

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM ORANGEBURG COUNTY
CIRCUIT COURT

SC Court of Appeals

James B. Jackson, Master-in-Equity

Appellate Case No. 2021-000772

RE: Estate of James Rivers

Karen Gibson Rivers.....Appellant,

v.

Jasmine Frederick, Jewel Hayden, James Rivers, Jr., Jahmesha Rivers, Angel Rivers, a minor
child.....Respondents.

RECORD ON APPEAL

T. Jeff Goodwyn, Jr.
Goodwyn Law Firm, LLC
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Columbia, SC 29205
(803) 251-4517
(803) 251-4527 fax
jgoodwyn@goodwynlaw.com
Attorney for Appellant

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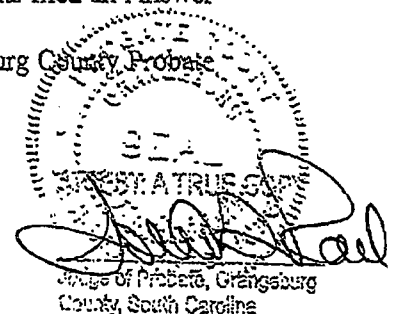
V. CERTIFICATE OF COUNSEL.....147

STATE OF SOUTH CAROLINA	)	IN THE PROBATE COURT
	)	FIRST JUDICIAL CIRCUIT
	)	CASE NO: 2017ES3800188
COUNTY OF ORANGEBURG	)	
KAREN GIBSON RIVERS	)	ORDER DENYING
Petitioner	)	PETITIONER'S CLAIM OF
	)	COMMON LAW MARRIAGE
	)	AND PETITION FOR
IN RE: THE ESTATE OF	)	APPOINTMENT OF PERSONAL
<u>JAMES RIVERS</u>	)	REPRESENTATIVE

DATE OF HEARING:	August 9, 2017
PRESIDING JUDGE:	Pandora Jones-Glover
PETITIONER'S ATTORNEY:	Samantha Farlow-Moyd, Esq.
RESPONDENTS' ATTORNEY:	None
GUARDIAN AD LITEM:	Reagan Singletary, Esq.

This matter came before the Court on the above date referenced for a final hearing on the issues of "common law marriage" and appointment of personal representative pursuant to § 62-1-302(c) and § 62-1-302(a)(1). Petitioner appeared with her counsel; Samantha Farlow-Moyd, Esq. The Respondents that were in attendance were not represented by counsel, except that Reagan Singletary, Esq. was appointed as the guardian ad item for the minor heir, Angel Rivers.

The Court's file reflects that this matter was commenced by Karen Gibson Rivers filing of a Summons and Petition on April 6, 2017 in the Probate Court for Orangeburg County. Prior to that date, on March 20, 2017, Jasmine Rivers Frederick filed an informal Application for Appointment. All interested parties were served with Ms. Rivers' formal pleadings and received notice of the hearing. None of the Respondents filed an Answer with the Court. The hearing on this matter was held in the Orangeburg County Probate Court on August 9, 2017.



Seal of the Probate Court, Orangeburg County, South Carolina. The seal is circular with the text "SEAL OF THE PROBATE COURT, ORANGEBURG COUNTY, SOUTH CAROLINA" around the perimeter. In the center, it says "JULY 18 1820". A signature is written over the seal.

FINDINGS OF FACTS and CONCLUSIONS OF LAW

Based upon the testimonies of the Petitioner, the witnesses, and the Respondents, along with a review of the pleadings and exhibits, as well as the statements from both counsels made in open court, the Court makes the following findings of fact and conclusions of law, and issues the following order:

1.

Subject matter jurisdiction is proper in Orangeburg County. The Petitioner is a resident of Vance, Orangeburg County South Carolina. The decedent was also a resident of Vance, South Carolina. The Petitioner testified that she and the decedent began cohabitating together in 1987 while they were living in Summerville, South Carolina. She further testified that she and the decedent were living together in Orangeburg County upon initially moving here, but that they had separated from approximately 2007 to 2011 and had both seen other people before she started living with the decedent again.

2.

In South Carolina, it is imperative for a finding that a common law marriage existed to establish that the two individuals in question were in a mutual agreement to undertake the relationship of a husband and wife. Johnson v. Johnson, 235 S.C. 542, 550, 112 S.E.2d 647, 651 (1960). However, this need not be an express agreement but instead can be inferred from the circumstances of the relationship. Kirby v. Kirby, 270 S.C. 137, 140, 241 S.E.2d 415, 416 (1978). § 62-2-802(b)(4) of the South Carolina Probate Code indicates that evidence that the common law marriage existed must be clear and convincing if an action is brought after the death of one of the parties. Evidence was presented by the Petitioner in an attempt to meet that threshold. She provided to the Court

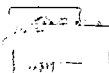
a copy of the decedent's pension agreement in which she is listed as the decedent's wife. The document was signed by the decedent. Also presented was a life insurance policy listing the Petitioner as the spouse of the decedent. It was also signed by the decedent. Also presented was a bill from an air conditioning repair company listing the Petitioner as Karen Rivers. The Petitioner further stated that she has always considered herself to be married to the decedent and that she had often referred to the decedent as her husband when speaking to others.

3.

The Court finds that there is not clear and convincing evidence of a common law marriage as required by § 62-2-802(b)(4) based upon the following:

- a. The Decedent and the Petitioner never held a joint bank account, never held title to a vehicle jointly, and never filed income tax returns as a couple;
- b. The Petitioner and the decedent were separated for approximately four years from 2007 to 2011, during which time both of them engaged in a relationship with another person;
- c. Though witnesses, including the decedent's sister Deloris Clinton, did testify that they had heard the Petitioner refer to the decedent as her husband, no one could recollect the decedent referring to the Petitioner as his wife;
- d. When the decedent was terminally ill in the hospital, he did not give Power of Attorney to the Petitioner, but rather gave it to his daughter, Jasmine Rivers Frederick.

3.

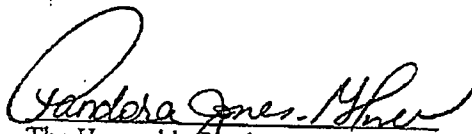


Based on these facts, the Court determines that there is not clear and convincing evidence of a common law marriage as required by § 62-2-802(b)(4) and therefore the Petition for Common Law Marriage and Formal Appointment is hereby denied. Furthermore, in an effort to ensure the equitable administration and distribution of the estate for the benefit of the decedent's children, the Court will appoint a disinterested attorney to serve as Personal Representative of the estate. Therefore, the Application for Informal Appointment filed by Jasmine Frederick is also denied.

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED, and DECREED:

1. Petitioner's Petition for Common Law Marriage and Formal Appointment is **DENIED.**
2. Respondent Jasmine Frederick's Informal Application for Appointment is **DENIED.**
3. Reagan Singletary, Esq. shall be appointed as Personal Representative of the estate of James Rivers.

AND IT IS SO ORDERED.


The Honorable Pandora Jones-Glover
Probate Court Judge

Dated: September 21, 2017
Orangeburg, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF ORANGEBURG	)	CIVIL ACTION NO.: 2017-CP-38-01301
Re: Estate of James Rivers,	)	
Karen Gibson Rivers,	)	
	)	
Petitioner,	)	
	)	<u>ORDER ON APPEAL</u>
v.	)	
Jasmine Frederick, Jewel Hayden, James	)	
Rivers, Jr., Jahmesha Rivers, Angel Rivers, a	)	
minor child	)	
	)	
Defendants.	)	

This matter comes before this Court on an Appeal from the Orangeburg County Probate Court filed by the appellate Karen Gibson Rivers in the above titled matter. The Petitioner was represented by T. Jeff Goodwyn, Jr. and the Respondents were not represented by Counsel. A hearing on the appeal was held before this Court on May 6, 2021.

This Court has reviewed the full file in this matter to include the testimony presented at the trial before the Probate Judge, the brief of the Respondent as well as the arguments presented by the Respondent in this case. Based upon review of all of these matters, I find that the decision of the Probate Judge must be upheld in this matter.

