

THE SOUTH CAROLINA COURT OF APPEALS  
PO Box 11629  
Columbia, SC 29211

RECEIVED  
OCT 17 2019  
SC Court of Appeals

GAIL TURNER,

Appellant,

CASE: 2019-001372

v

Court Case No.2018-CP-40-01772

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

PETITION IN THE NATURE OF  
A MOTION TO RE-OPEN  
APPEAL

In the matter of the Estate of James Najee Karim

**PETITION TO RE-OPEN APPEAL**

I hereby petition the Court to re-open this appeal due to misunderstanding regarding service to the defendants and the payment of the fee. Please see the attached proofs of service. I object to the March 20, 2018 ruling of Amy McCulloch, judge, the June 25, 2018 ruling of DeAndrea G. Benjamin, judge in which I never received a copy and the July 16, 2019 ruling of Michael Nettles, judge. The inferior courts have refused to honor the Last Will and Testament of James Karim.

My caption is correct as listed above. I have never filed a petition with caption Gail Turner V. Harmonica Hart, Sandra Jones, Carinne Byrd, Cornelius Hart, Joann Wall. There is no controversy regarding anyone except for Harmonica Hart. Furthermore, I am appealing State Case number 2018CP4001772 in which all captions in that case are listed as Gail Turner V. Henry McMaster. See attached Exhibits 1 & 2.

**CERTIFICATE OF SERVICE**

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

Henry McMaster, Governor  
c/o C. Cliff Rollins, Esq.  
PO Drawer 7788  
1900 Barnwell St.  
Columbia, SC 29201

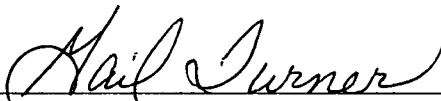
Richland County Clerk of Court  
1705 Main Street Room 205  
Columbia, SC 29201

Dennis M. Gerald, Esquire  
Dennis Gerald, Law Firm P.A.  
P.O. Box 805  
Columbia, SC 29202-0805

**RECEIVED**  
OCT 17 2019  
SC Court of Appeals

I declare that everything stated here is true and correct.

Executed October 17, 2019

  
\_\_\_\_\_  
Gail Turner  
123 Goodrich Street  
Columbia, SC 29223  
Phone: (803) 419-5726

# The South Carolina Court of Appeals

Gail Turner, Appellant,

v.

Henry McMaster, Governor of South Carolina,  
Defendant.

AND

In the matter of the Estate of James Najee Karim

Gail Turner, Appellant,

v.

Harmonica Hart, Sandra Jones, Carinne Byrd, Cornelius  
Hart, Joann Wall, Respondents in the Court below,

Of whom Harmonica Hart is the Respondent.

Appellate Case No. 2019-001372

The Honorable DeAndrea G. Benjamin,  
The Honorable Michael G. Nettles  
Richland County  
Trial Court Case No. 2018CP4001772

---

ORDER

---

Appellant has failed to provide the notice of appeal filing fee, to provide a compliant proof of service, to correct the caption/title, and to include corrected information regarding counsel of record, as required by Rule 203 of the South

Carolina Appellate Court Rules, and by the Court's August 23, 2019 letter. Accordingly, this appeal is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY V. Claire Allen, Deputy  
CLERK

Columbia, South Carolina

cc:

Gail Turner

Dennis M. Gerald, Esquire

**FILED**

Sept. 23, 2019



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
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COLUMBIA, SOUTH CAROLINA 29201  
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FAX: (803) 734-1839  
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August 23, 2019

Gail Turner  
123 Goodrich Street  
Columbia SC 29223

Re: Gail Turner v. Henry McMaster  
Appellate Case No. 2019-001372

Dear Ms. Turner:

Upon reviewing your Notice of Appeal, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and must be corrected within ten (10) days of the date of this letter or your appeal will be dismissed:

- A proof of service has not been provided. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR. The proof of service must include proof of your having filed the Notice of Appeal with the clerk of the circuit court.
- The caption/title does not comply with Rule 267(a), SCACR. Specifically, it must include the judges' names. It appears you are appealing two orders from two different judges. The caption must include their names.
- Counsel of record's information must state the name of the party they represent.
- Pursuant to Rule 203, SCACR, the Notice of Appeal must contain the date of the order, judgment, or sentence from which the appeal is taken and a statement of when the appealing party received notice of the order or judgment from which the appeal is taken. You must file an amended Notice of Appeal.

- The required filing fee has not been submitted. The correct filing fee is \$250.00.
- We are returning the documents accompanying the notice of appeal as they are not required at this time.

Very truly yours,

A handwritten signature in cursive script, appearing to read "J. C. Ketchum".

