

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

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**APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas**

**Charles B. Simmons Jr., Circuit Court Judge**

**RECEIVED**

**DEC 23 2019**

**Docket Case No. 2018-CP-23-00883  
Appellate Case No. 2019-001518**

**SC Court of Appeals**

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Laurel Grove, LLC,

Respondent,

vs.

Frances Lee Farmer Sullivan, Marcus Lynn Farmer, Nelson Eugene Farmer, Peaches Shawn Farmer, John Anthony Pelzer, Thomas Farmer, Tara Smith, the Heirs of Kimberly Bean, L'Kita Brown, Margaret Lois Brown, Robert Brown and Willie Brown as officers, directors, and/or shareholders of the Holy Temple of God Faith Healing Church, Estate of Lula Mae Knox, Shirley Miller, Norma Williams, Juanita Smith, Evelyn Byrd, James Brown, Norman Smith, Robert Smith, Catherine Stroble, Sharon Brown, the Greenville County Tax Collector, John Doe representing any and all known and unknown heirs of the following individuals who may claim an interest in the Property: Willie R. Brown a/k/a Willie Ruth Brown a/k/a Willie Lee Farmer Brown a/k/a Willie Lee Wilson, Robert R. Brown a/k/a Robert Russell Brown a/k/a Robert Russell Roland Brown, Mary Elizabeth Farmer Crudup, Nelson Farmer, Donnie Rae Farmer, Richard Earle Farmer, Nazeae Jefferson a/k/a Zeon Jefferson, Annie Ruth Farmer Pelzer, Willie Rufus Farmer, Kimberly Bean, Lula Mae Knox, Theodore Byrd, Michael Jerome Smith, and as Defendants whose names are unknown claiming any right, title estate, interest in, or lien upon the real estate described in the Complaint herein, any known adults, their heirs and assigns and all other persons, firms or corporations entitle to claim under by or through the above-named Defendants, being as a class designated as Richard Doe, and any unknown infants or persons under disability being a class designated as Jane Doe, Defendants.  
Of Whom , Juanita Smith, Evelyn Byrd, Shirley Miller, and Sharon Brown are Appellants .

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**APPELLANTS' RETURN TO RESPONDENT'S  
MOTION/MEMORANDUM TO DISMISS APPEAL**

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The appellants respectfully requests that Respondent's Motion/Memorandum to Dismiss Appeal be dismissed in its entirety and that costs be levied against the respondent.

The respondent, Laurel Grove, moved this Court for an Order dismissing this appeal pursuant to Rule 230 of the South Carolina Appellate Court Rules. The respondent's motion is based on the allegation that the Appellants do not have standing to bring this appeal because Appellants have no ownership interest in the property which is the subject of this action.


On July 29, 2019, Judge Charles Simmons states the following, " In light of the ownership interests set out in the Order of February 22nd where you basically have three groups. You have the Plaintiffs owning a little over thirty-seven percent. You have the children of Willie Brown, and that's seven children "owing [sic]" combined a twenty-five percent interest. And then the Estate of Lula Mae is still being litigated, owing the other thirty-seven percent. "

(Transcript of Hearing held on July 29, 2019, pg. 19 lines 10-12). Additionally, on page 8 of the transcript, Judge Simmons asked Ms. Brown the following: "Okay. Ms. Brown, as I was looking through the rather voluminous file, what exactly is your ownership in the tract in question." On page 9 of the transcript Ms. Sharon Brown told judge Simmons that she was an heir. Judge Simmons replied, "Okay. An heir via who?" Ms. Brown replied, "Lula Mae Knox." Further, on page 9 of the same transcript Evelyn Byrd and Shirley Miller were appearing before Judge Simmons as well as pro se. You will notice that Judge Simmons states the following. "Okay. Thank You. And then I notice there are some other pro ses. So let me start over here with the nice lady in the striped shirt. Your name is?" The transcript of the July 29, 2019 hearing before Judge Charles Simmons is attached to Appellants' Return as Exhibit A.

It is to be noted that Sharon Brown is Lula Mae Knox's biological granddaughter. Evelyn Byrd, Shirley Miller, and Juanita Smith are Lula Mae Knox's biological daughters. Appellants have attached 3 documents from the Spartanburg County Probate Court concerning Lula Mae Knox's estate being probated. Appellants have attached these documents to this return as Exhibits B, C, and D. Section 15-61-25 (A) of Chapter 61 Partition states, "joint tenants and tenants in common" include heirs or devisees.

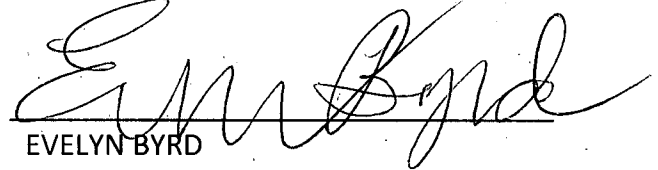
In closing, the appellants contend that the lower court did not determine that Lula Mae Knox has no heirs. Additionally, appellants contend that there is an action in the Spartanburg County Probate Court to probate Lula Mae Knox's will or to determine her intestate heirs. Further, the testimony and evidence before the lower court show that the appellants are successors to Lula Mae Knox's estate.

Respectfully Submitted,



JUANITA SMITH  
111 Hanover Place Apt. #39  
Spartanburg, S.C. 29306  
(864)978-8096

**APPELLANT**



EVELYN BYRD  
232A Norris Ridge Apts.  
Spartanburg, S.C. 29306  
(864)515-8237

**APPELLANT**



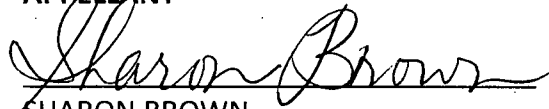
SHIRLEY MILLER

179 Amos Street

Spartanburg, S.C. 29306

(864)585-8714

**APPELLANT**



SHARON BROWN

216 Ardmore Rd.

Spartanburg, S.C. 29306

(864)253-9975

**APPELLANT**

December 20, 2019

# EXHIBIT A

STATE OF SOUTH CAROLINA )  
COUNTY OF GREENVILLE )

IN THE COURT OF COMMON PLEAS  
2018-CP-23-00883

Laurel Grove, LLC, )  
Plaintiff, )

-vs-

TRANSCRIPT OF RECORD

Frances Lee Farmer Sullivan, )  
et al, )  
Defendants. )

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July 29, 2019

BEFORE: THE HONORABLE CHARLES B. SIMMONS, JR.

APPEARANCES:

Aimee Leary, Esquire  
Attorney for the Plaintiff

Jeff Wile, Esquire  
Attorney for Greenville County

Megan Burke, Esquire  
Guardian ad Litem

Danette P. Hanks, CCR  
Court Reporter

I N D E X

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E X H I B I T S

15

(NONE)

1 THE COURT: For the record this is 2018-00883;  
2 matter of Laurel Grove versus Sullivan and a large number  
3 of others.

4 I'm going to go through just some of the brief  
5 history that I believe is uncontested to the extent that  
6 I can use that word in this litigation. And I'm going to  
7 go back somewhat in history.

8 On December 3rd, 2018, an Order was entered granting  
9 a request by attorney Rick Vieth, a Spartanburg lawyer  
10 who had represented a large number of the Defendants, to  
11 be relieved as counsel based primarily upon the fact that  
12 Ms. Sharon Brown had filed a grievance against Attorney  
13 Vieth, as well as Attorney Leary, the Plaintiff's  
14 attorney.

15 In that Order it noted that the case would be  
16 scheduled for a full hearing and a final hearing on  
17 February 6, 2019 at 9:00 a.m. And the Court also noted  
18 that the matter had been set for trial several times and  
19 had to be delayed again, and it would not be moved or  
20 delayed again. Unfortunately that has proven not to be  
21 the case here.

22 Then there was a hearing on February 6th, 2019 that  
23 resulted in an Order being filed February 22nd, 2019.  
24 And in that Order, which is nine pages, it sets forth a  
25 history of the ownership of this parcel and also sets out

1 the ownership of the parcel itself, on page eight.

2 In that Order, which there have been no appeals to,  
3 there was a finding that the Plaintiff owns 37.5 percent  
4 of the property in question; that certain children of  
5 Willie Brown own twenty-five percent of the property and  
6 that the estate of Lula Mae Knox owns the remaining  
7 thirty-seven and a half percent. And at that hearing Ms.  
8 Sharon Brown did not appear.

9 Then there was a hearing that was held on March 19th  
10 and the intent and purpose for that hearing was to  
11 finally come up with a value of the property. At that  
12 hearing both sides attempted to introduce copies of  
13 appraisals. Neither side had the appraisal and both  
14 objected to the other side using an appraisal without the  
15 appraiser begin present. So the Court declined to allow  
16 either side to submit the appraisals.

17 And also I will note that at each hearing different  
18 numbers of the pro se Defendants appeared, and throughout  
19 all of this they've had somewhat different views towards  
20 the issues involved, which has certainly complicated the  
21 matter even more.

22 Then based upon the Court's review of the file and  
23 the applicable law, since this is heirs' property, there  
24 were other matters that were raised.

25 And one was the Court sent a letter to all parties

1 dated March 25th, 2019 inquiring as to their legal  
2 positions on 15-61-310 relative to the issues before the  
3 Court. There was only one response from any of the  
4 Defendants, pro se Defendants, and that was from Ms.  
5 Sharon Brown. Based upon the Court's opinion and a  
6 review of the applicable statutory requirements, the  
7 Court appointed Tripp Glenn, MAI, as the appraiser under  
8 the statutory sections.

9 And the Court charged Mr. Glenn with two things.  
10 First, to provide his opinion of the value in light of  
11 the Order filed February 22nd, 2019 and also to render  
12 his opinion as to whether the real property could be  
13 partitioned in kind or would it need to be disposed of in  
14 whole.

15 In that Order filed April 12th, the Court, again,  
16 raised concern that with the desire to minimize the ever-  
17 escalating costs of this litigation, the Court encouraged  
18 the Defendants to make a unified formal proposal to  
19 Plaintiff's attorney. And also the Court, once again,  
20 acknowledged that the pro se Defendants had a right to  
21 continue pro se, but as the Court has done on numerous  
22 occasions, has encouraged the Defendants to seek legal  
23 counsel.

24 Thereafter, on May 15th, 2019, the appraisal came in  
25 from Mr. Glenn's firm, Bowbridge Property Advisors, a

1 national real estate firm. Both he and one of the other  
2 MAI appraisers who worked on this property were  
3 disinterested and licensed by the state in accordance  
4 with the statutory requirements. And in their sixty-nine  
5 page report, which was expressly based upon an assumption  
6 of legal access as contended by Ms. Sharon Brown, but the  
7 appraisal came in at a hundred thousand dollars.

8 Then pursuant to 15-61-360, a copy of the appraisal  
9 was provided to all parties. And any party, as was noted  
10 in the Order, had the right to file a written objection  
11 with the Court and the Clerk of Court not later than  
12 thirty days after the appraisal was provided to them.

13 In that Order of May 15th, the Court also, in  
14 accordance with 15-61-360(f), set today's hearing and  
15 provided the date, time and location, and also stated  
16 that the hearing would ultimately and finally determine  
17 the fair market value of the property and all other  
18 outstanding issues. The Order also stated that  
19 attendance by either appraiser, Mr. Glenn or Mr. Haskell,  
20 shall be required or it also provided further, any party  
21 shall, at that hearing, be allowed to present admissible  
22 evidence of value of the parcel and to question the above  
23 appraiser as to the basis of their valuation and opinion.

