 5498 showing a rollover contribution in the amount of \$351,020.20 and \$65,639.62 for total of \$416,659.82 that was rolled over into an IRA account for Albert D Bone.

Sincerely,


James V. Cook
Vice President
Senior Financial Advisor

JVC/jmf

Encl: Form 5498

Securities and Insurance Products:

Are Not FDIC Insured	Are Not Bank Guaranteed	May Lose Value
Are Not Deposits	Are Not Insured by Any Federal Government Agency	Are Not a Condition to Any Banking Service or Activity

Merrill Lynch, Pierce, Fenner & Smith Incorporated ("MLPF&S") is a registered broker-dealer, member of the SIPC, and a wholly owned subsidiary of Bank of America Corporation.

Securities products are provided by MLPF&S. Insurance products are offered through Merrill Lynch Life Agency Inc., a licensed insurance agency and wholly owned subsidiary of Bank of America Corporation.

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☐ CORRECTED (if checked)

TRUSTEE'S or ISSUER'S name, street address, city, state, and ZIP code		TRUSTEE'S or ISSUER'S Federal ID no. 13-3180817	Account number (see instructions) 7145734 OMB No. 1545-0747	PARTICIPANT'S SSN 0257-02-1859	
MERRILL LYNCH AS CUSTODIAN P.O. BOX 2150 LAKEWOOD, NJ 08701-8150		1 IRA contributions (other than amounts in boxes 2-4, 8-10, 13a and 14a) \$ 0.00	2010 Form 5498		
		2 Rollover contributions \$ 85,639.82			
		3 Roth IRA conversion amount \$ 0.00			
		4 Rollover contributions \$ 0.00			
PARTICIPANT'S name, street address (including apt. no.), city, state, and ZIP code		5 Fair market value of account \$ 180,187.68	6 Life insurance cost included in box 1 \$ 0.00	IRA Contribution Information	
		7 IRA SEP SIMPLE Roth IRA ☒ ☐ ☐ ☐			
ALBERT D BONE 4099 FIELDCREST DR NORTH AUGUSTA SC 29841-0145		8 SEP contributions \$ 0.00	9 SIMPLE contributions \$ 0.00		Copy B For Participant This information is being furnished to the Internal Revenue Service
		10 Roth IRA contributions \$ 0.00	11 Check if RMD for 2011 ☐		
		12a RMD date	12b RMD amount \$ 0.00		
		13a Postponed contribution \$ 0.00	13b Year 13c Code		
		14a Repayments \$ 0.00	14b Code		

Form 5498

(Keep for your records)

Department of the Treasury - Internal Revenue Service

Instructions for Participant

The information on Form 5498 is submitted to the Internal Revenue Service by the trustee or issuer of your individual retirement arrangement (IRA) to report contributions, including any catch-up contributions, required minimum distributions (RMDs), and the fair market value (FMV) of the account. For information about IRAs, see Pub. 590 and 590A.

Participant's identification number. For your protection, this form may show only the last four digits of your social security number (SSN), individual taxpayer identification number (ITIN), or adoption taxpayer identification number (ATIN). However, the issuer has reported your complete identification number to the IRS, and, where applicable, to state and/or local governments.

Account number. May show an account or other unique number the trustee assigned to distinguish your account.

Box 1. Shows traditional IRA contributions for 2010 you made in 2010 and through April 15, 2011. These contributions may be deductible on your Form 1040 or 1040A. However, if you or your spouse was an active participant in an employer's pension plan, these contributions may not be deductible. This box does not include amounts in boxes 2-4, 8-10, and 13a.

Box 2. Shows any rollover, including a direct rollover to a traditional IRA or Roth IRA, or a qualified rollover contribution (including a military death gratuity, SGLI payment, qualified settlement income, or annuity payments) to a Roth IRA you made in 2010. It does not show any amounts you converted from your traditional IRA, SEP IRA, or SIMPLE IRA to a Roth IRA. They are shown in box 3. See the Form 1040 or 1040A instructions for information on how to report rollovers. If you have ever made any nondeductible contributions to your traditional IRA or SEP IRA and you did not roll over the total distribution, use Form 8606 to figure the taxable amount. If property was rolled over, see Pub. 590. For a qualified rollover to a Roth IRA, also see Pub. 590.

Box 3. Shows the amount converted from a traditional IRA, SEP IRA, or SIMPLE IRA to a Roth IRA in 2010. Use Form 8606 to figure the taxable amount.

Box 4. Shows amounts recharacterized from one type of IRA to another. See Pub. 590.

Box 5. Shows the FMV of all investments in your account at year end. However, if a decedent's name is shown, the amount reported may be the FMV on the date of death. If the FMV shown is zero for a decedent, the executor or administrator of the estate may request a date-of-death value from the financial institution.

Box 6. For endowment contracts only, shows the amount allocable to the cost of life insurance. Subtract this amount from your allowable IRA contribution included in box 1 to compute your IRA deduction.

Box 7. May show the kind of IRA reported on this Form 5498.

Box 8. Shows SEP contributions made in 2010, including contributions made in 2010 for 2009, but not including contributions made in 2011 for 2010. If made by your employer, do not deduct on your income tax return. If you made the contributions as a self-employed person (or partner), they may be deductible. See Pub. 590.

Box 9. Shows SIMPLE contributions made in 2010. If made by your employer, do not deduct on your income tax return. If you made the contributions as a self-employed person (or partner), they may be deductible. See Pub. 590.

Box 10. Shows Roth IRA contributions you made in 2010 and through April 15, 2011. Do not deduct on your income tax return.

Box 11. If the box is checked, you must take an RMD for 2011. An RMD may be required even if the box is not checked. If you do not take the RMD for 2011, you are subject to a 50% excise tax on the amount not distributed. See Pub. 590 for details.

Box 12a. Shows the date by which the RMD amount in box 12b must be distributed to avoid the 50% excise tax on the undistributed amount for 2011.

Box 12b. Shows the amount of the RMD for 2011. If box 11 is checked and there is no amount in this box, the trustee or issuer must provide you the amount or offer to calculate the amount in a separate statement by January 31, 2011.

Box 13a. Shows the amount of any postponed contribution made in 2010 for a prior year.

Box 13b. Shows the year to which the postponed contribution in box 13a was credited.

Box 13c. For participants who made a postponed contribution due to an extension of the contribution due date because of a federally designated disaster, shows the code FD.

For participants who served in designated combat zones and made postponed contributions, shows the code for the combat zone or hazardous duty area in which the participant served. The codes are: AF—Armed Forces; JS—Joint Endeavor; GP—Enduring Freedom; and IF—Iraq Freedom. For additional information, including a list of locations within the designated combat zones, see Pub. 3, Armed Forces' Tax Guide.

Box 14a. Shows the amount of any repayment of a qualified reservist distribution or federally designated disaster withdrawal repayment. See Pub. 590 for reporting repayments.

Box 14b. Shows the code CR for the repayment of a qualified reservist distribution or code DD for repayment of a federally designated disaster distribution.

☐ CORRECTED (if checked) TRUSTEE'S or ISSUER'S name, street address, city, state, and ZIP code MERRILL LYNCH AS CUSTODIAN P.O. BOX 2150 LAKEWOOD, NJ 08701-8150		TRUSTEE'S or ISSUER'S Federal ID no. 13-9100517	Account number (see instructions) 71480378 CMB No. 1545-0747	PARTICIPANT'S SSN 1257-02-1850
1 IRA contributions (other than amounts in boxes 2-4, 8-10, 13a and 14a) \$ 0.00		2010		IRA Contribution Information
2 Rollover contributions \$ 551,020.20		Form 5498		
3 Roth IRA conversion amount \$ 0.00		4 Rollover contributions \$ 0.00		
5 Fair market value of account \$ 163,483.02		6 Life insurance cost included in box 1 \$ 0.00		
PARTICIPANT'S name, street address (including apt. no.), city, state, and ZIP code ALBERT D BONE 4088 FIELDCREST DR NORTH AUGUSTA SC 29841-0145		7 ☒ IRA ☐ SEP ☐ SIMPLE ☐ Roth IRA		Copy B For Participant This information is being furnished to the Internal Revenue Service
8 SEP contributions \$ 0.00		9 SIMPLE contributions \$ 0.00		
10 Roth IRA contributions \$ 0.00		11 Check if RMD for 2011 ☐		
12a RMD date \$ 0.00		12b RMD amount \$ 0.00		
13a Postponed contribution \$ 0.00		13b Year 2010 13c Code 00		
14a Repayments \$ 0.00		14b Code 00		

Form 5498 (Keep for your records) Department of the Treasury - Internal Revenue Service

Instructions for Participant

The information on Form 5498 is submitted to the Internal Revenue Service by the trustee or issuer of your individual retirement arrangement (IRA) to report contributions, including any catch-up contributions, required minimum distributions (RMDs), and the fair market value (FMV) of the account. For information about IRAs, see Pub. 590 and 590A.

Participant's identification number. For your protection, this form may show only the last four digits of your social security number (SSN), individual taxpayer identification number (ITIN), or adoption taxpayer identification number (ATIN). However, the issuer has reported your complete identification number to the IRS, and, where applicable, to state and/or local governments.

Award number. May show an account or other unique number the trustee assigned to distinguish your account.

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Box 2. Shows any rollover, including a direct rollover to a traditional IRA or Roth IRA, or a qualified rollover contribution (including a military death gratuity, SGLI payment, qualified settlement income, or airline payments) to a Roth IRA you made in 2010. It does not show any amounts you converted from your traditional IRA, SEP IRA, or SIMPLE IRA to a Roth IRA. They are shown in box 3. See the Form 1040 or 1040A instructions for information on how to report rollovers. If you have ever made any nondeductible contributions to your traditional IRA or SEP IRA and you did not roll over the total distribution, use Form 8606 to figure the taxable amount. If property was rolled over, see Pub. 590. For a qualified rollover to a Roth IRA, also see Pub. 590.

Box 3. Shows the amount converted from a traditional IRA, SEP IRA, or SIMPLE IRA to a Roth IRA in 2010. Use Form 8606 to figure the taxable amount.

Box 4. Shows amounts recharacterized from transferring any part of the contribution (plus earnings) from one type of IRA to another. See Pub. 590.

Box 5. Shows the FMV of all investments in your account at year end. However, if a decedent's name is shown, the amount reported may be the FMV on the date of death. If the FMV shown is zero for a decedent, the executor or administrator of the estate may request a date-of-death value from the financial institution.

