

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas

Brian M. Gibbons, Circuit Court Judge

Appellate Case No. 2020-000021
Case No. 2014-CP-29-00306

RECEIVED
Oct 23 2020
SC Court of Appeals

In the Matter of the Estate of Chris Combis,

Desa Ballard, as Personal Representative of the Estate of Chris Combis,
Respondent

v.

George Combis, Diane Combis, and Chris Combis,
Defendants,

Of Whom, George Combis and Chris Combis are the
Appellants,

**MOTION FOR RETRIEVAL OF
PHYSICAL EVIDENCE FOR APPEAL**

Pursuant to SCACR 210(f), Respondent requests this Honorable Court for an Order requesting the Lancaster Clerk of Court to transmit or permit Respondent to transmit the Rolex watch in its possession in the above referenced matter:

In support of this motion, Respondent would show that

A. Respondent Desa Ballard was appointed Personal Representative of the Estate of Chris Combis on May 2, 2013. As part of her duties, she is required to file an Inventory for the Estate, including those items of the decedent transferred prior to his death to the appropriate beneficiaries. SC Code of Laws 62-2-805, 62-3-704, 62-3-706, 62-3-707, 62-3-708, 62-3-1230, 62-3-1204.

B. Having previously been denied access to the items transferred to Appellants, , on March 16, 2017 Respondent issued subpoenas for the original Rolex watch and other items, which is the basis of the contempt order being appealed, for the purposes of being appraised and valued for the Estate Inventory.

C. On May 26, 2017 Respondent filed a Motion to Compel after having received a letter from Appellants' counsel refusing to produce the property for the required appraisal and evaluation. Appellants had previously acknowledged having possession of the Rolex watch.

D. This same Motion to Compel also requested sanctions for failure to comply with the Subpoenas and further delaying the Probate Court proceedings to close the Estate.

E. On August 08, 2017 Judge Brian Gibbons of the Lancaster Court of Common Pleas issued an Order to Compel the production of the items of Personal Property.

F. On or about August 14, 2017, Appellants' Counsel delivered a box containing what purported to be the items requested by the Subpoenas. However, it was immediately clear that the "Rolex" watch was a fake. Further inquiry revealed additional details about the withheld Rolex watch to establish Appellants' violation of the Court's order.

G. As a result of Respondent pointing out the produced watch was a fake Rolex, Appellants' position changed, and the story became there were multiple Rolex watches, so Appellants could claim confusion in failing to produce the original Rolex.

H. Following lengthy proceedings, Judge Gibbons found Appellants in contempt of court for, *inter alia*, producing the fake Rolex in response to the Court's order. Judge Gibbons imposed sanctions,

based upon fees incurred in securing the production of the actual original Rolex. Judge Gibbons ordered payment of sanctions approximated by billing records, or a period of incarceration. Judge Gibbons stayed the order pending this appeal.

I. The position taken by Appellants on appeal, at least in part, is that it doesn't matter if the watch they produced was a fake Rolex. Although they do not affirmatively admit producing a fake Rolex watch, they managed to find the original Rolex and produce it during the hearings held in these proceedings so they could claim "no harm, no foul, we finally turned it over," which they are now doing in their initial brief.

J. In order for the Court of Appeals to best evaluate the pernicious nature of the Appellants' misconduct and to adequately address the issues presented on appeal, Respondent is informed and believes that the fake Rolex (still in possession of the Lancaster County Clerk of Court) should be transmitted to this Court for personal examination by the Judges of this Court. Only in seeing the fake Rolex and personally examining it will the Judges of this Court be able to fully appreciate the pattern of obstruction, falsehoods and misconduct of the Appellants in this action.

Therefore, In order to better understand the contempt issues being appealed, Respondent requests, pursuant to SCACR 210(f), that the exhibit held by the Lancaster Clerk of Court, the fake Rolex watch originally turned over by Appellants, be ordered to be released to the Court of Appeals Clerk of Court for safekeeping and examination by the Court during the Appeal.

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October 23, 2020

Attorney for Respondent

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Honorable Brian M. Gibbons, Circuit Court Judge

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Defendants,

Of Whom, George Combis and Chris Combis are the
Appellants,

CERTIFICATE OF
SERVICE

I, Mara Ballard, an Employee of Ballard & Watson, Attorneys at Law, hereby certify that a true and correct copy of the foregoing **MOTION FOR RETRIEVAL OF PHYSICAL EVIDENCE FOR APPEAL** was served upon all parties via email (Exhibit A), addressed as follows:

Brian S. McCoy
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McCoy Law Firm, LLC
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Mara Ballard
Forensic Accountant

October 23, 2020

From: [Mara Ballard](#)
To: [Ty McTier](#); [Brian S. McCoy](#)
Cc: [Desa Ballard](#); [Douglas N. Truslow, Esquire \(douglastruslow@truslowlaw.com\)](#); [Mackenzie Woodward](#); [Neal Truslow](#); [Mara Ballard](#)
Subject: Combis: Desa Ballard as PR vs George and Chris Combis (Appeal)
Date: Friday, October 23, 2020 12:18:23 PM
Attachments: [Motion to retrieve physical evidence.pdf](#)
[2020.10.23 COS Mot for Retrieval.pdf](#)

Gentlemen,

Please find attached a Motion for Retrieval of Physical Evidence which I am filing with the Court of Appeals today on behalf of Doug Truslow, along with a Certificate of Service. The Exhibit A mentioned on the Certificate of Service will be a copy of this Email.

If you have any questions, please email Doug at DouglasTruslow@Truslowlaw.com.

Thank you in advance for your time and attention to this matter.

With kindest regards,

Mara T. Ballard, CMA, CFE
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Please note updated address. We are in the process of closing our old PO Box and are receiving all mail now at our street address.