

B

Order of March 20, 2018

Order of July 16, 2019

EXHIBIT A
PROBATE COURT ORDER
DATED FEBRUARY 12, 2018

ELECTRONICALLY FILED - 2018 Jun 19 2:09 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4001772
ELECTRONICALLY FILED - 2018 Jun 25 11:33 AM - RICHLAND - COMMON PLEAS - CASE#2018CP4001772

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
IN THE MATTER OF THE ESTATE)
OF JAMES NAJEE KARIM)
)
Gail Turner,)
)
Plaintiff,)
v.)
)
Henry McMaster, in his official Capacity)
as Governor of the State of South)
Carolina,)
)
Respondent.)
_____)

IN THE PROBATE COURT
Estate Number: 2017-ES-40-01510

ORDER DISMISSING PLAINTIFF'S
"PETITION IN THE NATION
OF A MOTION FOR
DECLARATORY JUDGMENT"

FILED
2018 FEB 12 PM 3:59
RICHLAND COUNTY

THIS MATTER COMES BEFORE THE COURT upon a "Petition in the Nation of a Motion for a Declaratory Judgment" (hereinafter the "Complaint") filed by Gail Turner on January 26, 2018. This matter concerns the administration of the Estate of James Najee Karim ("Estate"). The Plaintiff, Gail Turner ("Ms. Turner"), is a sister of James Najee Karim ("Decedent"). In the belief that Decedent died intestate, and after making the duly required filings with this Court, the Decedent's daughter and sole intestate heir, Harmonica Hart, was named as the Personal Representative of the Estate.

Ms. Turner and several of her siblings have made numerous filings with this Court seeking to intervene in the administration of the Estate by requesting that the Court admit the Decedent's purported Last Will and Testament to probate and to appoint Ms. Turner as Personal Representative. However, to date, no filings of Ms. Turner or her siblings have been properly executed so as to bring their issues squarely before this Court.


A hearing on the matter was scheduled for and held on February 6, 2018. Although the Personal Representative has not been properly served with Ms. Turner's pleadings, this court held the hearing. In attendance were the Personal Representative and her attorney, Lisa Smith; the Decedent's siblings Ms. Turner, Sandra Jones, Carinne Byrd, and JoAnn Wall; the Decedent's father, James Hart; the Decedent's nephews, Corey Byrd and Zerrick Hart; and

Attorney C. Cliff Rollins on behalf of Respondent Governor Henry McMaster. Attorney Thomas E. Mosley also attended the hearing as he owns real property with the Decedent.

The Court's findings on the issues concerning the Decedent's Last Will and Testament and Ms. Turner's request to serve as Personal Representative will be addressed in a separate Order by this Court. This particular Order concerns only Ms. Turner's most recent filing, the Complaint. A copy of the Complaint and the accompanying envelope addressed to "the Honorable Henry McMaster" are attached as Exhibit 1 to this Order.

The caption section of the document names "Henry McMaster, in his official capacity as Governor of the South Carolina Office of the Governor" as Respondent. The remainder of the Complaint makes no reference to Henry McMaster or the Office of the Governor. During the course of the hearing, the Court heard sworn testimony on a number of issues, including the issues alleged in the Complaint. Ms. Turner testified that she is the author and filer of the Complaint. Ms. Turner acknowledged that notwithstanding the heading "COMPLAINT" in the body of the document, it is intended to be a motion and not a separate complaint for relief, and that she included Governor McMaster in the caption not because of anything the Governor has done or failed to do with regards to the administration of the Estate but because of Henry McMaster's status as the head of the State's executive branch of government. Ms. Turner thereafter agreed on the record that the Complaint is not intended to assert any claims against the Governor and agreed to the dismissal of the Complaint. Based upon the testimony, evidence, and Ms. Turner's agreement to dismissal, the Court agrees that the Complaint should be dismissed.

THEREFORE, IT IS HEREBY ORDERED THAT Gail Turner's document styled as the "Petition in the Nation of a Motion for a Declaratory Judgment" is DISMISSED.



Amy W. McCulloch, Probate Judge
Richland County Probate Court

February 12, 2018
Columbia, South Carolina

EXHIBIT 1

386 am

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE PROBATE COURT

IN THE MATTER OF:
James Najee Karim (Decedent)

CASE NUMBER: 2017 ES40 01510

PETITION IN THE NATION OF A MOTION
FOR A DECLARATORY JUDGMENT

GAIL TURNER, Plaintiff

v.

HENRY MCMASTER, in his official capacity as
Governor of the South Carolina Office of the Governor

COMPLAINT

Cause of Action: Negligence

1. The Court owed the Affiant a legal duty to exercise at least reasonable care.
 - a. In October 2017, Affiant filed into the Court the LAST WILL AND TESTAMENT of James Najee Karim. The WILL names Affiant as "Executor of the Will" directing that she use "informal", "unsupervised", or "Independent" probate to operate without unnecessary intervention by the probate court.
 - b. On December 11, 2017, Affiant filed into the Court a request under the South Carolina Freedom of Information Act, 30-4-10 et seq., (SCFOIA) to view all documentation that allows the Court to disregard the WILL. The SCFOIA requires a response within 15 business days.
 - c. Affiant submitted written requests to meet with Jeanette McBride, Clerk and to meet with Probate Judge, Amy W. McCulloch to discuss the delay in this matter.
2. The Court breached its duty of care.
 - a. The Court has not responded to Affiant regarding the WILL.
 - b. The Court has not responded to Affiant regarding the SCFOIA and is now in violation of the SCFOIA.
 - c. Neither McBride nor McCulloch has responded to Affiant regarding the request for a meeting.
3. Affiant was damaged as a direct result of the breach.
 - a. For the 5 months following the death, Affiant has not been able to fulfill her responsibilities as Executor of the Will.
 - b. The Court has hastily appointed an administrator over the Estate despite Affiant's notice that Affiant needed time to locate the WILL.

4 of 6 am

- c. The administrator has closed bank accounts amounting to approximately \$10,000.
- d. The administrator has had the electricity disconnected in one of the Estate properties.
- e. The act of the administrator to disconnect the electricity disabled the security cameras.
- f. The act of the administrator to disconnect the electricity cause approximately \$2,000 in lost of perishables in need of refrigeration.
- g. The Court has scheduled a Feb 6 2018 hearing:
 - 1. To resolve whether there is a WILL to probate - The Court has had the WILL in its possession since October 2017.
 - 2. To determine ownership of the Decedent's property - The WILL dictates that the property be distributed to the Trustee of the TRUST, which is Affiant.
 - 3. To hear and approve the sale of Estate property - Per the WILL, the Court lack authority to make this determination.

The Court, the Clerk and the Probate Judge owe a duty to act with care. They have failed to carry out this duty in a responsible manner.

CERTIFICATE OF SERVICE

I certify that this document was served via U.S. First Class mail to:


The Honorable Henry McMaster
State House
1100 Gervals Street
Columbia, South Carolina 29201

Harmonica Hart
701 Rockhaven Dr
Columbia SC 29223

The Honorable Alan Wilson
P.O. Box 11549
Columbia, S.C. 29211

I declare that everything stated herein is true, correct and complete.

Executed January 26, 2018



Gail Turner
(803) 397-2207

5/18/18 am

Gail Turner
123 Goodrich Street
Columbia, South Carolina 29223

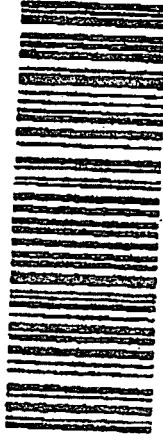
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The Honorable Henry McMaster
State House
1100 Gervais Street
Columbia, South Carolina 29201

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ELECTRONICALLY FILED - 2018 Jun 19 2:09 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4001772
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STATE OF SOUTH CAROLINA

RICHLAND COUNTY COMMON PLEAS
RICHLAND COUNTY JUDICIAL CENTER

GAIL TURNER, Plaintiff

Case: 2018CP4001772

v

OBJECTION TO CONTINUANCE
AND
PETITION FOR JUDGMENT

HENRY MCMASTER, in his official capacity
as Governor of the South Carolina Office
of the Governor, Defendant

I hereby **object** to Defendant's MOTION FOR CONTINUANCE. The reason given for the continuance, "that C. Cliff Rollins, Attorney for McMaster has only recently been retained in this matter" **is not the truth**. Court records show that C. Cliff Rollins was McMaster's attorney in this matter as far back as February 6, 2018. If Defendant is not prepared to appear on the Court scheduled date, I move for the judgment in favor of Gail Turner, Plaintiff.