Box 6. For endorsement contracts only, shows the amount allocable to the cost of life insurance. Subtract this amount from your allowable IRA contribution included in box 1 to compute your IRA deduction.

Box 7. May show the kind of IRA reported on this Form 5498.

Box 8. Shows SEP contributions made in 2010, including contributions made in 2010 for 2009, but not including contributions made in 2011 for 2010. If made by your employer, do not deduct on your income tax return. If you made the contributions as a self-employed person (or partner), they may be deductible. See Pub. 590.

Box 9. Shows SIMPLE contributions made in 2010. If made by your employer, do not deduct on your income tax return. If you made the contributions as a self-employed person (or partner), they may be deductible. See Pub. 590.

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Box 11. If the box is checked, you must take an RMD for 2011. An RMD may be required even if the box is not checked. If you do not take the RMD for 2011, you are subject to a 50% excise tax on the amount not distributed. See Pub. 590 for details.

Box 12a. Shows the date by which the RMD amount in box 12b must be distributed to avoid the 50% excise tax on the undistributed amount for 2011.

Box 12b. Shows the amount of the RMD for 2011. If box 11 is checked and there is no amount in this box, the trustee or issuer must provide you the amount or offer to calculate the amount in a separate statement by January 31, 2011.

Box 13a. Shows the amount of any postponed contribution made in 2010 for a prior year.

Box 13b. Shows the year to which the postponed contribution in box 13a was credited.

Box 13c. For participants who made a postponed contribution due to an extension of the contribution due date because of a federally designated disaster, show the code FD.

For participants who served in designated combat zones and made postponed contributions, show the code for the combat zone or hazardous duty area in which the participant served. The codes are: AF—Armed Forces; JE—Joint Endeavor; EF—Enduring Freedom; and IF—Iraq Freedom. For additional information, including a list of locations within the designated combat zones, see Pub. 3, Armed Forces' Tax Guide.

Box 14a. Shows the amount of any repayment of a qualified reservist distribution or federally designated disaster withdrawal repayment. See Pub. 590 for reporting repayments.

Box 14b. Shows the code QR for the repayment of a qualified reservist distribution or code DD for repayment of a federally designated disaster distribution.



P O BOX 6010
NORTH AUGUSTA, SC 29861
803 613-9047

Judith K. Dooley, EA

March 31, 2016

Honorable Angela E. Little
Associate Judge of Probate
Aiken County Probate Court
P O Box 1576
Aiken, SC 29802-1576

REF: Albert Bone
***-**-1859
Tax Years 2011 - 2014

I have reviewed the following tax returns using the documentation provided and the income shown on the tax return is explained below:

2011 Federal Tax Return

Line 7	\$45,888.78	Taxable compensation from Merrill Lynch reported on his W-2
Line 13	-3,000.00	Capital Loss from selling Merrill Lynch mutual funds/stocks (Short Term Loss for year was \$16,308 but there is a \$3,000 deduction limit per year) I was informed that these were sold and half the proceeds from the sales were distributed to Vivy Hanies Bone with the remaining proceeds deposited into Al's checking account to pay living expenses.
Line 15b	125,367.51*	IRA Distributions from: \$95,457.14 shown on 1099R from Merrill Lynch 29,910.37 shown on 1099R from Merrill Lynch
Line 17	2,171.00	Net proceeds from the Rental Property \$8,250 income reported on 1099-Misc from Meybolm LLC - 6,079 expenses
Line 20a	28,744.00	Non-taxable Social Security Benefits (no documentation provided) * \$808.74 shown on 1099R from 401K Bank of America/Merrill Lynch not recorded on tax return. This was a rollover distribution therefore it was not taxable.

ELECTRONICALLY FILED - 2017 Sep 25 4:53 PM - AIKEN - COMMON PLEAS - CASE#2016CP0202576

Honorable Angela E. Little
 March 31, 2016
 Page 2

2012 Federal Tax Return

Line 7 \$29,892.73 Taxable compensation from Merrill Lynch reported on his W-2

Line 16b 71,257.00 IRA Distributions shown on 1099R from Merrill Lynch
 This amount should have been reported on Line 15b

Line 17 3,544.00 Net proceeds from the Rental Property
 \$9,000 income reported on 1099-Misc from Meybolm LLC
 - 5,456 expenses*

Line 20a 29,782.00 Non-taxable Social Security Benefits (no documentation provided)

* Expenses shown on Schedule E (Rental Income) totaled \$5,469. I believe a \$13.00 addition error was made. (Minimal amount does not require an amended tax return)

2013 Federal Tax Return

Line 7 \$3,772.00 Taxable compensation from Merrill Lynch reported on his W-2

Line 15b 51,192.00 IRA Distributions shown on 1099R from Merrill Lynch

Line 17 1,527.00 Net proceeds from the Rental Property
 \$9,000 income reported on 1099-Misc from Meybolm LLC
 - 7,473 expenses

Line 20a 30,284.00 Non-taxable Social Security Benefits (no documentation provided)

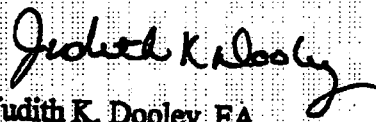
2014 Federal Tax Return

Line 17 8,200.00 Net proceeds from the Rental Property
 \$9,100 income reported on 1099-Misc from Meybolm LLC
 - 900 expenses

Line 20a 30,741.60 Non-taxable Social Security Benefits as shown on printout from SSA

Having not prepared the tax returns, I have relied on conversations and copies of the tax returns and documentation provided by Mr. Butch Bone.

Sincerely,


 Judith K. Dooley, EA

ROBERT G. BONE CONSERVATOR FOR ALBERT D. BONE

CASE NUMBER: 2007GC02-00060

CONSERVATORSHIP ACCOUNTINGS

May 1, 2009 to July 24, 2017

1st. The undersigned Conservator submits this accounting, which covers the period from

MAY 01, 2009 through Present, March 26, 2010:

***Beginning Balance: \$233,147.00**
***Plus Receipts: \$55,120.00**
***Subtotal: \$288,267.00**
***Less Disbursements: \$75,419.16**
***Ending Balance: \$212,787.84**

FILED: March 26, 2010

Prior Ending Balance: \$212,787.84 March 26, 2010
Next Beginning Balance: \$233,147.00 March 17, 2010

[REVISED]

2nd. The undersigned Conservator submits this accounting, which covers the period from

MAY 01, 2009 through Present, MARCH 17, 2010:

***Beginning Balance** from Inventory(ies)
or prior Interim Accounting, if applicable: **\$233,147.00**
***Plus Receipts** (Rents, Refunds, Dividends,
Interest, etc): **\$55,120.00**
Disbursements: **\$205,839.19**
***Subtotal:** **\$288,267.00**
***Ending Balance:** **\$82,427.81**

FILED: April 27, 2015

Prior Ending Balance: \$82,427.81 March 17, 2010
Next Beginning Balance: \$212,787.84 March 18, 2010

3rd. The undersigned Conservator submits this accounting, which covers the period from

March 18, 2010 through Present, Present (March 24, 2011):

*Beginning Balance:	\$212,787.84 (same as ending balance acct. #1)
*Plus Receipts:	\$60,820.00
*Subtotal:	\$273,607.84
*Less Disbursements:	\$79,324.00
*Ending Balance	\$194,283.84

Filed: March 24, 2011

Prior Ending Balance: \$194,283.84 March 24, 2011
Next Beginning Balance: \$212,787.84 March 18, 2010

4th. The undersigned Conservator submits this accounting, which covers the period from **March 18, 2010 through March 24, 2011.**

*Beginning Balance:	\$212,787.84 (same amount as on 1st account Ending Balance and 3rd account Beginning)
* Plus Receipts:	\$60,820.00 (same as 3rd accounting)
*Subtotal:	\$273,607.84(same as 3rd accounting)
*Less Disbursements:	\$86,074.00 (increase from 3rd disbursements)
*Ending Balance:	\$187,533.84 (\$194,283.84 In 3rd acct.)

Filed: April 28, 2011

Prior Ending Balance: \$187,533.84
Next Beginning Balance: \$82,427.81

[REVISED]

5th. The undersigned Conservator submits this accounting, which covers the period from **March 18, 2010** through **March 26, 2011.**

***Beginning Balance: \$82,427.81**
*** Plus Receipts: \$60,820.00**
***Subtotal: \$143,247.81)**
***Less Disbursements: \$79,318.00**
***Ending Balance: \$63,929.81**

Filed: April 27, 2015

Prior Ending Balance: \$63,929.81
Next Beginning Balance: \$187,533.84

6th. The undersigned Conservator submits this accounting, which covers the period from **March 25, 2011** through **March 26, 2012.**

***Beginning Balance from**
Inventory(ies) or prior
Interim Accounting, if
applicable: \$187,533.84
***Plus Receipts (Rent, Refunds,**
Interest, etc): \$61,340.00-scratched through; \$48,340.00
***Subtotal: \$235,873.84**

*Less Disbursements and

Distributions: \$81,807.07

*Ending Balance: \$154,066.84

Filed: April 30, 2012

Prior Ending Balance: \$154,066.84

Next Beginning Balance: \$63,929.81

[Revised]

7th. The undersigned Conservator submits this accounting, which covers the period from March 26, 2011 through March 26, 2012.

*Beginning Balance: \$63,929.81

*Plus Receipts: \$48,340.00

*Subtotal: \$112,269.81

*Less Disbursements: \$81,807.07

* Ending Balance: \$30,462.74

Filed: April 27, 2015

Prior Ending Balance: \$30,462.74 March 26, 2012:

Next Beginning Balance: \$154,066.84 March 27, 2012:

8th. The undersigned Conservator submits this accounting, which covers the period from March 27, 2012 through March 30, 2013.

*Beginning Balance: \$154,066.84

*Plus Receipts: \$35,340.00

*Subtotal:	\$189,406.84
*Less Disbursements:	\$54,072.00
* Ending Balance:	\$135,334.84 (RGB 4/29/13 initialed)

Filed: May 2, 2013 ✓

Prior Ending Balance:	<u>\$135,334.84</u>
Next Beginning Balance:	30,462.74

[REVISED]

9th. The undersigned Conservator submits this accounting, which covers the period from March 27, 2012 through April, 30, 2013.