24 Only one objection was filed, and that was filed by  
25 Sharon Brown, and that was filed on June 5th, 2019. And

1 she states that she believes that the land is valued at a  
2 minimum of a hundred and sixty-five thousand dollars.

3 And at several points in her filings, she raises issues  
4 about the Court's lack of fairness and asking that Judge  
5 Simmons recuse himself.

6 And I will note in the last paragraph, Ms. Brown  
7 states they, some of the pro se Defendants feel that he  
8 has been partial towards them throughout this whole legal  
9 matters. I'm assuming, Ms. Brown, you meant to say  
10 impartial towards them?

11 MS. BROWN: Yes.

12 THE COURT: Okay. So as to notice, I will note  
13 the Court has sent several letters to all -- via the  
14 Clerk of Court's office, has sent notice and provided  
15 copies of emails and Orders and appraisals to all of the  
16 parties, including the pro ses who have made an  
17 appearance and provided an address.

18 Further, Attorney Leary has provided written notice  
19 that has been filed with the Clerk's office on May 10th,  
20 2019 and also on May 31st, 2019, advising all of the pro  
21 ses of the status of the proceedings, the nature of the  
22 proceedings and setting the matter for today's hearing.

23 So now that we have somewhat of a history, I am  
24 going to start with Ms. Leary, if you would state your  
25 full name and who you're here on behalf of today.

1 MS. LEARY: Yes, Your Honor, may it please the  
2 Court? My name is Aimee Leary and I'm here on behalf of  
3 the Plaintiff Laurel Grove, LLC.

4 THE COURT: All right. Let me go to the  
5 attorneys that are here. Mr. Wile, I'll start with you.

6 MR. WILE: Jeffery Wile on behalf of the  
7 Greenville County Tax Collector.

8 THE COURT: Okay.

9 MS. BURKE: Megan Burke. I'm the Court  
10 appointed guardian ad litem.

11 THE COURT: All right. And Ms. Brown.

12 SHARON BROWN: Sharon Brown.

13 THE COURT: I'm sorry. When you're addressing  
14 the Court, I do need you to stand up, please.

15 SHARON BROWN: Sharon Brown. I'm one of the  
16 Defendants.

17 THE COURT: Okay. Ms. Brown, as I was looking  
18 through the rather voluminous file, what exactly is your  
19 ownership in the tract in question?

20 SHARON BROWN: My ownership?

21 THE COURT: Yes, ma'am.

22 SHARON BROWN: Well, we're in probate right now  
23 ---

24 THE COURT: And I'm sorry. Under the Court  
25 rules I need you to be standing up when you're addressing

1 the Court.

2 SHARON BROWN: Basically I will be -- I don't  
3 know the percentage that they calculated, but I'm part --  
4 I'm part -- I'm an heir based on the Will.

5 THE COURT: Okay. An heir via who?

6 SHARON BROWN: Lula Mae Knox.

7 THE COURT: Okay. All right. Thank you.

8 And ma'am, your name is?

9 NORMA WILLIAMS: My name is Norma Williams.  
10 I'm Lula Mae's daughter.

11 THE COURT: Okay. Thank you. And then I  
12 notice there are some other pro ses. So let me start  
13 over here with the nice lady in the striped shirt. Your  
14 name is?

15 FRANCES SULLIVAN: Frances Sullivan. I'm the  
16 daughter of Willie Brown.

17 THE COURT: Okay. And then the lady seated to  
18 your left?

19 SHIRLEY MILLER: I'm Shirley Miller.

20 THE COURT: Okay.

21 SHIRLEY MILLER: Lula Knox.

22 THE COURT: Okay. Thank you. And then to your  
23 left?

24 EVELYN BYRD: I'm Evelyn Byrd, Lula Mae's  
25 daughter.

1 THE COURT: Okay. And then the gentleman  
2 behind you?

3 ALFRED WILLIAMS: I'm Alfred Williams. I'm  
4 Norma Williams' husband.

5 THE COURT: I'm sorry. Could you repeat that?

6 ALFRED WILLIAMS: I'm Alfred Williams. I'm  
7 Norma Williams' husband.

8 THE COURT: Alfred Williams. Okay.

9 Now, Ms. Brown, let's go ahead and address in your  
10 objection to the appraisal, the June 5th document, which  
11 I will note is filed only on you personally, you state  
12 that the Defendants want Judge Simmons to recuse himself.  
13 So I'm certainly going to give you this opportunity to  
14 put on the record the specific reasons that you feel that  
15 the Court should be recused.

16 If you could raise your right hand. Do you swear to  
17 tell the truth, whole truth and nothing but the truth?

18 SHARON BROWN: Yes.

19 THE COURT: All right. If you'll state your  
20 full name.

21 SHARON BROWN: My name is Sharon Brown.

22 THE COURT: Okay. Thank you. Now, be glad to  
23 hear from you.

24 SHARON BROWN: Yes. Basically just as you  
25 stated earlier, I said that a lot of the Defendants feel

1 that you have not been fair.

2 THE COURT: Again, this motion is filed only by  
3 you individually. So these need to be specifically your  
4 issues.

5 SHARON BROWN: Okay. Well, this is an  
6 objection to appraisal?

7 THE COURT: Yes, ma'am.

8 SHARON BROWN: Okay. So I'm doing a motion  
9 right now, too, motion to recuse you right now, too?

10 THE COURT: Yes, ma'am.

11 SHARON BROWN: Well, basically a lot of people  
12 feel that you have not really been fair.

13 THE COURT: Again, I'm not trying to cut you  
14 off, but I know I'm doing that. This motion is filed  
15 only by you. So what other people may have felt or may  
16 have concerns about, the only person who has filed this  
17 motion is you, so we need to limit it to your specific  
18 situation and your specific evidence that the Court  
19 should be recused.

20 SHARON BROWN: Well, I didn't bring all my  
21 evidence, but some of the things that you have said, even  
22 at the last hearing, was not correct, some of the  
23 recitation, even at the last hearing that we had that you  
24 said something to the effect -- I can't quote you because  
25 I don't have a transcript -- but basically I have only

1 been absent once. And you said that I had even been  
2 coming, something to that effect. And a lot of other  
3 negative stuff that you've said to -- well, I'm just  
4 going by how I feel. I don't want you to take this ---

5 THE COURT: This is my job and you're doing  
6 your job. That's why I'm giving you this opportunity to  
7 put it on the record because if this case goes down to  
8 Columbia, and I suspect it will, I want to make sure that  
9 you're protected when you talk to the Appellate Judges.

10 SHARON BROWN: Yes. Some of the recitations  
11 that you said -- facts that you said happened in the  
12 course of the litigation in the past when we were here  
13 last time had not happened. And I didn't bring my  
14 evidence because I didn't know you were going to let me  
15 do a motion to recuse, even though I mentioned that. But  
16 I didn't actually file a motion, actual motion. But  
17 basically we -- well, I feel that it's just been a  
18 negative light that you've put on us.

19 And me personally, I'm just going to be how I really  
20 feel, I just feel like the way you are stating things is  
21 always in the negative. Like when Mr. Vieth first -- we  
22 haven't been getting a lot of continuances. Only one --  
23 I don't know about Mr. Vieth, the attorney, because I  
24 don't know his schedule, but he had to cancel some of the  
25 hearings or whatever. But we haven't been called into

1 Court, us personally, and we don't have anything to do  
2 with our attorney's schedule. And it's just been all  
3 negative, you know, just making us look all negative, to  
4 me, along with some of your recitation of facts were not  
5 accurate.

6 THE COURT: Okay. Is there anything else you  
7 would like to have on the record?

8 SHARON BROWN: No.

9 THE COURT: And again, I know it's awkward for  
10 you to have to look at the judge and say, these are the  
11 reasons you shouldn't be on the case. So I really do  
12 appreciate you stating that. And in your June 5th  
13 filing, you say, want Judge Simmons to recuse himself  
14 from this case, so I certainly consider that as a motion.  
15 But anyway, you're protected on the record.

16 I'm going to deny the motion.

17 And Mr. Glenn, the appraiser, if you'll come around  
18 to the witness stand, please, sir. If you'll come over  
19 here, place your left hand on the bible, raise your right  
20 hand for me. Do you swear to tell the truth, whole truth  
21 and nothing but the truth?

22 TRIPP GLENN: Yes, sir.

23 THE COURT: All right. Thank you. If you'll  
24 come around and have a seat.

25 TRIPP GLENN,



1 questions.

2 THE COURT: Ms. Burke?

3 MS. BURKE: I have no questions, Your Honor.

4 THE COURT: Before I turn it over to the pro  
5 ses, Mr. Glenn, if you could state your qualifications  
6 for the record.

7 TRIPP GLENN: Yes, sir. I graduated from  
8 Presbyterian College.

9 THE COURT: Feel free to pull that microphone a  
10 little bit closer. There you go.

11 TRIPP GLENN: I graduated from Presbyterian  
12 College in 1997. I obtained a -- began my commercial  
13 appraisal career in 2002 in Atlanta, Georgia. And in  
14 2005, I moved to Greenville and have been with the  
15 Robinson Company, which is now Bowbridge, a local  
16 appraisal firm, since that time. And I obtained my MAI  
17 designation in 2008.

18 THE COURT: And MAI stands for what?

19 TRIPP GLENN: It doesn't stand for anything any  
20 more. They changed how they define it. But it used to  
21 mean I'm a Member of the Appraisal Institute. But it is  
22 now a designation certifying we've obtained a certain  
23 level of appraisal experience, completed comprehensive  
24 exams and a demonstration appraisal.

25 THE COURT: All right. And are you licensed in

1 the state of South Carolina?

2 TRIPP GLENN: Yes, sir.

3 THE COURT: And do you have any interest in the  
4 tract that you have appraised?

5 TRIPP GLENN: No, sir.

6 THE COURT: Okay. Walk us all through the  
7 process of coming up with a value.

8 TRIPP GLENN: So when we receive an assignment,  
9 we identify the property. We identify it by its  
10 location, its locational characteristics, its legal  
11 characteristics such as zoning, its physical  
12 characteristics such as topography, access, shape, size,  
13 and then we determine the highest and best use of the  
14 property. At that point, once the highest and best use  
15 is determined, we value the property using sales or at  
16 least listings of similar properties on the market and  
17 reconcile and try to reflect what the market would say --  
18 excuse me -- the opinion of market value based on those  
19 comparables.

20 THE COURT: All right. And specifically what  
21 did you do in this case?

22 TRIPP GLENN: So, in this case we identified  
23 the neighborhood, which is a residential area off of  
24 Anderson Ridge Road, Bennetts Bridge Road. We identified  
25 all the market trends as far as is the real estate --

1 trends in this market positive or negative, stable.

2 At that point we dug down in more on a micro level  
3 as to the property, identifying its size, its shape, its  
4 access. At that point we began our search for comparable  
5 sales in and around this area. Then we selected the  
6 properties that we felt were most similar to this  
7 property and adjusted them based on differentials and  
8 physical characteristics and reconciled those sales to  
9 our market value conclusion.

10 THE COURT: And how many comparables were used  
11 and how many are typically used?

12 TRIPP GLENN: We used four in this case. The  
13 minimum requirement is three. So I would say somewhere  
14 between three to five comparables is fairly typical.

15 THE COURT: And how recent were the  
16 comparables?

17 TRIPP GLENN: The oldest was February 2017.  
18 The most recent was August 2018.

19 THE COURT: There was some communication  
20 between the parties that you had raised relative to  
21 access to the property. Can you explain that, please?

