

STATE OF SOUTH CAROLINA )  
COUNTY OF BERKELEY )

IN THE PROBATE COURT  
2001 ES 08 411

IN THE MATTER OF THE ESTATE )  
OF MARTHA L. SCHAFFER )

NANCY ELIZABETH SCHAFFER )  
TURNER, )  
Petitioner, )

Vs. )  
SUSAN LINDA SCHAFFER )  
SAWADSKE, )  
Respondent. )

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PROBATE COURT  
BERKELEY COUNTY  
S.C.  
ORDER

Petitioner filed an action in this matter on January 7, 2011. The Respondent did not answer or appear.

Petitioner seeks among other relief an Order of this Court setting aside a deed conveying property owned by decedent on Folly Beach which was conveyed to Susan Schaffer Sawadske and Mark Schaffer by deed of decedent dated March 13, 1997. Plaintiff also seeks the return of personal property which she had stored at decedent's residence and her share of the profits from the sale and assets of the estate.

Petitioner contends that the Folly Beach deed was forged by her brother, Mark Schaffer or the respondent herein. Petitioner further contends that this Court addressed this issue at a hearing on October 25, 2001. She alleges that the Court issued an order requiring actions to be taken regarding the title.

After receiving testimony, reviewing the file and the taped recording of the October 25, 2001 hearing, I make the following findings and conclusions.

I find that the alleged fraud and the issue of the validity of the deed was not before the Court on October 25, 2001 and no ruling was made regarding the same.

Based upon the uncontroverted testimony of the Petitioner, I find that she is entitled to her personal property that was stored in her mother's house and she should retrieve the same if she can locate it.

*Handwritten signature/initials*

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APR 08 2013

SC Court of Appeals

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*Handwritten signature*  
Keith W. Kornahrens, Judge of Probate  
Berkeley County, SC

Based upon the uncontroverted testimony of the Petitioner, I find that she did not receive her share of the estate of her mother and she is entitled to one third of any assets that she can locate and she should be appointed Personal Representative so that she can make a diligent search for said assets.

Based upon the entire record, I find that Petitioner was informed and believed that her mother's real property had been fraudulently conveyed at the time of the October 25, 2001 hearing. I find that she took no legal action to have the deed set aside until she filed the Petition herein in January, 2011. I find that she has not only failed to establish a reason the statute of limitations should not bar her action but by her own testimony it is obvious that she knew an "alleged fraud took place" and she failed to timely bring an action against the alleged perpetrators of the fraud.

Therefore, it is

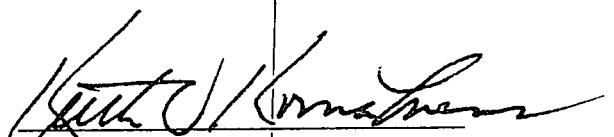
ORDERED, the Petitioner shall be entitled to her personal property which she stored at her mother's house if the same can be located and retrieved by her.

ORDERED, the Petitioner shall be appointed Personal Representative to afford her an opportunity to search for assets of decedent and if she locates and retrieves the same she shall be entitled to her share as a devisee under the will.

ORDERED, the Petitioner's cause of action to have the Folly Beach deed set aside is barred by the Statute of Limitations and same is hereby dismissed.

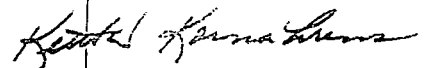
IT IS SO ORDERED.

July 13, 2011  
Moncks Corner, SC



Keith W. Kornahrens

Judge of Probate  
Certified True and Correct Copy  
of Original Record



Keith W. Kornahrens, Judge of Probate  
Berkeley County, SC

