

STATE OF SOUTH CAROLINA)
COUNTY OF CLARENDON }

COURT OF COMMON PLEAS

FRANCES REANEY WILLIAMS)
PLAINTIFF,)

v.)

TRANSCRIPT OF RECORD
18-CP-14-00381

SHIRELLE JUNIOUS, AS)
PERSONAL REPRESENTATIVE)
OF THE ESTATE OF JARONE)
WILLIAMS,)

DEFENDANT.)

April 24, 2019
Manning, South Carolina

BEFORE :

THE HONORABLE KRISTI F. CURTIS, JUDGE

APPEARANCES:

PATRICIA C. SEABROOKS
Representative for Plaintiff

FRANCES B. RAY, RPR
Circuit Court Reporter

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SC Court of Appeals

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(There were no exhibits submitted.)

1 THE COURT: Good morning.

2 MS. SEABROOKS: Good morning. Your Honor,
3 my name is Patricia Coard Seabrooks. I'm Frances'
4 aunt, and I do have a power of attorney on file. I
5 don't know if you need to see that for me to speak.
6 That's been filed in the court here.

7 THE COURT: I'm sorry, what's your name?

8 MS. SEABROOKS: Patricia Coard Seabrooks.
9 And I have a copy of the power of attorney that
10 gives me the right to speak on my niece behalf. I
11 don't know if you need to see a copy of that.

12 THE COURT: Sure. Tell me who actually
13 filed the appeal.

14 MS. SEABROOKS: I filed appeal based on
15 the judge of the probate court ruling that ---

16 THE COURT: What I'm asking is did you
17 actually file the appeal?

18 MS. SEABROOKS: Yes, I did for her.

19 THE COURT: Okay. And if you'll hand up
20 that power of attorney that will be fine.

21 MS. SEABROOKS: Okay. The stamp is in the
22 corner.

23 (Document tendered to the Court.)

24 THE COURT: Okay, and can I ask why you
25 are -- is she an incompetent person?

1 MS. SEABROOKS: Well, I'll just give you a
2 little bit of background.

3 THE COURT: Uh-huh.

4 MS. SEABROOKS: My niece has, she lost her
5 brother on February — March of 2015. Six weeks
6 later her mom, my sister passed, and then two years
7 almost the exact date her dad who is the issue, he
8 passed. So in the last, since 2015 she's lost all
9 her family members and she do have some things going
10 on with her, the reason why I got the power of
11 attorney being able to handle business for her. And
12 she was trying to get here, but when she called me
13 she still on the bus, hadn't gotten to Orangeburg
14 yet so I came on to court.

15 THE COURT: Okay.

16 MS. SEABROOKS: The appeal was filed based
17 on the judge order that was signed on July the 18th
18 dismissing the petition based on Rule 5 that says,
19 but there was no Rule 5. The respondent never filed
20 an objection to not being served properly. When
21 you're looking at 5 you see that there was no, she
22 didn't file anything. She found an answer to the
23 amendment. She never filed an answer to the
24 original petition, but she did file an answer to the
25 amendment in the case. And when I read the will I

1 knew it wasn't my brother-in-law will so we've
2 been — I'm asking for the case to be remanded back
3 based on there is no evidence of Rule 5 which she
4 based the dismissal with prejudice being we couldn't
5 bring the case back; that there's no, there's no
6 evidence of a Rule 5 being filed on the part of the
7 respondent.

8 And the second part is, when you look in
9 the file, when I noticed that — we haven't had an
10 opportunity to prove that the will is a fraud, but
11 we filed a petition against the respondent, the
12 attorney who drew up the will, and the witness. And
13 the supreme court of South Carolina did an
14 investigation with the attorney showing that
15 evidence was submitted, but they gave him protection
16 under Rule 413 and all of that is in the file
17 showing that the attorney was sanctioned for this
18 particular case. So when I submitted a motion for
19 final judgment for her in the month of June and I
20 asked that the attorney be suspen-be subpoenaed, the
21 witness on the case Arthur Wilder be suspended, then
22 about a month later that's when she issued a order
23 saying that the case was being dismissed.

24 THE COURT: Okay, if you'll bear with me
25 just a minute, I'm trying to find that order. I saw

1 —

2 MS. SEABROOKS: Let me see if I got a copy
3 of it.

4 THE COURT: I saw that file somewhere but.
5 Okay, I'm looking at the order of dismissal done by
6 the probate judge July 18th, 2018.

7 MS. SEABROOKS: Correct.

8 THE COURT: That's the order that you are
9 appealing.

10 MS. SEABROOKS: Right. And if you notice,
11 I made a motion to enter final judgment. It was
12 stamped by the probate court on June the 6th, and in
13 there there's an exhibit M-5 that shows that when I
14 served Audrey Walters, Shirelle Junious, and Dwight
15 Moore with the Complaint showing that those were the
16 two people that was involved with filing this
17 fraudulent will.