Again, please be advised that I intend to file a COMPLAINT FOR VIOLATION OF CIVIL RIGHTS in federal court on or about July 1, 2019 regarding this matter.

CERTIFICATE OF SERVICE

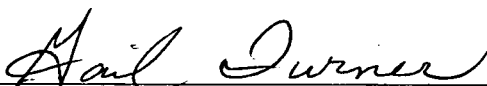
I certify that this NOTICE was served via email and U.S. First Class mail addressed to:

C. Cliff Rollins, Esq.
PO Drawer 7788
1900 Barnwell St
Columbia SC 29201

Email: mwilson@richardsonplowden.com

I declare that everything stated herein is true and correct.

Executed June 25, 2019



Gail Turner Email: gaillavernturner@gmail.com
123 Goodrich St
Columbia SC 29223
803-397-2207

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE CIRCUIT COURT
CASE NUMBER: 2017-ES40-01510

IN THE MATTER OF:
James Najee Karim (Decedent)

NOTICE OF APPEAL

GAIL TURNER, Plaintiff

v.

HENRY MCMASTER, in his official capacity as
Governor of the South Carolina Office of the Governor

FILED
2018 MAR 29 PM 2:14
JENNIFER W. HOBENDE
C.C.P. & C.S.

NOTICE TO AGENT IS NOTICE TO PRINCIPLE. NOTICE TO PRINCIPLE IS NOTICE TO AGENT

COMPLAINT

I here by Appeal the Order dated March 20, 2018 for the following reasons:

- 1) I object to the Order dated March 20, 2018 because it addresses an incorrect caption. There has never been a caption stating GAIL TURNER v. HARMONICA HART, SANDRA JONES, CARINNE BYRD, CORNELIUS HART and JOANN WALL.
- 2) The Hearing held February 6, 2018 was regarding a Petition with GAIL TURNER v. Governor HENRY McMaster; however, that has not been address.

CERTIFICATE OF SERVICE

I certify that this document was served via US First Class mail to:

The Honorable Henry McMaster
State House
100 Gervais Street
Columbia, South Carolina 29201

The Honorable Alan Wilson
P.O. Box 11549
Columbia, S.C. 29211

Executed March 29, 2018



Gail Turner

STATE OF SOUTH CAROLINA

THE SOUTH CAROLINA COURT OF APPEALS
ORDER NUMBER: 2017-ES40-1510

COUNTY OF RICHLAND

IN THE PROBATE COURT
ORDER NO: 2017- ES40-1510

IN THE MATTER OF THE ESTATE
JAMES NAJEE KARIM

OBJECTION TO THE JUDGE AMY MCCULLOCH
APPOINTMENT OF HARMONICA HART AS
PERSONAL REPRESENTATIVE

GAIL TURNER,

And SANDRA JONES, Petitioners,

V.

PROBATE JUDGE AMY MCCULLOCH

And THE STATE OF SOUTH CAROLINA

Respondents

THIS IS A MATTER OF THE RIGHT OF DECEDENT WISHES TO BE HONORED AS WILL STATES

In Judge Amy McCullouh, order as March 20, 2018, I Gail Turner and Sandra Jones, find that the order has errors that need to be addressed as follows:

1. **Objection** is hereby made seeing that the decedent did have a will appointing Gail Turner, executor.
2. **Objection** is also made to the dismissal of The Honorable Governor Henry McMaster to see that the right thing is done. His attorney was dismissed from the court, but I did not dismiss my complaint. The Trust terms is private as stated in Will and therefore not subject to court Jurisdiction. The court system falls under the Governor Jurisdiction and he has the right to govern their action.
3. **Objection** first and foremost the order filed on March 20, 2018 contains errors. Gail Turner is not Petitioning Sandra Jones, Carinne Byrd, Cornelius Hart and Joann Wall. To read further into the order it states that the decedent brother Cornelius Hart is his Nephew. It is also implied that the Will is not notarized in the State of South Carolina a will only need two witness Corey Byrd was not named in the Will and the decedent Mother Willie Mae is also deceased and does not stand to gain anything from decedent death. Law states that if a witness sign a Will then he is be excluded from will but it does not invalidate the Will.
4. **Objection** it is also mention in the order that a letter was sent to Harmonica Hart and was sent first class and should have been sent certified, (Document proof attached was sent certified).

5. **Objection** also stated in order that Sandra Jones sent a letter undated. I received a letter from the Governs Attorney's office undated. My point if I should send certified letters then I should receive certified letters.
6. The Will presented to the Court was the authentic LAST WILL AND TESTMENT OF JAMES NAJEE KARIM.

- c. The administrator has closed bank accounts amounting to approximately \$10,000.
- d. The administrator has had the electricity disconnected in one of the Estate properties.
- e. The act of the administrator to disconnect the electricity disabled the security cameras.
- f. The act of the administrator to disconnect the electricity cause approximately \$2,000 in lost of perishables in need of refrigeration.
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The Honorable Henry McMaster
State House
1100 Gervais Street
Columbia, South Carolina 29201

Harmonica Hart
701 Rockhaven Dr
Columbia SC 29223

The Honorable Alan Wilson
P.O. Box 11549
Columbia, S.C. 29211

I declare that everything stated herein is true, correct and complete.

Executed January 26, 2018



Gail Turner
(803) 397-2207

NFOIC
National Freedom of Information Coalition

Gail Turner
123 Goodrich Street
Columbia, SC 29223

December 12, 2017

Richland County Judicial Center
Post Office Box 192
Columbia, SC 2202

Regarding the James Karim Estate Case No:2017 ES4001510

Dear Clerk of Court:

Under the South Carolina Freedom of Information Act, 30-4-10 et seq., I am requesting the opportunity to view the documentation that gives you the authority to disregard the Last Will and Testament of the late James Karim.

I am seeking an appointment with the Probate Judge, Amy W. McCulloch. I have presented all paper work necessary to meet with her; yet, each time I am being told to get a lawyer. I don't need a lawyer when a Will has been presented and I am the Executor of his Estate.

The South Carolina Freedom of Information Act requires a respond within 15 business days. If this is going to take more than 15 business days, please contact me with information as of when I might be able to view legal documents stating that a Will can be disregarded.

If you deny any or all of this request, Please cite each specific exemption you feel justifies the refusal to release this information to me and notify me of any procedure available to me under the law.

Thank you for respecting my request.

Sincerely,

Gail Turner
(803) 397-2207

FILED

2017 SEP 28 AM 8:39

AMY W. MCCULLOCH
PROBATE JUDGE
RICHLAND COUNTY, S.C.

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

IN THE MATTER OF:)
JAMES C. HART, JR. /)
JAMES NAJEE KARIM)
(Decedent))

Harmonica Hart,)
Petitioner,)

vs.)

Najee61372 Trust,)
Sandra Jones, and Gail Turner, et al.,)
Respondents.)

IN THE PROBATE COURT

CASE NO. 2017-ES-1510


OBJECTION TO THE PETITIONER'S
APPLICATION FOR EXECUTORSHIP

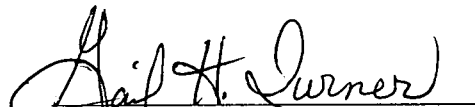
COMES NOW THE WITHIN RESPONDENTS, Sandra Jones and Gail Turner holding the Najee61372 Trust. WHEREFORE, as Trustees of the Decedent's Living Trust Agreement, without Counsel, do hereby jointly gives this Honorable Court notice that this Court lacks jurisdiction of the subject matter as follows:

1. Objection is hereby made seeing that this Honorable Court lacks jurisdiction of the subject matter due to and as a direct result because the named Decedent did not execute a will or a bequest.
2. Objection is further made seeing that this Honorable Court lacks jurisdiction of the subject matter by reason that the named Decedent did not have nor hold an estate nor any real nor personal property for this Court to probate in any way.

3. The Najee61372 Living Trust Agreement strips subject matter jurisdiction from this Honorable Court because the Decedent determined during his lifetime what would be done at his death, how the distribution would flow to the named beneficiaries as described in the trust, and who would act as successor trustee(s) to satisfy the same. See attached.
4. WHEREFORE, this Court lacks jurisdiction of the subject matter.
5. WHEREAS, the Petitioner lacks jurisdiction to be an executor against the wishes of her estranged father who clearly named her as beneficiary in his said living trust agreement.
6. INASMUCH as Petitioner is an heir of the Decedent, Petitioner brought this matter before this Court further demonstrates the complete disregard Petitioner has not honoring her father's religious right, belief and his wishes he chose to leave for his love ones.
7. The Petitioner's lacked of a meaningful relationship with the Decedent during his lifetime shows even in the application placed before the Court by reason, the Decedent named herein was not the Decedent's legal name. Had the Petitioner had a better relationship with the Decedent, clearly Petitioner would have filed this action in his name he has used for more than 25 years.
8. Finally, this Honorable Court must deny said petition for the grounds that this Court lacks jurisdiction of the subject matter.