It is clear that the Petitioner seeks a finding by the Court that she be determined to be the common law wife of the deceased, James Rivers. It is also clear that under South Carolina law that the Petitioner's evidence must be clear and convincing since this action was brought after the death of the Decedent. Sec 62-2-802, Code of Laws of South Carolina, 1976 as amended. I find that the Petitioner did present several documents that were signed by the deceased which indicated that the Petitioner was the wife of the deceased; however, the overall evidence presented in this matter fails to meet the clear and convincing standard. I agree with the lower Court that the evidence shows that the Decedent and the Petitioner never

OB #1

held a joint banking account, never held property to title jointly and never filed a tax return as a married couple. I find that the parties separated from each other from 2007 until 2011 and during that time both engaged in relationships with other people. In addition, there were other periods of separation including a time when the Petitioner spent eighteen (18) months in jail during the late 1990s and a period of a year or two when she lived and worked in Charleston (Transcript pg. 40) In addition, the records support the Probate Judge's conclusions that the various witnesses, including the Decedent's sister, testified that they heard the Petitioner referred to the Decedent as her husband but no one could recollect the Decedent referring to the Petitioner as his wife. In fact, the Decedent's sister was very clear on this point in her testimony. Finally, the record supports that when the Decedent was terminally ill in the hospital, he gave his power of attorney to his daughter rather than to the Petitioner. As a result of all of the evidence presented in this matter, this Court would support the finding of the Probate Judge that the Petitioner failed to meet her burden of proving by clear and convincing evidence that a common law marriage existed between herself and the Decedent. Therefore, this Court would uphold and affirm the Order of the Probate Judge.

ADDITIONAL SUSTAINING GROUNDS

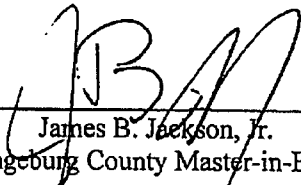
In addition to the matters referenced above, this Court would find that when the Petitioner and the Decedent separated from 2007 through 2011 and began living with other people that any common law marriage that they may have had prior to that time was clearly terminated by this separation and by their living with other partners. The cornerstone of a common law marriage is the parties living together and when they separate and begin living with other people, this Court would conclude that is clear that the common law marriage no longer existed. As a result, it is the opinion of this Court that the Petitioner would have had the burden of proving that the common law marriage she sought to show was reestablished when the parties began living together again after the year of 2011. Again, the evidence

2 

presented by the Petitioner, when reviewed in its totality, fails to meet the burden of proof showing their intent to be married by clear and convincing evidence.

In addition, on page 20 of the transcript of the hearing, the Petitioner set forth a very cogent and convincing reasons as to why the parties never got married. Both parties acknowledged that many times when people get married they get divorced and it seemed to be the clear intent of the Decedent, through the testimony provided by the Petitioner, that he never had any intention of being married under these circumstances. The Decedent indicated that he had left Petitioner his pension so there was no reason for them to get married. For these reasons, as well, I would find and support the conclusion of the Probate Judge that no common law marriage existed in this case.

IT IS THEREFORE ORDERED, that the Order of the Probate Judge in this matter is hereby affirmed.


James B. Jackson, Jr.
Orangeburg County Master-in-Equity

June 16, 2021
Orangeburg, South Carolina

³ 

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG
IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2017 CP-38-01301

Estate of James Rivers, Karen Gibson Rivers

Jasmine Frederick, Jewel Hayden, James Rivers, Jr.

PLAINTIFF(S)

Jahmesha Rivers, Angel Rivers, a minor child

DEFENDANT(S)

Submitted by: Judge James B Jackson, Jr

Attorney for : ☐ Plaintiff ☐ Defendant
or
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.
- ☐ ACTION DISMISSED (CHECK REASON): ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other
- ☐ ACTION STRICKEN (CHECK REASON): ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ STAYED DUE TO BANKRUPTCY
- ☐ DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☒ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

Additional Information for the Clerk :

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
n/a		\$
		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order:		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

Circuit Court Judge

Judge Code

Date

SCRPC Form 4C (02/2017)

Page 1 of 4

ELECTRONICALLY FILED - 2021 Jun 16 2:35 PM - ORANGEBURG - COMMON PLEAS - CASE#2017CP3801301

STATE OF SOUTH CAROLINA

THE PROBATE COURT

COUNTY OF: ORANGEBURG

IN THE MATTER OF:

James Rivers

CASE NUMBER: 2017ES3800-

(Decedent)

2017 MAR 20 AM 11:26

*COMPLETE THIS SECTION ONLY IF FILING PETITION FOR RECORD
FORMAL TESTACY AND/OR FORMAL APPOINTMENT
PANDORA JONES-GLOVE
JUDGE OF PROBATE COURT
ORANGEBURG COUNTY, SC

Petitioner(s)

vs.

Respondent(s)

APPLICATION FOR INFORMAL

☐ PROBATE OF WILL

☒ APPOINTMENT

(check any that apply)

*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):

Jasmine Rivers Frederick

Address:

556 Fair Oaks Drive Fort Mill SC 29708

Telephone (Work):

(Home):

(Cell):

(704) 649-2441

Email:

Jasmine_Rivers@yahoo.com

Relationship to Decedent:

daughter

2. Decedent Information:

Full Legal Name
(including all known names):

James Rivers

Date of Birth:

3-1-1943

Date of Death:

2-3-2017

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: 147 Peach Orchard Street

County: Orangenburg

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:

FORM #300ES (1/2016)

62-2-504, 62-3-102, 62-3-203, 62-3-301, 62-3-302, 62-3-303, 62-3-308, 62-3-311, 62-3-401, 62-3-402, 62-3-404, 62-3-409, 62-3-414, 62-3-601, 62-3-602, 62-3-704, 62-3-804, 44-23-1090, 44-23-1120

Page 1 of 6

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
		15-11 HA OS PAH ONE	
		15-11 HA OS PAH ONE	
		15-11 HA OS PAH ONE	
		15-11 HA OS PAH ONE	

☐ 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
Jewel Hayden	1975	4805 Delprado Circle Char NC	daughter
Jasmine R. Fredenck	1975	556 Fair Oaks Dr Ft Mill SC	daughter
Angel Rivers	2004	147 Peach Orchard Rd Vaneer SC	daughter

☐ 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 \$ 65,000 (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 \$ 20,000 (Note: A complete inventory of probate assets with fair market values is to be filed after Personal Representative is appointed.)

12. After the exercise of reasonable diligence, are you aware of any unrevoked Will and/or Codicil(s)?

☒ NO ☐ YES If yes, then proceed to Section II.
If No, then proceed to Section III.

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 description of its contents is attached.

2. The execution date of the Will was: _____

Codicil(s): _____

3. Is there a memorandum that disposes of tangible personal property?

☐ 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.)



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): daughter 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:

Jewel Hayden

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 13th day
of March 20 17

Signature of
Applicant/Petitioner: Jasmin Ruers Federick

Patricia A. Hunt / Patricia A. Hunt
Notary Public for South Carolina
My Commission Expires: 06/05/2025

SWORN to before me this _____ day
of _____ 20 17

Signature of Co-
Applicant/Co-Petitioner: _____

Notary Public for South Carolina
My Commission Expires: 1/1

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: Jasmine Rivers Frederick
Print Name: Jasmine Rivers Frederick
Address: 556 Fair Oaks Drive
Ft Mill SC 29708
Telephone (Work): _____
(Home): _____
(Cell): (704) 649-2441
Email: Jasmine_Rivers@yahoo.com

Signature: _____
Print Name: _____
Address: _____

Telephone (Work): _____
(Home): _____
(Cell): _____
Email: _____

*Attorney: _____
Address: _____

Telephone: _____
Email: _____

Probate Court Only Beyond this Point.

ORDER OF INFORMAL PROBATE

IT IS HEREBY ORDERED that the above application for probate of a Will executed _____ and

☐ Codicil executed _____ and

☐ Memorandum

be informally ☐ GRANTED ☐ DENIED.