*Beginning Balance:	\$30,462.74
* Plus Receipts:	\$35,340.00
*Subtotal:	\$65,820.74
*Less Disbursements:	\$54,072.00
*Ending Balance:	\$11,748.74

Filed: April 27, 2015

Prior Ending Balance:	<u>\$11,748.74</u>
Next Beginning Balance:	\$11,784.74

[AMENDED ACCOUNTING]

10th. The undersigned Conservator submits this accounting, which covers the period from

May 1, 2013 through June 16, 2014

*Beginning Balance from prior ending balance Accounting, if applicable	\$11,784.74
--	-------------

*Plus Receipts (Rent, Refunds,	\$43,290.00
*Subtotal:	\$55,074.74
*Less Disbursements and Distributions	<\$54,018.62>
*Ending Balance:	\$1,056.12

Filed: November 5, 2015

Prior Ending Balance: \$1,056.12

Next Beginning Balance: \$1,020.12

[Revised]

11th. The undersigned Conservator submits this accounting, which covers the period from **June 16, 2014** through **December 2, 2014**

*Beginning Balance from

Inventory(ies) or prior Interim

Accounting, if applicable: \$1,020.12

*Plus receipts (Rent, Refunds,

Dividends, Interest, etc.) \$27,233.74

*Subtotal: \$28,243.86

*Less Disbursements and Distributions \$13,983.13

*Ending Balance: \$14,260.73

Filed: April 27, 2015

Prior Ending Balance: \$14,260.73

Next Beginning Balance: \$1,056.12

12th. The undersigned Conservator submits this accounting, which covers the period from **June 16, 2014** through **December 2, 2014**

*Beginning Balance from

Inventory(ies) or prior Interim

Accounting, if applicable: \$1,056.12

*Plus receipts (Rent, Refunds, Dividends, Interest, etc.)	\$15,439.00
*Subtotal:	\$16,495.12
*Less Disbursements and Distributions	<\$13,983.13>
*Ending Balance:	\$2,511.99

Filed: November 5, 2015

Prior Ending Balance:	<u>\$2,511.99</u>
Next Beginning Balance:	<u>\$2,511.99</u>

13th. The undersigned Conservator submits this accounting, which covers the period from **December 3, 2014 through December 31, 2015.**

*Beginning Balance from Inventory(ies) or prior Interim Accounting, if applicable:	\$2,511.99
*Plus receipts (Rent, Refunds, Dividends, Interest, etc.)	\$32,317.70
*Subtotal:	\$34,829.69
*Less Disbursements and Distributions	<\$32,224.36>
*Ending Balance:	\$2,605.33

Filed: June 23, 2016

Prior Ending Balance:	<u>\$2,605.33</u>
Next Beginning Balance:	<u>\$2,605.33</u>

..... ✓

14th The undersigned Conservator submits this accounting, which covers the period from **January 01, 2016 through April 29, 2016**

*Beginning Balance from Inventory(ies) or prior Interim Accounting, if applicable:	\$2,605.33
--	------------

*Plus receipts (Rent, Refunds, Dividends, Interest, etc.)	\$10,313.60
*Subtotal:	\$12,918.93
*Less Disbursements and Distributions	<\$8,658.70>
*Ending Balance:	\$4,260.23

Filed: June 23, 2016 ✓

Prior Ending Balance: \$4,260.23

Next Beginning Balance: \$4,260.23

FINAL ACCOUNTING MARKED INTERIM #2016

15th. The undersigned Conservator submits this accounting, which covers the period from **April 29, 2016** through **July 18, 2017**

*Beginning Balance from Inventory(ies) or prior Interim Accounting, if applicable:	\$4,260.23
*Plus receipts (Rent, Refunds, Dividends, Interest, etc.)	\$41,055.67
*Subtotal:	\$45,315.90
*Less Disbursements and Distributions	<\$42,314.48>
*Ending Balance:	\$3,001.42

MAR 29 21

STATE OF SOUTH CAROLINA)

COUNTY OF AIKEN)

IN THE PROBATE COURT

IN THE MATTER OF:)

Albert Dempsey Bone)

CONSERVATOR ANNUAL ACCOUNTING

CASE NUMBER: 2007GC02-00060

The undersigned Conservator submits this accounting, which covers the period from March 01, 2009 through March 26, 2010

The documentation on page 2 of this form sets forth a complete accounting for the period specified, which is summarized as follows:

Beginning Balance	\$ 233,147 ⁰⁰
Plus: Receipts	\$ 55,120 ⁰⁰
Subtotal	\$ 288,267 ⁰⁰
Less: Disbursements	\$ 75,479 ¹⁶
Ending Balance	\$ 212,787 ⁸⁴

The Conservator declares that this account has been examined and that its contents represent a correct statement of all receipts and disbursements and is true to the best knowledge and belief of the Conservator.

Executed this 26 of March, 2010.

SWORN to before me this 26 day of March, 2010

Erin J. Nash
Notary Public for South Carolina

My Commission Expires: My Commission Expires June 8, 2015

Signature: Robert G BoneName: ROBERT G BONEAddress: 888 CUMMINGS RDNORTH AUGUSTA SC 29960Telephone (O): 803 778-3140(H): 803 202-7107

Filed March 26, 2010
Sue H. Roe
Judge of Probate
By M. H. Howell
Page 1 of 2

60B

STATE OF SOUTH CAROLINA

IN THE PROBATE COURT

COUNTY OF: Alken

ACCOUNTING

IN THE MATTER OF:
Albert D Bone
(Decedent)

CASE NUMBER:

☐ FINAL
☐ INTERIM # 2007GC02-00060

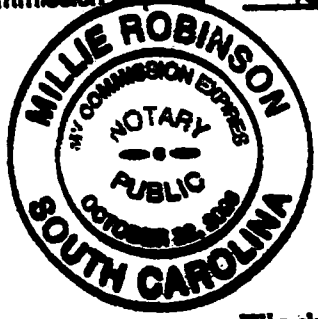
The undersigned Personal Representative(s) submits this accounting, which covers the period from 12/31/2006 to 12/31/2010.

The documentation on the following page(s) of this form sets forth a complete accounting for the period specified, which is summarized as follows:

Beginning Balance from Inventory(ies) or prior Interim Accounting, if applicable	233,147.00
Plus: Receipts (Rent, Refunds, Dividends, Interest, etc.)	55,120.00
Subtotal	288,267.00
Less: Disbursements and Distributions	205,839.19
Ending Balance	82,427.81

The Personal Representative(s) declares that this account has been examined and that its contents represent a correct statement of all receipts and disbursements and are true to the best knowledge and belief of the Personal Representative(s).

SWORN to before me this 8 day of April, 2015
Millie Robinson
Notary Public for South Carolina
My Commission Expires: 10.22.23



Signature: Robert G Bone
Print Name: Robert G Bone
Address: 888 Currytown Road
North Augusta S.C. 29860
Telephone (Work):
(Home): 803-202-1107
(Cell):
Email: bnd55864@aol.com

Co-Personal Representative Signature: _____
Print Name: _____
Address: _____
Telephone (Work): _____
(Home): _____
(Cell): _____
Email: _____

Filed: April 27, 2015
Sue H. Roe
Judge of Probate
By: ARL

STATE OF SOUTH CAROLINA

COUNTY OF AIKEN

IN THE PROBATE COURT

IN THE MATTER OF:

Albert Dempsey Bone

CONSERVATOR ANNUAL ACCOUNTING

CASE NUMBER:

2007GC02-00060

The undersigned Conservator submits this accounting, which covers the period from March 18th 2010 through Present.

The documentation on page 2 of this form sets forth a complete accounting for the period specified, which is summarized as follows:

Beginning Balance

\$ 212,787.84

Plus: Receipts

\$ 60,800.00

Subtotal

\$ 273,607.84

Less: Disbursements

\$ 79,324.00

Ending Balance

\$ 194,083.84

The Conservator declares that this account has been examined and that its contents represent a correct statement of all receipts and disbursements and is true to the best knowledge and belief of the Conservator.

Executed this 24th of March, 2010.

SWORN to before me this 24th day of March, 2010

Rain T. Ad
Notary Public for South Carolina
My Commission Expires: 12/31/11

Signature: Robert G Bone

Name: Robert G Bone

Address: 890 GARYTOWN RD.

NORTH AUSTIN, SC 29060

Telephone (O): 803 278-3140

(H): 803 202-1107

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND
CORRECT COPY OF THE ORIGINAL, ON FILE IN THIS COURT
WITNESS MY HAND AND SEAL OF THE COURT THIS THE
24 DAY OF MARCH, A.D. 2010

Sue H. Roe
JUDGE OF PROBATE FOR AIKEN COUNTY, S.C.
BY Oranville

CLERK

Filed: 3/24/2011

Sue H. Roe

Judge of Probate

By: Oranville

STATE OF SOUTH CAROLINA

COUNTY OF: AIKEN

IN THE MATTER OF:

ALBERT DEMPSEY BONE

IN THE PROBATE COURT

REVISED

CONSERVATOR ANNUAL ACCOUNTING

CASE NUMBER: 2007-GC-02-00060

The undersigned Conservator submits this accounting, which covers the period from MARCH 18TH, 2010 through MARCH 24TH, 2011.

The documentation on page 2 of this form sets forth a complete accounting for the period specified, which is summarized as follows:

Beginning Balance	<u>\$212,787.84</u>
Plus: Receipts	<u>\$60,820.00</u>
Subtotal	<u>\$273,607.84</u>
Less: Disbursements	<u>\$86,074.00</u>
Ending Balance	<u>\$187,533.84</u>

The Conservator declares that this account has been examined and that its contents represent a correct statement of all receipts and disbursements and is true to the best knowledge and belief of the Conservator.

Executed this _____ day of _____, 2011.

SWORN to before me this 25th day of April, 2011

Notary Public for South Carolina
My Commission Expires: 1-28-14

Signature: Robert G. Bone
Name: Robert G. Bone
Address: 298 Currytown Rd.
North Augusta, South Carolina 29860
Telephone (O): 803-278-3140
(H): 803-202-1107

STATE OF SOUTH CAROLINA

COUNTY OF: Aiken

IN THE MATTER OF:
Albert D Bone
(Decedent)

IN THE PROBATE COURT

ACCOUNTING

CASE NUMBER:

☐ FINAL
☐ INTERIM # 2007GC02-
00060

The undersigned Personal Representative(s) submits this accounting, which covers the period from March 18, 2010
through March 18, 2011

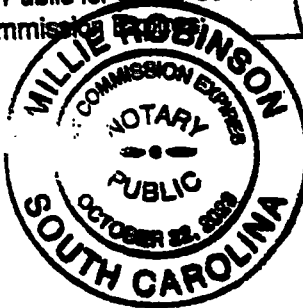
The documentation on the following page(s) of this form sets forth a complete accounting for the period specified, which is summarized as follows:

Beginning Balance from Inventory(ies) or prior Interim Accounting, if applicable	<u>82,427.81</u>
Plus: Receipts (Rent, Refunds, Dividends, Interest, etc.)	<u>60,820.00</u>
Subtotal	<u>143,247.81</u>
Less: Disbursements and Distributions	<u>79,318.00</u>
Ending Balance	<u>63929.81</u>

The Personal Representative(s) declares that this account has been examined and that its contents represent a correct statement of all receipts and disbursements and are true to the best knowledge and belief of the Personal Representative(s).