22 TRIPP GLENN: Well, the property is surrounded  
23 on all sides by -- the property has no road frontage. So  
24 we wanted -- to value it, we wanted to confirm that the  
25 property could be accessed so you could develop it at

1 some point. And based on the documentation, it appears  
2 it does have a legal easement to access the property.

3 THE COURT: All right. So that is a legal,  
4 recorded ---

5 TRIPP GLENN: Yes, sir.

6 THE COURT: --- easement in perpetuity?

7 TRIPP GLENN: Yes, sir.

8 THE COURT: And how many properties in your  
9 career do you estimate you have appraised?

10 TRIPP GLENN: Hundreds.

11 THE COURT: And how many tracts would that have  
12 included?

13 TRIPP GLENN: Of land? Perhaps twenty percent.

14 THE COURT: Okay. And are you qualified -- or  
15 have you been qualified and testified in a Court  
16 proceeding as an expert?

17 TRIPP GLENN: Yes, sir.

18 THE COURT: And give us an idea of how many  
19 times?

20 TRIPP GLENN: Three.

21 THE COURT: All right. And did you also form  
22 an opinion as to what the property could be divided in  
23 kind -- in other words split between the relative  
24 ownership interests or was it more appropriate or  
25 necessary to dispose of it in whole?

1           TRIPP GLENN: We did form an opinion; yes, sir.  
2 We formed the opinion that it creates more value to  
3 dispose of the property in whole by not diluting the  
4 ownership interests.

5           THE COURT: In light of the ownership interests  
6 set out in the Order of February 22nd where you basically  
7 have three groups. You have the Plaintiffs owning a  
8 little over thirty-seven percent. You have the children  
9 of Willie Brown, and that's seven children owing combined  
10 a twenty-five percent interest. And then the Estate of  
11 Lula Mae Knox is still being litigated, owing the other  
12 thirty-seven percent. Could that -- could this tract  
13 feasibly be divided into tracts or parcels that small?  
14 And I may not have done a good job of asking that  
15 question.

16           TRIPP GLENN: Could you subdivide it into three  
17 parcels? Is that what you're asking?

18           THE COURT: In light of the respective  
19 ownership interests?

20           TRIPP GLENN: I believe the RS zoning has a  
21 minimum size lot of -- bear with me one moment. Without  
22 sewer I believe the smallest that you could subdivide a  
23 lot is thirty thousand seven hundred five hundred -- no,  
24 thirty-seven thousand five hundred square feet.

25           THE COURT: So if somebody owns a -- if several

1 people own a one-fortieth or a one-twentieth interest,  
2 does it then become a legal impossibility ---

3 TRIPP GLENN: I would have to do that math on  
4 that. I believe so.

5 THE COURT: All right. And so based upon your  
6 review, you came up with what value?

7 TRIPP GLENN: One hundred thousand dollars.

8 THE COURT: And was your work done in  
9 conjunction with or reviewed by another MAI?

10 TRIPP GLENN: Yes, sir. Corbin Haskell, who is  
11 our senior appraiser, managing appraiser. He reviews all  
12 appraisals that go out of our office.

13 THE COURT: And was his opinion consistent with  
14 your opinion?

15 TRIPP GLENN: Yes, sir.

16 THE COURT: And you're telling me that as of  
17 today, July 29th, 2019, you believe that still to be a  
18 valid opinion as to the value?

19 TRIPP GLENN: Yes, sir.

20 THE COURT: Okay. Ms. Brown, now is your  
21 opportunity to ask Mr. Glenn any questions whatsoever  
22 about his evaluation.

23 SHARON BROWN: Your Honor, I don't want to --  
24 well, I want to ask him a question, but before I ask him  
25 a question, I wanted to get this on the record, as you

1 said, in case a higher court becomes necessary.

2 On the record, Attorney Leary stressed that there  
3 was no infrastructure on the land, on more than one  
4 occasion, to the court appraisal company. And she  
5 constantly interfered with the appraisal. And I feel  
6 like the appraisal is biased at this point because I feel  
7 like the appraisal person would have it under pressure  
8 because he has this Plaintiff that's stressing stuff to  
9 him while he's doing the appraisal. So he's going to be  
10 kind of constrained, and I'm not going to get it too high  
11 because I don't want to be in a battle with Attorney  
12 Leary because she's emailed me on more than one occasion  
13 stressing stuff. And so I really feel that Attorney  
14 Leary should be totally responsible to have another  
15 appraisal because of her interference.

16 THE COURT: All right. Now is your opportunity  
17 to ask Mr. Glenn -- and you can certainly ask him  
18 questions about bias influence, improper comparables.  
19 You have -- this is your opportunity to ask him any  
20 questions. And if you have concerns about undue  
21 influence by Ms. Leary or by the Court or by any other  
22 attorneys, now is your opportunity to ask him.

23 SHARON BROWN: Okay. I just have one question  
24 for him because basically my appraiser has it valued at  
25 one sixty-five, a hundred and sixty-five thousand. And

1 his partner has it at a hundred and sixty-five thousand.  
2 So I have two licensed appraisers that say the property  
3 is a hundred and sixty-five thousand. And I didn't  
4 interfere with them. I didn't ---

5 THE COURT: Now is your chance to ask this  
6 witness ---

7 SHARON BROWN: Okay. The question for you is,  
8 is it feasible that since they own thirty-seven percent  
9 of the parcel, can you divide their part of the parcel  
10 and just leave Lula Mae Knox's portion at thirty-seven  
11 percent or Willie Brown's portion at twenty-five percent  
12 and leave that as is and just let them take their portion  
13 out of the three acres. Because we're not trying -- we  
14 don't want to sell. If we wanted to sell we would have  
15 put a for sale sign up.

16 TRIPP GLENN: Is it physically possible to  
17 subdivide the property; is that what you're asking?

18 SHARON BROWN: Just to get their part out of it  
19 and just don't worry about dividing the other  
20 individually for individuals and just leave Lula Mae  
21 Knox's portion there and -- basically there are three  
22 owners right now, basically; her client, Lula Mae heirs  
23 and Willie Brown heirs.

24 TRIPP GLENN: That's somewhat of a legal issue,  
25 I believe, as to whether it's -- the owners would have to

1 agree. I don't believe there's any -- if you own the  
2 property you can do with it what you want. You may not  
3 be able to develop it or sell it as highest and best use  
4 would bring the highest opinion of market value if you  
5 subdivide it further.

6 SHARON BROWN: Well, I understand your  
7 position. What you're saying, taking a part out of the  
8 three acres could make it, when we get ready to sell if  
9 we ever wanted to sell, we would get probably less money.  
10 But we don't want to sell, so ... And I know this is not  
11 a question -- this is not a question for you. But  
12 basically we just want to see can we just let her go on  
13 with her thirty-seven percent and not try to force us out  
14 of our -- to sell our part, basically. But it's not  
15 really a question for you.

16 And Your Honor, I have another issue. And this is  
17 just something that -- I'm not making no accusation or  
18 anything, but I was reading the quitclaim deed where  
19 Attorney Leary and L'kita Brown obtained -- when she  
20 obtained the property she witnessed it and got a  
21 quitclaim deed. We don't know of my grandmother's dad,  
22 who was the primary owner of the land, estate ever being  
23 probated. And I've asked several members of the family  
24 about this. And we want to have you, if possible, to see  
25 if my grandfather indeed probated in Greenville County,

1 his heirs probated his estate according to this quit deed  
2 because nobody in the family knows of that ever  
3 happening.

4 THE COURT: And I know this answer is not going  
5 to satisfy you, but that's an issue that's not in front  
6 of the Court. So again that's a wonderful reason for all  
7 the family to talk with a lawyer if y'all have any  
8 concerns about that. But that's just something I'm not  
9 familiar with. It was not an issue that has been raised  
10 by any of the pleadings in this matter.

11 SHARON BROWN: Oh, okay. Because we don't even  
12 know if they even legally even own the thirty-seven  
13 percent.

14 THE COURT: Well, there's already been a Court  
15 Order that's established that they own the thirty-seven  
16 percent.

17 SHARON BROWN: Okay. I'm just going to look  
18 into it and just make sure there ain't no problem in them

19 ---

20 THE COURT: Yes, ma'am. I think it would be a  
21 great idea to talk with a lawyer.

22 SHARON BROWN: --- obtaining. Just making  
23 sure.

24 Now, for any of the other pro se parties that are  
25 here today, do any of you have any questions of Mr.

1 Glenn, this gentleman who's the appraiser. If so, this  
2 is your opportunity.

3 NORMA WILLIAMS: Yes. Mr. Glenn, ---

4 THE COURT: And ma'am, if you could state your  
5 name just to ---

6 NORMA WILLIAMS: Okay. My name is Norma  
7 Williams.

8 THE COURT: All right, Ms. Williams.

9 NORMA WILLIAMS: I would like to know how is it  
10 that you can't divide three acres and give them their  
11 share? In the beginning we did not want to sell  
12 anything, but some kind of way they manipulated our  
13 granddaughter -- our cousin, a great granddaughter, and  
14 she gets ten thousand dollars because they manipulated  
15 her, and we get nothing. And I'm trying to figure out  
16 how is it possible that you can take somebody else's land  
17 and give it all to them for nothing?

18 Now, to me I'm thinking that my grandmother, Willie  
19 Brown and Robert Brown comes to about sixty-two percent  
20 is what we owned. Why they can't take this three acres  
21 of land, why they can't take their acre and go on? What  
22 is the problem that you can't divide this?

23 TRIPP GLENN: I'm not saying that you can't  
24 divide it. I'm saying that doesn't create the highest  
25 value of the property.

1           NORMA WILLIAMS: We're not concerned with the  
2 value of it because we're not selling it.

3           TRIPP GLENN: I was tasked with determining ---

4           NORMA WILLIAMS: We're not interested in  
5 selling it. So why not take the share that they got and  
6 go on? We don't care that they don't get enough for  
7 their part. For the first place, we weren't trying to  
8 sell it to them. So why not divide it up, take the one  
9 acre, go with it. We're not interested in selling it.  
10 Can you not do that? And I'm sure with all these degrees  
11 that you have, I know you can do that.

12           TRIPP GLENN: I don't have the authority to  
13 divide your property.

14           NORMA WILLIAMS: Well, that's what you're doing  
15 when you sit up there and say that you don't think it's  
16 in the best interest. In the best of whose interest?

17           TRIPP GLENN: That's the ---

18           NORMA WILLIAMS: None of it ---

19           THE COURT: Let me ask it a little bit of a  
20 different way, Ms. Williams, because in -- this is family  
21 property, and I can't image the heart pull. And so I  
22 really am, despite what it may appear at times, I really  
23 am trying to be sensitive. But my overarching job ---

24           NORMA WILLIAMS: Yes, sir.

25           THE COURT: --- is -- if you're going to say

1 anything, ma'am, under your breath, you're more than  
2 welcome to say it out loud. Yes, ma'am.

3 SHARON BROWN: I didn't say anything under my  
4 breath.

5 THE COURT: Yes, ma'am.

6 NORMA WILLIAMS: I didn't hear you.

7 THE COURT: So is there any way -- there are  
8 three large categories of ownership. But in those sub  
9 categories, like Frances Lee Farmer owns .05 percent,  
10 Marcus Lynn Farmer owns .025 percent and on down for  
11 those seven interests. Can you divide this three acre  
12 tract into a 37.5 percent share, an 0.5 percent share, an  
13 0.25 percent share, an 0.25 percent share, an 0.5 percent  
14 share, an 0.5 percent share, an 0.25 percent share, an  
15 0.25 percent share, and then another thirty-seven percent  
16 share?