Executed this _____ day of _____, 2017.

Judge Pandora Jones-Glover, 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 _____, 2017.

Judge Pandora Jones-Glover, Probate Court Judge

☐ For formal appointment of Personal Representative, see separate order executed _____.

STATE OF SOUTH CAROLINA,)
COUNTY OF ORANGEBURG.)

IN THE PROBATE COURT

Re: James Rivers,)
Deceased,)

SUMMONS

Karen Gibson Rivers,)
Petitioner,)

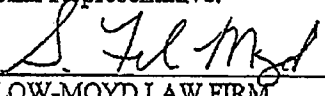
v.)

Jasmine Frederick, Jewel Hayden,)
James Rivers, Jr., Jahmesha Rivers,)
Angel Rivers, minor child,)
Respondents.)

FILED FOR RECORD
RANDOLPH JONES, CLERK
JUDGE OF PROBATE COURT
ORANGEBURG COUNTY, SC
2017 APR -6 PM 2:35

TO: THE RESPONDENTS ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to Answer the Petition for Appointment of Personal Representative in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the said Petitioner for Appointment of Personal Representative or her attorney, Samantha Farlow-Moyd, Esquire at her office, 1797 Hillsboro Road, Suite 4, Orangeburg, South Carolina 29115; Post Office Box 2132, Orangeburg, South Carolina 29116, within thirty (30) days from the service hereof, exclusive of the day of such service and if you fail to do so, judgment by default will be rendered against you for the relief demanded in the Petition for Appointment of Personal Representative.


FARLOW-MOYD LAW FIRM
Samantha Farlow-Moyd
Attorney for Petitioner
Post Office Box 2132
Orangeburg, SC 29116
803-534-3557 (Telephone)
803-937-3181 (Fax)

DATE: 3/30/17
ORANGEBURG, SOUTH CAROLINA



STATE OF SOUTH CAROLINA

COUNTY OF: ORANGEBURG

IN THE MATTER OF:
JAMES RIVERS
(Decedent)

IN THE PROBATE COURT

CASE NUMBER: 2017ES3800 188

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

*KAREN GIBSON RIVERS,
Petitioner(s)
vs.

*JASMINE FREDERICK, JEWEL HAYDEN, JAMES RIVERS,
JR., JAHMESHA RIVERS, AND ANGEL RIVERS, MINOR
CHILD,
Respondent(s)

APPLICATION FOR INFORMAL

☐ PROBATE OF WILL
☐ APPOINTMENT

(check any that apply)

*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): Karen Gibson Rivers

Address: 147 Peach Orchard Street, Vance, SC 29163

Telephone (Work): _____

(Home): 803-496-8393

(Cell): _____

Email: _____

Relationship to Decedent: Spouse

2. Decedent Information:

Full Legal Name
(including all known names): James Rivers

Date of Birth: March 1, 1943

Date of Death: February 3, 2017

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: 147 PEACH ORCHARD STREET, VANCE 29163 County: ORANGEBURG 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:

FORM #300ES (1/2016)

62-2-504, 62-3-102, 62-3-203, 62-3-301, 62-3-302, 62-3-303, 62-3-308, 62-3-311, 62-3-401, 62-3-402,
62-3-404, 62-3-409, 62-3-414, 62-3-601, 62-3-602, 62-3-704, 62-3-804, 44-23-1090, 44-23-1120

Page 1 of 6

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
N/A			

☐ 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
Karen Gibson Rivers	over 18	147 Peach Orchard St., Vance, SC 29163	Spouse
Jasmine Frederick	over 18	556 Fair Oaks Drive, Fort Mill, SC 29708	Daughter
Jewel Hayden	over 18	4805 Delprado Circle, Charlotte, NC 28216	Daughter
James Rivers, Jr.	1990	147 Peach Orchard St., Vance, SC 29163	Son

☒ 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 \$6,200 (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 \$25,600 (Note: A complete inventory of probate assets with fair market values is to be filed after Personal Representative is appointed.)
12. After the exercise of reasonable diligence, are you aware of any unrevoked Will and/or Codicil(s)?
☒ NO ☐ YES If yes, then proceed to Section II.
If No, then proceed to Section III.
- 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 description of its contents is attached.
2. The execution date of the Will was: _____
Codicil(s): _____
3. Is there a memorandum that disposes of tangible personal property?
☐ 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.)

— Please See attached Addendum
declaring Common law Spouse

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:

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 10th day
of April 20 17
[Signature]
Notary Public for South Carolina
My Commission Expires: June 4, 2025

Signature of
Applicant/Petitioner [Signature]

SWORN to before me this 6th day
of April 20 17
[Signature]
Notary Public for South Carolina
My Commission Expires: June 4, 2025

Signature of Co-
Applicant/Co-Petitioner: _____

ORDER OF INFORMAL PROBATE

IT IS HEREBY ORDERED that the above application for probate of a Will executed _____ and

- ☐ Codicil executed _____ and
☐ Memorandum

be informally ☐ GRANTED ☐ DENIED.

Executed this _____ day of _____, 20____.

_____, 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

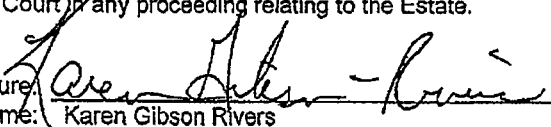
Executed this _____ day of _____, 20____.

_____, 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: Karen Gibson Rivers
Address: 147 Peach Orchard Street
Vance, SC 29163
Telephone (Work): _____
(Home): 803-496-8393
(Cell): _____
Email: _____

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

*Attorney: Samantha Farlow-Moyd
Address: Post Office Box 2132
Orangeburg, SC 29116
Telephone: 803-534-3557
Email: smoyd@farlowmoydlawfirm.com

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



IN THE PROBATE COURT

ADDITIONAL DEVISEES/HEIRS/SUCCESSORS

CASE NUMBER: 2017ES3800.

[illegible]

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

In the Matter of James Rivers,

Karen Gibson Rivers,
Petitioner,
v.

Jasmine Frederick, Jewel Hayden, James
Rivers, Jr., Jahmesha Rivers, Angel
Rivers, a minor child,
Respondents.

IN THE PROBATE COURT FOR THE
FIRST JUDICIAL CIRCUIT

Case Number: 2017ES3800188

Addendum to Petition for
Appointment as Personal Representative

FILED FOR RECORD
RANDOLPH JONES, CLERK
JUDGE OF PROBATE COURT
ORANGEBURG COUNTY, SC
2017 APR -7 AM 11:43

Petitioner, Karen D. Gibson-Rivers, states the following and requests an order of this court finding a common-law spousal relationship and appointing her as the Personal Representative of the Estate of James Rivers:

1. James Rivers (hereinafter the "decedent") died intestate on February 11, 2017. The decedent was a resident and domiciled in the State of South Carolina, County of Orangeburg at the time of his death.
2. Petitioner and the decedent began cohabitating in February 1989 in Summerville, South Carolina.
3. In 2003, the couple moved to Orangeburg County, South Carolina and cohabitated as husband and wife until decedent died.
4. The couple had three children during the course of their common-law marriage: James Rivers Jr. born February 16, 1990; Jahmesha Rivers born August 4, 1994; and Angel Rivers born August 23, 2004.

5. Both Petitioner and the decedent had the capacity to be married and there was a present intent to enter into a marriage contract.
6. Neither the Petitioner nor the decedent were married at the time their relationship began and both were the legal age to marry. Both parties also possessed the necessary competency to enter into a marriage contract.
7. Petitioner and the decedent lived together in "apparently matrimonial" cohabitation and were regarded in the community as married while cohabitating. They lived together for approximately 26 years and shared all the household chores, paying the bills, and caring for their children. Petitioner undertook all the duties and responsibilities of a wife.
8. Petitioner also assumed the decedent's last name as her own. She used the last name "Rivers" on various legal documents, including:
 - a. Application for the purchase of insurance on the home the parties shared; and
 - b. County tax documents indicating that Petitioner's full name is "Karen D. Gibson-Rivers."
9. The decedent also regarded the Petitioner as his wife and held her out publicly as such. On March 30, 2005, the decedent signed a notarized affidavit indicating that Petitioner was his wife. In this affidavit, he directed that death benefits from his pension fund be payable to Petitioner. Petitioner has received these benefits since the date of decedent's death. On other pension fund documents, Petitioner is also listed as decedent's wife.
10. On a life insurance policy, decedent listed Petitioner as a contingent beneficiary and indicated she was his wife. This policy application was signed by the decedent and issued on June 16, 2010.