Respectfully submitted, for we are


Sandra Jones
201 Goodrich St.
Columbia South Carolina 29223
(803) 865-1398


Gail H. Turner
123 Goodrich St
Columbia South Carolina 29223
(803) 419-5726

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

Gail Turner,)
)
Plaintiff)

Case No.: 2018-CP-40-01772

vs

RECEIVED

**MOTION FOR ORDER OF THE COURT
DISMISSING GOVERNOR HENRY
MCMASTER FROM APPEAL**

Henry McMaster, Governor of South)
Carolina,)
Defendant.)

AUG 15 2019

SC Court of Appeals

Pursuant to S.C. Code Ann. § 62-1-308, by and through his undersigned counsel, Defendant Henry McMaster (hereinafter “McMaster”), moves the Court to issue its Order dismissing with prejudice McMaster from Plaintiff’s appeal of this matter. In support of this Pleading, McMaster presents the following:

1. On August 27, 2017, James Najee Karim (“Decedent”) died. Decedent’s daughter, Harmonica Hart, survived him and on September 8, 2017 filed an Application for Informal Appointment requesting the Richland County Probate Court appoint her as personal representative of the Estate of James Najee Karim. Ms. Hart was so appointed by the Court on September 28, 2017.

2. On September 21, 2017, *pro se* Plaintiff (Decedent’s surviving sister) filed an incomplete Summons and Petition for Formal Testacy, alleging the existence of a living trust that controlled the disposition of Decedent’s estate, leaving all assets to Plaintiff and four other surviving siblings. This filing was followed by a number of other filings by *pro se* Plaintiff, which challenged the subject matter jurisdiction of the Probate Court, the appointment of Ms. Hart as the personal representative, and generally objected to the manner in which the Probate Court was administering the estate of Decedent.

3. On or about January 26, 2018, Plaintiff mailed a document via U.S. Mail, Certified Mail, and addressed to “The Honorable Henry McMaster, State House, 1100 Gervais Street, Columbia, South Carolina 29201.” A copy of the document contained therein is attached as **Exhibit 1** to this Motion. The document styles itself both as a “Petition in the Nation of a Motion for a Declaratory Judgment” and later as a “Complaint.” The caption of the document references the estate of the Decedent, names Gail Turner as the Plaintiff, and, in the section of the caption normally reserved for a defendant or defendants, names “Henry McMaster, in his official capacity as Governor of the South Carolina Office of the Governor.” The remainder of the document makes no reference to Henry McMaster or the office of the Governor.

4. The Probate Court scheduled a hearing on February 6, 2018. Although the Probate Court concluded that none of *pro se* Plaintiff’s filings to that date had been properly filed or served so as to trigger a formal proceeding, the court elected to utilize its own initiative in the interests of judicial economy and resolution of the issues created by Plaintiff’s numerous filings. All interested parties were given notice of the hearing by the Court, and the Court heard sworn testimony from a number of witnesses on a number of issues, including the issues presented by Exhibit 1.

5. McMaster was represented by counsel at the February 6, 2018 hearing and counsel questioned Plaintiff with regards to Exhibit 1. Under oath, Plaintiff testified that notwithstanding the heading “Complaint”, Exhibit 1 was intended by her as a motion and not a separate Complaint for relief; and that Governor McMaster was included in the caption not because of anything the Governor had done or failed to do with regards to the administration of the Decedent’s estate, but because of his status as the head of the executive branch of the State’s

government. Plaintiff thereafter agreed, on the record, that no claims were intended against the Governor and to the dismissal of the Petition.

6. Based upon the hearing of February 6, 2018, the Probate Court issued its Order on February 12, 2018, Dismissing the “Petition” and by operation of the same, dismissing Governor McMaster from the litigation. (See **Exhibit 2**, Order Dismissing Plaintiff’s Petition in the Nation of a Motion for Declaratory Judgment”). This Order noted that the Court’s findings on the other issues raised by Plaintiff regarding Decedent’s purported Last Will and Testament and Plaintiff’s request to be appointed as the Personal Representative of Decedent’s estate would be addressed in a subsequent order.

7. On March 20, 2018, the Probate Court issued its Order on the remaining issues as referenced above. This Order, attached as **Exhibit 3**, found that the will proffered by Plaintiff and her siblings should not be admitted to probate for a variety of reasons, including but not limited to the document’s failure to observe the required formalities for a will under South Carolina law. Accordingly, the Probate Court ruled that the administration of the Decedent’s estate should continue pursuant to the laws of intestate succession.

8. On March 29, 2018, Plaintiff filed two documents with the Circuit Court. The first, attached as **Exhibit 4**, is styled as a Notice of Appeal and indicates Plaintiff’s intent to appeal the Order of the Probate Court dated March 20. The second, attached as **Exhibit 5**, indicates an intent to appeal the Probate Court’s Order of “February 6, 2018”, the same being the Order which dismissed Plaintiff’s Petition. Plaintiff indicates that she received both Orders on March 20, 2018.

9. S.C. Code Ann. § 62-1-308 deals with appeals from probate court to circuit court, and provides in pertinent part:

A person interested in a final order, sentence, or decree of a probate court may appeal to the circuit court in the same county, subject to the provisions of Section 62-1-303. The notice of intention to appeal to the circuit court must be filed in the office of the circuit court and in the office of the probate court and a copy served on all parties not in default within ten days after the receipt of written notice of the appealed from order, sentence, or decree of the probate court.

S.C. Code Ann. § 62-1-308(a).

10. Exhibit 2, the Probate Court's Order dismissing the claim against McMaster, was emailed to Plaintiff by the Probate Court on February 12, 2018. (See *Exhibit 6*, email exchanges between Hopkins and Gail Turner dated February 12, 2018 and February 14, 2018, and email between Hopkins and MJ Wilson of Richardson Plowden dated April 10, 2018).

11. Pursuant to *Wells Fargo Bank, N.A. v. Fallon Properties South Carolina, LLC.*, 810 S.E.2d 856, 2018 WL 1075861 (February 28, 2018), the South Carolina Supreme Court has ruled that an email providing written notice of entry of an order or judgment triggers the time to appeal from an action of this nature as long as the email is received from the court, an attorney of record, or a party.

12. Accordingly, pursuant to *Wells Fargo Bank, N.A. v. Fallon Properties South Carolina, LLC*, Plaintiff's time to appeal from the Order dated February 12, 2018, began to run on February 12, 2018, when the Order was served upon her by the Probate Court. Any attempt to appeal the Order after February 23, 2018 would be untimely. As Plaintiff's Notice of Appeal was filed on March 29, 2018, it is clearly untimely under S.C. Code Ann. § 62-1-308(a).

WHEREFORE, the undersigned respectfully requests that this Court issue its affirmative Order indicating that Plaintiff's attempt to appeal the Order of February 12, 2018 is denied as untimely, and confirming the Probate Court's Order DISMISSING Plaintiff's "Petition in the Nation of a Motion for Declaratory Judgment."

Dated this the 10th day of May, 2018.

RICHARDSON, PLOWDEN & ROBINSON, P.A.

/s/ C. Cliff Rollins

C. Cliff Rollins, Esq.

PO Drawer 7788

1900 Barnwell Street

Columbia, SC

T: (803) 771-4400

F: (803) 779-0016

**COUNSEL FOR THE HONORABLE HENRY
MCMASTER, GOVERNOR OF SOUTH**

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

Gail Turner,)
)
Plaintiff,)
)
vs)
)
Henry McMaster, Governor of South)
Carolina,)
Defendant.)

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

Case No.: 2018-CP-40-01772

CERTIFICATE OF SERVICE

I, the undersigned employee of Richardson Plowden & Robinson, P.A., counsel for Henry McMaster, do hereby certify that I have served a copy of the **Motion for Order of the Court Dismissing Governor Henry McMaster from Appeal** by causing a copy of the same to be personally deposited in a United States Postal Service mail box, postage prepaid, with the return address clearly visible, and/or via electronic delivery addressed to Plaintiff as indicated below on this 10th day of May, 2018.