17 TRIPP GLENN: Yes, you can do that.

18 THE COURT: Okay. What does that look like  
19 from a practical standpoint?

20 TRIPP GLENN: Well, it would have to be  
21 negotiated between the property owners in agreement on  
22 the price.

23 THE COURT: All right. What if the property  
24 owners can't or don't agree?

25 TRIPP GLENN: They can't sell it to the other

1 two. The other shares can't buy out the shares that want  
2 to sell.

3 THE COURT: All right. Now, any other  
4 questions from any of the other pro se individuals? All  
5 right. Then any other questions from any of the  
6 attorneys?

7 MS. LEARY: No, Your Honor.

8 MR. WILE: No, Your Honor.

9 MS. BURKE: No, Your Honor.

10 THE COURT: All right. So, Mr. Glenn, you can  
11 have a seat. If you will stay in the courtroom, though.

12 TRIPP GLENN: Yes, sir.

13 THE COURT: All right. Ms. Brown, I understand  
14 you have an appraiser present. Would you like to call  
15 him as a witness?

16 SHARON BROWN: Yes, sir.

17 THE COURT: Okay. Sir, if you'll come around,  
18 please. And if you would place your left hand on the  
19 bible and raise your right hand. Do you swear to tell  
20 the truth, whole truth and nothing but the truth?

21 DAVID BATSON: I do.

22 THE COURT: Thank you. Come around and have a  
23 seat, please, sir. And if you'd pull that microphone a  
24 little bit closer to you. If you'd state your full name,  
25 please.

1 DAVID BATSON: David Batson.

2 THE COURT: All right. And Mr. Batson, if you  
3 could state your qualifications, please, sir.

4 DAVID BATSON: I'm a real estate appraiser here  
5 in Greenville. I've been a full time appraiser now for  
6 three years. Before that I was in banking and the tax  
7 business, as well. I have a 1998 degree from  
8 Presbyterian College.

9 THE COURT: And what designations do you hold?

10 DAVID BATSON: I am just an apprentice  
11 appraiser.

12 THE COURT: Okay. And are you licensed in the  
13 state?

14 DAVID BATSON: Yes, I am.

15 THE COURT: Okay. And have you testified in  
16 Court before?

17 DAVID BATSON: No, I have not.

18 THE COURT: Okay. So Ms. Brown, now is -- you  
19 can ask him any questions or I'll be glad to do what I  
20 did with Mr. Glenn and ask him some general questions.  
21 But he's your appraiser so I want to give you the  
22 opportunity.

23 SHARON BROWN: Yes.

24 DAVID BATSON,

25 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

1 SHARON BROWN: Do you agree with, I think his  
2 name is Howard Dixon ---

3 DAVID BATSON: Dixon Howard, yes.

4 SHARON BROWN: --- Dixon Howard's ---

5 DAVID BATSON: Yes.

6 SHARON BROWN: --- the value of the land being  
7 a hundred and sixty-five thousand dollars?

8 DAVID BATSON: I do. I have looked over  
9 Dixon's appraisal and I understand where his numbers came  
10 from. And based on my knowledge of the appraisal  
11 business and what I see in this appraisal, I do agree  
12 based on those facts.

13 SHARON BROWN: Were we trying to influence --  
14 when y'all did that appraisal do you know of me trying to  
15 influence you all or any of the family trying to  
16 influence you all to say it's a hundred and sixty-five  
17 thousand dollars?

18 DAVID BATSON: I have no knowledge of that.

19 SHARON BROWN: Did we tell you there was no  
20 infrastructure or anything on the land and just put  
21 pressure by saying that? Or did y'all discover that on  
22 your own?

23 DAVID BATSON: I have no knowledge that you  
24 guys tried to influence. Normally we do our own  
25 research.

1 SHARON BROWN: You do your own research? So  
2 you don't rely on me calling you and saying that Dixon,  
3 there ain't no infrastructure on the land? Because  
4 that's your job to do that?

5 DAVID BATSON: Yes, it is.

6 SHARON BROWN: Okay. Thank you.

7 THE COURT: All right. Any of the other pro se  
8 individuals here have any questions of Mr. Batson?

9 All right, Mr. Leary, your witness.

10 MS. LEARY: Your Honor, we'm not prepared to  
11 ask any questions. I believe that the statute allows the  
12 Court to, you know, identify the value in the Court's  
13 discretion based upon the appraisals that have been  
14 submitted. And we have no intention to ask any questions  
15 related to it.

16 THE COURT: There's obviously a sixty-five  
17 thousand dollar difference, and I don't know at this  
18 point the procedure and the protocol of the comparables,  
19 so this is your client's opportunity to speak now or  
20 forever hold their piece on the one sixty-five.

21 MS. LEARY: I understand, Your Honor.

22 THE COURT: Okay. Mr. Wile?

23 MR. WILE: I don't have any questions.

24 THE COURT: Ms. Burke?

25 MS. BURKE: I don't have any questions, Your

1 Honor.

2 THE COURT: All right. Mr. Batson, walk us  
3 through the process that was used to come up with the  
4 hundred and sixty-five thousand dollar value.

5 DAVID BATSON: Well, in our -- when we do an  
6 appraisal, similar to what Mr. Glenn said, we identify  
7 the property, we identify the physical and legal  
8 characteristics of the property. Once we do that, we  
9 look at comparable properties in the area. We try to get  
10 as close in proximity as possible to the subject  
11 property. And with this particular property, which we  
12 have as 4.51 acres, we found a property -- one property  
13 that was less than, one property that was greater than,  
14 and then two additional properties that were similar in  
15 acreage to the subject property. And we feel that gives  
16 the best opinion of value, is to find the closest  
17 comparables and, you know, close proximity in acreage.

18 THE COURT: So your evaluation is based on a  
19 4.51 acre tract?

20 DAVID BATSON: Yes. We've got a 4.51 acres  
21 tract that appraised for eighty thousand.

22 THE COURT: No, I'm talking about the subject  
23 property? How large is the piece of property that you  
24 appraised for this lawsuit? I understood you to say 4.5  
25 acres.

1           DAVID BATSON: 4.51 acres is what's in the  
2 current appraisal. And I'm not the appraiser that ---

3           THE COURT: All right. But for this particular  
4 parcel?

5           DAVID BATSON: Correct. That's the appraisal I  
6 have in front of me.

7           THE COURT: Ms. Brown, help me out, because ---

8           SHARON BROWN: I'm going to look at my papers.

9           THE COURT: --- the Court Orders I've seen show  
10 this parcel as a 3.0 acre tract. Ms. Leary?

11          MS. LEARY: Yes, Your Honor, that's correct.

12          THE COURT: It's a three acre tract?

13          MS. LEARY: Yes, Your Honor.

14          SHARON BROWN: Well, the appraisal has 3.0  
15 acres.

16          THE COURT: But you understand Mr. Batson is  
17 saying he appraised a 4.5 acre tract?

18          DAVID BATSON: You know, I may have the wrong  
19 appraisal, too, in front of me. I have the appraisal  
20 that was provided to me by Mr. Howard and it may be the  
21 incorrect appraisal. But as far as ---

22          THE COURT: Ma'am, could you hand him what you  
23 have?

24          SHARON BROWN: Yes.

25          THE COURT: Thank you, Ms. Brown.

1           DAVID BATSON: Evaluations are the -- we come  
2 to our evaluation the same way.

3           THE COURT: But obviously whether it's three or  
4 whether it's 4.5 is a significant question.

5           DAVID BATSON: Oh, okay. Okay. Yeah. It  
6 looks like, yeah, again we chose properties that were  
7 similar in acreage to the subject property. And we chose  
8 properties that are also as close as possible in  
9 proximity that were similar properties. And also the  
10 date. The date of the sale, we try to get within one  
11 year of the proposed sale of the subject property.

12          THE COURT: So have you reviewed the  
13 comparables used by Mr. Glenn?

14          DAVID BATSON: I have not.

15          THE COURT: And did your valuation take into  
16 consideration no direct road frontage?

17          DAVID BATSON: Yes, it does. It has the  
18 typical three acres and does have an easement in place  
19 for access to the property. So we did address the  
20 easement on the property.

21          THE COURT: All right. And what comparables  
22 did you look at?

23          DAVID BATSON: Our first comparable was  
24 Bennetts Bridge Road, which was 1.52 miles from the  
25 subject property. The closing date was April of 2018,

1 and that was a two acre parcel. The second parcel was on  
2 Scuffletown Road, which was 3.77 miles. That was a two  
3 and a half acre parcel. The third parcel was 1.68 miles  
4 from the subject property and 1.21 acres. And we  
5 adjusted that for each -- we adjusted the difference in  
6 acreage on each of those comparable properties.

7 THE COURT: And then I'm going to ask you the  
8 same question I asked Mr. Glenn. Is this property  
9 capable -- and part of the definition of capable means to  
10 have some type of value, if you will -- to divide the  
11 property, the three acre tract, into a 37.5 percent  
12 interest, two 37.5 percent interests and then .05, .0 --  
13 let me do this. If you'll look I'm showing this witness  
14 the Court Order.

15 DAVID BATSON: The one fortieth, one twentieth  
16 and so on.

17 THE COURT: What does that do to the value of  
18 the property if you divided a three acre tract that many  
19 times?

20 DAVID BATSON: It dilutes the value so that the  
21 property would not have the same value as to leave it as  
22 one piece of property. Obviously you can divide, you  
23 know, subdivide it any way you want to as far as the  
24 percentages goes, but the value would change  
25 dramatically.

1 THE COURT: I was never good at math, which is  
2 why I ended up going the law track, but what does .025 of  
3 the three acre tract physically look like? And under the  
4 zoning requirements could anything ever be done with that  
5 land?

6 DAVID BATSON: Under the zoning requirements  
7 there could not be anything built on that piece of  
8 property. And it would be a very small piece of  
9 property.

10 THE COURT: Would it have any effectively  
11 marketable value?

12 DAVID BATSON: The only marketable value that I  
13 would see in that would be for anybody that had adjacent  
14 property that may look to acquire that property in the  
15 future, based on that.

16 THE COURT: But standing alone, the .025  
17 interest in that three-acre tract?

18 DAVID BATSON: Would have very -- in my opinion  
19 it would have very little value.

20 THE COURT: Okay. All right. And your fee for  
21 this is what?

22 DAVID BATSON: One fifty an hour.

23 THE COURT: Okay. But as far as ---

24 DAVID BATSON: Oh, for this? Our typical fee  
25 to do these type of appraisals is three hundred dollars.

1 And I'm not sure, you know, based on -- there's different  
2 factors that go into that. I'm not sure what ---

3 THE COURT: Has the final bill been submitted  
4 to Ms. Brown?

5 DAVID BATSON: I believe it has.

6 THE COURT: And do you know what that is?

7 DAVID BATSON: No, sir, I do not. Mr. Howard  
8 that owns our company handles that aspect of it.

9 THE COURT: And is he -- and I know, according  
10 to Mr. Glenn, what I thought it used to mean, but it may  
11 not mean that anymore. But is he an MAI?

12 DAVID BATSON: No, he is not, I don't believe.

13 THE COURT: Okay. So Ms. Brown, have you  
14 received a bill from your appraisals?

15 SHARON BROWN: Have I received ...

16 THE COURT: A bill from this gentleman's  
17 company?

18 SHARON BROWN: Well, we paid them two fifty. I  
19 don't know if I'm going to be receiving one for today or  
20 not, though. So far, no, other than the two fifty.

21 THE COURT: And Mr. Glenn, your total fee was  
22 what?

23 TRIPP GLENN: One thousand two hundred dollars..

24 THE COURT: All right. Thank you.

25 Now, Ms. Brown, or anyone else, any other questions

1 of Mr. Batson?