SWORN to before me this 8 day of
April, 2010

Millie Robinson
Notary Public for South Carolina
My Commission Expires 10-22-23



Signature: Robert G Bone

Print Name: Robert G Bone

Address: 888 Currytown Road

North Augusta S.C. 29860

Telephone (Work): _____

(Home): 803-202-1107

(Cell): _____

Email: bnde5864@aol.com

Co-Personal Representative Signature: _____

Print Name: _____

Address: _____

Telephone (Work): _____

(Home): _____

(Cell): _____

Email: _____

Filed: April 27, 2010

Sue H. Roe
Judge of Probate

By: [Signature]

STATE OF SOUTH CAROLINA

COUNTY OF AIKEN

IN THE MATTER OF:

ALBERT DEMPSEY BONE

MAY 9 1 2012

IN THE PROBATE COURT

CONSERVATOR ANNUAL ACCOUNTING

CASE NUMBER: 2007-GC02-0060

The undersigned Conservator submits this accounting, which covers the period from MARCH 25, 2011 through MARCH 26, 2012.

The documentation on page 2 of this form sets forth a complete accounting for the period specified, which is summarized as follows:

Beginning Balance	\$	<u>187,533.84</u>
Plus: Receipts	\$	<u>~~61,340.00~~ 48,340.00</u>
Subtotal	\$	<u>235,873.84</u>
Less: Disbursements	\$	<u>81,807.00</u>
Ending Balance	\$	<u>154,066.84</u>

The Conservator declares that this account has been examined and that its contents represent a correct statement of all receipts and disbursements and is true to the best knowledge and belief of the Conservator.

Executed this _____ of _____, 2012

SWORN to before me this 29th day of April, 2012

Notary Public for South Carolina

My Commission Expires: 1.28.14

Signature: Albert Bone

Name: ROBERT G BONE

Address: 898 CUNNINGHAM RD

Telephone (O): 803 278 3140

(H): 307-276-1107

Filed: April 30, 2012

She H. Roe

Judge of Probate

By: Margaret Powell

STATE OF SOUTH CAROLINA

COUNTY OF: Aiken

IN THE MATTER OF:
Albert D Bone
(Decedent)

IN THE PROBATE COURT

ACCOUNTING

CASE NUMBER:

☐ FINAL
☐ INTERIM # 2007GC02-
00060

The undersigned Personal Representative(s) submits this accounting, which covers the period from March 126,2011 through March 26,2012.

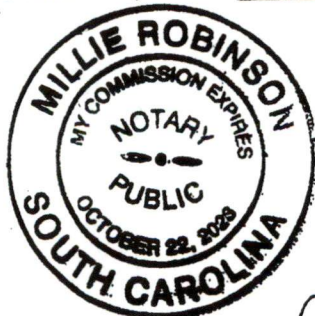
The documentation on the following page(s) of this form sets forth a complete accounting for the period specified, which is summarized as follows:

Beginning Balance from Inventory(ies) or prior Interim Accounting, if applicable	63,929.81
Plus: Receipts (Rent, Refunds, Dividends, Interest, etc.)	48,340.00
Subtotal	112,269.81
Less: Disbursements and Distributions	81,807.07
Ending Balance	30,462.74

The Personal Representative(s) declares that this account has been examined and that its contents represent a correct statement of all receipts and disbursements and are true to the best knowledge and belief of the Personal Representative(s).

SWORN to before me this 8 day of April, 20 15

Millie Robinson
Notary Public for South Carolina
My Commission Expires: 10-22-23



Signature: [Signature]
Print Name: Robert G Bone
Address: 888 Currytown Road
North Augusta S.C. 29860
Telephone (Work): _____
(Home): 803-202-1107
(Cell): _____
Email: bnde5864@aol.com

Co-Personal Representative Signature: _____
Print Name: _____
Address: _____
Telephone (Work): _____
(Home): _____
(Cell): _____
Email: _____

Filed: April 27, 2015
Sue H. Roe
Judge of Probate

Bv: [Signature]

STATE OF SOUTH CAROLINA

COUNTY OF AIKEN

COPY IN THE PROBATE COURT

THE MATTER OF: Albert Dempsey Bone

CONSERVATOR ANNUAL ACCOUNTING

CASE NUMBER: 2007GC02-00060

The undersigned Conservator submits this accounting, which covers the period from March 27, 2012 through April 30, 2013.

The documentation on page 2 of this form sets forth a complete accounting for the period specified, which is summarized as follows:

Beginning Balance	\$ 154,066.84
Plus: Receipts	\$ 35,340.00
Subtotal	\$ 189,406.84
Less: Disbursements	\$ 54,072.00
Ending Balance	\$ 135,334.84

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND
CORRECT COPY OF THE ORIGINAL ON FILE IN THIS COURT
WITNESS MY HAND AND SEAL OF THE COURT 5 THE

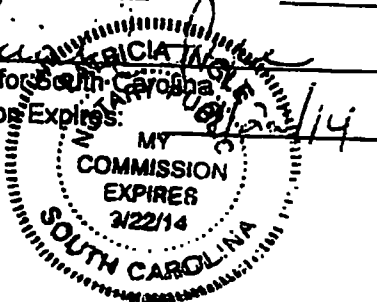
2nd DAY OF May AD 2 13
Sue H. Roe
JUDGE OF PROBATE FOR AIKEN COUNTY, S.C.
BY: Morris Powell
CLERK

The Conservator declares that this account has been examined and that its contents represent a correct statement of all receipts and disbursements and is true to the best knowledge and belief of the Conservator.

Executed this 1st day of May, 2013.

SWORN to before me this 1st Day of May, 2013

Notary Public for South Carolina
My Commission Expires: 2/22/14



Signature: Robert Grady Bone
Name: Robert Grady Bone
Address: 888 Currytown Road
North Augusta, S.C. 29860
Telephone (O): 803 202 1107
(H): _____

Filed: May 2, 2013

Sue H. Roe

Judge of Probate

By: Morris Powell

STATE OF SOUTH CAROLINA

COUNTY OF: Aiken

IN THE MATTER OF:

Albert D Bone
(Decedent)

IN THE PROBATE COURT

ACCOUNTING

CASE NUMBER:

☐ FINAL
☐ INTERIM # 2007GC02-
00060

The undersigned Personal Representative(s) submits this accounting, which covers the period from March 27, 2012 through April 30 2013.

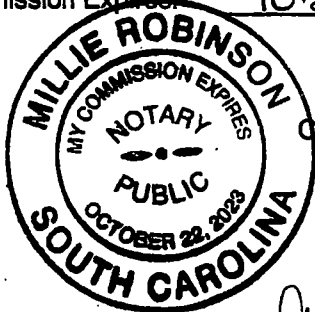
The documentation on the following page(s) of this form sets forth a complete accounting for the period specified, which is summarized as follows:

Beginning Balance from Inventory(ies) or prior Interim Accounting, if applicable	30,462.74
Plus: Receipts (Rent, Refunds, Dividends, Interest, etc.)	35,340.00
Subtotal	65,820.74
Less: Disbursements and Distributions	54,072.00
Ending Balance	11,748.74

The Personal Representative(s) declares that this account has been examined and that its contents represent a correct statement of all receipts and disbursements and are true to the best knowledge and belief of the Personal Representative(s).

SWORN to before me this 8 day of April, 2013

Millie Robinson
Notary Public for South Carolina
My Commission Expires: 10.22.23



Signature: Robert G Bone
Print Name: Robert G Bone
Address: 888 Currytown Road
North Augusta S.C. 29860
Telephone (Work): _____
(Home): 803-202-1107
(Cell): _____
Email: bnde5864@aol.com

Co-Personal Representative Signature: _____
Print Name: _____
Address: _____
Telephone (Work): _____
(Home): _____
(Cell): _____
Email: _____

Filed: April 27, 2013
Sue H. Roe
Judge of Probate

By: ASL

STATE OF SOUTH CAROLINA

COUNTY OF AIKEN

IN THE MATTER OF ALBERT DEMPSEY BONE

IN THE PROBATE COURT

AMENDED ACCOUNTING

CASE NUMBER: 2007GC02-00060

- ☐ FINAL
☐ INTERIM # _____

The undersigned Personal Representative(s) submits this accounting, which covers the period from May 1 2013 through June 30, 2014.

The documentation on the following page(s) of this form sets forth a complete accounting for the period specified, which is summarized as follows:

Beginning Balance from Inventory(ies) or prior Interim Accounting, if applicable	<u>\$11,784.74</u>
Plus: Receipts (Rent, Refunds, Dividends, Interest, etc.)	<u>\$43,290.00</u>
Subtotal	<u>\$55,074.74</u>
Less: Disbursements and Distributions	<u><\$54,018.62></u>
Ending Balance	<u>\$1,056.12</u>

The Personal Representative(s) declares that this account has been examined and that its contents represent a correct statement of all receipts and disbursements and are true to the best knowledge and belief of Personal Representative(s).

SWORN to before me this 30th day
of September, 20 15.

Donald J. Murphy
Notary Public for South Carolina
My Commission Expires: 02/07/22

Signature: Robert Grady Bone
Print Name: Robert Grady Bone
Address: 888 Currytown Road
North Augusta, SC 29860
Telephone(work): _____
(Home): 803-278-3140
(Cell): _____

Co-Personal Representative Signature: _____
Print Name: _____
Address: _____
Telephone(work): _____
(Home): _____
(Cell): _____

Filed: November 5, 2015
Sue H. Rice
Judge of Probate
By: Marcel B. [Signature]

STATE OF SOUTH CAROLINA

COUNTY OF: Aiken

IN THE MATTER OF:

Albert D Bone
(Decedent)

IN THE PROBATE COURT

ACCOUNTING *# 9*

CASE NUMBER:

☐ FINAL
☐ INTERIM # 2007GC02-
 00060

The undersigned Personal Representative(s) submits this accounting, which covers the period from June 16, 2014 through Dec 2, 2014.

