

EXHIBIT 5

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS

Jimmy Helms,)
)
Plaintiff,)
)
vs.)
)
Debbie Willing,)
)
Defendant.)
_____)

C.A. No.:

RECEIVED

Sep 27 2021

COMPLAINT

SC Court of Appeals

2015 DEE-4 PM 4:23
STATE W. HIGDON
C.P. & O.S.
RICHLAND COUNTY
FILED

Plaintiff above-named Complaining of the Defendant herein alleges that:

FOR A FIRST CAUSE OF ACTION

1. Plaintiff and Defendant are residents and citizens of Richland County, South Carolina.
2. For many years prior to he institution of this action, the Plaintiff and Defendant lived either as husband and wife or like husband and wife.
3. The parties had a business relationship wherein and whereby they shared income. They shared assets. They shared expenses.
4. The parties recently separated and the Plaintiff filed an action in Family Court. The Defendant has filed an Answer in Family Court wherein she has denied the existence of a martial relationship and has denied the Family Court has jurisdiction over this matter.
5. The Defendant is judicially estopped to take positions contrary to those taken in Family Court.
6. Assuming there was no common law marriage, then the parties had a partnership. The partners owned various property together and Plaintiff is entitled to an accounting.
7. This Court should inquire into the matter set forth herein and should declare the parties hold various property as tenants in partnership.

8. This Court should order an accounting requiring the Defendant to appear and to account for the marital assets.

9. Plaintiff is entitled to a winding up of the partnership affairs. This Court should order a winding up of the partnership affairs and should issue such order as is just and proper as to the division of partnership property.

FOR A SECOND CAUSE OF ACTION

10. The Plaintiff hereby reasserts and realleges each and every allegation set forth above as fully as if set forth verbatim.

11. The Defendant has breached her fiduciary duty to the partnership in that she has excluded the Plaintiff from the property and has converted all the partnership assets to her own self.

12. The conduct complained of herein amounts to a breach of fiduciary duty and a breach of trust.

13. As a direct and proximate result of the aforementioned breach of trust, the Plaintiff has been denied the benefit of his bargain; has lost his property; has lost significant amounts of income and profit; and has totally lost the value of his investment all to his damage both actual and punitive.

14. Plaintiff is entitled to judgment against the Defendant for actual and punitive damages.

FOR A THIRD CAUSE OF ACTION

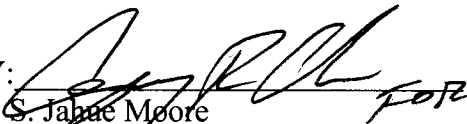
15. The Plaintiff hereby reasserts and realleges each and every allegation set forth above as fully as if set forth verbatim.

16. The Defendant has wrongfully converted significant amounts of Plaintiff's property.

17. As a direct and proximate result of the aforementioned wrongful conversion, the Plaintiff has sustained the damages set forth above and Plaintiff is entitled to judgment against the Defendant for actual and punitive damages.

WHEREFORE, Plaintiff prays for judgment against the Defendant for actual damages; for punitive damages; for an Order declaring the rights of the parties on to another; for an accounting; for a division of partnership properties; for a winding up and termination of partnership affairs; and for such other and further relief as this Court might deem just and proper.

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West Columbia, South Carolina
December 3, 2015