WHEREFORE, Petitioner requests an order of this court finding that she and James Rivers were married under the common law of South Carolina and grant the petition allowing Petitioner to serve as the personal representative.

Respectfully submitted this 6th day of April 2017.



Samantha D. Farlow-Moyd, Esquire
Attorney for Petitioner
P.O. Box 2132
Orangeburg, SC 29116
(803) 534-3557 (telephone)
(803) 937-3181 (facsimile)

Orangeburg, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

In the Matter of James Rivers,

Karen Gibson Rivers,
Petitioner,

v.

Jasmine Frederick, Jewel Hayden, James
Rivers, Jr., Jahmesha Rivers, Angel
Rivers, a minor child,

Respondents.

IN THE PROBATE COURT FOR THE
FIRST JUDICIAL CIRCUIT

Case Number: _____

Motion for Finding of a Common-Law
Spousal Relationship and Appointment
as Personal Representative

FILED FOR RECORD
IN THE PROBATE COURT
OF THE FIRST JUDICIAL CIRCUIT
ORANGEBURG COUNTY
2017 APR -6 PM 2:34

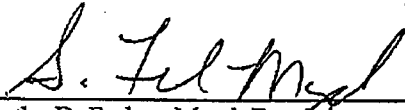
Petitioner, Karen D. Gibson-Rivers, states the following and requests an order of this court finding a common-law spousal relationship and appointing her as the Personal Representative of the Estate of James Rivers:

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8. Petitioner also assumed the decedent's last name as her own. She used the last name "Rivers" on various legal documents, including:
 - a. Application for the purchase of insurance on the home the parties shared; and
 - b. County tax documents indicating that Petitioner's full name is "Karen D. Gibson-Rivers."
9. The decedent also regarded the Petitioner as his wife and held her out publicly as such. On March 30, 2005, the decedent signed a notarized affidavit indicating that Petitioner was his wife. In this affidavit, he directed that death benefits from his pension fund be payable to Petitioner. Petitioner has received these benefits since the date of decedent's death. On other pension fund documents, Petitioner is also listed as decedent's wife.
10. On a life insurance policy, decedent listed Petitioner as a contingent beneficiary and indicated she was his wife. This policy application was signed by the decedent and issued on June 16, 2010.

WHEREFORE, Petitioner requests an order of this court finding that she and James Rivers were married under the common law of South Carolina and grant the petition allowing Petitioner to serve as the personal representative.

Respectfully submitted this 6th day of April 2017.



Samantha D. Farlow-Moyd, Esquire
Attorney for Petitioner
P.O. Box 2132
Orangeburg, SC 29116
(803) 534-3557 (telephone)
(803) 937-3181 (facsimile)

Orangeburg, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF ORANGEBURG

) PROBATE COURT

) 2017ES3800188

Estate of James Rivers)

)

)

TRANSCRIPT OF
HEARING



CREEL COURT REPORTING, INC.
1230 Richland Street / Columbia, SC 29201
(803) 252-3445 / (800) 822-0896

APPEARANCES

Honorable Pandora Jones-Glover
Judge of Probate
Orangeburg County Probate Court
190 Gibson Street
Orangeburg, South Carolina 29115

Samantha D. Farlow-Moyd, Esquire
Farlow-Moyd Law Firm
1797 Hillsboro Road
Orangeburg, South Carolina 29115
Attorney for Petitioner, Karen Gibson-Rivers

Also Present:

Jasmine Frederick
Delores Clinton
Karen Gibson-Rivers
Lee Dildy
Ethel Dildy

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OPENING REMARKS AND INTRODUCTIONS

1
2 THE COURT: Okay. We're now on the record in the
3 matter of James Rivers. This is number 2017-
4 ES-3800188. This matter is before the Court on
5 petition for formal appointments and
6 determination of a common law spouse. If you
7 would, please introduce yourselves for the
8 record. Where do we want to start? Do we have
9 any respondents that want to have a seat at the
10 table here? Where's Jasmine Frederick?

11 MS. FREDERICK: Here, I am.

12 THE COURT: Okay. Jewel Hayden?

13 UNIDENTIFIED FEMALE: She couldn't make it; she had
14 to work.

15 THE COURT: Okay. So not present. James Rivers and
16 Jamesha Rivers?

17 UNIDENTIFIED FEMALE: (Inaudible)

18 THE COURT: Okay.

19 MS. FARLOW-MOYD: Do you -- do you want them to move
20 up, Your Honor?

21 THE COURT: If they'd like to, that's fine.

22 UNIDENTIFIED FEMALE: Okay.

23 THE COURT: What about Angela Rivers, is she here?

24 MS. RIVERS: Angel.

25 THE COURT: Angel, okay. All right, very good.



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1 Okay. What about Ms. Singletary, who's
2 Guardian ad Litem for Angel?

3 MS. SINGLETARY: I'm here. Hi.

4 THE COURT: Great. Have you had an opportunity to
5 talk with Angel?

6 MS. SINGLETARY: Just really quickly right here.

7 THE COURT: Okay. All right. So those of you whose
8 names I have not called, please state your name
9 for the record. We'll start with you, ma'am.

10 MS. CLINTON: Delores Clinton.

11 THE COURT: And you are?

12 MS. CLINTON: Sister to James Rivers, Sr.

13 THE COURT: Okay.

14 MS. CLINTON: The deceased.

15 THE COURT: All right. Who's next?

16 MS. GIBSON: Karen Gibson Rivers, common law.

17 THE COURT: Thank you, ma'am. Your name, sir?

18 MR. DILDY: Lee Dildy, D-I-L-D-Y.

19 THE COURT: D-I-L-D-Y.

20 MR. DILDY: Yeah, this is my daughter.

21 THE COURT: Oh, okay. Okay.

22 MS. DILDY: And Ethel Dildy.

23 THE COURT: What was your last ---

24 MS. DILDY: Mother.

25 MR. DILDY: Ethel, that's my wife.



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1 THE COURT: Okay. All right. Ms. Farlow-Moyd, you
2 may proceed.

3 MS. FARLOW-MOYD: Thank you, Your Honor. I
4 represent Karen Gibson Rivers and she's here
5 today to be appointed as Personal
6 Representative for the decedent, James Rivers,
7 who died on February 11, 2017, in Orangeburg
8 County.

9 THE COURT: Uh-huh.

10 MS. FARLOW-MOYD: And she's also here in order to
11 get a finding from the Court that she was a
12 common law spouse of the decedent. Your
13 Honor, we do have two Answers filed from
14 Jamesha Rivers and James Rivers, Jr., and they
15 join in the relief requested, and so I do not
16 have to call them as witnesses ---

17 THE COURT: Okay.

18 MS. FARLOW-MOYD: --- if the Court believes that
19 their Answers are sufficient and recognizes
20 that they support the petitioner's claims.

21 THE COURT: Okay.

22 MS. FARLOW-MOYD: Okay. For our first witness, we'd
23 like to call Karen Gibson Rivers.

24 THE COURT: All right. Come forward, Ms. Rivers.

25 MS. RIVERS: Sit here?



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1 THE COURT: Yes, ma'am. If you would, please, raise
2 your right hand. Do you affirm that your
3 testimony's going to be the truth?

4 MS. RIVERS: Yes, I do.

5 THE COURT: All right. You may be seated.

6 MS. RIVERS: Thank you.

7 THE COURT: There's a microphone in front of you. I
8 need you to speak directly into that microphone
9 because the gentleman to our right is recording
10 everything, okay?