The documentation on the following page(s) of this form sets forth a complete accounting for the period specified, which is summarized as follows:

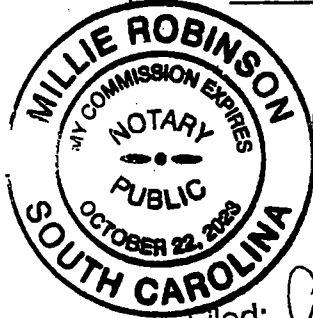
Beginning Balance from Inventory(ies) or prior Interim Accounting, if applicable	1020.12
Plus: Receipts (Rent, Refunds, Dividends, Interest, etc.)	27,223.74
Subtotal	28,243.86
Less: Disbursements and Distributions	13983.13
Ending Balance	14260.73

The Personal Representative(s) declares that this account has been examined and that its contents represent a correct statement of all receipts and disbursements and are true to the best knowledge and belief of the Personal Representative(s).

SWORN to before me this 8 day of
April, 2015

Millie Robinson

Notary Public for South Carolina

My Commission Expires: 10-22-23

Co-Personal Representative Signature: _____

Signature: *Robert G Bone*Print Name: Robert G BoneAddress: 888 Currytown RoadNorth Augusta S.C. 29860

Telephone (Work): _____

(Home): 803-202-1107

(Cell): _____

Email: bnde5864@aol.com

Print Name: _____

Address: _____

Telephone (Work): _____

(Home): _____

(Cell): _____

Email: _____

Filed: April 27, 2015
Sub H. Roe
 Judge of Probate

By: *ARL*

STATE OF SOUTH CAROLINA

COUNTY OF AIKEN

IN THE MATTER OF ALBERT DEMPSEY BONE

IN THE PROBATE COURT

ACCOUNTING

CASE NUMBER: 2007-GC-02-00060

☐ FINAL
☒ INTERIM # 2015

The undersigned Personal Representative(s) submits this accounting, which covers the period from December 03, 2014 through December 31, 2015.

The documentation on the following page(s) of this form sets forth a complete accounting for the period specified, which is summarized as follows:

Beginning Balance from Inventory(ies) or prior Interim Accounting, if applicable	<u>2,511.99</u>
Plus: Receipts (Rent, Refunds, Dividends, Interest, etc.)	<u>32,317.70</u>
Subtotal	<u>34,829.69</u>
Less: Disbursements and Distributions	<u><32,224.36></u>
Ending Balance	<u>2,605.33</u>

The Personal Representative(s) declares that this account has been examined and that its contents represent a correct statement of all receipts and disbursements and are true to the best knowledge and belief of Personal Representative(s).

SWORN to before me this 23rd day
of June, 2016.

Karen Hita
Notary Public for South Carolina
My Commission Expires: 7-2-20

Signature: Robert Grady Bone
Print Name: Robert Grady Bone
Address: 888 Currytown Road
North Augusta, SC 29860
Telephone(work): _____
(Home): 803-278-3140
(Cell): _____

Co-Personal Representative Signature: _____
Print Name: _____
Address: _____

Telephone(work): _____
(Home): _____
(Cell): _____

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
My Commission Expires
July 2, 2020

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND
CORRECT COPY OF THE ORIGINAL ON FILE IN THIS COURT.
WITNESS MY HAND AND SEAL OF THE COURT THIS 23rd DAY OF JUNE 2016.

Sue H. Roe
JUDGE OF PROBATE FOR AIKEN COUNTY, S.C.
Thomas P. Murphy
CLERK

Filed: June 23, 2016
Sue H. Roe
Judge of Probate
By: Thomas P. Murphy

STATE OF SOUTH CAROLINA

COUNTY OF AIKEN

IN THE MATTER OF ALBERT DEMPSEY BONE

IN THE PROBATE COURT

ACCOUNTING

CASE NUMBER: 2007-GC-02-00060

☐ FINAL
☒ INTERIM # 2016

The undersigned Personal Representative(s) submits this accounting, which covers the period from January 01, 2016 through April 29, 2016.

The documentation on the following page(s) of this form sets forth a complete accounting for the period specified, which is summarized as follows:

Beginning Balance from Inventory(ies) or prior Interim Accounting, if applicable	<u>2,605.33</u>
Plus: Receipts (Rent, Refunds, Dividends, Interest, etc.)	<u>10,313.60</u>
Subtotal	<u>12,918.93</u>
Less: Disbursements and Distributions	<u><8,658.70></u>
Ending Balance	<u>4,260.23</u>

The Personal Representative(s) declares that this account has been examined and that its contents represent a correct statement of all receipts and disbursements and are true to the best knowledge and belief of Personal Representative(s).

SWORN to before me this 23rd day
of June, 2016.

Signature: [Signature]
 Print Name: Robert Grady Bone
 Address: 888 Currytown Road
North Augusta, SC 29860

[Signature]
 Notary Public for South Carolina
 My Commission Expires: 7-2-20

Telephone(work): _____
 (Home): 803-278-3140
 (Cell): _____

Co-Personal Representative Signature: _____

Karen Hite
 Notary Public
 State of South Carolina
 My Commission Expires
 July 2, 2020

Print Name: _____
 Address: _____

STATE OF SOUTH CAROLINA
 COUNTY OF AIKEN

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND
 CORRECT COPY OF THE ORIGINAL ON FILE IN THIS COURT.
 WITNESS MY HAND AND SEAL OF THE COURT THIS THE

23rd DAY OF June, A.D. 2016

JUDGE OF PROBATE FOR AIKEN COUNTY, S.C.

BY [Signature]
 CLERK

FORM #361ES (1/2014)
 62-3-704, 62-3-1001

Filed: June 23, 2016
 Sue H. Roe
 Judge of Probate
 By: [Signature]

STATE OF SOUTH CAROLINA

COUNTY OF AIKEN

IN THE MATTER OF ALBERT DEMPSEY BONE

IN THE PROBATE COURT

FINAL ACCOUNTING

CASE NUMBER: 2007-GC-02-00060

☐ FINAL
☒ INTERIM # 2016

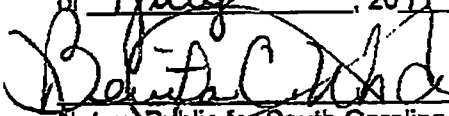
The undersigned Personal Representative(s) submits this accounting, which covers the period from April 29, 2016, 2016 through July 18, 2017.

The documentation on the following page(s) of this form sets forth a complete accounting for the period specified, which is summarized as follows:

Beginning Balance from Inventory(ies) or prior Interim Accounting, if applicable	<u>4,260.23</u>
Plus: Receipts (Rent, Refunds, Dividends, Interest, etc.)	<u>41,055.67</u>
Subtotal	<u>45,315.90</u>
Less: Disbursements and Distributions	<u><42,314.48></u>
Ending Balance	<u>3,001.42</u>

The Personal Representative(s) declares that this account has been examined and that its contents represent a correct statement of all receipts and disbursements and are true to the best knowledge and belief of Personal Representative(s).

SWORN to before me this 24th day
of July, 2017.



Notary Public for South Carolina

My Commission Expires: 02/11/2018
Benita C. Wade

Notary Public

State of South Carolina
My Commission Expires
February 11, 2018

Co-Personal Representative Signature: _____

Signature: Robert Grady Bone

Print Name: Robert Grady Bone

Address: 888 Currytown Road

North Augusta, SC 29860

Telephone(work): _____

(Home): 803-221-6007

(Cell): _____

Print Name: _____

Address: _____

Telephone(work): _____

(Home): _____

(Cell): _____

Filed: July 24, 2017
Tonya L. Marchant
Probate Court Judge
By: Merrill Powell

PAYER'S name, street address, city, state, and ZIP code
MERRILL LYNCH AS CUSTODIAN
P.O. BOX 2150
LAKEWOOD, NJ 08701-5150
1-800-738-1099

RECIPIENT'S name, street address (including apt. no.)
city, state, and ZIP code

ALBERT D BONE
4088 FIELDCREST DR
NORTH AUGUSTA SC 29841-0145

This information is being furnished to the Internal Revenue Service

Account number: 71480378	
1 Gross distribution	PAYER'S Federal identification number
\$ 177,000.00	13-3180817
2a Taxable amount	RECIPIENT'S identification number
\$ 177,000.00	XXX-XX-1959
2b Taxable amount not determined ☒	Total distribution
3 Capital gain (included in box 2a)	4 Federal income tax withheld
\$	\$ 17,000.00
5 Employee contributions / Designated Roth contributions or insurance premiums	6 Net unrealized appreciation in employer's securities
\$	\$
7 Distribution code(s) IRABEP/ SIMPLE ☒	8 Other
9a Your percentage of total distribution %	%
10 State tax withheld	9b Total employee contributions
\$ 6,081.00	\$
13 Local tax withheld	11 State/Payer's state no.
\$	SC/25511181 5
	14 Name of locality

OMB No. 1545-0129
CORRECTED (if checked)

2010

Form 1099-R

Distributions From
Pensions, Annuities,
Retirement or
Profit-Sharing
Plans, IRAs,
Insurance
Contracts, etc.

Copy C

For Recipient's
Records

1st year of design Roth estate

12 State distribution
\$
15 Local distribution
\$

Department of the Treasury - Internal Revenue Service
0297199 0148688

#1

PAYER'S name, street address, city, state, and ZIP code
MERRILL LYNCH AS CUSTODIAN
P.O. BOX 2150
LAKEWOOD, NJ 08701-8150
1-800-738-1039

RECIPIENT'S name, street address (including apt. no.)
city, state, and ZIP code

ALBERT D BONE
4088 FIELDCREST DR
NORTH AUGUSTA SC 29841-0145

This information is being furnished to the Internal Revenue Service

Account number: 71457234

1 Gross distribution
\$ 13,000.00
2a Taxable amount
\$ 13,000.00
2b Taxable amount not determined ☒
3 Capital gain (included in box 2a)
\$
5 Employee contributions (Designated Roth contributions or insurance premiums)
\$
7 Distribution code(s) ☒ IR/SEP/SIMPLE
1
8a Your percentage of total distribution %
10 State tax withheld
\$ 400.00
13 Local tax withheld
\$

PAYER'S Federal identification number

13-3180617

RECIPIENT'S identification number

XXX-XX-1855

Total distribution

4 Federal income tax withheld

\$ 2,000.00

6 Net unrealized appreciation in employer's securities

\$

8 Other

\$

9b Total employee contributions

\$

11 State/Payer's state no.

SC2551191 6

14 Name of locality

Department of the Treasury - Internal Revenue Service
0299101 0149551

OMB No 1545-0119

CORRECTED (if checked)

2010

Form 1099-R

Distributions From
Pensions, Annuities,
Retirement or
Profit-Sharing
Plans, IRAs,
Insurance
Contracts, etc.