18 THE COURT: Okay. It looks like it was
19 dismissed for Mr. —

20 MS. SEABROOKS: She saying that the Rule
21 5, that the person was not properly served. But it
22 in order to enforce Rule 5 the respondent would have
23 made -- what the rule is saying, she would have to
24 file something saying that she was not served
25 properly and that was never done, and —

1 THE COURT: Well, okay, ma'am, hang on
2 just a minute, let me look at the rule. Okay, so
3 did you serve the other heirs to the estate?

4 MS. SEABROOKS: No. The only, the only
5 people I went after were the people that I knew that
6 was involved with the will being -- 'cause my take
7 on it, if I pull that the will is a fraud, then
8 serving the other people, we had our day in court
9 which was supposed to have been July the 30th and
10 testimony was given. And even with the part that
11 the supreme court of South Carolina on September
12 the 28th already found sanction that the lawyer drew
13 up a fraudulent will, that there would be a moot
14 issue.

15 THE COURT: No, ma'am, the -- first of
16 all, one of the fundamental rules that's in our
17 constitution is that everybody's got the right to
18 due process.

19 MS. SEABROOKS: Correct.

20 THE COURT: That means you got notice of
21 the hearing and you get opportunity to be heard.

22 MS. SEABROOKS: But we were denied that.

23 THE COURT: Okay, listen to what I'm
24 saying. So before the probate court can go forward
25 on your petition to set aside the will, they've got

1 to know that the other interested parties were
2 notified that you're contesting the will. I mean,
3 you can't have a hearing and only have one party
4 present for the hearing is what I'm saying. So the
5 first rule of any court proceeding is that if I sue
6 Mr. Jones, Mr. Jones has got to get notice. He's
7 got to get served with my petition and know what it
8 is I'm bringing —

9 MS. SEABROOKS: And I served Shirelle
10 Junious with the, with the notice which is the M-5
11 in the motion when I asked for the final judgment to
12 be entered.

13 THE COURT: And tell me when you did that.

14 MS. SEABROOKS: The certified receipt was
15 on 7/16/2017.

16 THE COURT: And what were you serving on,
17 this was on Shirelle Junious?

18 MS. SEABROOKS: I served the petition and
19 all the documents that they gave me when I was at
20 the probate court.

21 THE COURT: Did you file proof of service
22 with the probate court?

23 MS. SEABROOKS: All I, I didn't file a
24 proof of service, but I filed a certificate showing
25 that she had been served and then she filed an

1 answer to the amendment.

2 THE COURT: Okay, I'm just reading what
3 the judge says. She says that the summons and
4 petition have to be served on not only the personal
5 representative, but also on all interested parties
6 which means all of the people who are devisees in
7 the will, anybody who takes under the will, and then
8 any statutory heirs. So, I don't know who that
9 would be without looking through the file, but all
10 of those people have got to get notice of this
11 petition before they can have a hearing.

12 MS. SEABROOKS: But the point of is that
13 the person that was on that file was -- the only
14 thing that I had with the will was the copy of the
15 will. When I found, that's what she said in the
16 motion, but Shirelle Junious had been served.

17 THE COURT: Okay. Because one of the
18 first things they have to file to get appointed as a
19 PR is a list of who all those people are. So I'm
20 looking at the original application for probate and
21 it lists all the beneficiaries under the will,
22 Evangeline Bostic, Shirelle Junious, Selene Leonard
23 and Gladys Nelson. It has their addresses. And
24 then it's got the names of the intestate heirs so
25 anybody who would have taken if he didn't have a

1 will as Leslie House and has her address and the
2 year of her birth. So all of those people — well,
3 it looks like there's another attachment to that
4 with all of the, all of the beneficiaries under the
5 will, name some additional people. So in other
6 words, these are all people who have a stake in
7 either the will or the will is no good and his
8 estate. And that's, that was filed on June 8th of
9 2017 and would be on file in probate court so that
10 you can go and look at who's listed and you, those
11 were the people who would have to be served with
12 your petition to contest the will.

13 MS. SEABROOKS: Well, the only, there were
14 only three people that I served which was Shirelle
15 Junious, the attorney who drew up the will, and the
16 witness.