2 SHARON BROWN: Yes.

3 **REDIRECT EXAMINATION**

4 SHARON BROWN: Right now the land is currently  
5 -- it's three acres, but basically right now there are  
6 just three owners; Lula Mae Knox, deceased Lula Mae Knox,  
7 though we are her heirs; the deceased Willie Brown and  
8 people who are her heirs, and they own a third. If we  
9 leave it as is, Lula Mae Knox, the deceased, still just  
10 leaving it like it was without probating this stuff out  
11 of their name into our name because right now it's just  
12 in their name still, will be still their, not ours. So  
13 if we just leave it like it is right now, with Lula Mae  
14 Knox, the deceased just being the owner, and us not  
15 trying to get it out of her name, Willie Brown being the  
16 owner of the other piece, twenty-five percent, leave it  
17 in her name because that's how we had it because we  
18 weren't trying to divide it into those small sections,  
19 and give her her piece, thirty-seven percent, and leave  
20 the other two, the property as is in those Defendants'  
21 names and leave us out of it trying to get it into our  
22 names because we haven't probated it anyway -- probated  
23 this stuff anyway, would that be feasible for us to leave  
24 the parcel as is in the Defendants' name because we don't  
25 -- we're not concerned in dividing it up so everybody

1 gets a little piece. We just want to leave it alone  
2 because I feel like their whole motive from day one was  
3 to take us hostage by this one piece and take us hostage  
4 to take the other part and force us out of the other  
5 part. And they're not being reasonable with trying to  
6 compensate us for the fair market. It's not that we  
7 wouldn't possibly sell. We weren't looking to sell. But  
8 if we were to sell, we do want to get the fair market  
9 value.

10 DAVID BATSON: Right.

11 SHARON BROWN: Is it possible just to leave it  
12 like it is?

13 DAVID BATSON: I can't speak to the legal  
14 aspects of that as far as leaving it in the name with  
15 probate involved or whatever. But I mean it's certainly  
16 feasible from our standpoint as an appraiser to split the  
17 property up, you know, into three pieces of property, or,  
18 you know, if those properties remain whole. Again, you  
19 know, once you start dividing them very small then they  
20 lose their value.

21 SHARON BROWN: Okay. But it is feasible that  
22 it can just stay like it is and just cut our piece out  
23 and not divide Lula Mae -- the Defendant Lula Mae Knox's  
24 part of thirty-seven and divide Willie Brown's twenty-  
25 five percent, because she told me she wasn't interested

1 in selling either.

2 And if we were to force the sale we do want fair  
3 value.

4 DAVID BATSON: Right.

5 THE COURT: Ms. Leary, anything else of this  
6 gentleman?

7 MS. LEARY: Just one quick follow-up question,  
8 Your Honor.

9 **CROSS EXAMINATION**

10 MS. LEARY: The Defendant's question about  
11 splitting the property into three parcels, one being  
12 twenty-five percent, did you just review a Court Order  
13 that actually identifies smaller percentages you  
14 discussed with Judge Simmons about the fact that it's not  
15 twenty-five percent. It's actually smaller percentages  
16 and that you testified that that would actually greatly  
17 decrease the fair market value of the property and would  
18 not be reasonable or feasible; is that correct?

19 DAVID BATSON: That's correct, yeah, based on  
20 the sheet that he showed me.

21 MS. LEARY: That you just reviewed, the Court  
22 Order, showing the actual breakdown in ownership of this  
23 property?

24 DAVID BATSON: Correct.

25 MS. LEARY: Okay.



1 percent actual?

2 DAVID BATSON: No, ma'am.

3 NORMA WILLIAMS: Three percent, five percent?

4 DAVID BATSON: No, ma'am.

5 NORMA WILLIAMS: But as a whole; am I right?

6 DAVID BATSON: As a whole; that's correct.

7 NORMA WILLIAMS: And as a majority of the  
8 owners, could that not be represented as a majority?  
9 We're not looking at two percent because if we sell at  
10 two percent, I can afford to pay somebody with two  
11 percent off. I can afford to pay somebody with five  
12 percent of the property. We came to you as a whole.

13 In the first place we didn't say that we was  
14 interested in selling; did we? We're trying to protect  
15 our land from somebody that's already a millionaire that  
16 can go somewhere else and buy. So we came to you as a  
17 whole to try to see an outlook on this land.

18 I don't see asking about two percent or three  
19 percent. I'm not trying to be disrespectful.

20 THE COURT: Yes, ma'am. But I'm going to  
21 address that in just a minute. But any other questions  
22 of Mr. Batson?

23 NORMA WILLIAMS: No, sir.

24 So as a whole, as the sixty-two percent, it would be  
25 feasible; right? You think? We have sixty-two percent.

1 We stand as a family. We stand as a family. We're  
2 standing as a family against a huge company who is taking  
3 the land by force. And all we asked of them is to pay us  
4 for our sixty-two percent. I'm sure we could figure out  
5 how to get it if somebody wants something. Do you think  
6 that can happen with that sixty-two percent?

7 DAVID BATSON: I mean you're talking about  
8 could it be ---

9 NORMA WILLIAMS: Yeah, can we divide it up in  
10 sixty-two percent. We're not interested in the two  
11 percents. Like you say, two percent is a small, small  
12 piece. I think I have enough money to pay somebody off  
13 for percent of the land, three percent.

14 DAVID BATSON: Yeah, it's certainly feasible  
15 ---

16 NORMA WILLIAMS: Sixty-two percent, we can do  
17 it that way; right?

18 DAVID BATSON: You could split the property up  
19 that way.

20 NORMA WILLIAMS: Okay. And could they not get  
21 their thirty-seven percent and go on with their property?

22 DAVID BATSON: Well, sure, I mean that could  
23 happen as long as the two parties agree, of course.  
24 Yeah, that could ---

25 NORMA WILLIAMS: Well, two parties are already

1 agreeing. My grandfather and my step-grandmother, we are  
2 in agreeance. We was in agreeance in the beginning.

3 Laurel Lynn (verbatim) manipulated, manipulated a cousin  
4 that worked in the court system, in the snack bar, and  
5 forced her to sell against, against her will. Gave her  
6 ten thousand dollars. You take a poor person and give  
7 them ten thousand dollars, yeah, she don't have no  
8 interest.

9 We are, I am Robert Brown's granddaughter. This was  
10 Robert Brown's great granddaughter. So from the way  
11 that they're going, the great granddaughter is going to  
12 get ten thousand dollars by herself. Robert Lee Brown's  
13 wife got nothing. So this is how that manipulation  
14 works. We've not interested in selling.

15 So if we could just divide this up, give them their  
16 percentage, we've got sixty-two percent. We stand as a  
17 whole. And there's Willie Brown's daughter, she stands  
18 with Lula Brown as two sisters, children, against  
19 millionaires who can afford to run up a court bill and  
20 make us pay for it. So this is what's happening here.  
21 They're running up a thousand dollar bill. They want us  
22 to pay that. They want us to pay their lawyer. So could  
23 we not just not sell our part? Is that possible?

24 DAVID BATSON: I mean it's certainly possible  
25 to just sell one part of it.

1           NORMA WILLIAMS: All right. Thank you. I  
2 appreciate that.

3           THE COURT: All right. Thank you, sir. You  
4 can step down.

5           Ms. Leary, anything else?

6           MS. LEARY: No, Your Honor.

7           THE COURT: All right. Mr. Wile? And I'm  
8 assuming Greenville County doesn't take an active  
9 position?

10          MR. WILE: No, Your Honor, as for taxes we  
11 would just like the highest value of the property.

12          THE COURT: All right. Ms. Burke, you're the  
13 guardian. That means you are duty-charged with doing  
14 what is in the best interest of any unknown and  
15 unidentified heirs and obviously there are quite a few  
16 since there is an estate that has not been probated. On  
17 behalf of the unknowns, what's your recommendation?

18          MS. BURKE: Your Honor, I, on behalf of the  
19 unknowns, trust the judgment of the Court in evaluating  
20 the appraisers. I do believe that in the long run ---

21          THE COURT: You're hired to take a position,  
22 Ms. Burke. So what's the guardian's recommendation?

23          MS. BURKE: Your Honor, I believe that it is in  
24 the best interest of the Court to take the Court ordered  
25 appraisal as I do believe that as we're moving forward

1 that is the most accurate. And after listening to both  
2 expert testimonies, I do believe that that would be the  
3 most accurate and comprehensive evaluation.

4 THE COURT: All right. Thank you.

5 Now, Ms. Brown or Ms. Williams, anything else you'd  
6 like to have on the record here today?

7 SHARON BROWN: Again, I stress that the fair  
8 market value is a hundred and sixty-five thousand  
9 dollars.

10 And I know in your Order you had two people's  
11 signature where they were both from the same office, just  
12 like Dixon and him were the one that came today, David  
13 Batson, was from the same office. And I do want to  
14 stress that I feel that Attorney Leary -- the whole  
15 appraisal was biased. It should be redone with Attorney  
16 Leary and her client paying for the appraisal because of  
17 her interference with the appraiser.

18 And I stated earlier we have an appraisal done and  
19 we did not interfere. They were able to figure out that  
20 there was no infrastructure on the land and everything  
21 they needed to do. And I'm not standing up here to be  
22 nasty. But I honestly, the more I got emails from her  
23 talking to Glenn about the infrastructure, it really  
24 upset me because I was like she is really trying to  
25 influence him. So I feel like she should be made to pay

1 for the Court to enlist another appraiser to be fair.

2 And the second thing, since basically I'm thinking  
3 your Order didn't say sold, and I have already looked at  
4 the law, and the first step usually is it going on a --  
5 going to a realtor instead of an auction; just looking at  
6 the law. I've got to pull -- but I don't need to recite  
7 the law any because I'm hoping you're going to study the  
8 -- have studied them or already know the law. But if it  
9 is sold, which it appears that it may, we definitely  
10 don't want it on an auction. We want to get the fair  
11 market value. And we feel that our best chance at  
12 getting it would be on a private market; private market  
13 or public or whatever, with a realtor. And again, as  
14 stated, I strongly recommend that the appraisal be redone  
15 with Attorney Leary refraining from making any contact  
16 with the appraiser company.

17 THE COURT: Ms. Williams, anything else you'd  
18 like to add?

19 NORMA WILLIAMS: No, sir.

20 THE COURT: All right. And Mr. Glenn, you may  
21 have already answered this and I apologize, if so. And I  
22 remind you, even though you're no longer on the witness  
23 stand, you're still under oath. Did you -- were you  
24 influenced in any way by any of the communications by Ms.  
25 Leary or her law firm providing information that you had

1 requested?

2 TRIPP GLENN: No, sir. We take any information  
3 -- any information we receive from the property owner and  
4 do our due diligence to confirm.

5 THE COURT: So did you feel like the  
6 information that was provided was reasonable and  
7 necessary and in accordance with your request?

8 TRIPP GLENN: Yes, sir. That's a fairly  
9 typical practice.

10 THE COURT: And did her information -- first,  
11 was any of her information proven inaccurate or  
12 incorrect?

13 TRIPP GLENN: No, sir, I don't believe so.

14 THE COURT: And did it have any influence on  
15 your decision ---

16 TRIPP GLENN: No, sir.

17 THE COURT: --- as far as the evaluation,  
18 higher or lower?

19 TRIPP GLENN: No, sir.

20 THE COURT: All right. And Ms. Brown, if you  
21 have any questions of him about that you can ask him.

22 SHARON BROWN: I'm not going to question him  
23 about it because she was providing information and he  
24 didn't her. She was just basically, I want to let you  
25 know that there's no infrastructure; no this, no that.