CLERK

Handwritten initials "JCC" enclosed within a hand-drawn circle.

cc: Dennis M. Gerald, Esquire

FORM 8  
LETTER TO THE APPELLATE COURT CLERK  
FILING THE NOTICE OF APPEAL

August 15, 2019

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

RECEIVED  
AUG 15 2019  
SC Court of Appeals

RE: Gail Turner, plaintiff, et al VS Henry McMaster, defendant, et al  
C/A NO.: 2018-CP-40-01772

Dear Ms. Kitchings

Enclosed for filing is a notice of appeal in the above case. Also enclosed  
Are the following:

- (1) Proof of service of the notice of appeal on the respondent.
- (2) A copy of the Order judgment which is to be challenged on appeal.

Sincerely,  
Gail Turner  
123 Goodrich Street  
Columbia, South Carolina 29223  
(803)419-5726  
Appellant

Dennis Gerald  
Gerald Law Firm P.A.  
P.O. Box 805  
Columbia, South Carolina 29202-0805

Carolina Appellate Court Rules, and by the Court's August 23, 2019 letter. Accordingly, this appeal is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY V. Claire Allen, Deputy  
CLERK

Columbia, South Carolina

cc:

Gail Turner

Dennis M. Gerald. Esquire

FILED

Sept. 23, 2019

STATE OF SOUTH CAROLINA

RICHLAND COUNTY COMMON PLEAS  
RICHLAND COUNTY JUDICIAL CENTER

GAIL TURNER, Plaintiff

Case: 2018-CP-40-01772

OBJECTION TO CONTINUANCE

V

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 the ruling of Judge Amy McMulloch, ruling on March 20, 2018 as well as Judge Deandra Benjamin, ruling which was never received by the plaintiff and Judge Michael Nettles ruling on July 16.

The court has failed to Honor the Last Will and Testament of James Karim.

### CERTIFICATE OF SERVICE

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

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

Richland Count Clerk of Court  
1701 Main Street Room 205  
Columbia, SC 29201

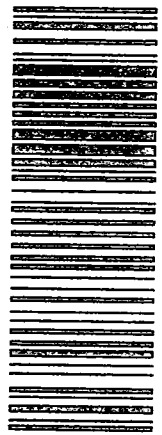
The Honor able Jenny Abbott Kitchings, Clerk  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

Dennis Gerald  
Dennis Gerald Law Firm P.A.  
PO Box 805  
Columbia, SC 29202-0805

*I declare that everything stated herein is true and correct*  
*Executed August 30, 2019* *Macl Turness*  
*123 Goodrich St*  
*Columbia, SC 29223*

9/17/19 Scan 4711

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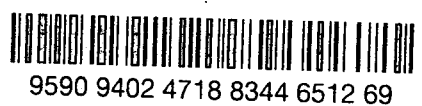
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 123 GOODRICH STREET  
 COLUMBIA, SC 29223

6703  
67-7861/2539

*Aug 30, 2019* Date

Pay to the Order of *South Carolina Court of Appeals* | \$ *250.00*  
*Two Hundred Fifty and no cents 00/100* Dollars



For *Appeal*

*Gail Turner* MP

⑆ 2539 786 6703 46300 659752 3110 6703

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*C. Cliff Rollins, Esq.  
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Columbia South Carolina 29201*



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- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
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Sent To

*C. Cliff Rollins, Esq.  
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Columbia South Carolina 29201*

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

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1. Article Addressed to:

Dennis Gerald  
Gerald Law Firm P.A.  
P O Box 805  
Columbia South Carolina 29202-0805



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- Agent
- Addressee

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<p><b>OFFICIAL USE</b></p>	
<p>Certified Mail Fee \$ _____</p>	<p>Postmark Here</p>
<p>Extra Services &amp; Fees (check box, add fee as appropriate)</p> <p><input type="checkbox"/> Return Receipt (hardcopy) \$ _____</p> <p><input type="checkbox"/> Return Receipt (electronic) \$ _____</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery \$ _____</p> <p><input type="checkbox"/> Adult Signature Required \$ _____</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery \$ _____</p>	
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Gail Turner  
123 Goodrich Street  
Columbia South Carolina 29223

Dennis Gerald  
Gerald Law Firm P.A.  
P O Box 805  
Columbia South Carolina 29202-0805



Richland Common Pleas

**Case Caption:** Gail Turner , plaintiff, et al VS Henry McMaster , defendant, et al  
**Case Number:** 2018CP4001772  
**Type:** Order/Other

So Ordered

s/ The Honorable Michael G. Nettles #2140

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS  
FIFTH JUDICIAL CIRCUIT

Gail Turner,  
Plaintiff/Appellant,

v.

Henry McMaster, Governor of  
South Carolina,  
Defendant/Respondent.

C/A No.: 2018-CP-40-01772

---

AND

In the matter of the Estate of James  
Najee Karim,

Gail Turner,  
Petitioner/Appellant,

v.