11 MS. RIVERS: Okay.

12 THE COURT: So we want to make certain that we
13 capture everything that you say.

14 MS. RIVERS: Yes, ma'am.

15 THE COURT: All right. Ms. Farlow-Moyd.

16 MS. FARLOW-MOYD: Thank you, Your Honor.

17 MS. GIBSON RIVERS - DIRECT EXAMINATION BY MS. FARLOW-
18 MOYD:

19 Q: Ms. Gibson Rivers, will you please state your
20 full name for the Court?

21 A: It's Karen Diane Gibson-Rivers.

22 Q: And Ms. Rivers, where do you currently reside?

23 A: At 147 Peach Orchard Street in Vance, South
24 Carolina 29163.

25 Q: And are you here today petitioning the Court to



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1 be appointed as the Personal Representative for
2 James Rivers?

3 A: Yes, I am.

4 Q: And are you also here to ask the Court for a
5 finding that you were his common law wife?

6 A: Yes.

7 Q: And when exactly did Mr. Rivers die?

8 A: He died February the 3rd. I think he was
9 funeralized February 11th, but he died February
10 3rd, 2017.

11 Q: Okay. And was he a resident of Orangeburg
12 County when he died?

13 A: Yes, he was.

14 Q: And did he die with a will?

15 A: No, he did not, but ...

16 Q: Okay.

17 A: No, he did not.

18 Q: And at the time of Mr. Rivers' death, were you
19 two living together?

20 A: Yes, we was.

21 Q: And how long had you all lived together at that
22 point?

23 A: From February of '87 to 2017, with a little
24 short period in there where we were separated.

25 Q: Okay. So you lived together for about 26



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1 years, but there was some times of separation,
2 is that your testimony?

3 A: Yes.

4 Q: Okay. And when you all first started living
5 together, where did you live?

6 A: In Summerville at 112 Fripp Lane, Summerville,
7 South Carolina.

8 Q: And when did you all move together to
9 Orangeburg?

10 A: In -- he and my son moved in about September or
11 October of 2002 and Jamesha and I follow in
12 January 2003.

13 Q: And since 2003, have y'all lived together in
14 Orangeburg County?

15 A: Yes.

16 Q: And do you have any children with Mr. Rivers?

17 A: Yes.

18 Q: And what are the names of those children?

19 A: James Rivers, Jr., and Jamesha Rivers, and
20 Angel Rivers.

21 Q: Okay. And what are their birth dates?

22 A: James Rivers was born February 16, 1990;
23 Jamesha Rivers was born August 4th, 2000 --
24 1994; and Angel was born August 23rd, 2004.

25 Q: Okay. And at the time that you and your



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1 husband began living together, did you both
2 have the legal capacity to enter into a
3 marriage?

4 A: Yes, we did.

5 Q: And when you both started living together, were
6 either of you married to anybody else?

7 A: No.

8 Q: And do you believe that you all lived as
9 husband and wife during the time of his life?

10 A: We did.

11 Q: And how were you all regarded in the community?

12 A: In the community as far as people know, we was
13 married. You know, as far most people know,
14 especially in Summerville, but in Vance, you
15 know, we didn't socialize too much with people
16 up here.

17 Q: And while you all lived together, did you
18 assume the duties of a wife?

19 A: I did.

20 Q: And what did those duties include?

21 A: As far as cooking, cleaning the house, washing
22 clothes, tending to the yard, making sure the
23 yard -- I kept up the yard. I handle all his
24 bills, all his bills I handle.

25 Q: And did he assume the role as a husband?



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- 1 A: Yes, he did.
- 2 Q: Okay. Now, Ms. Rivers, have you been
3 identified on any legal documents as the wife
4 of Mr. Rivers?
- 5 A: Yes, I have.
- 6 MS. FARLOW-MOYD: Your Honor, may I approach the
7 witness?
- 8 THE COURT: Yes, ma'am.
- 9 Q: Ms. Rivers, will you please identify the
10 documents that I've just handed to you?
- 11 A: This is from the Waterfront Employee ILA
12 Pension and Welfare Fund.
- 13 Q: Okay. And on this document, are you listed as
14 the spouse of James Rivers?
- 15 A: Yes, I am.
- 16 Q: And on the second page of that first document,
17 did your husband sign that document?
- 18 A: Yes, he did.
- 19 Q: Okay. And is that also your signature on the
20 second page?
- 21 A: That is my signature.
- 22 Q: Now, if we move to the next document in that
23 stack, is that an Affidavit from Waterfront
24 Employees, as well?
- 25 A: Yes, it is.



- 1 Q: And is this also in regard to his pension?
- 2 A: Yes, it is.
- 3 Q: And are you listed again as his wife?
- 4 A: Yes, I am.
- 5 Q: Okay. And is that your husband's notarized
- 6 signature?
- 7 A: Yes, it is.
- 8 Q: Okay.
- 9 A: Uh-huh.
- 10 Q: The last two documents are pay statements for
- 11 your husband's pension. Are you again listed
- 12 as the spouse on the top of that document?
- 13 A: Yes, I am.
- 14 Q: And there's a place where it says spouse birth
- 15 date, is that your birthday?
- 16 A: Yes, the 4th, the 30, '61.
- 17 Q: And there's also a place where it says spouse
- 18 Social Security Number, is that your Social
- 19 Security Number?
- 20 A: 247-21-0627.
- 21 Q: And on these two documents, did you sign in the
- 22 section where it says spouse?
- 23 A: Yes, I did.
- 24 Q: And did your husband sign where it says
- 25 participant?



1 A: Yes, he did.

2 Q: And are you currently receiving those pension
3 funds at this time?

4 A: Yes, I am.

5 Q: And how much per month are you receiving?

6 A: On the -- 1,500.

7 Q: Okay.

8 A: Uh-huh.

9 MS. FARLOW-MOYD: Your Honor, we would ask that
10 these documents be entered into evidence as
11 Petitioner's Exhibit Number 1.

12 THE COURT: Any objections, Ms. Frederick?

13 MS. FREDERICK: No.

14 THE COURT: For the record, just speak up a little
15 for me.

16 MS. FREDERICK: I'm sorry; no.

17 THE COURT: All right. What about you, Ms.
18 Singletary, any objections?

19 MS. SINGLETARY: None, Your Honor.

20 THE COURT: All right. So admitted.

21 (Petitioner's Exhibit Number 1 was marked for
22 identification purposes and admitted into evidence.)

23 THE COURT: Where are they? Okay.

24 A: Right there.

25 THE COURT: Thank you. Pass them to Mr. Fudge.



1 MS. FARLOW-MOYD: Thank you, Your Honor.

2 THE COURT: Uh-huh.

3 Q: Also, Ms. Rivers, did your husband have any
4 life insurance?

5 A: Yes, he did.

6 MS. FARLOW-MOYD: Okay. May I approach, Your Honor?

7 THE COURT: Yes, ma'am.

8 Q: And what is the name on that policy as far as
9 the plan administration? Is it the Independent
10 Order of Foresters?

11 A: Oh, yeah. Yes.

12 Q: And is your husband, James Rivers, listed as
13 the insured?

14 A: Yes, he is.

15 Q: Okay. And what is the issue date on this
16 insurance policy?

17 A: June 16, 2010.

18 Q: And on the second page, does Mr. Rivers list
19 you as his wife?

20 A: Yes, he does.

21 Q: And is that his signature on the last page of
22 the insurance application?

23 A: Yes, it is. It is.

24 Q: Thank you.

25 MS. FARLOW-MOYD: Your Honor, we would ask that this



1 be entered into evidence as Petitioner's
2 Exhibit Number 2.

3 THE COURT: Any objections, Ms. Frederick?

4 MS. FREDERICK: No.

5 THE COURT: Any objections, Ms. Singletary?

6 MS. SINGLETARY: None, Your Honor,

7 THE COURT: So admitted.

8 (Petitioner's Exhibit Number 2 was marked for
9 identification purposes and admitted into evidence.)