Copy C

For Recipient's
Records

1st year of delay Rpt. costs

12 State distribution

\$

15 Local distribution

\$

#8

PAYER'S name, street address, city, state, and ZIP code
BANK OF AMERICA, N.A.
MERRILL LYNCH
P.O. BOX 1881
PENNINGTON, NJ 08534

FT 000000 499 488 041945 8801 AT 0.357

BONE, ALBERT D
4088 FIELDCREST DRIVE
NORTH AUGUSTA SC 29841

Account number 700820		PAYER'S Federal identification number 94-1827885		CORRECTED (if checked)	
1 Gross distribution \$ 71,804.14		RECIPIENT'S Identification number XXXX-XX-1858		2010 Form 1099-R	
2a Taxable amount \$ 0.00		Total distribution \$ 71,804.14		Copies For State, Local or Federal Department when required	
2b Taxable amount not determined		4 Federal income tax withheld \$ 0.00		10 Year of death, if applicable	
3 Capital gain (included in box 2a) \$ 0.00		5 Net unrealized appreciation in employer's securities \$ 0.00			
6 Employee contributions / Designated Roth contributions or insurance premiums \$ 0.00		8 Other \$ 0.00			
7 Distribution code(s) 3 (RARELY USED)		9b Total employee contributions \$ 0.00			
9a Your percentage of total distribution %		11 State Payer's state no. SC25538480-0		12 State distribution \$ 0.00	
10 State tax withheld \$ 0.00		14 Name of locality		15 Local distribution \$ 0.00	
13 Local tax withheld \$ 0.00		Department of the Treasury - Internal Revenue Service			

Net pay to be

PAYER'S name, street address, city, state, and ZIP code
 BANK OF AMERICA, N.A.
 MERRILL LYNCH 401 K SAVINGS A
 P.O. BOX 1851
 FERRINGTON, NJ 08634

000000 459 458 041943 #001 27 0.357

ONE, ALBERT D
 189 FIELDCREST DRIVE
 ORTH AUGUSTA SC 29841

Account number: 700000		PAYER'S Federal Identification number: 94-1657868		CORRECTED (if checked)	
1 Gross distribution \$ 275,000.21		RECIPIENT'S Identification number: XXX-XX-1885		2010 Form 1099-R	
2a Taxable amount \$ 0.00		Total distribution		Copy 1 For State, City, or Local Tax Department, when required.	
2b Taxable amount not determined		4 Federal income tax withheld \$		1st year of delay: Not with.	
3 Capital gain (included in box 2b) \$		5 Net unrealized appreciation in employer's securities \$			
5 Employee contributions (Deferred Roth contributions or insurance premiums) \$		6 Other \$			
7 Distribution code(s) 01		8 Total employee contributions \$			
9a Your percentage of total distribution %		11 State/Payer's state no. SC/25506420-0		12 State distribution \$	
10 State tax withheld \$		14 Name of locality		15 Local distribution \$	
13 Local tax withheld \$					

Department of the Treasury - Internal Revenue Service

PAYER'S name, street address, city, state, and ZIP code
BANK OF AMERICA, N.A.
MERRILL LYNCH
P.O. BOX 1531
PARKINGTON, NJ 08534

RECIPIENT'S name, street address (including apt. no.)
city, state, and ZIP code

BONE, ALBERT D
4638 FELDCHERRY DRIVE
NORTH AUGUSTA SC 29841

This information is being furnished to the Internal Revenue Service

OMB No. 1545-0047
CORRECTED (if checked)

2010
Form 1099-R

Copy
For Recipient
Reason

1st year of early, full, ann.

12 State distribution
13 Local distribution

Department of the Treasury - Internal Revenue Service
6492485 9246242

Account number: 700810

1 Gross distribution: 95,825.47

2a Taxable amount: 0.00

2b Taxable amount not determined

3 Capital gain (included in box 2a)

4 Federal income tax withheld

5 Employee contributions (Designated Roth contributions or insurance premiums)

6 Net unrealized appreciation in employer's securities

7 Distribution code(s): RABEN SIMPLE

8 Other

9a Your percentage of total distribution: %

9b Total employee contributions

10 State tax withheld

11 State/Payer's state no.: SC/29841-0

12 State distribution

13 Local tax withheld

14 Name of locality

15 Local distribution

Non-taxable

CORRECTED (if checked)		13-0100817	7140734	2010	Form 5498	IRA
MERRILL LYNCH AS CUSTODIAN P.O. BOX 2180 LAKENWOOD, NJ 08701-8150		1 IRA contributions (other than amounts in boxes 2-4, 8-10, 12a and 14a) \$ 0.00	2010		IRA Contribution Information	Copy B For Participant
		2 Rollover contributions \$ 60,000.00	3 Rollover IRA conversion amount \$ 0.00			
		4 Rollover IRA conversion amount \$ 0.00	5 Rollover IRA conversion amount \$ 0.00			
		6 Fair market value of account \$ 100,107.55	7 Life insurance and included in box 1 \$ 0.00			
PARTICIPANT'S name, street address (including apt. no.), city, state, and ZIP code		☒ IRA ☐ SEP ☐ SIMPLE ☐ ROTH IRA		☐ SEP ☐ SIMPLE ☐ ROTH IRA		This information is being furnished to the Internal Revenue Service
ALBERT D BOHE 4008 FIELDCREST DR NORTH AUGUSTA SC 29941-0145		8 SEP contributions \$ 0.00		9 SIMPLE contributions \$ 0.00		
		10 ROTH IRA contributions \$ 0.00		11 Check if RMD for 2011 ☐		
		12a RMD date		12b RMD amount \$ 0.00		
		13a Postponed contribution \$ 0.00		13b Year 2010		
		14a Repayments \$ 0.00		14b Code		

Form 5498

(Keep for your records)

Department of the Treasury - Internal Revenue Service

Instructions for Participant

The information on Form 5498 is submitted to the Internal Revenue Service by the trustee or issuer of your individual retirement arrangement (IRA) to report contributions, including any catch-up contributions, required minimum distributions (RMDs), and the fair market value (FMV) of the account. For information about this, see Pub. 590 and 591.

Participant's Identification number. For your protection, this form may show only the last four digits of your social security number (SSN), individual taxpayer identification number (ITIN), or adoption taxpayer identification number (ATIN). However, the issuer has reported your complete identification number to the IRS, and, where applicable, to state and/or local governments.

Account number. May show an account or other unique number the trustee assigned to identify your account.

Box 1. Shows traditional IRA contributions for 2010 you made in 2010 and through April 15, 2011. These contributions may be deductible on your Form 1040 or 1040A. However, if you or your spouse was an active participant in an employer's pension plan, these contributions may not be deductible. This box does not include amounts in boxes 2-4, 8-10, and 12a.

Box 2. Shows any rollover, including a direct rollover to a traditional IRA or Roth IRA, or a qualified rollover contribution (including a military death gratuity, GIL payment, qualified settlement income, or annuity payment) to a Roth IRA you made in 2010. It does not show any amounts you converted from your traditional IRA, SEP IRA, or SIMPLE IRA to a Roth IRA. They are shown in box 3. See the Form 1040 or 1040A instructions for information on how to report rollovers. If you have ever made any nondeductible contributions to your traditional IRA or SEP IRA and you did not roll over the total distribution, use Form 5498 to figure the taxable amount. If properly used and over, see Pub. 590.

Box 3. Shows the amount converted from a traditional IRA, SEP IRA, or SIMPLE IRA to a Roth IRA in 2010. Use Form 5498 to figure the taxable amount. See 4. Shows amounts recharacterized from contributing any part of the contribution (plus earnings) from one type of IRA to another. See Pub. 590.

Box 5. Shows the FMV of all investments in your account at year end. However, if a distribution name is shown, the amount reported may be the FMV on the date of death. If the FMV shown is less for a decedent, the executor or administrator of the estate may request date-of-death value from the financial institution.

Box 6. For authorized estate only, shows the amount payable to the next of kin. However, if the FMV shown is less for a decedent, the executor or administrator of the estate may request date-of-death value from the financial institution.

Box 7. May show the kind of IRA reported on this Form 5498.

Box 8. Shows SEP contributions made in 2010, including contributions made in 2010 for 2009, but not including contributions made in 2011 for 2010. If made by your employer, do not deduct on your income tax return. If you made the contributions as a self-employed person (or partner), they may be deductible. See Pub. 590.

Box 9. Shows SIMPLE contributions made in 2010. If made by your employer, do not deduct on your income tax return. If you made the contributions as a self-employed person (or partner), they may be deductible. See Pub. 590.

Box 10. Shows Roth IRA contributions you made in 2010 and through April 15, 2011. Do not deduct on your income tax return.

Box 11. If the box is checked, you must take an RMD for 2011. An RMD may be required even if the box is not checked. If you do not take the RMD for 2011, you are subject to a 50% excise tax on the amount not distributed. See Pub. 590 for details.

Box 12a. Shows the date by which the RMD amount in box 11b must be distributed to avoid the 50% excise tax on the undistributed amount for 2011.

Box 12b. Shows the amount of the RMD for 2011. If box 11 is checked and there is no amount in this box, the trustee or issuer must provide you the amount or offer to calculate the amount in a separate statement by January 31, 2011.

Box 13a. Shows the amount of any postponed contribution made in 2010 for a prior year.

Box 13b. Shows the year to which the postponed contribution in box 13a was applied.

Box 13c. For participants who made a postponed contribution due to an extension of the contribution due date because of a federally designated disaster, show the code FD.

For participants who served in designated combat zones and made postponed contributions, show the code for the combat zone or immediate duty area in which the participant served. The codes are: AF—Afghanistan; IS—Iraq; EW—Enduring Freedom; and IF—Iraq Freedom. For additional information, including a list of locations within the designated combat zones, see Pub. 5, Armed Forces' Tax Guide.

Box 14a. Shows the amount of any repayment of a qualified disaster distribution or federally designated disaster-related repayment. See Pub. 590 for reporting requirements.

Box 14b. Shows the code for the repayment of a qualified disaster distribution or code CD for repayment of a federally designated disaster distribution.

Department of the Treasury - Internal Revenue Service

Box 14b. Shows the code CFT for the repayment of a qualified second distribution or code LEO for repayment of a federally designated disaster distribution.