Harmonica Hart, Sandra Jones, Carinne  
Byrd, Cornelius Hart, Joann Wall,  
Respondents.

---

**APPEAL FROM THE RICHLAND COUNTY PROBATE COURT**  
**The Honorable Amy W. McCulloch, Probate Judge**

---

This appeal by Gail Turner concerns two orders of the Richland County Probate Court. The first concerns an order of the Honorable Amy W. McCulloch, Probate Judge, dismissing the Governor from these proceedings as an improper party. The second was an order refusing a will

to probate and confirming Harmonica Hart as Personal Representative of the Estate of James Najee Karim. The Court finds that for the following reasons the Probate Court is affirmed.

### FACTUAL BACKGROUND

Appellant has failed to file and serve the record on appeal as mandated by S.C. Code Ann. § 62-1-308. Therefore, much of the Court's facts must necessarily derive from the two orders of the Probate Court which have been filed with the Court. The following facts are drawn from Judge McCulloch's order dated March 20, 2018.

James Najee Karim (hereinafter Decedent) died on August 27, 2017 and was unmarried. Decedent was predeceased by his mother, Willie Mae Hart, and his son Darrick Hart. Darrick Hart was unmarried and was not survived by any 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. Under the intestacy statute, S.C. Code Ann. § 62-2-103, Harmonica Hart is the only surviving heir of Decedent.

On September 8, 2017, Harmonica Hart filed an Application for Informal Appointment requesting the Richland County Probate Court to appoint her as Personal Representative of the Estate of James Najee Karim ("Estate"). The Probate Court appointed Ms. Hart as Personal Representative on September 28, 2017. Prior to Ms. Hart's appointment Appellant, Gail Turner, and Sandra Jones<sup>1</sup> filed an incomplete Summons and Petition for Formal Testacy in which they alleged that the Decedent had executed a living trust which left all his assets to his siblings. The living trust was not included with their filings. Sandra Jones subsequently filed a "Proof of Service" on September 28, 2017, in which she stated that she mailed the Summons and Petition

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<sup>1</sup> Ms. Jones is not a party to this appeal.

to Harmonica Hart by first class mail; however the date she mailed was left blank. The Probate Court found that the purported service was insufficient under Rule 4(d), SCRCP.

On September 28, 2017, Ms. Turner and Ms. Jones further filed an "Objection to the Petitioner's Application for Executorship" where they alleged that the Probate Court lacked subject matter jurisdiction because Decedent "did not execute a will or a bequest" and that the Decedent "did not have nor hold an estate nor any real or personal property for this Court to probate in any way." Along with this document Ms. Turner and Ms. Jones filed several affidavits averring that Decedent and Ms. Harmonica Hart were estranged and because of this reason she should not inherit from the Estate.<sup>2</sup> Furthermore, Ms. Turner and Ms. Jones filed a copy of a trust document entitled "Najee61372 Trust" dated January 23, 2017. The purported trust document indicates that it was amending a trust document created on July 25, 2015. There is no indication that the 2015 trust document was ever filed with the Probate Court. The purported 2017 trust document provided that Harmonica Hart was to 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 were to receive the house located at 1334 Winterwood Road, Columbia, South Carolina, 29203; Catherine Byrd was to receive a one-fourth (1/4) parcel adjoining real property she already owns; JoAnn Wall was to receive one (1) "acre to be held in trust by trustee;" Gail Turner was to receive one (1) acre located at 160161 Highway So. (sic) Winnsboro, South Carolina, 29180; Sandra Jones was to receive two (2) acres located at 1328 Winterwood Road, Columbia, South Carolina, 29203; and Cornelius Hart was to receive the "Estate House plus 2 acres remaining."<sup>3</sup> The document was allegedly signed by the Decedent as

---

<sup>2</sup> All of these affidavits were notarized by Gail Turner. Generally, a notary may not notarize any document to which they are a party to or beneficiary of. *See* S.C. Code Ann. § 26-1-90(C)(3).

<sup>3</sup> Again the Court must draw these facts off of the Probate Court's order as none of the documents presented to the Probate Court were presented to this Court for appellate review.

trustee and Sandra Jones as successor trustee. The trust was notarized by Gail Turner and witnessed by Carinne Byrd and James C. Hart, Sr. The Probate Court informed Ms. Turner and Ms. Jones on September 28, 2017, of the deficiencies in their filings and what was required to correct such deficiencies.

On October 19, 2017, Gail Turner filed the purported Last Will and Testament of the Decedent dated June 23, 2012. The Will bequeathed \$1,000.00 to Harmonica Hart and devised the real properties, along with the remainder of the 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. Along with the Will, Ms. Turner filed a purported trust document entitled the "Najee 6-13-72 Living Trust" dated June 23, 2012. The purported trust named Gail Turner as trustee and was allegedly signed by the Decedent and Gail Turner as trustee. It was witnessed by Willie Mae Hart, James C. Hart, Sr., and Corey Byrd. The Will was not self-proving under S.C. Code Ann. § 62-2-503.