10 THE COURT: That's 2. Thank you.

11 Q: Now, in addition to these sets of documents
12 signed by your husband where he himself
13 indicated that you are his wife, did you ever
14 start using the last name Rivers?

15 A: In 2005 I started.

16 Q: And did you use that name on any legal
17 document?

18 A: Yes, as far as handling all his business with
19 Greentree -- formerly Greentree, now it's
20 Ditech, the tax -- county tax office in
21 Dorchester County, and it's some others I can't
22 remember. But I handle all his business and
23 they all knew me as Mrs. Rivers.

24 MS. FARLOW-MOYD: May I approach, Your Honor.

25 THE COURT: Yes, ma'am.



- 1 A: Yes.
- 2 Q: Ms. Rivers, will you please identify that
3 document that I've just handed you?
- 4 A: Oh, yeah, this ARS, this is for the new heating
5 and air conditioning unit that was placed for
6 the house.
- 7 Q: And is it 147 Peach Orchard Street in Vance
8 where you and your husband last lived together?
- 9 A: Yes, yes, it is.
- 10 Q: And this is a warranty, is that correct?
- 11 A: Yes, it is.
- 12 Q: And how is the customer's name written on that
13 document?
- 14 A: Karen Rivers.
- 15 Q: Okay. And in the notes section, your husband's
16 name is there, as well, correct?
- 17 A: Right. Uh-huh.
- 18 Q: Okay.
- 19 MS. FARLOW-MOYD: Your Honor, we would ask that that
20 be entered into evidence as Petitioner's
21 Exhibit Number 3.
- 22 THE COURT: Any objections, Ms. Frederick?
- 23 MS. FREDERICK: No.
- 24 THE COURT: Ms. Singletary?
- 25 MS. SINGLETARY: None, Your Honor.



- 1 THE COURT: So admitted as 3.
- 2 (Petitioner's Exhibit Number 3 was marked for
- 3 identification purposes and admitted into evidence.)
- 4 MS. FARLOW-MOYD: Your Honor, may I approach?
- 5 THE COURT: Yes, ma'am.
- 6 Q: Ms. Rivers, will you please identify the
- 7 document that's being handed to you?
- 8 A: Dorchester County, South Carolina.
- 9 Q: So is this a tax notice from Dorchester County?
- 10 A: Yes, this for the property at 112 Fripp Lane.
- 11 Q: Okay. And how is your name displayed on this
- 12 tax notice?
- 13 A: As Karen D. Gibson Rivers.
- 14 Q: Okay. And so as far as Dorchester County is
- 15 concerned with their tax notices, they allowed
- 16 you to use the name Rivers, is that correct?
- 17 A: That's correct.
- 18 MS. FARLOW-MOYD: Thank you, Your Honor, we ask that
- 19 that be entered into evidence as Petitioner's
- 20 Exhibit Number 4.
- 21 THE COURT: Ms. Frederick?
- 22 MS. FREDERICK: Yes.
- 23 THE COURT: Ms. Singletary, any objections?
- 24 MS. SINGLETARY: None, Your Honor.
- 25 THE COURT: So admitted.



1 (Petitioner's Exhibit Number 4 was marked for
2 identification purposes and admitted into evidence.)

3 THE COURT: Thank you.

4 MS. FARLOW-MOYD: May I approach, Your Honor?

5 THE COURT: Yes, ma'am.

6 MS. FARLOW-MOYD: Thank you.

7 Q: Ms. Rivers, will you please identify the final
8 document that I'm handing you?

9 A: This is from the -- the mobile home through
10 Greentree -- formerly Greentree, now Ditech.
11 We had a water leak -- hot water leak in the
12 house and this is the check to have the repairs
13 done and, yeah. And this check is listing my
14 name as Karen Rivers and James Rivers.

15 Q: Okay. And so the date on this check is August
16 29, 2014, is that correct?

17 A: That's correct.

18 Q: And you stated that this is an insurance check
19 for the mobile home that you and your husband
20 own?

21 A: Yes.

22 Q: And your name does appear as Karen Rivers, is
23 that correct?

24 A: Yes.

25 Q: And along with your husband's name is James



1 Rivers?

2 A: Yes.

3 MS. FARLOW-MOYD: Your Honor, we ask that this would
4 be entered into evidence as Petitioner's
5 Exhibit 5.

6 THE COURT: Ms. Frederick, any objections?

7 MS. FREDERICK: No objections.

8 THE COURT: Ms. Singletary?

9 MS. SINGLETARY: None, Your Honor.

10 THE COURT: So admitted as 5. Thank you, ma'am.

11 (Petitioner's Exhibit Number 5 was marked for
12 identification purposes and admitted into evidence.)

13 Q: So Ms. Rivers, just to recap, is it your
14 position that you are the common law wife of
15 James Rivers?

16 A: I am.

17 Q: And do you believe that the documents that you
18 presented to the Court indicate that it was his
19 intent also for you to be his common law wife?

20 A: Yes, he's told me that many time, yes.

21 Q: Okay. And it's also your testimony that you
22 all possess the capacity to enter into a
23 marriage contract, is that correct?

24 A: Yes, we was.

25 Q: And that neither one of you were married to



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1 anybody else during this time?

2 A: No, we wasn't.

3 Q: And is there any reason why you and Mr. Rivers
4 never actually legally got married and got the
5 marriage license?

6 A: We used to say, you know, that there was no
7 need to because I've seen a lot of people who
8 got married and they wind up divorced, so we
9 just never saw any reason to get married
10 because he always told me, well, you got all my
11 benefits anyway, you know, so you're getting
12 everything that a wife would have, so what's
13 the purpose in getting married. And we felt
14 that, you know, once you get married, a lot of
15 people wind up getting divorced or separated,
16 so we just kept it the way it was.

17 Q: And when you say married, you're referring to
18 legally married with a license, correct?

19 A: Legally married with a license, yeah.

20 Q: And is it your testimony that Mr. Rivers even
21 took measures to provide for you after his
22 death as his wife?

23 A: Yes, yes, he did.

24 Q: And are you here today asking this Court that
25 you be appointed as the Personal Representative



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1 of his Estate?

2 A: Yes, I am.

3 Q: And are you here asking for a finding that you
4 are indeed his common law wife?

5 A: Yes, I am.

6 Q: Thank you.

7 MS. FARLOW-MOYD: No further questions, Your Honor.

8 THE COURT: Any questions for this witness, Ms.
9 Frederick?

10 MS. FREDERICK: Yeah, actually, just a couple.

11 THE COURT: Okay.

12 MS. GIBSON-RIVERS - CROSS-EXAMINATION BY MS.

13 FREDERICK:

14 Q: Ms. Gibson, you stated that you guys lived in
15 Orangeburg County, I guess, since 2003 with a
16 short period of separation during the time ---

17 A: Yeah.

18 Q: --- that you guys ---

19 A: Yes.

20 Q: What was the reason for that short period of
21 separation?

22 A: There was no specific reason. I -- I moved
23 out. There was no specific reason, but even
24 though I wasn't living there physically, I was
25 still there. Because any time I call him, he



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1 would come and pick me up. And any time he
2 needed any type of business handled, he would
3 come and get me to handle them for him.

4 Q: Okay. So when you moved out, did you move in
5 a place of your own or were you living with ---

6 A: No, for a while, I was living with someone else
7 ---

8 THE COURT: Wait a minute. Wait a minute. Give her
9 an opportunity ---

10 A: Okay.

11 THE COURT: --- to complete her question, okay.

12 Q: Did you move into a place of your own dwelling
13 or did you move in with someone else?

14 A: No, at first, I moved in with someone else, but
15 eventually I did get a place of my own and my
16 kids came and lived with me, yes.

17 Q: And when you moved in with this someone else,
18 was it a male or a female?

19 A: It was a male, which he used to also come by
20 every time I call him to pick me up and he used
21 to bring me over to the house. And any time he
22 needed his business handle, he also come and
23 get me. So he was very much aware of that,
24 yes, because he also had him a friend also.