**This
information
is being
furnished to
the Internal-
Revenue
Service**

STATE OF SOUTH CAROLINA

COUNTY OF AIKEN

IN THE MATTER OF:
ALBERT DEMPSEY BONE,

An incapacitated person

IN THE PROBATE COURT

File Number: 2007GC02-00060

ORDER

HEARING: May 10, 2016

BEFORE: THE HONORABLE ANGELA E. LITTLE
ASSOCIATE JUDGE OF PROBATE
AIKEN COUNTY, SOUTH CAROLINA

Present at the Hearing, upon proper notice, was Mr. Robert G. Bone, Conservator for Albert Dempsey Bone and Bryan P. Kelley, Esquire, Elmore Goldsmith Law Firm in Greenville, South Carolina on behalf of Liberty Mutual Insurance Company.

John E. Cheatham, Esquire, attorney for Vivy Bone, former spouse of Mr. Albert Dempsey Bone did not appear.

A Hearing was held in the Probate Court for Aiken County, South Carolina on May 10, 2016 for the purpose of reviewing the tax returns submitted for the above-referenced incapacitated person for the years 2010 through 2014.

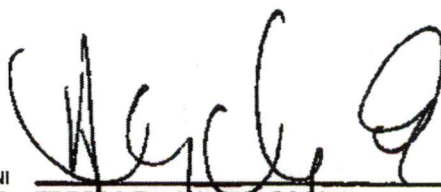
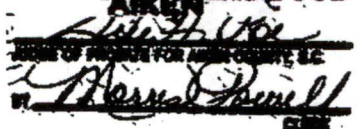
After hearing testimony from Mr. Robert G. Bone and Bryan P. Kelley, Esquire, together with supporting documents from Judith K. Dooley, EA, North Augusta Bookkeeping and Tax Services dated March 24th and 31st, 2016, and from James V. Cook, Vice-President and Senior Financial Advisor for Merrill Lynch Wealth Management dated March 31, 2016, it appears to the Court that the amended accountings as submitted are appropriate and no evidence of malfeasance is found. Therefore it is

ORDERED that the accountings
are accepted as filed.

Dated this 12th day of
May, 2016.

STATE OF
COUNTY
OF

TWS IS TO C6BWV THAI TNI
KXKCOWQ 8 A IWF MO


HONORABLE ANGELA E. LITTLE
ASSOCIATE JUDGE
AIKEN COUNTY, SOUTH CAROLINA

Bryan P. Kelley
Conservator for Albert Dempsey Bone, et al.

FILED
PROBATE

9

1	State of South Carolina	)	In the Court
2	County of Aiken	)	Of Common Pleas
3	Docket No. 2016CP0202576		
4			
5			
6	Vivy Hayne Bone,	)	
7	Plaintiff,	)	
8	vs.	)	Transcript of Record
9		)	
10	Robert G. Bone, Conservator,	)	
11	and Liberty Mutual Insurance	)	
	Company,	)	
	Defendants.	)	
12	February 20, 2018		
13	Aiken, South Carolina		
14			
15	<u>B E F O R E:</u>		
16	The Honorable Doyet A. Early III, Judge.		
17			
18	<u>A P P E A R A N C E S:</u>		
19	John E. Cheatham, Esquire		
20	Attorney for the Plaintiff		
21	Bryan Patrick Kelly, Esquire		
22	Attorney for the Defendant Liberty Mutual		
23			
24	Brenda J. Sigwald, Circuit Court Reporter		
25	To The Honorable Doyet A. Early III		
	P.O. Box 206, Jackson, South Carolina 29831		

#10

1 MR. KELLY: Nothing has happened with it, Your
2 Honor. We filed a motion to dismiss it. A second motion
3 to dismiss it for failure to prosecute.

4 THE COURT: And Judge Dickson has heard that.

5 MR. KELLY: He has heard it, he has taken it under
6 advisement.

7 THE COURT: So I have to wait on that.

8 MR. KELLY: That's our position, Your Honor.

9 THE COURT: All right.

10 MR. KELLY: And as an aside, Your Honor, as we sit
11 here today, that motion was based on the appellant's
12 failure to file an appellate brief. We still don't have
13 one today.

14 THE COURT: But you argued all that before Judge
15 Dickson.

16 MR. KELLY: We did.

17 THE COURT: And are awaiting on that.

18 MR. KELLY: Correct.

19 THE COURT: So how -- well, I can't rule on that,
20 he's got it under advisement.

21 MR. KELLY: I understand that, Your Honor.

22 THE COURT: And then in addition to that, you're
23 seeking sanctions.

24 MR. KELLY: Well, I think that there's one step
25 that we overlooked in that chronology, which is the instant

**STATE OF SOUTH CAROLINA
COUNTY OF AIKEN**

VIVY ANN HAYNES BONE

Appellant,

-vs-

**ALBERT BONE, AND
ROBERT G. BONE, INDIVIDUALLY
AND AS CONSERVATOR OR
FORMERLY FOR ALBERT D. BONE,
AND LIBERTY MUTUAL INS. CO.,**

Respondents.

**IN THE COURT OF COMMON PLEAS
SECOND JUDICIAL CIRCUIT**

2016 CP 92 02576

NOTICE OF BANKRUPTCY

**TO: ALL OF THE ABOVE NAMED AND ANY ATTORNEY and TO THE COURT
OF COMMON PLEAS:**

**YOU WILL PLEASE TAKE NOTICE that the Appellant respectfully submits a Notice
of Bankruptcy concerning Robert G. Bone as is evidenced by the attached Application of
Bankruptcy and other attachments.**

**While the Bankruptcy Statue may not apply in this case, this case involves a
monetary claim against Robert G. Bone for his conduct in this matter, and the
undersigned submits that inadequate notice (proper account number and address) may
mean that the Bankruptcy has no effect upon the Appellant (creditor) who did not get
proper notice, but since Appellant discovered the proceeding that she, through the
undersigned, believes this is best left to a Bankruptcy Judge to interpret and decide if
the Bankruptcy Law is effective.**

**According to the Bankruptcy Application it was submitted November 1, 2017, and
was filed November 17, 2017, as per the attached Notice of Bankruptcy Case Filing
which, if effective, could impact the Court of Common Pleas proceedings after those**

11

dates. According to another Document attached a Confirmation Hearing is scheduled for September 27, 2018.

The undersigned is informed and believes that a Bankruptcy Judge is the proper Judge to determine whether the Bankruptcy Law applies to this case.

The undersigned verifies as per SCRCP, Rule 11, that he has made opposing counsel for Liberty Mutual, Brian Kelley, aware of such Bankruptcy by email, but has not communicated with him, oral or otherwise, as he believes such could not be timely held and that he believes that such consultation would serve no useful purpose.

Respectfully submitted,

September 24, 2018

S/ John E. Cheatham

Lexington, South Carolina

JOHN E. CHEATHAM Bar # 1206
ATTORNEY FOR VIVY HAYNES BONE
P.O. BOX 1345 (29071)
102 HARMON STREET (29072)
LEXINGTON, S.C.
PHONE: 803-359-2828
FAX: 803-359-0642
jcheathamlaw@gmail.com

United States Bankruptcy Court
District of South Carolina

ELECTRONICALLY FILED - 2018 Sep 24 11:20 PM - AIKEN - COMMON PLEAS - CASE#2016CP0202576

Notice of Bankruptcy Case Filing

A bankruptcy case concerning the debtor(s) listed below was filed under Chapter 13 of the United States Bankruptcy Code, entered on 11/17/2017 at 3:03 PM and filed on 11/17/2017.

Robert Grady Bone
888 Currytown Road
North Augusta, SC 29860
SSN / ITIN: xxx-xx-7204
Tax ID / EIN: 57-1040064
aka Butch Bone
fdha Al's Family Restaurant

Darlene Delk Bone
888 Currytown Road
North Augusta, SC 29860
SSN / ITIN: xxx-xx-2645
Tax ID / EIN: 14-1901803
fdha The Sportsman Bar-B Que

The case was filed by the debtor's attorney: The bankruptcy trustee is:

Joseph E. Mitchell, III
Joseph E. Mitchell, III, PC
PO Box 2504
Augusta, Ga 30903
(706) 826-1808

William K. Stephenson, Jr.
PO Box 8477
Columbia, SC 29202
(803) 254-2981

The case was assigned case number 17-05830-hb to Judge Helen E. Burris.

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

If you would like to view the bankruptcy petition and other documents filed by the debtor, they are available at our *Internet* home page <http://ecf.scb.uscourts.gov> or at the Clerk's Office, J. Bratton Davis United States, Bankruptcy Courthouse, 1100 Laurel Street, Columbia, SC 29201-2423.

You may be a creditor of the debtor. If so, you will receive an additional notice from the court setting forth important deadlines.

Laura A. Austin
Clerk, United States Bankruptcy
Court

PACER Service Center			
Transaction Receipt			
09/24/2018 02:12:00			
PACER Login:	legalgal71:47RR974:0	Client Code:	
Description:	Notice of Filing	Search Criteria:	17-05830-hb

	Filed: 11/17/2017 Due/Set: 05/16/2018
<u>44</u>	Confirmation Hearing Filed: 05/14/2018 Due/Set: 06/26/2018 at 02:00 PM Satisfied: 06/27/2018
<u>6</u>	Confirmation Hearing Filed: 11/17/2017 Due/Set: 07/19/2018 at 11:00 AM Terminated: 07/20/2018
<u>22</u>	Confirmation Hearing Filed: 01/17/2018 Due/Set: 07/19/2018 at 11:00 AM Terminated: 07/20/2018
<u>34</u>	Confirmation Hearing Filed: 03/15/2018 Due/Set: 07/19/2018 at 11:00 AM Terminated: 07/20/2018
<u>41</u>	Confirmation Hearing Filed: 05/04/2018 Due/Set: 07/19/2018 at 11:00 AM Satisfied: 07/19/2018
<u>56</u>	Confirmation Hearing Filed: 07/30/2018 Due/Set: 09/13/2018 at 11:00 AM Terminated: 09/13/2018
<u>59</u>	Confirmation Hearing Filed: 08/28/2018 Due/Set: 09/27/2018 at 11:00 AM

STATE OF SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS

COUNTY OF AIKEN

) C/A # 2016-CP-02-2576

In the Matter of Albert D. Bone,
An incapacitated person,

Vivy Haynes Bone,

Appellant,

ORDER

v.

Robert G. Bone, Conservator; and Liberty
Mutual Insurance Company,

Respondent(s).