Gail Turner
123 Goodrich Street
Columbia, SC 29223
gaillavernturner@gmail.com

/s/C. Cliff Rollins

May 10, 2018
Columbia, South Carolina.

EXHIBIT 1
PETITION IN THE NATION OF A MOTION
FOR A DECLARATORY JUDGMENT

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE PROBATE COURT

IN THE MATTER OF:
James Najee Karim (Decedent)

CASE NUMBER: 2017 ES40 01510

PETITION IN THE NATION OF A MOTION
FOR A DECLARATORY JUDGMENT

GAIL TURNER, Plaintiff

v.

HENRY MCMASTER, in his official capacity as
Governor of the South Carolina Office of the Governor

COMPLAINT

Cause of Action: Negligence

1. The Court owed the Affiant a legal duty to exercise at least reasonable care.
 - a. In October 2017, Affiant filed into the Court the LAST WILL AND TESTAMENT of James Najee Karim. The WILL names Affiant as "Executor of the Will" directing that she use "informal", "unsupervised", or "independent" probate to operate without unnecessary intervention by the probate court.
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Harmonica Hart
701 Rockhaven Dr
Columbia SC 29223

The Honorable Alan Wilson
P.O. Box 11549
Columbia, S.C. 29211

I declare that everything stated herein is true, correct and complete.

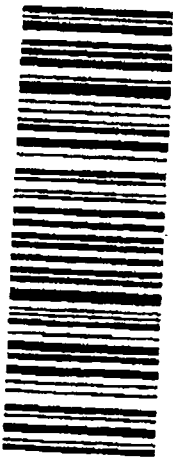
Executed January 26, 2018



Gail Turner
(803) 397-2207

Gail Turner
123 Goodrich Street
Columbia South Carolina 29223

CERTIFIED MAIL



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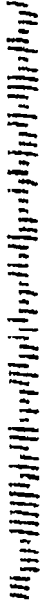
The Honorable Henry McMaster
State House
1100 Gervais Street
Columbia, South Carolina 29201

RECEIVED

JAN 30 2017
TL-legal

Reference to

Answers



2920136215 0020

EXHIBIT 2

ORDER DISMISSING PLAINTIFF'S
PETITION IN THE NATION OF A MOTION
FOR DECLARATION JUDGMENT

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 IN THE MATTER OF THE ESTATE)
 OF JAMES NAJEE KARIM)
)
 Gail Turner,)
)
 Plaintiff,)
)
 v.)
)
 Henry McMaster, in his official Capacity)
 as Governor of the State of South)
 Carolina,)
)
 Respondent.)

IN THE PROBATE COURT
 Estate Number: 2017-ES-40-01510

ORDER DISMISSING PLAINTIFF'S
 "PETITION IN THE NATION
 OF A MOTION FOR
 DECLARATORY JUDGMENT"

FILED
 2018 FEB 12 PM 3:59
 RICHLAND COUNTY, S.C.

THIS MATTER COMES BEFORE THE COURT upon a "Petition in the Nation of a Motion for a Declaratory Judgment" (hereinafter the "Complaint") filed by Gail Turner on January 26, 2018. This matter concerns the administration of the Estate of James Najee Karim ("Estate"). The Plaintiff, Gail Turner ("Ms. Turner"), is a sister of James Najee Karim ("Decedent"). In the belief that Decedent died intestate, and after making the duly required filings with this Court, the Decedent's daughter and sole intestate heir, Harmonica Hart, was named as the Personal Representative of the Estate.

Ms. Turner and several of her siblings have made numerous filings with this Court seeking to intervene in the administration of the Estate by requesting that the Court admit the Decedent's purported Last Will and Testament to probate and to appoint Ms. Turner as Personal Representative. However, to date, no filings of Ms. Turner or her siblings have been properly executed so as to bring their issues squarely before this Court.

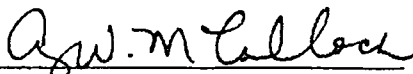
A hearing on the matter was scheduled for and held on February 6, 2018. Although the Personal Representative has not been properly served with Ms. Turner's pleadings, this court held the hearing. In attendance were the Personal Representative and her attorney, Lisa Smith; the Decedent's siblings Ms. Turner, Sandra Jones, Carinne Byrd, and JoAnn Wall; the Decedent's father, James Hart; the Decedent's nephews, Corey Byrd and Zerrick Hart; and

Attorney C. Cliff Rollins on behalf of Respondent Governor Henry McMaster. Attorney Thomas E. Mosley also attended the hearing as he owns real property with the Decedent.

The Court's findings on the issues concerning the Decedent's Last Will and Testament and Ms. Turner's request to serve as Personal Representative will be addressed in a separate Order by this Court. This particular Order concerns only Ms. Turner's most recent filing, the Complaint. A copy of the Complaint and the accompanying envelope addressed to "the Honorable Henry McMaster" are attached as Exhibit 1 to this Order.

The caption section of the document names "Henry McMaster, in his official capacity as Governor of the South Carolina Office of the Governor" as Respondent. The remainder of the Complaint makes no reference to Henry McMaster or the Office of the Governor. During the course of the hearing, the Court heard sworn testimony on a number of issues, including the issues alleged in the Complaint. Ms. Turner testified that she is the author and filer of the Complaint. Ms. Turner acknowledged that notwithstanding the heading "COMPLAINT" in the body of the document, it is intended to be a motion and not a separate complaint for relief, and that she included Governor McMaster in the caption not because of anything the Governor has done or failed to do with regards to the administration of the Estate but because of Henry McMaster's status as the head of the State's executive branch of government. Ms. Turner thereafter agreed on the record that the Complaint is not intended to assert any claims against the Governor and agreed to the dismissal of the Complaint. Based upon the testimony, evidence, and Ms. Turner's agreement to dismissal, the Court agrees that the Complaint should be dismissed.

THEREFORE, IT IS HEREBY ORDERED THAT Gail Turner's document styled as the "Petition in the Nation of a Motion for a Declaratory Judgment" is DISMISSED.



Amy W. McCulloch, Probate Judge
Richland County Probate Court

February 12, 2018
Columbia, South Carolina

EXHIBIT 1

386 an

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE PROBATE COURT

IN THE MATTER OF:
James Najee Karim (Decedent)

CASE NUMBER: 2017 ES40 01510

PETITION IN THE NATION OF A MOTION
FOR A DECLARATORY JUDGMENT

GAIL TURNER, Plaintiff

v.

HENRY MCMASTER, In his official capacity as
Governor of the South Carolina Office of the Governor

COMPLAINT

Cause of Action: Negligence

1. The Court owed the Affiant a legal duty to exercise at least reasonable care.
 - a. In October 2017, Affiant filed into the Court the LAST WILL AND TESTAMENT of James Najee Karim. The WILL names Affiant as "Executor of the Will" directing that she use "informal", "unsupervised", or "Independent" probate to operate without unnecessary intervention by the probate court.
 - b. On December 11, 2017, Affiant filed into the Court a request under the South Carolina Freedom of Information Act, 30-4-10 et seq., (SCFOIA) to view all documentation that allows the Court to disregard the WILL. The SCFOIA requires a response within 15 business days.
 - c. Affiant submitted written requests to meet with Jeanette McBride, Clerk and to meet with Probate Judge, Amy W. McCulloch to discuss the delay in this matter.

2. The Court breached its duty of care.
 - a. The Court has not responded to Affiant regarding the WILL.
 - b. The Court has not responded to Affiant regarding the SCFOIA and is now in violation of the SCFOIA.
 - c. Neither McBride nor McCulloch has responded to Affiant regarding the request for a meeting.

3. Affiant was damaged as a direct result of the breach.
 - a. For the 5 months following the death, Affiant has not been able to fulfill her responsibilities as Executor of the Will.
 - b. The Court has hastily appointed an administrator over the Estate despite Affiant's notice that Affiant needed time to locate the WILL.

H. G. Leam

- c. The administrator has closed bank accounts amounting to approximately \$10,000.
- d. The administrator has had the electricity disconnected in one of the Estate properties.
- e. The act of the administrator to disconnect the electricity disabled the security cameras.
- f. The act of the administrator to disconnect the electricity cause approximately \$2,000 in lost of perishables in need of refrigeration.
- g. The Court has scheduled a Feb 6 2018 hearing:
 - 1. To resolve whether there is a WILL to probate – The Court has had the WILL in its possession since October 2017.
 - 2. To determine ownership of the Decedent's property - The WILL dictates that the property be distributed to the Trustee of the TRUST, which is Affiant.
 - 3. To hear and approve the sale of Estate property - Per the WILL, the Court lack authority to make this determination.