25 Q: So during this short period of separation, were



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1 there any other separations when you guys lived
2 in Summerville, South Carolina, as well?

3 A: No, when we live in Summerville, there was
4 never no separation.

5 Q: So were you incarcerated when you guys lived in
6 Summerville, South Carolina, at any point?

7 A: Yes, I was. I was incarcerated and you know
8 what, he supported me the whole time that I was
9 incarcerated. He made sure that I shop and
10 went to the common area every week spending
11 \$75. He took very good care of me while I was
12 incarcerated. He did. And, matter of fact, he
13 came and picked me up when I was released.

14 Q: And do you mind sharing with the Court what was
15 the reason for your incarceration?

16 A: The reason ---

17 MS. FARLOW-MOYD: Your Honor, I'm gonna object to
18 that on the grounds of relevancy. We're here
19 for a finding of common law spouse. My client
20 has already admitted that she's been
21 incarcerated and that her husband supported her
22 during that period.

23 A: Yes, he did.

24 MS. FARLOW-MOYD: And so I would object on the
25 grounds of relevancy.



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1 THE COURT: All right. Why do you think it's
2 relevant, Ms. Frederick?

3 MS. FREDERICK: Well, I think it is relevant because
4 we're here for two reasons. One, to determine
5 common law; and for her to be appointed as --
6 over his estate. And I think it's relevant
7 because the reason she was incarcerated was ---

8 THE COURT: Whoa, whoa, so I've heard your argument,
9 right. All right, so I will overrule the
10 objection, so you may respond to the question.

11 A: The reason I was incarcerated was because a
12 friend of mine, girlfriend and I, was riding
13 around one night and this when my daughter was
14 small, and she had a daughter, and we was
15 pulled over after I dropped my daughter and her
16 daughter off at my house. And we was pulled
17 over. I don't know why this guy asked for a
18 ride and I gave him a ride. Then all of a
19 sudden, I see the two police following me and
20 when they followed me, they pull us over and my
21 friend and I had just vacuum out my car. So
22 all of a sudden, they find a little -- they say
23 rock cocaine in the back. After he done went
24 around the car several time and had the dog to
25 go around there, all of a sudden, he found a



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1 little rock cocaine in the back. And the main
2 reason why I went to court is because I gave
3 the -- I mean to prison was because -- it
4 wasn't because of that; it was because I lied
5 to the officer and gave him my sister
6 information because I had a warrant out on me
7 for not completing a community service and I
8 didn't want to, you know, go, which I wish I
9 had because I would have never went to prison.
10 Even the judge said that. I would have still
11 got six month probation.

12 THE COURT: So what was the charge?

13 A: The charge was I guess falsifying and giving
14 wrong information. You know, when I finally
15 went back -- because my sister went that
16 December, which I had until that January when
17 I would have been off the six month probation
18 ---

19 THE COURT: Uh-huh.

20 A: --- and she let them know because they was
21 getting ready to suspend her license, so she
22 went -- I told her to go ahead and do what she
23 had to do and I didn't go into probation that
24 month of December. So that January, they did
25 come. And when I went back before the judge,



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1 like he said, you know, if I had just given the
2 correct information before, I would have just
3 had six month probation.. So they went back to
4 for the fact that I lie and went through all
5 the roll call and all of that. So he just said
6 let's just go back to the original charge. So
7 I did 18 months. 18 months behind it.

8 THE COURT: For giving false information?

9 A: For false information.

10 THE COURT: Okay. Anything else?

11 Q: Well, Ms. Gibson, I pulled your public records
12 and it's showing that the charge was actual
13 possession of a gram -- possession of less than
14 one gram of ice or crack cocaine.

15 A: Well, maybe that's what they put. That was the
16 original charge, but the reason why I got
17 locked -- went to prison was because I lied, so
18 maybe they used that original one, but the
19 original ---

20 THE COURT: So it seems like you had a drug charge?

21 A: Yeah, I did.

22 THE COURT: You were on probation and then you
23 violated?

24 A: No, no, no, no, that was ---

25 THE COURT: No?



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1 A: --- the first time I was. I wasn't on
2 probation and violated, I was on probation from
3 the original charge because they found a little
4 something on the floor down there that I felt
5 that the police placed there because it wasn't
6 there because we had just vacuumed out the car.
7 And when I went to Court -- when I got
8 arrested, I got arrested underneath my sister
9 name. And then I went to Court and I was going
10 through roll call under my sister name and I
11 got put on probation under my sister name and
12 one month before I got off, I didn't go into my
13 probation officer for that month because I was
14 afraid if I went -- and I didn't want to be
15 lock up for Christmas, so I didn't go. So that
16 January, they came and arrested me. And when
17 I went back before the judge, I guess for me --
18 they had to go back through all the paperwork
19 and stuff like that.

20 THE COURT: Have you been in trouble since then?

21 A: Yeah, I have. I been in trouble not behind
22 drugs, but, yeah, I've been in trouble since
23 then.

24 THE COURT: So -- okay, so this 18 months that you
25 served was done when?



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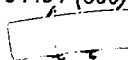
1 A: That's the only time I been to prison.
2 THE COURT: Yes, ma'am. How long ago was that?
3 A: That was back in 1999.
4 THE COURT: 1999, so you haven't had any issues with
5 the law since?
6 A: No, I have had issue with the law since then.
7 I have. Do you want me to tell you?
8 THE COURT: Yes, ma'am.
9 A: One when I was with Mr. Bill.
10 THE COURT: Just the charge.
11 A: Oh, the charge was ---
12 THE COURT: And the year, if you can remember. Any
13 crimes of moral turpitude where stealing,
14 lying, cheating?
15 A: Well, -- well, not cheating. No, where Mr.
16 Bill -- I had sold my property to help him get
17 out of bankruptcy, okay. And I gave this man
18 ---
19 THE COURT: Is Mr. Bill somebody I should -- who's
20 Mr. Bill?
21 A: This the one that -- she said what I move in --
22 move in with.
23 THE COURT: Oh, oh, okay.
24 A: Yeah, his name was Bill --
25 THE COURT: Oh, okay.



- 1 A: His name was Willie D. Felder, okay.
- 2 THE COURT: Uh-huh.
- 3 A: And I gave him the money to help him get out of
- 4 bankruptcy and I felt that he should be
- 5 repaying me and he wasn't repaying me and I got
- 6 mad and I took some of his lottery ticket, then
- 7 he call the police.
- 8 THE COURT: So the charge?
- 9 A: Was lottery.
- 10 THE COURT: Lottery?
- 11 A: Lottery fraud or something.
- 12 MS. FREDERICK: Fraud.
- 13 A: Lottery fraud.
- 14 THE COURT: Oh, okay.
- 15 A: Yeah.
- 16 THE COURT: How long ago was that?
- 17 A: That was back in 2000 -- I don't know. About
- 18 2009 or '10, maybe '11, somewhere up in there.
- 19 THE COURT: Anything else since then?
- 20 A: My daughter ---
- 21 THE COURT: No, just your charges. What were you
- 22 convicted of?
- 23 A: Oh, that's -- that's basically the main -- the
- 24 other main thing, I think.
- 25 THE COURT: Okay.



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1 A: Yeah, that I can remember. But the other thing
2 was a lot of little -- Bill used to call the
3 police on me for any and every little thing,
4 but I never -- you know, it never got to the
5 point where I went to the court or anything
6 like that. It was mostly just thrown out or
7 something like that. But I guess he was trying
8 to control me and I was rebelling against it.

9 THE COURT: Okay.

10 A: And stuff like that. So, you know, when he
11 said no, I said yes, you know, because he's one
12 of those type who like to control people, his
13 women and stuff like that, and I wasn't gonna
14 be controlled. But even through all of that,
15 Mr. Rivers still supported me because he went
16 and got me lawyers and, you know, and he -- he
17 was always there for me. He was always there
18 for me no matter what I went through. James
19 Rivers was always there for me. Always.