Again the Probate Court found that Appellant's filings were littered with procedural errors. The Probate Court found that the appropriate and complete Summons and Petition for Formal Testacy was never filed, nor was any such Summons and Petition properly served. However, in the interest of judicial economy, the Probate Court convened a hearing on the issues raised on February 6, 2018. After the hearing the Probate Court made its findings of fact and conclusions of law. The Probate Court found that as none of the assets listed were ever titled in the name of the trust that the trust document was invalid unless the Will successfully devised real

property or bequeathed personal property to the trust.<sup>4</sup> The Probate Court further found that the Will appeared to be properly executed by the Decedent according to the formalities. However, the Court found that the Will was witnessed by two interested witnesses, James C. Hart, Sr. and Willie Mae Hart. The Probate Court thus excluded the signatures of these two witnesses. The Probate Court found that as there was only one witness to the Will, after excluding the two interested witnesses, and on that ground refused the Will to probate. As the Will was denied to probate the Court found that the Estate should pass according to the intestacy statute. Furthermore, the Court determined that Harmonica Hart should continue to serve as Personal Representative of the Estate.

Before the hearing on February 6 Appellant, Gail Turner, filed a document styled a Complaint and a "Petition in the Nature of a Motion for a Declaratory Judgment" which named Governor Henry McMaster as the sole defendant. On February 12, 2018, the Probate Court dismissed the Governor from the litigation finding that he was not a proper party to the litigation and that Appellant had not asserted any claims against him. Appellant appealed to the Circuit Court from both of these orders pursuant to S.C. Code Ann. § 62-1-308(a) by filing a Notice of Appeal on March 29, 2018. A hearing was conducted on the appeal before the Honorable DeAndrea G. Benjamin, Circuit Judge, on June 15, 2018. As the Personal Representative and her attorney were not given proper notice of the hearing Judge Benjamin continued the hearing as to the March 20, 2018 order. However, the Circuit Court proceeded as to the February 12, 2018, order dismissing Governor McMaster. Judge Benjamin issued her ruling on June 25, 2018, affirming the Governor's dismissal by the Probate Court and dismissing the Governor from this

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<sup>4</sup> In effect the Probate Court found that the trusts failed for lack of a *res*. See *Foster v. Foster*, 384 S.C. 380, 384, 682 S.E.2d 312, 314 (Ct. App. 2009) (To prove the existence of a trust a party must prove the existence of a trust *res*.)

appeal. The undersigned convened a hearing on Appellant's remaining case on June 28, 2019. Present were Appellant, counsel for Governor McMaster, and the Personal Representative and her attorney.

## ANALYSIS

### A. Judge Benjamin's June 25, 2018 Order

As a first matter Appellant attempted to reargue Judge Benjamin's order dated June 25, 2018, releasing Governor McMaster from this case. This is clearly without merit. It is black letter law in this state that one circuit court judge may not overrule the substantive decision of another. *Enoree Baptist Church v. Fletcher*, 287 S.C. 602, 604, 340 S.E.2d 546, 547 (1986). Appellant may not argue against Judge Benjamin's order before the undersigned, her only avenue is to appeal the ruling.

### B. Subject Matter Jurisdiction

Appellant argued below that the Probate Court was without subject matter jurisdiction. Appellant argued that as Decedent, in her view, had died without any property there was no estate to probate and the Probate Court was thus without subject matter jurisdiction. Appellant failed to raise this argument in her statement of issues on appeal and the issue was not addressed by the Probate Court. However, "[t]he lack of subject matter jurisdiction can be raised at any time, can be raised for the first time on appeal, and can be raised *sua sponte* by the court." *Town of Hilton Head v. Godwin*, 370 S.C. 221, 223, 634 S.E.2d 59, 60-61 (Ct. App. 2006). "Subject matter jurisdiction is defined as 'the power [of a court] to hear and determine cases of the general class to which the proceedings in question belong.'" *In re November 4, 2008 Bluffton Town Council Election*, 385 S.C. 632, 637, 686 S.E.2d 683, 685-86 (2009). Furthermore, subject

matter jurisdiction may not be waived even by consent of the parties and courts are obliged to take notice of the lack of subject matter jurisdiction. *Id.*

It is clear in this case that the Probate Court had subject matter jurisdiction. The Probate Court has exclusive original jurisdiction over the estates of decedents including will contests and the determination of intestate heirs. S.C. Code Ann. § 62-1-302(a)(1). Furthermore, the Probate Court has exclusive original jurisdiction over trusts, *inter vivos* or testamentary. § 302(a)(3). Appellant's subject matter jurisdiction challenge was plainly without merit.