The Court, the Clerk and the Probate Judge owe a duty to act with care. They have failed to carry out this duty in a responsible manner.

CERTIFICATE OF SERVICE

I certify that this document was served via U.S. First Class mail to:

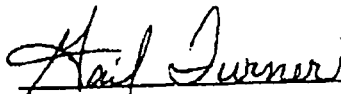
The Honorable Henry McMaster
State House
1100 Gervais Street
Columbia, South Carolina 29201

Harmonica Hart
701 Rockhaven Dr
Columbia SC 29223

The Honorable Alan Wilson
P.O. Box 11549
Columbia, S.C. 29211

I declare that everything stated herein is true, correct and complete.

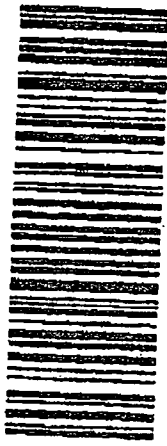
Executed January 26, 2018



Gail Turner
(803) 397-2207

5/16/18

Gail Turner
123 Goodrich Street
Columbia South Carolina 29923



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The Honorable Henry McMaster
State House
1100 Gervais Street
Columbia, South Carolina 29201

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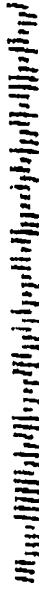
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TL-legal

Reference to

Answered



29201\$6215 0020

EXHIBIT 3

ORDER DENYING WILL TO PROBATE
AND CONTINUING THE APPOINTMENT
OF THE PERSONAL REPRESENTATIVE

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 IN THE MATTER OF THE ESTATE)
 OF JAMES NAJEE KARIM)
)
 GAIL TURNER,)
)
) **Petitioner,**)
)
) **v.**)
)
 HARMONICA HART, SANDRA)
 JONES, CARINNE BYRD,)
 CORNELIUS HART, and JOANN)
 WALL,)
)
) **Respondents.**)
)

IN THE PROBATE COURT
Estate Number: 2017-ES-40-01510

**ORDER DENYING WILL TO
 PROBATE AND CONTINUING
 THE APPOINTMENT OF THE
 PERSONAL REPRESENTATIVE**

2018 MAY 20 AM 10:55

FILED

THIS MATTER COMES BEFORE THE COURT upon the need to convene a hearing for the purposes of resolving whether the Court should admit to probate a purported Last Will and Testament ("Will") of James Najee Karim ("Decedent"), determine the effect of certain documents labeled as trust documents, and determine ownership of the real and personal property of the Decedent.

The Decedent died on August 27, 2017, and was unmarried. The Decedent's mother, Willie Mae Hart, and the Decedent's son, Darrick Hart, died before him. Darrick Hart was unmarried and not survived by children. The Decedent was survived by his daughter, Harmonica Hart; his father, James C. Hart, Sr.; and his siblings, Gail Turner, Sandra Jones, Carinne Byrd, Cornelius Hart, and JoAnn Wall. Therefore, Harmonica Hart is the only intestate heir of the Decedent.

On September 8, 2017, Harmonica Hart filed an Application for Informal Appointment requesting the Court to appoint her as Personal Representative of the Estate of James Najee Karim ("Estate"). Ms. Hart was appointed informally to serve as Personal Representative on September 28, 2017.

On September 21, 2017, Gail Turner and Sandra Jones filed an incomplete Summons and Petition for Formal Testacy in which they alleged that the Decedent had executed a living trust

leaving all assets to his siblings. The referenced living trust was not included with their filing. Sandra Jones subsequently filed a "Proof of Service" on September 28, 2017, in which she stated that she mailed the Summons and Petition to Harmonica Hart by first class mail; however, the date she mailed it is left blank. Pursuant to Rule 4(d), SCRPC, Ms. Jones' "Proof of Service" was insufficient as the rule does not allow for service by first class mail without the requirement of the signature of Harmonica Hart on the Certified Mail Receipt.

On September 28, 2017, Gail Turner and Sandra Jones filed an "Objection to the Petitioner's Application for Executorship" in which they alleged that the Court lacked subject matter jurisdiction because the Decedent "did not execute a will or a bequest" and the Decedent "did not have nor hold an estate nor any real or personal property for this Court to probate in any way." Also filed with this document were documents titled "Affidavit Statement". In fact there is a copy of a statement signed by Carinne Byrd and notarized by Gail Turner; a copy of a statement signed by Cornelius Hart and notarized by Gail Turner; and, an unsigned document with the typed name of Dana Houston, a person that was allegedly in a relationship with the Decedent. In these documents, the individuals alleged that, *inter alia*, the Decedent and his daughter were estranged and that Harmonica Hart should not inherit from the Estate based on this estranged relationship.

Also on September 28, 2017, Gail Turner and Sandra Jones filed a copy of a trust document titled "Najee61372 Trust" dated January 23, 2017. The introductory paragraph of this trust document indicates that it was amending a trust document that was created on July 25, 2015. The 2015 trust document has never been filed with the Court. The 2017 trust document provided the following: Harmonica Hart shall receive one (1) acre of land at the "rear end of the lot" on real property known as 1328 Winterwood Road, Columbia, South Carolina, 29203; James C. Hart, Sr. and Willie Mae Hart shall receive the house located at 1334 Winterwood Road, Columbia, South Carolina, 29203; Carinne Byrd shall receive a one-fourth (1/4) parcel adjoining real property she already owns; JoAnn Wall shall receive one (1) "acre to be held in trust by trustee"; Gail Turner shall receive one (1) acre located at 160161 Highway So. Winnsboro, South Carolina, 29180; Sandra Jones shall receive two (2) acres located at 1328 Winterwood Road, Columbia, South Carolina, 29203; and Cornelius Hart shall receive the "Estate House plus 2 acres remaining." This document was allegedly signed by the Decedent and Sandra Jones as the Successor Trustee. Their signatures appear to be notarized by Gail Turner and witnessed by

Carinne Byrd and James C. Hart, Sr. A letter was mailed to Gail Turner and Sandra Jones on September 28, 2017, explaining the deficiencies of their filings and what was needed to proceed with a formal action. They were urged to retain an attorney to assist them.

On October 19, 2017, Gail Turner filed the purported Will of the Decedent dated June 23, 2012. The Will bequeathed \$1,000.00 to Harmonica Hart and devised the real properties and the rest, residue, and remainder of the Decedent's estate to the "Najee 6-13-72 Living Trust." The Will was allegedly signed by the Decedent and witnessed by the Decedent's parents, James C. Hart, Sr. and Willie Mae Hart, and by the Decedent's nephew, Corey Byrd, who is the son of Carinne Byrd. With the Will, Gail Turner also filed a trust document titled "Najee 6-13-72 Living Trust", dated June 23, 2012. This trust named Gail Turner as Trustee. This trust document was allegedly signed by the Decedent and Gail Turner as Trustee and witnessed by Willie Mae Hart, James C. Hart, Sr., and Corey Byrd. Neither document was notarized.

None of the aforementioned letters, apparent affidavit statements, trust documents, and purported Will were filed with the appropriate and completed Summons and Petition for Appointment and/or Formal Testacy, and the pleadings that were filed were not properly served on Harmonica Hart pursuant to Rule 4(d), SCRCP. As such, these filings were insufficient to trigger a formal proceeding. However, in the interest of judicial economy and resolution of the issues created by the various filings the Decedent's siblings, this Court, on its own initiative, scheduled and noticed the hearing to address the aforementioned issues.

A hearing was held on February 6, 2018. Prior to the hearing, the Court informed Gail Turner that the witnesses to the alleged Will needed to be present at the hearing. All interested parties were sent the Notice of Hearing. Present at the hearing were: Harmonica Hart and her attorney, Lisa Smith; Gail Turner, Sandra Jones, Carinne Byrd, and JoAnn Wall, Decedent's siblings; James C. Hart, Sr., the Decedent's father; and, Corey Byrd and Zerrick Hart, the Decedent's nephews. Also present was attorney Thomas Moseley, who owned real property with the Decedent, located at 2307 Clark Street, Columbia, South Carolina, 29201.