1 And she was just going ahead and telling him about the  
2 land without him requesting it.

3 THE COURT: Okay.

4 SHARON BROWN: And I was very -- the whole time  
5 I was very upset because I just felt like I shouldn't  
6 even be writing him because I felt like I would have been  
7 interfering and you would have said something. And I  
8 really felt at one point that you had -- needed to say  
9 something to stop.

10 THE COURT: All right. Thank you.

11 Thank you, Mr. Glenn. You can have a seat.

12 All right. Mr. Brown and Ms. Williams and to the  
13 others, to me the strongest appeal about all this is  
14 obviously y'all have a great passion for family property.  
15 And I really do respect that. And I can't even imagine  
16 the number of sleepless nights that have been caused by  
17 all this because you're talking family property. Family  
18 property can't be replaced.

19 Here's one of the biggest troubling factors I'm  
20 having with all of this, is that every time we've been in  
21 Court, I have asked, said, please get everybody together  
22 and make a proposal, because ultimately there is a  
23 significant likelihood that the property would end up  
24 having to be sold. I said that last year. I've said it  
25 multiple times this year.

1           And something that I just don't think I'm doing a  
2 good job of helping you all to understand is you say that  
3 we're representing two-thirds of the owners. But from a  
4 legal standpoint, you don't have that authority to  
5 represent two-thirds of the owners. Because the only --  
6 when I look on page eight of the Order dated February  
7 22nd, 2019, paragraph 30(b), there are seven owners in  
8 the category of children of Willie Brown. The only one  
9 who is here today is Frances Lee Farmer Sullivan. The  
10 other six aren't here. They haven't asked what you're  
11 asking. They haven't come together to say, we want to  
12 make a proposal.

13           In the estate of Lula Mae Knox, nobody knows who  
14 owns that property. So you can't represent someone that  
15 the Courts haven't even determined who the owners are  
16 yet. So I hear what you're saying and I know in your  
17 heart of hearts you have tremendous convictions that, in  
18 fact, you do represent them. But you have never come  
19 forth with any document that says, all of us family  
20 members come together and we're asking Plaintiff do this.

21           Yes, ma'am.

22           SHARON BROWN: Your Honor, I've tried to work  
23 with Attorney Leary. Matter of fact, we accepted the  
24 offer. After we accepted the offer, she put a bunch of  
25 stipulations about probate and -- probate and all that.

1           And matter of fact, I asked her could be stop the  
2 proceedings until all this stuff is straightened out  
3 because we were going to accept the offer. But again,  
4 these things that she said that needed to be done at the  
5 Probate Court, we went down there and it's active to work  
6 on getting all that done, but she's -- to me she's saying  
7 that she's offering the money and we've accepted it, but  
8 at the same time she won't stop the Court from rolling,  
9 so I'm just thinking that -- just saying she did it,  
10 offered, but she's not actually trying to allow us to  
11 carry it out. Because, well, first I need you to go make  
12 sure they name an administrator and all this other stuff.  
13 We've gone to the courthouse to get all that done and  
14 it's set for August the 28th. But we've already told her  
15 we accepted the offer and we're doing everything she  
16 tells us, but she won't take this -- stop this Court  
17 stuff. And when I ask her about stopping it, you need to  
18 talk to your attorney. You need to talk to your  
19 attorney. You need to talk to an attorney; I can't give  
20 legal advice. I'm not asking legal advice.

21           THE COURT: Ms. Leary, what's the impediment to  
22 having a global settlement?

23           MS. LEARY: The impediment, Your Honor, is a  
24 multitude of issues. One, I've not received a global  
25 settlement. It is coming from this person, Ms. Brown.

1 Two, there is an estate that has been opened, closed,  
2 that I tried my best to articulate the necessary steps to  
3 identify who will be the personal representative of that  
4 estate to probate the estate. And I believe the last  
5 offer was just to make a personal check out to Ms. Brown  
6 for that estate, which obviously my client is not going  
7 to authorize because it's not going to resolve the  
8 issues.

9 So, Your Honor, my client has been trying to buy  
10 this property for several years from this family. I  
11 understand that they had no obligation to do that at any  
12 point in time; however, we have gone to great lengths to  
13 explain the necessary requirements to obtain good title  
14 to this property and there are many barriers to that  
15 still to this day, Your Honor.

16 THE COURT: All right. And Ms. Brown had  
17 mentioned that there was a hearing set at the end of  
18 August.

19 SHARON BROWN: August 28th a hearing was set.  
20 And we just feel like ---

21 THE COURT: Ms. Brown, I'm asking Ms. Leary;  
22 okay? Do you know anything about that, Ms. Leary?

23 MS. LEARY: No, Your Honor.

24 THE COURT: Here's what I'm going to do. Based  
25 upon the history of the case, based upon the law, which

1 I'm duty-bound to follow, based upon the legal interests  
2 that I'm duty-bound to follow, I'm going to find that the  
3 appraisal provided by Mr. Glenn is accepted by the Court.  
4 I have two MAIs looking at it. I just think there's a  
5 higher degree of credibility for their appraisal. I'm  
6 also taking into consideration the guardian ad litem's  
7 recommendation.

8 So Ms. Leary, if you would start preparing an Order.  
9 I still have a great desire to see this matter resolved  
10 short of the next stop on the statutory process.

11 But Ms. Williams and Ms. Brown, you just have to  
12 understand that Ms. Leary can't advise her client to  
13 accept a proposal that the two of you are making because  
14 you don't represent everybody.

15 SHARON BROWN: That wasn't the ---

16 THE COURT: I'm just telling you.

17 SHARON BROWN: But you're taking her version  
18 and didn't hear my response to what she's saying.

19 THE COURT: Prepare an Order, please, ma'am.

20 MS. LEARY: Thank you, Your Honor.

21  
22 END OF REQUESTED TRANSCRIPT OF TESTIMONY  
23

1 The undersigned, Danette P. Hanks, Court Reporter, Office  
2 of Master in Equity for Greenville County, South  
3 Carolina, do hereby certify that the foregoing is a true,  
4 accurate and complete Transcript of Record of all of the  
5 proceedings had and evidence introduced in the hearing of  
6 the captioned case, relative to appeal, before The  
7 Honorable Charles B. Simmons, Jr., as Master in Equity  
8 for Greenville County, South Carolina on the 29th day of  
9 July, 2019.

10 I do further certify that I am neither of kin,  
11 counsel, nor interest to any parties hereto.

12  
13 October 14, 2019

14 

15 Danette P. Hanks, CCR  
16

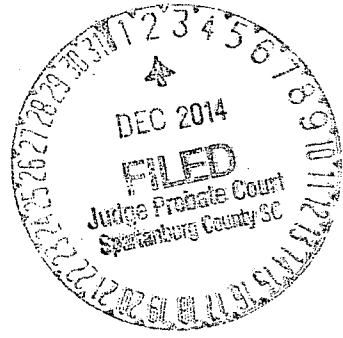
# EXHIBIT B

STATE OF SOUTH CAROLINA )  
COUNTY OF: Spartanburg )  
IN THE MATTER OF: Lula Mae Knox )

IN THE PROBATE COURT

CASE NUMBER: 2014ES4201854

\*ONLY COMPLETE IF FILING PETITION FOR FORMAL TESTACY AND/OR APPOINTMENT



\* \_\_\_\_\_  
Petitioner  
vs.  
\* \_\_\_\_\_  
\* \_\_\_\_\_  
\* \_\_\_\_\_  
Respondent(s) (if applicable)

APPLICATION FOR

(check any that apply)

\*PETITION FOR

INFORMAL

FORMAL

- PROBATE OF WILL
- APPOINTMENT

- TESTACY
- APPOINTMENT

Applicant/Petitioner: Norma Williams  
Address: 222 ARDMORE SP+66 SC. 29301  
Telephone: 864 6803295 8104-583-5331 Norma

I. ALL APPLICANTS/PETITIONERS MUST COMPLETE THIS SECTION.

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

2. Decedent Information  
Name: LULA MAE KNOX  
Last Four Digits of Social Security Number: XXX-XX- 8214  
Date of Birth: NOV. 8 1937  
Date of Death: MARCH 3 2011  
Age at date of death: 73  
Domicile at date of death: SP+66 SC.  
(county) (state)

3. Venue for this proceeding is proper in this county because:  
 Decedent was domiciled in this county at date of death.  
 Decedent was not domiciled in South Carolina, but property of Decedent was located in this county at date of death.  
 Decedent has a right to take legal action in this county because:

10/7

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

Name	Date of Birth	Address	Relationship to Decedent
<u>NONE</u>			

(use additional sheet if necessary)

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

Name	Date of Birth	Address	Relationship to Decedent
<u>Madison KNOX</u>	<u>Adult</u>	<u>Predeceased</u>	<u>Spouse</u>
<u>Norma Williams</u>	<u>9/12/1953</u>	<u>222 Ardmore Rd SPTbG SC</u>	<u>daughter</u>
<u>Shirley Rce</u>	<u> </u>	<u>179 Amos SPTbG</u>	<u>daughter</u>
<u>Norman D Smith</u>	<u>March 21</u>	<u>133 Collins SPTbG SC</u>	<u>SON</u>

(use additional sheet if necessary)

pg 7

5. Did decedent have any change of marital status or the birth or adoption of any children after execution of this Will, if one exists, or has any child of the decedent been born since his death, or is any birth of a child of the decedent anticipated? (This includes illegitimate children.)

NO       YES If yes, please explain, on page 3.

6. To the best of your knowledge, was the decedent a patient in a South Carolina Mental Health facility during his/her lifetime?

NO       YES If yes, please explain, on page 3.

7. Has a Guardian or Conservator ever been appointed for this person?

NO       YES If yes, please explain on page 3.

8. Has a Personal Representative of the decedent been appointed prior to this date by a Court in this state or elsewhere?

NO       YES If yes, please state details, including name and address of such Personal Representative on page 3.

9. Have you received or are you aware of any demands for notice of any probate or appointment proceeding concerning the decedent that may have been filed in this state or elsewhere?

NO       YES If yes, please state details, including names and addresses on page 3.

10. Have more than ten years passed since the decedent's death?

NO       YES If yes, please state circumstances authorizing tardy probate on page 3.

11. The decedent died with a personal estate of about the value of TBD and real estate of about the value of 50000. (A full inventory and appraisal, Form #350PC, must be filed within 90 days.) If decedent was non-resident, please attach South Carolina Commission form ET 101.

14-1854

ATTACHMENT FOR 4B

ESTATE OF Lula Mae

NAME:	DATE OF BIRTH:	ADDRESS:	RELATIONSHIP
Robert G. Smith <sup>Adult</sup>	1010	Carson SPTbG SC 29306	SON
Michael J. Smith		<i>Predeceased</i>	SON
Tylisa Carleede <sup>Adult</sup>			grand daug.
James Brown <sup>Adult</sup>			SON
Junita Byrd <sup>Adult</sup>			daug.
Theodore Byrd <sup>predeceased</sup>		no childrens	SON
EVELYN Byrd <sup>Adult</sup>			daughter
CATHERINE Stroble <sup>Adult</sup>			daughter

*now deceased*

12. After the exercise of reasonable diligence, are you aware of any unrevoked Will and/or Codicil(s), other than the one(s) attached hereto, relating to property in this State?

- NO
- YES If yes, please explain on page 3 and then proceed to Section II.