*C. Failure of Appellant to Serve Record on Appeal*

Appellant in this case has completely failed to comply with the procedural requirements of S.C. Code Ann. § 62-1-308. Appellant was required to file and serve a Statement of Issues on Appeal. § 308(b). Arguably Appellant has complied with this requirement as her Notice of Appeal states that Appellant objects to the Probate Court's March 20, 2018, order on the grounds that it had an incorrect caption. Furthermore, Appellant made a vague objection in regards to the Probate Court's February 12, 2018, order dismissing Governor McMaster. However, it is clear that Appellant has failed to (a) furnish a copy of the transcript in this matter; (b) a Designation of Matter to be Included in the Record on Appeal in a format described by Rule 209, SCACR; (c) a copy of Appellant's brief on appeal in format described by Rule 208(b)(1), SCACR; (d) furnish a copy of the Record on Appeal. *See* § 308(c)-(f).

As a first matter Appellant was required to comply with Rule 208(b)(1)(B) in filing her Statement of Issues on Appeal. This Court is not free to consider any issue outside those which were raised in the Statement. "No point will be considered which is not set forth in the statement of issues on appeal." *State v. Dunbar*, 356 S.C. 138, 142, 587 S.E.2d 691, 694 (2003) (*citing* Rule 208(b)(1)(B), SCACR). Furthermore, by failing to include the Designation of Matter to be

Included in the Record on Appeal Appellant has forfeited any review of the Probate Court's findings as to the Will or the trust documents. *See State v. Hawes*, 423 S.C. 118, 128, 813 S.E.2d 513, 518 (Ct. App. 2018) (Appellate court will not consider any matter not included on the record on appeal). Furthermore, by failing to provide the Circuit Court with a copy of the transcript, or the Record on Appeal, the Court is unable to determine what, if any, issues were raised to or ruled upon by the Probate Court. All the Court has is the Probate Court's orders. "Issue preservation rules are designed to give the trial court a fair opportunity to rule on the issues, and thus provide us with a platform for meaningful appellate review." *Queen's Grant II Horizontal Prop. Regime v. Greenwood Dev. Corp.*, 368 S.C. 342, 373, 628 S.E.2d 902, 919 (Ct. App. 2006). Without a copy of the transcript the Court is unable to tell what exactly has been raised to the Probate Court. Appellant has the burden of providing the Court with a sufficient record with which to make a decision. *Medlock v. One 1985 Jeep Cherokee*, 322 S.C. 127, 132, 470 S.E.2d 373, 376-77 (1996). Without the Record on Appeal in this case the Court is completely unable to make a decision as to the correctness of the Probate Court's decision.

#### *D. Issues Raised*

Even assuming the Court had a sufficient record, which it does not, Appellant only presents two issues on appeal. First, Appellant argues that this case was incorrectly captioned. Secondly, the Appellant raises an extremely vague objection to the order of the Probate Court dismissing Governor McMaster. As the Court has explained above the second issue may not be considered as it has already been decided by Judge Benjamin. As to the first issue the Court finds no error in how the Probate Court captioned the case and in any event the Court cannot say that Appellant has been prejudiced. Again Appellant's failure to provide a Record on Appeal hampers the Court from considering prejudice. It may very well be the case that the Probate Court's order

was erroneous in some way. However, Appellant has failed to show either what those errors may be and to provide the Court with the record required to review such an error. “[A]ppellate courts in this state, like well-behaved children, do not speak unless spoken to and do not answer questions they are not asked.” *State v. Austin*, 306 S.C. 9, 19, 409 S.E.2d 811, 817 (Ct. App. 1991). “For this court to evaluate the merits of a disputed issue, the appellant must provide the court with a sufficient record pertaining to that issue; otherwise, there is nothing for this court to review.” *Schultze v. Schultze*, 403 S.C. 1, 8, 741 S.E.2d 593, 597 (Ct. App. 2013).

### CONCLUSION

The Court finds that Appellant’s attempt to reargue the order of Judge Benjamin is incorrect as the undersigned may not disturb the substantive ruling of another Circuit Judge. Furthermore, Appellant bears the burden of providing this Court with a sufficient Record on Appeal on which to review the order of the Probate Court. Appellant has failed to do so in this case. As the Court is unable to give any meaningful review of the Probate Court’s order such order must be

**AFFIRMED.**

**AND IT IS SO ORDERED.**

July \_\_, 2019  
Florence, South Carolina

/s/ Michael G. Nettles  
Presiding Judge, Fifth Circuit

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, SC

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.