After considering all filed pleadings, documents, and testimony, the Court makes the following:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Decedent died as a resident of Richland County; therefore, this Court has subject matter jurisdiction and venue is proper pursuant to S.C. Code Ann. §§ 62-1-302(a)(1) and 62-3-201(a)(1), 1976, as amended.
2. During the hearing, the Court and parties reviewed and discussed all of the Decedent's known assets and reviewed an Inventory and Appraisal that was filed by the Personal Representative. The Court questioned all interested parties present under oath about their knowledge of any additional assets belonging to the Decedent. After a thorough review and discussion of all the potential assets of the Decedent, the Court confirmed, and all the interested parties agreed, that all of the known assets were titled in the Decedent's name individually and not in the name of a trust.
3. Because there were no assets titled in trust during the Decedent's lifetime, the Court reasoned that the trust documents were irrelevant unless the Will was admitted to probate and was found to successfully devise real or personal property to a trust. See Whetstone v. Whetstone, 309 S.C. 227, 231, 420 S.E.2d 877, 879 (Ct. App. 1992) (internal citations omitted) (providing that a trust does not exist if it lacks trust property).
4. The Court then addressed the purported "Last Will and Testament of James Karim" dated June 23, 2012, which was filed without any accompanying Petition seeking to admit the Will to probate.
5. The Will is not "self-proved" pursuant to S.C. Code Ann. § 62-2-503(a), 1976, as amended, because it is not notarized; therefore, the testimony of at least one (1) of the attesting witnesses is required to establish proper execution. S.C. Code Ann. § 62-3-406(3), 1976, as amended.
6. A Will is deemed properly executed if it is in writing, signed by the testator and signed by at least two (2) persons who must have witnessed the testator sign the Will or witnessed the testator's acknowledgement of his or her signature on the will. S.C. Code Ann. § 62-2-502, 1976, as amended. In this case, two (2) of the three (3) witnesses to the Will, James C. Hart, Sr. and Corey Byrd, testified at the hearing.
7. Based on the testimony of James C. Hart, Sr. and Corey Byrd, it appears that the Will was properly executed by the Decedent.

8. The Court then turned to whether the Will should be admitted to probate by comparing the relationship of the beneficiaries of the Will to the witnesses of the Will so that it may determine whether the witnesses were appropriate and disinterested witnesses.
9. South Carolina law provides that if a person benefits from a Will and is a witness to the Will, a spouse of a witness to the Will, or a child of a witness to the Will, then that person may not receive more from the Will than he or she would have received in intestacy. S.C. Code Ann. § 62-2-504(a), 1976, as amended. In the case at hand, the Will conveys everything but \$1,000.00 to one (1) or both of the above-referenced trust documents. Therefore, the Court looked to who the beneficiaries of the trust documents are to determine if the Will was properly witnessed by truly disinterested individuals.
10. The "Najee 6-13-72 Living Trust" dated June 23, 2012, fails to name any beneficiaries, so this trust document is insufficient and invalid. S.C. Code Ann. § 62-7-402(a)(3), 1976, as amended; Whetstone, at 231, 420 S.E.2d at 879.
11. The Court then turned to the trust document titled "Najee61372 Trust" dated January 23, 2017. This trust document benefits Will witnesses James C. Hart, Sr. and Willie Mae Hart. Further, the Will benefits the children of witnesses James C. Hart, Sr. and Willie Mae Hart, who are also the Decedent's siblings.
12. Although witness Corey Byrd does not benefit from the Will, his mother, Carrine Byrd, does benefit from the Will; however, this does not make Corey Byrd an inappropriate and interested witness within the meaning of S.C. Code Ann. § 62-2-504(a), 1976, as amended.
13. Because James C. Hart, Sr. and Willie Mae Hart benefit from the Will and because their children also benefit from the Will, James C. Hart, Sr. and Willie Mae Hart are interested witnesses to the Will.
14. Witness Corey Byrd was the only disinterested witness to the Will; thus, there was only one (1) disinterested witness to the Will.
15. Because South Carolina law requires at least two (2) disinterested witnesses to a Will, the provisions in the Will that benefit witnesses James C. Hart, Sr. and Willie Mae Hart and their children should be limited to what the witnesses and their children would have gotten pursuant to the laws of intestate succession.
16. Under the laws of intestate succession, Harmonica Hart is the Decedent's only intestate heir. S.C. Code Ann. § 62-2-103, 1976, as amended.

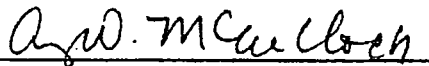
17. Due to the fact that witnesses James C. Hart, Sr. and Willie Mae Hart and their children are not intestate heirs, the Will provisions benefiting them are deemed null and void.
18. Therefore, the Court denied the Will to probate, and declared that the administration of the Estate should continue to proceed pursuant to the laws of intestate succession.
19. The Court also determined that Harmonica Hart should remain as the Personal Representative of the Estate. The Court instructed the parties that any personal property, cash, or any other valuable item belonging to the Decedent, including any business records and assets, must be released to the Personal Representative. The Court further instructed Harmonica Hart to take possession of and secure all of the Decedent's personal and real properties.
20. The Personal Representative requested the authority to sell personal property from the Estate, with all sales proceeds to be deposited in the Estate account until proper distribution to the intestate heir, after payment of any costs of administration and allowable claims.
21. Gail Turner and Sandra Jones testified that they paid for the funeral of the Decedent and that they planned to request reimbursement from the Estate. The Court instructed Gail Turner and Sandra Jones to submit a written request for reimbursement from the Estate to the Personal Representative for the cost of the funeral, including proof of payment. If such a claim is made, these expenses must be reimbursed, as required under S.C. Code Ann. § 62-3-805(a), 1976, as amended.
22. The Court also provided that if any other party wishes to claim reimbursement from this Estate for other expenses, they are required to file the appropriate claim forms with proof of the expenditure with the Probate Court before the expiration of the creditor claims period for this Estate, which is **August 27, 2018**.

THEREFORE, IT IS HEREBY ORDERED THAT:

- A. The Last Will and Testament of James Najee Karim dated June 23, 2012, shall not be admitted to probate due to the Court's finding that there was only one (1) disinterested witness to the Will when at least two (2) disinterested witnesses are required.
- B. The Estate of James Najee Karim shall continue to be administered pursuant to the laws of intestate succession.

- C. None of the assets of James Najee Karim are titled in trust, and because the purported trust documents either fail to name trust beneficiaries or lack trust property, or both, both of the purported trust documents are invalid and/or irrelevant.
- D. Harmonica Hart shall continue to serve as the Personal Representative of the Estate of James Najee Karim and shall serve without bond.
- E. The Personal Representative shall file an Amended Inventory and Appraisal with the Court within ninety (90) days of the date of this Order.
- F. The Personal Representative is authorized to sell any personal property from the Estate of James Najee Karim if she so chooses and the sales proceeds shall be deposited in the Estate checking account until proper distribution to the intestate heir after payment of any costs of administration and allowable claims.

AND IT IS SO ORDERED.



Amy W. McCulloch, Probate Judge
Richland County Probate Court

March 20, 2018
Columbia, South Carolina

EXHIBIT 4
NOTICE OF APPEAL

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE CIRCUIT COURT
CASE NUMBER: 2017-ES40-01510

IN THE MATTER OF:
James Najee Karim (Decedent)

NOTICE OF APPEAL

GAIL TURNER, Plaintiff

v.

HENRY MCMASTER, in his official capacity as
Governor of the South Carolina Office of the Governor

FILED
2018 MAR 29 PM 2:44
JEANNETTE W. HOBBS
C.C.P. & G.S.

NOTICE TO AGENT IS NOTICE TO PRINCIPLE. NOTICE TO PRINCIPLE IS NOTICE TO AGENT

COMPLAINT

I here by Appeal the Order dated March 20, 2018 for the following reasons:

- 1) I object to the Order dated March 20, 2018 because it addresses an incorrect caption. There has never been a caption stating GAIL TURNER v. HARMONICA HART, SANDRA JONES, CARINNE BYRD, CORNELIUS HART and JOANN WALL.
- 2) The Hearing held February 6, 2018 was regarding a Petition with GAIL TURNER v. Governor HENRY McMaster; however, that has not been address.