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

1. Regarding the decedent's Will:

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

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

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

3. The date of execution of the Will was: \_\_\_\_\_  
Codicil(s): \_\_\_\_\_

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

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

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

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

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

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

COMPLETE EXPLANATION (S) FOR QUESTIONS IN SECTIONS I and II HERE.  
(If more space is required, use additional sheet.)

Hay 7

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

1. The name(s) and address(es) of the proposed Personal Representative(s) is/are:  
Norma Williams
  
2. Priority for this appointment is:
  - named as Primary Personal Representative in Will
  - named as Alternate Personal Representative in Will
  - nominee of above Primary Personal Representative in Will
  - nominee of above Alternate Personal Representative in Will
  - surviving spouse of decedent who is devisee of decedent or nominee of said spouse
  - other devisee of decedent, (describe): \_\_\_\_\_ or nominee of said devisee
  - surviving spouse of decedent or nominee of said spouse
  - other heir of decedent (describe): daughter
  - creditor (Forty-five days after death must have passed), or nominee of creditor
  - other (describe): \_\_\_\_\_
  
3. List below the names of any other persons, if any, having a prior or equal right of appointment (see priority above).  
see 4 b

IV. ALL APPLICANTS/PETITIONERS MUST COMPLETE VERIFICATION.

VERIFICATION

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

SWORN to before me this 2nd day of December, 2014  
Cheryl Stout  
 Notary Public for South Carolina  
 My Commission Expires: 5-8-18

Signature: Norma Williams  
 Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 E-mail: \_\_\_\_\_  
 Telephone (O): \_\_\_\_\_  
 (H): \_\_\_\_\_

Signature: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 E-mail: \_\_\_\_\_  
 Telephone (O): \_\_\_\_\_  
 (H): \_\_\_\_\_

ORDER OF INFORMAL PROBATE

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

\_\_\_\_\_, Probate Court Judge

**ORDER OF FORMAL TESTACY**

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

The Court further finds that

the decedent died intestate. The heirs are:

\_\_\_\_\_  
\_\_\_\_\_

the decedent died testate. IT IS HEREBY ORDERED that the Last Will and Testament of the above-named decedent, dated \_\_\_\_\_, 20\_\_ be admitted formally to probate.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_, Probate Court Judge

SEE ATTACHED ORDER

**ORDER OF APPOINTMENT**

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

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_, Probate Court Judge

---

**QUALIFICATION AND STATEMENT OF ACCEPTANCE**

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

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_

E-mail: \_\_\_\_\_  
Telephone (O): \_\_\_\_\_  
(H): \_\_\_\_\_

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_

E-mail: \_\_\_\_\_  
Telephone (O): \_\_\_\_\_  
(H): \_\_\_\_\_

Attorney: \_\_\_\_\_  
Address: \_\_\_\_\_

E-mail: \_\_\_\_\_  
Telephone (O): \_\_\_\_\_

# EXHIBIT C

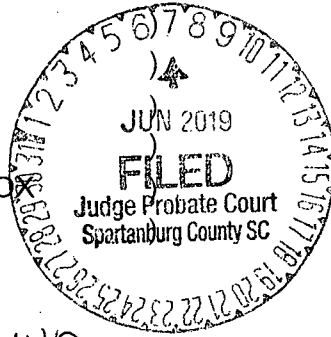
STATE OF SOUTH CAROLINA

IN THE PROBATE COURT

COUNTY OF: SPARTANBURG

NOTICE OF HEARING

IN THE MATTER OF: LULA MAE KNOX



CASE NUMBER: 2014ES420854

(Decedent)

To: Sharon Brown

Date: August 28, 2019

Time: 10:00am

Place: Spartanburg County Probate Court  
180 Magnolia Street, Room 302  
Spartanburg, SC 29306

PURPOSE OF HEARING:  
Application For Informal Appointment

Executed this 7 day of JUNE, 2019

Signature: Norma Williams  
Print Name: NORMA WILLIAMS  
Address: 222 Ardmore Rd  
SPHbG SC 29306  
Telephone(Work): 864 680 3295 cell  
(Home): 864 583 5331  
(Cell): \_\_\_\_\_  
Email: \_\_\_\_\_

Relationship to Decedent/Estate: Daughter - Heir

Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone(Work): \_\_\_\_\_  
(Home): \_\_\_\_\_  
(Cell): \_\_\_\_\_  
Email: \_\_\_\_\_

Relationship to Decedent/Estate: \_\_\_\_\_

**NOTE:** Probate Court recommends that all interested parties be represented by counsel licensed to practice law in South Carolina. If any interested party wishes to represent him/herself, he/she will be required to adhere to the *South Carolina Rules of Civil Procedure* and *South Carolina Rules of Evidence*.

# EXHIBIT D



STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SPARTANBURG )

IN THE PROBATE COURT

IN THE MATTER OF: )  
LULA MAE KNOX )  
(Decedent) )

CASE NUMBER: 2019ES42\_\_\_\_\_

**\*COMPLETE THIS SECTION ONLY IF FILING PETITION FOR FORMAL TESTACY AND/OR FORMAL APPOINTMENT**

\*SHARON BROWN,  
Petitioner(s)  
vs.

\*NORMA WILLIAMS, EVELYN BYRD, CATHERINE STROBLE, TYLISA CARTLEDGE, SHIRLEY RICE, JAMES BROWN, JUANITA SMITH AND NORMAN SMITH,  
Respondent(s)



**APPLICATION FOR INFORMAL**

(check any that apply)

- PROBATE OF WILL  
 APPOINTMENT

**\*PETITION FOR FORMAL**

- TESTACY  
 APPOINTMENT

If this is a formal filing, please explain on page 3 or attach pleadings pursuant to *SC Rules of Civil Procedure*.

**\*NOTE: IF THIS IS A FORMAL PROCEEDING, IN ADDITION TO THIS FORM PETITION, YOU MUST ALSO FILE A SUMMONS (FORM SCCA 401PC), AND PAY THE STATUTORY FILING FEE OF \$150.00. A HEARING IN THE PROBATE COURT ON THE PETITION MAY BE REQUIRED.**

**I. ALL APPLICANTS/PETITIONERS MUST COMPLETE THIS SECTION.**

1. Applicant/Petitioner(s): Sharon Brown  
Address: 216 Ardmore Drive, Spartanburg, SC 29306  
Telephone (Work): \_\_\_\_\_  
(Home): \_\_\_\_\_  
(Cell): (864)431-4123  
Email: \_\_\_\_\_  
Relationship to Decedent: grandchild

**2. Decedent Information:**

Full Legal Name  
(including all known names): Lula Mae Knox  
Date of Birth: 11/08/1937  
Date of Death: 03/03/2011  
Age at Date of Death: 73

**3. Venue for this proceeding is proper in this County because:**

- Decedent was domiciled in this County at date of death:  
Address: \_\_\_\_\_ County: SPARTANBURG State: South Carolina  
 Decedent was **not** domiciled in **South Carolina**, but property of Decedent was located in this County at date of death at:  
Address: \_\_\_\_\_ County: \_\_\_\_\_ State: South Carolina

Decedent has a right to take legal action in this County because:

If the above address is the address of a nursing home, prison, or other residential facility, please give the last address of the Decedent prior to entering a facility:

4(a). Names and addresses of beneficiaries (devisees) named in the Will.

Full Legal Name (including all known names)	Year of Birth	Full Address	Relationship to Decedent
--	---------------	--------------	-----------------------------

See list attached

See attached for additional devisees (check if applicable).

4(b). Names and addresses of intestate heirs who are not devisees (persons who inherit if Decedent left no Will).

Full Legal Name (including all known names)	Year of Birth	Full Address	Relationship to Decedent
--	---------------	--------------	-----------------------------

See list attached

See attached for additional intestate heirs (check if applicable).

4(c). Did all of the above persons survive one hundred and twenty (120) hours since the death of Decedent?

YES  NO If no, please explain on page 3.

5. Did Decedent have any change of marital status or the birth or adoption of any children after execution of this Will, if one exists, or has any child of the Decedent been born since his/her death, or is any birth of a child of the Decedent anticipated? (This includes illegitimate children.)

NO  YES If yes, please explain, on page 3.

6. To the best of your knowledge, was the Decedent a patient in a non-private State of South Carolina mental health facility during his/her lifetime?

NO  YES If yes, please explain, on page 3.

7. Has a Guardian or Conservator ever been appointed by a Court for this person?

NO  YES If yes, please explain on page 3.

8. Has a Personal Representative of the Decedent been appointed prior to this date by a Court in this state or elsewhere?

NO  YES If yes, please state details, including name and address of such Personal Representative on page 3.

9. Have you received or are you aware of any Demands for Notice (FORM #111ES) of any probate or appointment proceeding concerning the Decedent that may have been filed in this state or elsewhere?

NO  YES If yes, please state details, including names and addresses on page 3.

10. Have more than ten (10) years passed since the Decedent's death?

NO  YES If yes, please state circumstances authorizing tardy probate on page 3.

11(a). Did the Decedent own probate real estate?

NO  YES If yes, an approximate value of \$TBD (Note: A complete inventory of probate assets with fair market values is to be filed after Personal Representative is appointed.)

11(b). Did the Decedent own probate personal property?

NO  YES If yes, an approximate value of \$TBD (Note: A complete inventory of probate assets with fair market values is to be filed after Personal Representative is appointed.)

12. Have you made a diligent search for a Will of the Decedent?

YES  
 NO If no, please explain on page 3 below.

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

1. Regarding the Decedent's Will:

- The original is attached.
- The original is in the Court's possession.
- An exemplified (authenticated) copy of a Will probated in another jurisdiction is attached.
- An exemplified (authenticated) copy of a Will not probated in another jurisdiction is attached.
- The original of the Will is lost, destroyed, or otherwise unavailable, however, a copy or a description of its contents is attached. (for formal proceeding, explain below or attach supplemental pleadings)

2. The execution date of the Will was: 07/13/1999  
Codicil(s): none

3. Is there a memorandum that disposes of tangible personal property pursuant to 62-2-512?

NO  YES If yes, attach hereto.

4. To the best of your knowledge, do you believe the Will listed above is the Decedent's validly executed last Will?

YES  NO If no, please explain on page 3.

5. To the best of your knowledge, is any witness to the will an "interested witness" (i.e., does the will make any devise to a witness, a witness's spouse, or a witness's issue)?

NO  YES If yes, please explain on page 3.

---

COMPLETE EXPLANATION(S) FOR QUESTIONS IN SECTIONS I and II HERE  
(If more space is required, use additional sheets.)

#I.5. Decedent's son, Theodore Byrd, predeceased her leaving no lawful issue, and her son, Michael Jerome Smith predeceased her survived by one child, Tylisa Cartledge; Decedent's son Robert Gerald Smith survived her but was never married and left no lawful issue.

#II.1. SEE SUPPLEMENTAL PETITION FOR FORMAL PROBATE AND APPOINTMENT ATTACHED HERETO

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

1. If the Applicant/Petitioner is not the proposed Personal Representative(s), list name and address of the person you are proposing be appointed as the fiduciary:  
\_\_\_\_\_

2. Priority for appointment of the proposed Personal Representative (whether applicant or nominee) is:

- named as Primary Personal Representative in Will
- named as Alternate Personal Representative in Will
- nominee of Primary Personal Representative in Will
- nominee of Alternate Personal Representative in Will
- surviving spouse of Decedent who is devisee of Decedent or nominee of said spouse
- other devisee of Decedent (describe): \_\_\_\_\_ or nominee of said devisee
- surviving spouse of Decedent or nominee of said spouse
- other heir of Decedent (describe): \_\_\_\_\_ or nominee of said heir
- creditor (forty-five (45) days after death must have passed) or nominee of creditor; written statement of claim, FORM 371ES, is attached
- other (describe): \_\_\_\_\_

3. List below the name(s) of any other person(s), if any, having an equal or higher priority of appointment than the proposed Personal Representative:  
Norma Williams is the first named Personal Representative, but the will does not waive bond. Petitioner is named in the alternative and bond is waived.