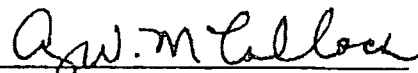
A hearing on the matter was scheduled for and held on February 6, 2018. Although the Personal Representative has not been properly served with Ms. Turner's pleadings, this court held the hearing. In attendance were the Personal Representative and her attorney, Lisa Smith; the Decedent's siblings Ms. 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.

*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:

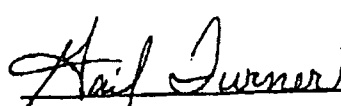
The Honorable Henry McMaster  
State House  
1100 Gervals Street  
Columbia, South Carolina 29201

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

5/16 am

Gail Turner  
123 Goodrich Street  
Columbia, South Carolina 29223

**REGISTERED MAIL**



7017 2680 0000 4070 2882



28201



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U.S. POSTAGE  
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COLUMBIA, SC  
29223  
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R2305K132227-20

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

6/26 am

**REC**

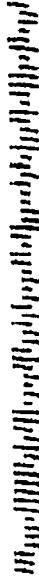
JAN 30 2017

TL-1001

Reference

Answered

29220186215 0020



FILED

2017 SEP 28 AM 8:39  
AMY W. McCULLOCH  
PROBATE JUDGE  
RICHLAND COUNTY, S.C.

STATE OF SOUTH CAROLINA )

IN THE PROBATE COURT

COUNTY OF RICHLAND )

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

CASE NO. 2017-ES-1510

\_\_\_\_\_  
Harmonica Hart, )  
Petitioner, )

OBJECTION TO THE PETITIONER'S  
APPLICATION FOR EXECUTORSHIP

vs. )

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

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.

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

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

**RECEIVED**

**AUG 15 2019**

**SC Court of Appeals**

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

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.
  - 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.
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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.

- c. The administrator has closed bank accounts amounting to approximately \$10,000.
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- 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

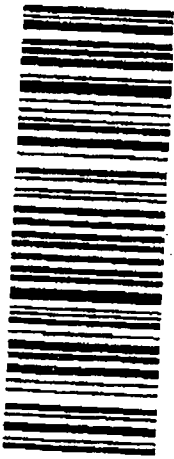
I declare that everything stated herein is true, correct and complete.

Executed January 26, 2018

  
\_\_\_\_\_  
Gail Turner  
(803) 397-2207

Gail Turner  
123 Goodrich Street  
Columbia South Carolina 29223

**CERTIFIED MAIL**



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29223  
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R2305K13227-20

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

**RECEIVED**

JAN 30 2017  
TL-legal

Referenced

Answered

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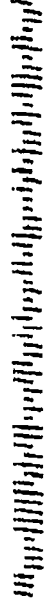


EXHIBIT 2

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

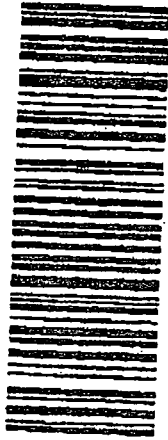
I declare that everything stated herein is true, correct and complete.

Executed January 26, 2018

  
\_\_\_\_\_  
Gail Turner  
(803) 397-2207

5/16/18

Opil 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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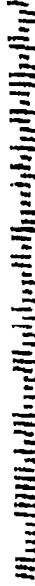
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JAN 30 2017

TL-legal

Reference

Answered



292015129510262

## 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 Appraisalment 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.

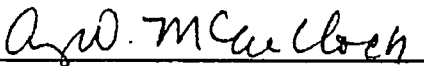
17. Due to the fact that witnesses James C. Hart, Sr. and Willie Mae Hart and their children are not intestate heirs, the Will provisions benefiting them are deemed null and void.
18. Therefore, the Court denied the Will to probate, and declared that the administration of the Estate should continue to 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 Appraisement 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

NOT FILED  
2018 MAR 29 PM 2:44  
JEANNETTE W. HENDERSON  
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/js  
Answered \_\_\_\_\_

Executed March 29, 2018

Gail Turner  
Gail Turner

S.C. Attorney General's Office  
Civil Section

APR 04 2018

Received by JXC  
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)

\*If Action is Judgment/Settlement do not complete

- 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)

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

2018 MAR 29 PM 3:54  
SEARCHED  
SERIALIZED  
INDEXED  
FILED  
MAR 29 2018  
CLERK OF COURT  
RICHLAND COUNTY

Submitting Party Signature: Gail Turner Date: March 29th 2018  
Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRPC, 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 2:04  
JEANNETTE W. RICE  
C.C.P. & CIV. 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 25<sup>th</sup>  
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  
Telephone (Work): (803) 397-2207  
(Home): \_\_\_\_\_  
(Cell): (803) 397-2207  
Email: GailLavernTurner@gmail.com  
Relationship to Decedent/Estate: Sister

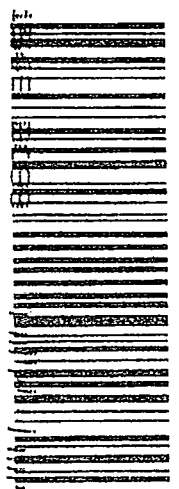
Attorney: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email: \_\_\_\_\_

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(l) and the South Carolina Appellate Court Rules, as applicable.