CERTIFICATE OF SERVICE

I certify that this document was served via US First Class mail to:

The Honorable Henry McMaster
State House
100 Gervais Street
Columbia, South Carolina 29201

The Honorable Alan Wilson
P.O. Box 11549
Columbia, S.C. 29211

RECEIVED

APR 02 2018

Referred to appals/sj
Answered _____

Executed March 29, 2018

Gail Turner
Gail Turner

S.C. Attorney General's Office
Civil Section

APR 04 2018

JNC

Received by _____
Reviewed by/Date _____
Referred to/Date _____
Notes: _____

S.C. ATTORNEY GENERAL'S OFFICE
CRIMINAL APPEALS SECTION

DATE RECEIVED: 4/3/18
RECEIVED BY: [Signature]

ADMINISTRATIVE INSTRUCTIONS

FILE _____ OPEN NEW _____ CLOSE _____
ORDER: _____ TRANSCRIPT _____
CLERK RECORDS _____
SOLICITOR'S FILE _____

✓ OTHER: Route to Civil?

[Signature]

EXHIBIT 5
NOTICE OF INTENT TO APPEAL

STATE OF SOUTH CAROLINA)
COUNTY OF Richland)
Gail Turner)
Plaintiff(s))
vs.)
Henry McMaster, Governor of South Carolina)
Defendant(s))

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET
2018CP4001772

Submitted By: Gail Turner
Address: 123 Goodrich St
Columbia, SC 29223

SC Bar #: _____
Telephone #: _____
Fax #: _____
Other: _____
E-mail: _____

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. This form is NOT required to be filed in E-Filed Cases.

DOCKETING INFORMATION (Check all that apply)

- JURY TRIAL demanded in complaint.
- NON-JURY TRIAL demanded in complaint.
- This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|---|--|--|---|
| <p>Contracts</p> <ul style="list-style-type: none"> <input type="checkbox"/> Constructions (100) <input type="checkbox"/> Debt Collection (110) <input type="checkbox"/> General (130) <input type="checkbox"/> Breach of Contract (140) <input type="checkbox"/> Fraud/Bad Faith (150) <input type="checkbox"/> Failure to Deliver/Warranty (160) <input type="checkbox"/> Employment Discrim (170) <input type="checkbox"/> Employment (180) <input type="checkbox"/> Other (199) _____ | <p>Torts - Professional Malpractice</p> <ul style="list-style-type: none"> <input type="checkbox"/> Dental Malpractice (200) <input type="checkbox"/> Legal Malpractice (210) <input type="checkbox"/> Medical Malpractice (220) Previous Notice of Intent Case # <u>20-NI-</u> _____ <input type="checkbox"/> Notice/ File Med Mal (230) <input type="checkbox"/> Other (299) _____ | <p>Torts - Personal Injury</p> <ul style="list-style-type: none"> <input type="checkbox"/> Conversion (310) <input type="checkbox"/> Motor Vehicle Accident (320) <input type="checkbox"/> Premises Liability (330) <input type="checkbox"/> Products Liability (340) <input type="checkbox"/> Personal Injury (350) <input type="checkbox"/> Wrongful Death (360) <input type="checkbox"/> Assault/Battery (370) <input type="checkbox"/> Slander/Libel (380) <input type="checkbox"/> Other (399) _____ | <p>Real Property</p> <ul style="list-style-type: none"> <input type="checkbox"/> Claim & Delivery (400) <input type="checkbox"/> Condemnation (410) <input type="checkbox"/> Foreclosure (420) <input type="checkbox"/> Mechanic's Lien (430) <input type="checkbox"/> Partition (440) <input type="checkbox"/> Possession (450) <input type="checkbox"/> Building Code Violation (460) <input type="checkbox"/> Other (499) _____ |
| <p>Inmate Petitions</p> <ul style="list-style-type: none"> <input type="checkbox"/> PCR (500) <input type="checkbox"/> Mandamus (520) <input type="checkbox"/> Habens Corpus (530) <input type="checkbox"/> Other (599) _____ | <p>Administrative Law/Relief</p> <ul style="list-style-type: none"> <input type="checkbox"/> Reinstate Drv. License (800) <input type="checkbox"/> Judicial Review (810) <input type="checkbox"/> Relief (820) <input type="checkbox"/> Permanent Injunction (830) <input type="checkbox"/> Forfeiture-Petition (840) <input type="checkbox"/> Forfeiture-Consent Order (850) <input type="checkbox"/> Other (899) _____ | <p>Judgments/Settlements</p> <ul style="list-style-type: none"> <input type="checkbox"/> Death Settlement (700) <input type="checkbox"/> Foreign Judgment (710) <input type="checkbox"/> Magistrate's Judgment (720) <input type="checkbox"/> Minor Settlement (730) <input type="checkbox"/> Transcript Judgment (740) <input type="checkbox"/> Lis Pendens (750) <input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760) <input type="checkbox"/> Confession of Judgment (770) <input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780) <input type="checkbox"/> Incapacitated Adult Settlement (790) <input type="checkbox"/> Other (799) _____ | <p>Appeals</p> <ul style="list-style-type: none"> <input type="checkbox"/> Arbitration (900) <input type="checkbox"/> Magistrate-Civil (910) <input type="checkbox"/> Magistrate-Criminal (920) <input type="checkbox"/> Municipal (930) <input checked="" type="checkbox"/> Probate Court (940) <input type="checkbox"/> SCDOT (950) <input type="checkbox"/> Worker's Comp (960) <input type="checkbox"/> Zoning Board (970) <input type="checkbox"/> Public Service Comm. (990) <input type="checkbox"/> Employment Security Comm (991) <input type="checkbox"/> Other (999) _____ |
| <p>Special/Complex /Other</p> <ul style="list-style-type: none"> <input type="checkbox"/> Environmental (600) <input type="checkbox"/> Automobile Arb. (610) <input type="checkbox"/> Medical (620) <input type="checkbox"/> Other (699) _____ <input type="checkbox"/> Sexual Predator (510) <input type="checkbox"/> Permanent Restraining Order (680) <input type="checkbox"/> Interpleader (690) | <ul style="list-style-type: none"> <input type="checkbox"/> Pharmaceuticals (630) <input type="checkbox"/> Unfair Trade Practices (640) <input type="checkbox"/> Out-of State Depositions (650) <input type="checkbox"/> Motion to Quash Subpoena in an Out-of-County Action (660) <input type="checkbox"/> Pre-Suit Discovery (670) | | |

2018 MAR 29 PM 2:54
SEARCHED
SERIALIZED
INDEXED
FILED
JEANNE W. MOSELEY
CLERK OF COURT
& CLERK OF COMMON PLEAS

Submitting Party Signature: Gail Turner Date: March 29th 2018
Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCPC, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

STATE OF SOUTH CAROLINA)
COUNTY OF Richland)

IN THE CIRCUIT COURT

Appeal from Probate Court for Richland County
CASE NUMBER: 2017-ES-40-01510

IN THE MATTER OF:
James Najee Karim)
(Decedent))
Gail Turner)
Appellant(s).)
vs.)
Henry McMaster, Governor of SC)
Respondent(s).)

NOTICE OF INTENT TO APPEAL TO
CIRCUIT COURT

2018 MAR 29 PM 3:54
JEANNETTE W. BRIDGES
C.C.P. & C.P. CLERK
FILED

Pursuant to SCPC 62-1-308, Appellant hereby provides his/her/its Notice of Appellant's Intent to Appeal the Order/Sentence/Decree of the Probate Court dated February 6, 2018. Said Order/Sentence/Decree was received by the Appellant or Appellant's counsel on March 28, 2018. A copy of said Final Order is attached.

SWORN to before me this 25th
day of MARCH, 2018.
Notary Public for: South Carolina
My Commission Expires: May 20, 2024

Respectfully submitted,

Signature: Gail Turner
Print Name: Gail Turner
Address: 123 Goodrich Street
Columbia, South Carolina 29223
(803) 397-2207
(803) 397-2207
Email: GailLavernTurner@gmail.com
Relationship to Decedent/Estate: Sister

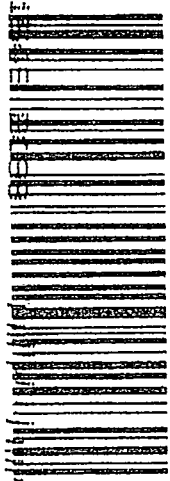
Attorney: _____
Address: _____
Telephone: _____
Email: _____

IMPORTANT:

1. This Notice must be filed with the Probate Court, the Circuit Court, and all parties not in default within ten (10) days after receipt of written notice of the appealed-from order, sentence, or decree of the Probate Court. Parties must comply with requirements set forth in SCPC 62-1-308.
2. This form is not intended for appeals other than appeals to the County Circuit Court. An Appeal to a Court other than the County Circuit Court must follow SCPC 62-1-308(I) and the South Carolina Appellate Court Rules, as applicable.