17 THE COURT: And who was the witness?

18 MS. SEABROOKS: Audrey Walters. And I did
19 submit the evidence in here for that for her. And
20 all I'm asking that the case be remanded back so we
21 can have an opportunity to present in court. When
22 you dismiss the case for prejudice you can't bring
23 the case back. I didn't understand even if there
24 were some errors in it why was it dismissed without
25 prejudice versus being prejudiced. But I had also

1 filed, 'cause they took us through so many changes
2 when we came in there, we was over there for almost
3 three hours going back and forth about paperwork.
4 They wouldn't even let me file it on her behalf
5 until I filed the power of attorney that I brought
6 from Atlanta on my niece behalf 'cause she's the
7 only legal heir that's there. All the other people
8 are relatives and different people. So when we did
9 that, that came up to question so that's why I ended
10 up amending, going back because after the power of
11 attorney that this young lady filed. And I was
12 like, you taking us through all these changes, but
13 then all the other people paperwork don't seem to be
14 in order but you telling us we have to follow the
15 letter of the law. And just before the judge get
16 ready to leave and I asked, I said, are you leaving.
17 She said yes. Well, I already told her that one of
18 the persons work in the office that all my paperwork
19 was in order, but I was stuck there for three hours
20 before I could get back on the road and drive back.

21 So this, what I'm asking that even if the
22 case is remanded back with prejudice if you saying
23 there are errors and who should have been served,
24 giving me the opportunity because the supreme court
25 of South Carolina have already found out, sanctioned

1 the lawyer who drew up the will saying that it was a
2 fraud. So it seem like there's — justice is not
3 being served here on my niece behalf who's the only
4 legal heir that's left 'cause her brother have
5 already passed away. Leslie is his daughter, and we
6 just haven't had an opportunity to have our day in
7 court. I could see if it was different if there
8 wasn't evidence presented from the supreme court
9 based on, and I had subpoenaed this lawyer to come
10 and give testimony. Also was subpoenaing someone
11 from the VA 'cause it was nothing wrong with my
12 brother-in-law mind — he died of cancer — to
13 address these things that had happened.

14 THE COURT: Ms. Seabrooks, I'm going to
15 look at the probate code and what it requires for
16 contesting a will.

17 MS. SEABROOKS: Okay.

18 THE COURT: But —

19 MS. SEABROOKS: Because, 'cause I, 'cause
20 not only, I'm not just satisfied with it being
21 remanded back for the issue that was brought up on
22 this case; but also, if you a person and you stand
23 before a judge and say that this is a valid will
24 when you know it's a lie, I think you need to be
25 prosecuted for that. And this is, this is not a

1 minor thing. This is an estate that has a value of
2 over a hundred thousand dollars, bank account
3 numbers and everything that's being involved.

4 THE COURT: Well, it's just a very narrow
5 issue that's in front of me today and that is
6 whether the probate court erred in dismissing it
7 based on the fact that the legal heirs and devisees
8 had not been personally served with your petition.

9 MS. SEABROOKS: And if you notice in there
10 on M-5 exhibit the person who filed the will has,
11 was properly served.

12 THE COURT: Again, I'm gonna look at what
13 the statute requires. They're referencing Rule 5
14 via the South Carolina Rules of Civil Procedure
15 which do require —

16 MS. SEABROOKS: And also the fact that,
17 another question I was asking because when I looked
18 up the code it says you supposed to have two witness
19 and it being notarized and also subpoena, was
20 subpoenaing someone from secretary of state office
21 because the lawyer who drew up the will signed as a
22 witness and a notary. So the, so I was asking the
23 question about the proper format on that you, you --
24 when I filed the power of attorney for my niece all
25 my T's and all I's had to be dotted; but this a will

1 and power of attorney that was filed and that, it
2 didn't even fit the format of what the code sec
3 should have been with the two witness. And the fact
4 that the notary of the will also sign as a witness
5 and I know I'm a notary in Georgia and I can't
6 notarize my own signature so that why I started
7 calling.

8 THE COURT: Well, ma'am, that's really not
9 before me. The only thing in front of me is the
10 issue of service of your petition and —

11 MS. SEABROOKS: Right. Like I s—

12 THE COURT: I'm gonna look at what the
13 code requires.

14 MS. SEABROOKS: Right.

15 THE COURT: Let me return this to you.
16 Again, ma'am, I will look at what the probate—

17 MS. SEABROOKS: Okay.

18 THE COURT: —code requires as far as the
19 parties to be served. And thank you so much. I do
20 have the complete file in front of me.

21 MS. SEABROOKS: Thank you.

22

23 * * * END OF REQUESTED TRANSCRIPT OF RECORD * * *

24

25

C E R T I F I C A T E O F R E P O R T E R

STATE OF SOUTH CAROLINA }
COUNTY OF FLORENCE }

I, FRANCES B. RAY, Registered Professional Reporter (RPR), court reporter for the State of South Carolina, Third Judicial Circuit, do hereby certify that the foregoing proceeding is a stenographic report and was transcribed through computer-aided transcription; that the foregoing transcript contains a true record of the proceedings.

I further certify that I am neither counsel for, nor related to nor employed by any of the parties connected to the action, nor am I financially interested in the action.

Witness my hand at Florence, South Carolina, this 5th day of February, 2020.

Frances B. Ray
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