**CERTIFIED MAIL**

*Gail Turner  
123 Goodrich St.  
Columbia, South Carolina*



U.S. POSTAGE  
PAID  
COLUMBIA, SC  
29206  
MAR 30, 18  
AMOUNT  
**\$6.70**  
R2304M110416-19



29211

1000

7017 2680 0000 407J 2911

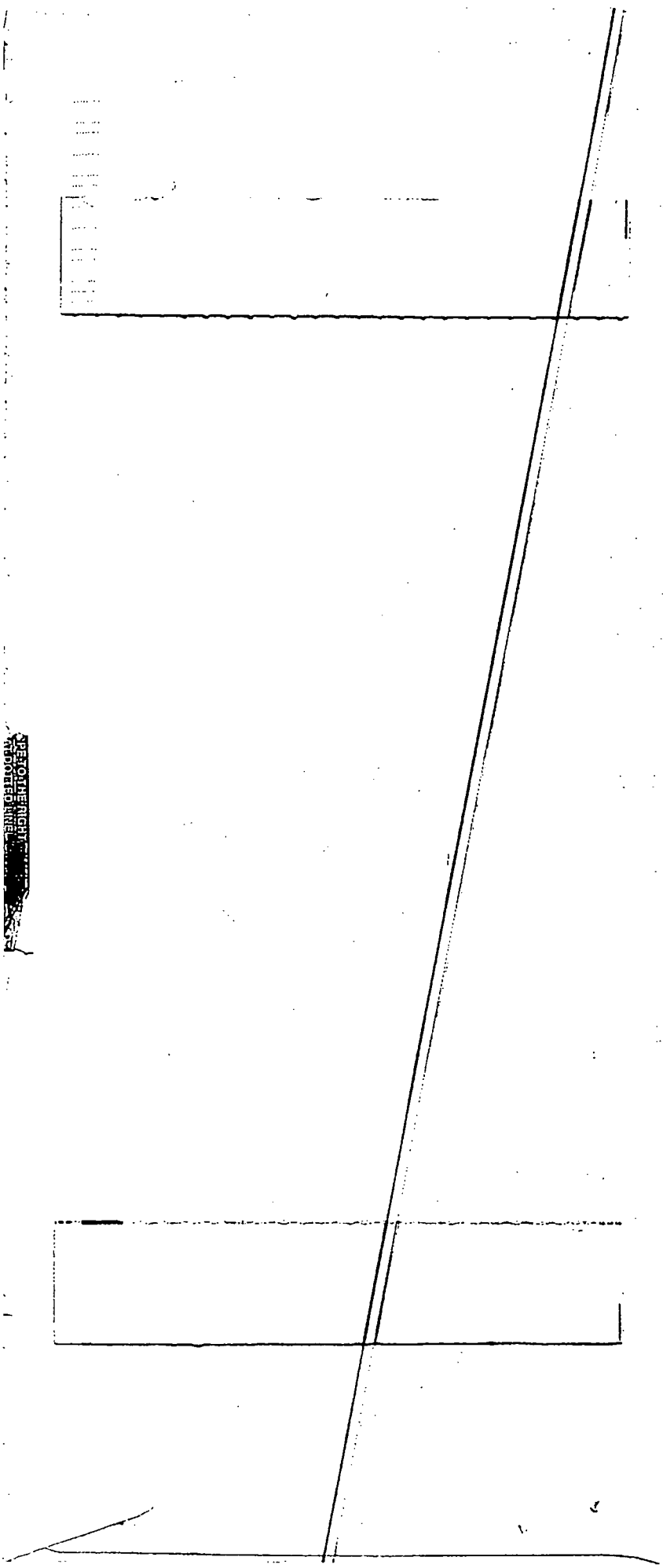
*The Honorable Alan Wilson  
Post Office Box 11549  
Columbia, South Carolina 29211*

RETURN RECEIPT  
REQUESTED

**RECEIVED**

APR 02 2018

Referred to Appeals  
Answered \_\_\_\_\_



BEFORE THE RIGHT HONORABLE JUDGE  
AND NOTED HERE

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](mailto: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

 <p><b>RICHARDSON PLOWDEN</b> ATTORNEYS AT LAW</p>	<p>MJ Wilson Legal Assistant <a href="mailto:MWilson@RichardsonPlowden.com">MWilson@RichardsonPlowden.com</a> Richardson Plowden &amp; Robinson, P.A. 1900 Barnwell Street Columbia, SC 29201 Tel: 803.576.3739 Fax: 803.779.0016 <a href="http://www.RichardsonPlowden.com">www.RichardsonPlowden.com</a></p>
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Blue SC Inquiries