IV. ALL APPLICANTS/PETITIONERS MUST COMPLETE VERIFICATION.

VERIFICATION

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

SWORN to before me this 12 day of August, 2019

Ann Powers Gwinn  
Notary Public for South Carolina  
My Commission Expires: 11 21 2016

Signature of Applicant/Petitioner: Sharon Brown

SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_

Signature of Co-Applicant/Co-Petitioner: \_\_\_\_\_

**ORDER OF INFORMAL PROBATE**

IT IS HEREBY ORDERED that the above application for probate of a Will executed 07/13/1999\_\_and

- Codicil executed \_\_\_\_\_ and
- Memorandum

be informally  GRANTED  DENIED.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Ponda A. Caldwell, Probate Court Judge

For formal probate of Will, see separate order executed \_\_\_\_\_.

**ORDER OF INFORMAL APPOINTMENT**

IT IS HEREBY ORDERED that the above Application for Appointment be granted upon the filing of an appropriate bond, if applicable, and upon the signing of the Qualification and Statement of Acceptance of appointment.

Bond

- Fiduciary Bond in the amount of \$ \_\_\_\_\_
- Bond not required for Personal Representative nominated by Will
- Bond not required as Personal Representative is sole heir or sole devisee
- Bond not required as Personal Representative is state agency, bank, or trust company
- Bond waivers filed
- See order dated \_\_\_\_\_
- Other: \_\_\_\_\_

Notice to Creditors

- Required
- Not Required

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Ponda A. Caldwell, Probate Court Judge

For formal appointment of Personal Representative, see separate order executed \_\_\_\_\_.

**QUALIFICATION AND STATEMENT OF ACCEPTANCE**

I accept this appointment and agree to perform the duties and discharge the trust of the office of Personal Representative of this estate. I further submit personally to the jurisdiction of the Court in any proceeding relating to the Estate.

Signature: \_\_\_\_\_  
Print Name: Sharon Brown  
Address: 216 Ardmore Drive  
Spartanburg, SC 29306  
Telephone (Work): \_\_\_\_\_  
(Home): \_\_\_\_\_  
(Cell): (864)431-4123  
Email: \_\_\_\_\_

Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone (Work): \_\_\_\_\_  
(Home): \_\_\_\_\_  
(Cell): \_\_\_\_\_  
Email: \_\_\_\_\_

\*Attorney: James B. Drennan, III  
Address: PO Box 891  
Spartanburg, SC 29304  
Telephone: (864)582-0708  
Email: jdrennan@dSDLegal.com

**\*By completing this information, attorney is designated as attorney of record for assisting Personal Representative until proper withdrawal.**

ATTACHMENT TO PETITION FOR FORMAL TESTACY AND APPOINTMENT  
ESTATE OF LULA MAE KNOX

4.a Names and Addresses of Devisees in the Will:

Sharon Brown	adult	216 Ardmore Drive, Spartanburg, SC 29306	grandchild
Norma Williams	adult	222 Ardmore Drive, Spartanburg, SC 29306	child
Evelyn Byrd	adult	232A Norris Ridge Apts, Spartanburg, SC 29306	child
Catherine Stroble <sup>1</sup>	adult	412B Alma Byrd Lane, Spartanburg, SC 29306	child
Robert Gerald Smith		deceased <sup>2</sup>	child
Michael Jerome Smith		deceased <sup>3</sup>	
Theodore Byrd		Predeceased, no lawful issue	child
Shirley Miller <sup>4</sup>	adult	179 Amos Street, Spartanburg, SC 29306	child
James Brown	adult	141 Leisure Lane, Spartanburg, SC 29306	child
Norman Smith <sup>5</sup>	adult	133 Collins Ave., Spartanburg, SC 29306	child

4.b Names and addresses of Intestate Heirs who are not devisees:

Madison Knox		predeceased	husband
Juanita Smith	adult	111 Hanover Pl, Apt 39, Spartanburg, SC 29306	child

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<sup>1</sup>Formerly Catherine Stroble Farmer

<sup>2</sup>Robert Gerald Smith survived decedent but subsequently died unmarried leaving no lawful issue.

<sup>3</sup>Michael Jerome Smith predeceased decedent leaving one child, Tylisa Cartledge who is an adult, living at 111000 Whitlock Crossing Ct., Charlotte, NC 28273

<sup>4</sup>Formerly Shirley Rice

<sup>5</sup>Also known as Norman Smith, Jr.

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SPARTANBURG )

IN THE PROBATE COURT

Sharon Brown, )  
 )  
Petitioner, )

vs. )

Norma Williams, Evelyn Byrd, Catherine )  
Stroble, Tylisa Cartledge, Shirley Miller, )  
James Brown, Juanita Smith and Norman )  
Smith, )

Respondents )

In Re: Estate of Lula Mae Knox, deceased )

SUPPLEMENTAL PETITION  
2019ES42 \_\_\_\_\_



Petitioner would show unto the Court as follows:

1. Lula Mae Knox ("Decedent") died a resident of Spartanburg County, South Carolina on March 3, 2011 leaving a Last Will and Testament dated July 13, 1999, the original of which has not been found. A copy of said Will is attached hereto, marked Exhibit "A" and incorporated herein by reference.
2. Respondents Norma Williams, Evelyn Byrd, Catherine Stroble, Shirley Miller, James Brown and Norman Smith are all children of the Decedent and beneficiaries under the Decedent's Will, and Respondent Juanita Smith is a child of the Decedent but not a beneficiary under the Decedent's Will. On information and belief, all of said Respondents are residents of Spartanburg County, as is Petitioner, who is the grandchild of the Decedent.
3. Respondent Tylisa Cartledge is a grandchild of the Decedent, and the only child of the Decedent's son, Michael Jerome Smith, who predeceased the Decedent. Petitioner is informed and believes that Respondent Cartledge is a resident of Charlotte, North Carolina and that she succeeded to her father's interest under the Will in accordance with applicable anti-lapse

provisions of South Carolina law, or to his intestate interest in the Decedent's estate if the Decedent had died intestate.

4. Decedent's son, Theodore Byrd, predeceased her leaving no lawful issue, and the Decedent's son, Robert Gerald Smith, survived her but has since died unmarried and leaving no lawful issue, and Petitioner is informed and believes that the Respondents constitute all persons who would constitute the Decedent's heirs at law had she died intestate.

5. Petitioner is informed and believes that the Decedent's Will was executed in accordance with all statutory requirements and was her valid Last Will, revoking all prior Wills and codicils. Following the death of the Decedent, the original Will could not be found, and Petitioner believes that it was misplaced during her lifetime or concealed by her in a location not yet discovered. Petitioner does not believe that the original Will was revoked by the Decedent, inasmuch as her relations with the beneficiaries under the Will continued unchanged from the date of the Will until the date of her death, and she had no reason to revoke it.

6. In Item V of her Will, the Decedent nominated Respondent Norma Williams as Personal Representative of her estate, but did not specify that she should be permitted to serve without bond. In Item VI, the Decedent appointed Petitioner to serve as Personal Representative should Norma Williams not be able to serve, and specified that Petitioner should be permitted to serve without bond. Petitioner is informed and believes that the Decedent's estate contains no cash assets and that the posting of bond will be difficult and an unnecessary expense and that it would be in the best interests of this estate and all persons interested in this estate for this Court to appoint Petitioner as Personal Representative.


WHEREFORE, Petitioner prays that this Court inquire into this matter and that it issue an appropriate Order:

(a) Finding that the Last Will and Testament of Lula Mae Knox dated July 13, 1999 was unrevoked and still in effect at the time of her death and that the copy filed with the Court should

be admitted to probate;

(b) Appointing Petitioner as Personal Representative of this estate, to serve without bond;

(c) For such other and further relief as this Court may deem just and proper.



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James B. Drennan, III  
Dennis, Shaw, Drennan & Pack, LLC

PO Box 891

Spartanburg, SC 29304

(864)582-0708

Attorneys for Petitioner

August 12, 2019



LAST WILL AND TESTAMENT  
LULA MAE KNOX  
PAGE TWO

ITEM III

I hereby will, devise and bequeath the property located at 133 Collins Avenue, Spartanburg, S. C., to my Son, ROBERT GERALD SMITH, to be his in fee simple.

ITEM IV

I hereby will, devise and bequeath all the rest, residue and remainder of my property, whether it be real, personal or mixed, to my Granddaughter, Sharon Brown, to be hers.

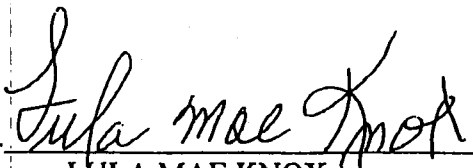
ITEM V

I do hereby nominate, constitute and appoint as Personal Representative of this, my Last Will and Testament, my Daughter, NORMA WILLIAMS.

ITEM VI

In the event that my said Daughter, NORMA WILLIAMS, should be unable or unwilling to serve or continue to serve as Personal Representative, then, in that event, I nominate, constitute and appoint my Granddaughter, SHARON BROWN, to serve as Personal Representative, she also to serve without bond.

IN WITNESS WHEREOF, I have hereunto set and subscribed my hand and seal this 13 day of July, 1949.

  
LULA MAE KNOX

LAST WILL AND TESTAMENT  
LULA MAE KNOX  
PAGE THREE

The foregoing instrument, consisting of four (4) pages, was on this date subscribed on this page and at the end thereof by LULA MAE KNOX the above named Testatrix, and by her signed, sealed, published and declared this to be her Last Will and Testament in the presence of us and each of us, who thereupon at her request and in her presence and in the presence of each other, have hereunto subscribed our names as attesting witnesses thereto.

*Lill. Hutto* of *Irwan SC*  
*Cheryl B. Harmon* of *Spartanburg S.C.*

I, LULA MAE KNOX, the Testatrix, sign my name to this instrument this 27<sup>th</sup> day of July, 1977, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Last Will and Testament and that I sign it willingly, that I execute it as my free and voluntary act for the purpose therein expressed, and that I am eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

*Lula Mae Knox*  
LULA MAE KNOX

LAST WILL AND TESTAMENT  
LULA MAE KNOX  
PAGE FOUR

We, Lilli Hutto and Cheyl B. Haman,  
the witnesses, sign our names to this instrument, being first duly sworn, and do hereby  
declare to the undersigned authority that the Testatrix signs and executes this instrument  
as her Last Will and Testament and that she signs it willingly and that each of us, in the  
presence and hearing of the Testatrix, hereby signs this Last Will and Testament as a  
witness to the Testatrix's signing and to the best of our knowledge, the Testatrix is  
eighteen (18) years or older, of sound mind and under no constraint or undue influence.

Lilli Hutto

Cheyl B. Haman

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SPARTANBURG )

Subscribed, sworn to, and acknowledged before me by, the Testatrix, and  
subscribed and sworn to before me by Lilli Hutto this 13<sup>th</sup> day of  
July, 1999.

SWORN TO before me this the 13<sup>th</sup>  
day of July, 1999.

Cheyl B. Haman (SEAL)  
Notary Public for S. C.  
My Commission Expires: 8/2/06

Lilli Hutto