Gail Thompson
123 Goodrich St.
Columbia, South Carolina

CERTIFIED MAIL



U.S. POSTAGE
PAID
COLUMBIA, SC
29206
MAR 30, 18
AMOUNT

\$6.70

R2304M110416-19

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29211

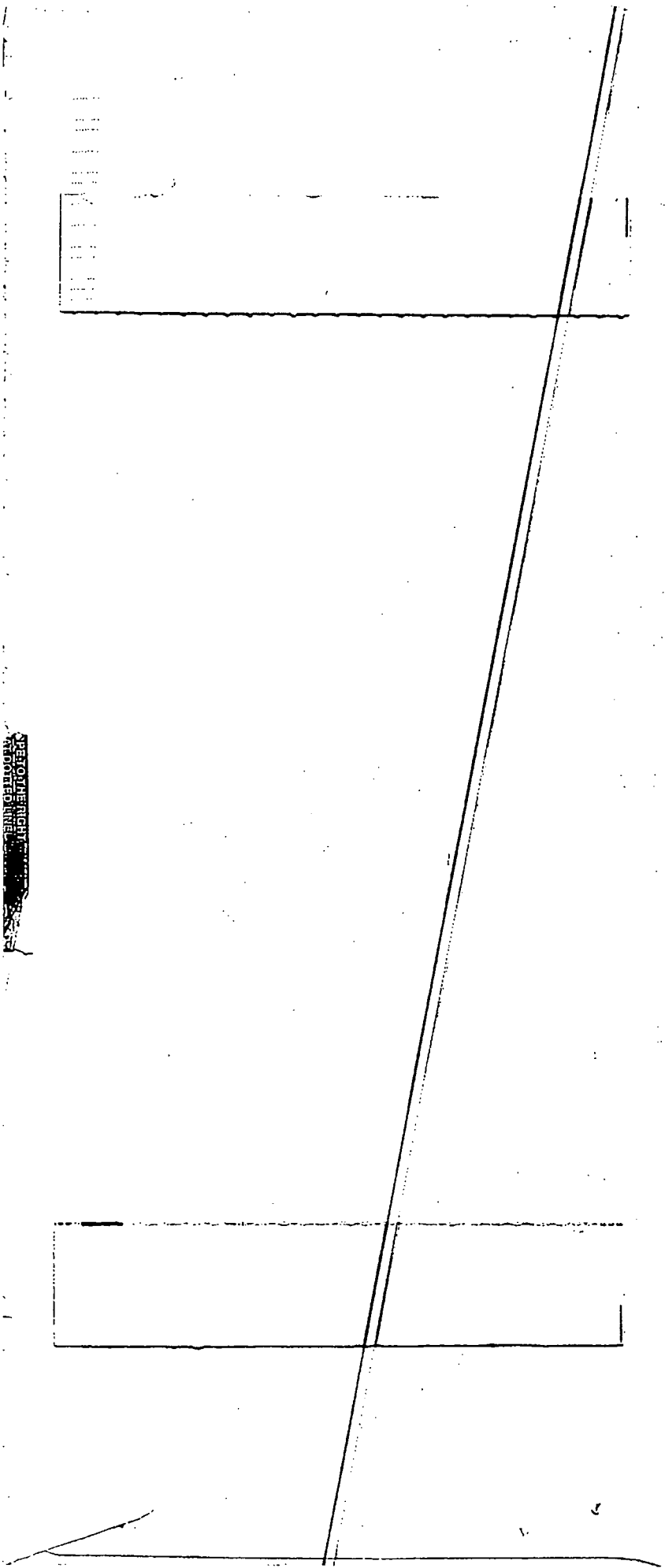
7017 2680 0000 4071 2911

The Honorable Alan Wilson
Post Office Box 11549
Columbia, South Carolina 29211

RECEIVED
RETURN RECEIPT
REQUESTED

APR 02 2018

Referred to Appeals/jl
Answered _____



PEOPLE'S RIGHT TO KNOW ACT
ADDITIONAL INFORMATION

EXHIBIT 6
EMAILS DATED FEBRUARY 12, 2018,
FEBRUARY 14, 2018 AND APRIL 10, 2018

MJ Wilson

From: JEFFREY HOPKINS <HOPKINSJ2@rcgov.us>
Sent: Monday, February 12, 2018 4:12 PM
To: MJ Wilson
Cc: lisa@smithsullivanlaw.com; palmettoinsuranceproviders@gmail.com; VIRGINIA STANLEY
Subject: Estate of James Karim (2017-ES-40-1510) Order Dismissing Complaint
Attachments: Karim, James - Order Dismissing Complaint.pdf

Ms. Wilson,

Please see attached for a copy of the signed Order Dismissing Complaint with the attached Exhibit 1. If anyone needs a certified copy mailed to them or made available for pick up, please let Katie Stanley or me know.

Sincerely,

Jeff Hopkins
Judicial Law Clerk
Richland County Probate Court
(803) 576-1989

MJ Wilson

From: JEFFREY HOPKINS <HOPKINSJ2@rcgov.us>
Sent: Wednesday, February 14, 2018 1:45 PM
To: Palmetto Insurance Providers
Cc: VIRGINIA STANLEY; lisa@smithsullivanlaw.com; MJ Wilson; Cliff Rollins
Subject: RE: Estate of James Karim (2017-ES-40-1510) Order Dismissing Complaint

Ms. Turner,

I hope all is well this afternoon. The only Order that has been issued is the Order dismissing your claim against Governor McMaster. The Order regarding the Will and Appointment should be issued within a week or two. We will be sure to email the Order to you and send a copy via mail as you will need a copy for your appeal. As always, it is my duty to encourage you to hire the assistance of an attorney. Please let me know if you have any questions or concerns.

Sincerely,

Jeff Hopkins

From: Palmetto Insurance Providers [<mailto:palmettoinsuranceproviders@gmail.com>]
Sent: Wednesday, February 14, 2018 12:59 PM
To: JEFFREY HOPKINS
Subject: Re: Estate of James Karim (2017-ES-40-1510) Order Dismissing Complaint

Greetings,

I am checking to see if the order has been issued so that I may file an appeal.
Please let me.

Thank You,

Gail

On Mon, Feb 12, 2018 at 4:12 PM JEFFREY HOPKINS <HOPKINSJ2@rcgov.us> wrote:

Ms. Wilson,

Please see attached for a copy of the signed Order Dismissing Complaint with the attached Exhibit 1. If anyone needs a certified copy mailed to them or made available for pick up, please let Katie Stanley or me know.

Sincerely,

Jeff Hopkins

Judicial Law Clerk

Richland County Probate Court

(803) 576-1989

ELECTRONICALLY FILED - 2018 May 10 3:54 PM - RICHLAND - COMMON PLEAS - CASE#2018CP4001772

MJ Wilson

From: JEFFREY HOPKINS <HOPKINS.JEFFREY@richlandcountysc.gov>
Sent: Tuesday, April 10, 2018 2:39 PM
To: MJ Wilson
Subject: RE: Turner vs Governor McMaster in Re: James Karim

Ms. Wilson,

We sent the final Order Denying Will to Probate on 3/20/18 by email, which you were copied on.

We sent the Order dismissing her claim against Henry McMaster to her by email on 2/12/18, which you were copied on, as well.

However, there is a Supreme Court order providing that the clock for appeals begins when the parties receive the order by email from the Court, not when the order is received by mail.

We did not send her the first Order dismissing her claim against Henry McMaster on 3/20/18, as she claims. I hope this helps.

Sincerely,


Jeff Hopkins

From: MJ Wilson [<mailto:mwilson@richardsonplowden.com>]
Sent: Tuesday, April 10, 2018 2:06 PM
To: JEFFREY HOPKINS
Cc: Cliff Rollins
Subject: Turner vs Governor McMaster in Re: James Karim

Mr. Hopkins, on 2/12/18 you emailed me a copy of the signed order dismissing the above matter, and then on 3/20/18 you forwarded a copy of the final order concerning the will in this matter. Can you tell me when you served Ms. Turner with the order dismissing Governor McMaster? Is it correct as she states in her Notice of appeal that she received the order on 3/20/18?

Thanks for your help.

MJ

HOME	VCARD	LOCATION
		
MJ Wilson Legal Assistant MWilson@RichardsonPlowden.com Richardson Plowden & Robinson, P.A. 1900 Barnwell Street Columbia, SC 29201 Tel: 803.576.3739 Fax: 803.779.0016 www.RichardsonPlowden.com		