This matter came before this Court for hearing on Monday, September 24, 2018, on Appellant's pending Motions: (1) "Motion to Rehear Liberty Mutual's Motion for Sanctions Filed October 10, 2017 Including Motion to Dismiss or Alternatively to Allow Appellant's Attorney to Obtain Transcript to Review Before Submitting Proposed Order, or Alternatively to Allow Appellant's Attorney an Additional 15 Days to Present A Proposed Order" (filed on February 27, 2018); (2) "Motion for Hearing To Examine Any Affidavit Bryan Kelley Submits for Liberty Mutual's Motion for Attorney's Fees and Costs" (filed March 1, 2018); and (3) "Motion to Have Court Schedule Hearing to Determine Appellant and/or Appellant's Attorney (sic) Ability to Pay Before Ordering Monetary Sanctions if Found to Be Due In This Matter." (filed March 2, 2018).

At the appointed time of the hearing, at 2:00 PM on September 24, 2018, Kimila L. Wooten, Esq. appeared for Respondent Liberty Mutual Insurance Company. Neither Appellant nor her counsel timely appeared for the hearing. The Court was informed that, shortly before the hearing was scheduled to begin, Appellant's counsel called the Clerk of Court's Office to report that he was running late. However, the Court elected to go forward with the hearing at 2:00 p.m.

#12

as scheduled, due to Appellant counsel's repeated and continuous failure or refusal to report to court on time during the pendency of this matter.

Accordingly, IT IS ORDERED that all of Appellant's pending motions are deemed abandoned and are denied.

IT IS SO ORDERED.

END OF ORDER

SIGNATURE PAGE TO FOLLOW



Aiken Common Pleas

Case Caption: Vivy Haynes Bone , plaintiff, et al VS Robert G Conservator Bone ,
defendant, et al
Case Number: 2016CP0202576
Type: Order/Other

So Ordered

s/D.A. Early III 2136



John E. Cheatham <jcheathamlaw@gmail.com>

Bone Transcript

9 messages

John E. Cheatham <jcheathamlaw@gmail.com>

Sat, Jan 19, 2019 at 6:16 PM

To: bkelly@sccourts.org, transcripts@sccourts.org, Bryan Kelley <bkelley@elmoregoldsmith.com>

Ms. Kelly,

I am sending you a Transcript Request Form for December 11, 2018, which is attached.

I am serving opposing counsel by this email, and I am providing one to Court Administration as required by the Rules. I will also forward same to the Court of Appeals by mail, as well as to the Bone Brothers.

Please advise as to what financial arrangements I need to make.

Best regards,

John E. Cheatham

**Transcript Request Form 12-11-18.docx**

22K

Kelly, Bonnie <bkelley@sccourts.org>

Sat, Jan 19, 2019 at 10:14 PM

To: "John E. Cheatham" <jcheathamlaw@gmail.com>, transcripts <transcripts@sccourts.org>, Bryan Kelley <bkelley@elmoregoldsmith.com>

?Thank you for your recent request for a transcript. Unfortunately, I did not have a case by this name being held on 12/11/18. Could it have been on another date?

I was w/Jd. Early on 12/10/18 - 12/13/18 and have searched through my notes for all of those days and do not find anything by that name. If you could provide me with more information, I'll be glad to continue to search further.

Thank you.

Bonnie H. Kelly, CVR
Official Court Reporter
5th Circuit - At-large

From: John E. Cheatham <jcheathamlaw@gmail.com>

Sent: Saturday, January 19, 2019 6:16 PM

To: Kelly, Bonnie; transcripts; Bryan Kelley

Subject: Bone Transcript

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**Kelly, Bonnie** <bkelley@sccourts.org>

Sun, Jan 20, 2019 at 11:52 AM

To: "John E. Cheatham" &lt;jcheathamlaw@gmail.com&gt;, transcripts &lt;transcripts@sccourts.org&gt;, Bryan Kelley &lt;bkelley@elmoregoldsmith.com&gt;

?I am still racking my brain to remember this hearing and do recall some things were done off the record, either in

#13

chambers' or after Judge Early dismissed me for the day. Could this hearing have been one of those?

Bonnie H. Kelly, CVR  
Official Court Reporter  
5th Circuit - At-large

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From: John E. Cheatham <jcheathamlaw@gmail.com>  
Sent: Saturday, January 19, 2019 6:16 PM  
To: Kelly, Bonnie; transcripts; Bryan Kelley  
Subject: Bone Transcript

[Quoted text hidden]

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**Kelly, Bonnie** <bkelley@sccourts.org>

Tue, Jan 22, 2019 at 1:55 PM

To: "John E. Cheatham" <jcheathamlaw@gmail.com>, transcripts <transcripts@sccourts.org>, Bryan Kelley <bkelley@elmoregoldsmith.com>

?Hi, Mr. Cheatham. I am contacting you again in an effort to get more information about this hearing you've requested. As I indicated in my earlier email, I have no information that this hearing was held on the date you've indicated. Some hearings were held off the record and/or in chambers, and I'm wondering if this might be one of them? I'm copying all parties in an effort to get assistance from them as well. Thank you.

Bonnie H. Kelly, CVR  
Official Court Reporter  
5th Circuit - At-large

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From: John E. Cheatham <jcheathamlaw@gmail.com>  
Sent: Saturday, January 19, 2019 6:16 PM  
To: Kelly, Bonnie; transcripts; Bryan Kelley  
Subject: Bone Transcript

[Quoted text hidden]

[Quoted text hidden]

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**Bryan Kelley** <bkelley@elmoregoldsmith.com>

Tue, Jan 22, 2019 at 2:59 PM

To: "Kelly, Bonnie" <bkelley@sccourts.org>, "John E. Cheatham" <jcheathamlaw@gmail.com>, transcripts <transcripts@sccourts.org>

Ms. Kelly:

I have no record of any hearing being held, noticed or scheduled for December 11 in this matter. If anything transpired regarding this matter either off the record or in chambers, I am not aware of it. Nor am I aware of anything that was scheduled for December 11 at an earlier time and then rescheduled.

I'm sorry that I'm unable to be of any further assistance.

Regards,

Bryan P. Kelley  
Attorney  
bkelley@elmoregoldsmith.com

---

Elmore Goldsmith, P.A.  
55 Beattie Place, Suite 1050 (29601)  
Post Office Box 1887 | Greenville, SC 29602  
T (864) 255.9500 | F (864) 255.9505  
vCard | Website | Blog

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**Kelly, Bonnie** <bkelley@sccourts.org>

Tue, Jan 22, 2019 at 3:08 PM

To: Bryan Kelley <bkelley@elmoregoldsmith.com>, "John E. Cheatham" <jcheathamlaw@gmail.com>, transcripts <transcripts@sccourts.org>

Thank you, Mr. Kelly. That at least confirms my records.

Bonnie H. Kelly, CVR  
Official Court Reporter  
5th Circuit - At-large

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From: Bryan Kelley <bkelley@elmoregoldsmith.com>

Sent: Tuesday, January 22, 2019 2:59 PM

To: Kelly, Bonnie; John E. Cheatham; transcripts

Subject: RE: Bone Transcript

[Quoted text hidden]

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**John E. Cheatham** <jcheathamlaw@gmail.com>

Sat, Feb 2, 2019 at 9:33 PM

To: "Kelly, Bonnie" <bkelley@sccourts.org>

Cc: transcripts <transcripts@sccourts.org>, Bryan Kelley <bkelley@elmoregoldsmith.com>

Ms. Kelly, Bone Transcript.

All I know is that when I got there a little after 2:00, that the Courtroom was closed and when I went to the Clerk's Office I was advised the Judge had left.

If you do not have anything, then I would assume nothing was done on the record.  
I do not have any other or further information to provide.

My client, Vivy Bone, was there and she did not hear the case called, but she has no information about anything that could add to the situation.

Best regards,

John E. Cheatham

[Quoted text hidden]

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**Kelly, Bonnie** <bkelley@sccourts.org>

Sun, Feb 3, 2019 at 10:51 AM

To: "John E. Cheatham" <jcheathamlaw@gmail.com>

Cc: transcripts <transcripts@sccourts.org>, Bryan Kelley <bkelley@elmoregoldsmith.com>

?As I said, nothing was put on the record regarding a case by that name. I have no memory of it being called or not called. Thanks.

Bonnie H. Kelly, CVR  
Official Court Reporter  
5th Circuit - At-large

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From: John E. Cheatham <jcheathamlaw@gmail.com>

Sent: Saturday, February 2, 2019 9:33 PM

To: Kelly, Bonnie

Cc: transcripts; Bryan Kelley

Subject: Re: Bone Transcript

Ms. Kelly, Bone Transcript

All I know is that when I got there a little after 2:00, that the Courtroom was closed and when I went to the Clerk's Office I was advised the Judge had left.

If you do not have anything, then I would assume nothing was done on the record.  
I do not have any other or further information to provide.

My client, Vivy Bone, was there and she did not hear the case called, but she has no information about anything that could add to the situation.

Best regards,

John E. Cheatham

On Sun, Jan 20, 2019 at 11:52 AM Kelly, Bonnie <bkelly@sccourts.org<mailto:bkelly@sccourts.org>> wrote:  
?I am still racking my brain to remember this hearing and do recall some things were done off the record, either in chambers or after Judge Early dismissed me for the day. Could this hearing have been one of those?

Bonnie H. Kelly, CVR  
Official Court Reporter  
5th Circuit - At-large

From: John E. Cheatham <jcheathamlaw@gmail.com<mailto:jcheathamlaw@gmail.com>>  
[Quoted text hidden]

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John E. Cheatham <jcheathamlaw@gmail.com>

Sun, Feb 3, 2019 at 12:31 PM

To: "Kelly, Bonnie" <bkelly@sccourts.org>

Cc: transcripts <transcripts@sccourts.org>, Bryan Kelley <bkelley@elmoregoldsmith.com>

Ms. Kelly, Bone Matter C/A#2016-CP-02-2576

Since it was all done before I got there, I do not know anything other than what I was told by someone in the Clerk of Court's office.

That was Early noted I had call and informed that I was running late, and that he ruled, and I would be getting a copy of the Order.

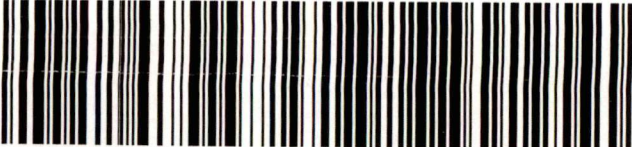
Since you have verified you have no record, I believe no further correspondence is necessary concerning this matter.

Thanks for your assistance.

John E. Cheatham

[Quoted text hidden]

John E. Cheatham  
102 Harmon St.  
Lexington, SC 29072

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