MarketPlace Operations

BlueCross BlueShield of SC

Phone: 1-888-481-4740

Fax: 803-870-9439

<http://www.bcbssc.com/confidentiality.htm>

KH

1,835

FORM 8  
LETTER TO THE APPELLATE COURT CLERK  
FILING THE NOTICE OF APPEAL

August 15, 2019

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

RECEIVED  
AUG 15 2019  
SC Court of Appeals

RE: Gail Turner, plaintiff, et al VS Henry McMaster, defendant, et al  
C/A NO.: 2018-CP-40-01772

Dear Ms. Kitchings

Enclosed for filing is a notice of appeal in the above case. Also enclosed  
Are the following:

- (1) Proof of service of the notice of appeal on the respondent.
- (2) A copy of the Order judgment which is to be challenged on appeal.

Sincerely,  
Gail Turner  
123 Goodrich Street  
Columbia, South Carolina 29223  
(803)419-5726  
Appellant

Dennis Gerald  
Gerald Law Firm P.A.  
P.O. Box 805  
Columbia, South Carolina 29202-0805



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccouris.org](http://www.sccouris.org)

August 23, 2019

Gail Turner  
123 Goodrich Street  
Columbia SC 29223

Re: Gail Turner v. Henry McMaster  
Appellate Case No. 2019-001372

Dear Counsel:

This Court has received your notice of appeal, and the case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at [www.sccourts.org/courtreg](http://www.sccourts.org/courtreg). Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at [www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02](http://www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02). Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will *not* review filings for redaction or to determine if materials should be sealed.

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](mailto:gaillavernturner@gmail.com)  
123 Goodrich St  
Columbia SC 29223  
803-397-2207

FORM 8  
LETTER TO THE APPELLATE COURT CLERK  
FILING THE NOTICE OF APPEAL

August 15, 2019

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

RECEIVED  
AUG 15 2019  
SC Court of Appeals

RE: Gail Turner, plaintiff, et al VS Henry McMaster, defendant, et al  
C/A NO.: 2018-CP-40-01772

Dear Ms. Kitchings

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- (2) A copy of the Order judgment which is to be challenged on appeal.

Sincerely,  
Gail Turner  
123 Goodrich Street  
Columbia, South Carolina 29223  
(803)419-5726  
Appellant

Dennis Gerald  
Gerald Law Firm P.A.  
P.O. Box 805  
Columbia, South Carolina 29202-0805

FORM 8  
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FILING THE NOTICE OF APPEAL

August 15, 2019

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
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Columbia, South Carolina 29211

RECEIVED  
AUG 15 2019  
SC Court of Appeals

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C/A NO.: 2018-CP-40-01772

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Sincerely,  
Gail Turner  
123 Goodrich Street  
Columbia, South Carolina 29223  
(803)419-5726  
Appellant

Dennis Gerald  
Gerald Law Firm P.A.  
P.O. Box 805  
Columbia, South Carolina 29202-0805

This is to advise that the title in the above matter has been changed to read as follows:

Gail Turner, Appellant,

v.

Henry McMaster, Governor of South Carolina, Defendant.

AND

In the matter of the Estate of James Najee Karim

Gail Turner, Appellant,

v.

Harmonica Hart, Sandra Jones, Carinne Byrd, Cornelius Hart, Joann Wall,  
Respondents in the Court below,

Of whom Harmonica Hart is the Respondent.

All future records in this matter should be changed to reflect this title. If you have any questions, please do not hesitate to contact this office.

Very truly yours,

  
CLERK



cc: Dennis M. Gerald, Esquire



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
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TELEPHONE: (803) 734-1890  
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[www.sccourts.org](http://www.sccourts.org)

August 23, 2019

Gail Turner  
123 Goodrich Street  
Columbia SC 29223

Re: Gail Turner v. Henry McMaster  
Appellate Case No. 2019-001372

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Gail Turner, Appellant,

v.

Henry McMaster, Governor of South Carolina, Defendant.

AND

In the matter of the Estate of James Najee Karim

Gail Turner, Appellant,

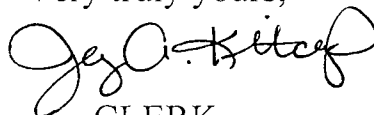
v.

Harmonica Hart, Sandra Jones, Carinne Byrd, Cornelius Hart, Joann Wall,  
Respondents in the Court below,

Of whom Harmonica Hart is the Respondent.

All future records in this matter should be changed to reflect this title. If you have any questions, please do not hesitate to contact this office.

Very truly yours,

  
CLERK



cc: Dennis M. Gerald, Esquire

Order of March 20, 2018

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Order of July 16, 2019

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