20 THE COURT: Ms. Frederick?

21 Q: Another question in regards to her record, I do
22 show in here that there was another charge in
23 2014 in regards to neglect of a child or
24 helpless person.

25 A: Yes, that's my daughter who lied on me, and she



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1 can testify to that. Okay. And being that she
2 was nine years old at the time, I didn't want
3 to put her through a court trial or anything,
4 okay. So yeah. She got mad at me because I
5 took her laptop she had -- I had just bought
6 her a 17-inch laptop with a 17-inch screen.
7 And she got angry with me because I had needed
8 to borrow some money because my fuel pump had
9 went out in my Honda that I had at the time and
10 I asked her -- so she got mad at me and went to
11 the school house and told her teacher, which
12 then added on more lies because they even had
13 that she was so afraid of me that she went out
14 in this barn and sleep at night, which was not
15 true, and some other lies that was told. But
16 being that she was nine years old and at the
17 time I really couldn't afford a good lawyer at
18 the time and I had a public defender, Mr.
19 Steven, and even when I gave him proof and told
20 him, you know, to call these people and to ask
21 these people, you know what he said to me, oh,
22 you just gonna throw your daughter under the
23 bus. So I didn't had the financial means to
24 get a good lawyer to help represent me in that
25 case, okay. So I just went ahead instead of



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1 having her go through that and putting her on
2 trial and putting her on the stand and
3 everything, that's why I just went ahead. And
4 all I got from that was 90 days weekend in the
5 county jail. And Mr. Rivers was still also
6 supportive of that.

7 Q: I guess the final question that I have was in
8 regards to the guardianship of Angel Rivers,
9 was there a change in that due to that charge,
10 as well?

11 A: Yeah, it was a change. Her aunt had her
12 because, of course, they gonna take her and put
13 her in foster care. But like I tried to tell
14 them, they was untrue, you know, they were
15 unfounded. They never really got out there and
16 did any type of, you know, proper search or
17 anything. They just went by what her school
18 teacher said, who didn't want me where I was at
19 to begin with because that was her father-in-
20 law, so that's why they did what they did.
21 Okay. My daughter said a lot of things she was
22 -- she did not tell that teacher to cause me to
23 get arrested, okay. Which I did the 90 days
24 weekend behind. But, no, after that, her --
25 she only stayed with Delores for a month.



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1 After she got out of foster care and Delores
2 got her, she only was with her for a month.
3 The whole other time until we went back to
4 court, she was over there with her father and
5 me. Even though the Court said that she was
6 thriving in her car, she was not in her care.
7 She was still with her father and me the whole
8 time. And then once we went to court, her
9 father -- they give custody of her to her
10 father. And since her father passed, yes, she
11 has been with me and I been taking very good
12 care of her.

13 THE COURT: So you've had custody since Mr. Rivers
14 passed?

15 A: Well, yeah, since he passed, yeah. She's my
16 daughter, yeah, and I love her. I mean, I the
17 one who spend 16 days with this girl in the
18 hospital. Nobody else was there when she was
19 sick, when she was born sick, and took care of
20 her.

21 THE COURT: Yes, ma'am, I just want to be sure I
22 understand. But before your -- Mr. Rivers
23 passed, where was she? With your sister?

24 A: No, before Mr. -- she was only with his sister
25 for a month.



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1 THE COURT: Oh, okay.

2 A: For a month. She supposed to have been with
3 her up until we went back to court that -- when
4 we went April, some time in May or some time
5 around there.

6 THE COURT: So the court order said stay with the
7 aunt, but y'all didn't.

8 A: But, no. She got upset ---

9 THE COURT: I mean, I don't have to know; I was just
10 wondering, so.

11 A: No, no, she was supposed to stay with Delores
12 until we went to court, but some little
13 incident happened that Delores thought that my
14 daughter was molesting her grandson and she got
15 all upset about this here and she just said,
16 take her, take care, take her. So, you know,
17 my daughter been with me -- been with her
18 father and me ever since then.

19 THE COURT: Gotcha.

20 A: Yes, ever since then.

21 THE COURT: Anything else, Ms. Fredericks?

22 Q: And just one final. Well, legally, was she
23 supposed to be with you and her father, Mr.
24 Rivers, or was she supposed ---

25 A: Legally, she was under her father ---



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1 THE COURT: Wait a minute, let -- because I've got
2 to hear her question, okay.

3 A: Okay. I'm sorry.

4 Q: So legally, was she supposed to be living with
5 her father, Mr. Rivers, and you, or was she
6 legally placed in the custody of just Mr.
7 Rivers?

8 A: She was placed when the custody with Mr.
9 Rivers, but like when the social worker came,
10 she knew I was there. She knew I was living
11 there. They knew all of that, okay. They knew
12 that. They knew I was there right there in the
13 house. They knew I was handling all the
14 business. They knew that.

15 Q: And Ms. Gibson, you stated that you were
16 handling Mr. Rivers' bills. Was your name
17 placed on any of his banking accounts?

18 A: No, my name is not on any of his banking
19 account. He only have one banking account.

20 Q: Okay. Any credit card accounts?

21 A: He never had credit cards.

22 Q: Any mortgages that he's had?

23 A: No, he only had one, -- well, the house in
24 Summerville he gave to my daughter and we
25 changed that over. And the other house, no, my



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1 name is not on there. But I still -- Ditech
2 still recognize me as Mrs. James Rivers and
3 that's why they put the check in my name and
4 his name to be cashed in order to get it
5 repaired because they knew I was the one
6 handling all the business.

7 Q: So any of his vehicles, were they ever placed
8 in your name or joint ownership with you?

9 A: No, he had his own vehicle. I drove them.

10 Q: Did you and Mr. Rivers ever file joint tax
11 returns?

12 A: No, we never filed joint tax return, no, we
13 didn't. No, we never. He filed his own tax
14 and I filed mine. He never claim me on any of
15 his taxes, no, he did not, no.

16 Q: Any of your household utility bills or anything
17 in your name, as well as Mr. Rivers?

18 A: Yes, yes, there is.

19 Q: And which ---

20 A: Century Link, DISH. Century Link was in my
21 name. DISH -- now, Direct was in my name, but
22 now they're in my son name. And all the other
23 bills he took care of.

24 MS. FREDERICK: I think those are all the questions
25 that I have right now, Your Honor.



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1 THE COURT: All right. Ms. Singletary, you have
2 been appointed by this Court to represent Angel
3 Rivers, who's the minor child of James Rivers.
4 Do you have any questions for this witness?

5 MS. GIBSON-RIVERS - CROSS-EXAMINATION BY MS.
6 SINGLETARY:

7 Q: Do you have any other convictions other than
8 the ones mentioned?

9 A: No.

10 Q: Like, did you go to -- I know you mentioned you
11 went to prison. Did you go to county jail any
12 other time other than the one time you
13 mentioned?

14 A: No, that's it. Those are it. Those are it.
15 I mean, you talking about -- I did the 90 days
16 in county jail, then there was time like been
17 there overnight for Mr. Bill used to call the
18 police on me for little dumb stuff and, you
19 know, I was released the next day. That's it.

20 THE COURT: Why do you keep talking about Mr. Bill?

21 A: Willie D. Felder. That's the guy when she
22 asked me when I moved out, did I ever move in
23 with someone else. And I was staying with him
24 ---

25 THE COURT: Well, how long were you with him?



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1 A: Oh, about four years.

2 THE COURT: Okay.

3 A: But even though I was with him for four years,
4 Mr. Rivers used to come, pick me up. Whenever
5 the first of the month come and his bills need
6 to be handled, him and my kids then would come
7 in the van and pick me up and we'll go down to
8 Summerville, you know, take care -- you know,
9 go shopping. He'll buy me what I want. He'll
10 get his money orders.

11 THE COURT: And the reason why I'm inquiring is
12 because you said, you know, from time to time
13 Mr. Bill would call the authorities on you ---

14 A: Yeah, for like if I'm sitting in the back yard
15 in the car and won't come in the house ---

16 THE COURT: Yes, ma'am, just ---

17 A: It wasn't ---

18 THE COURT: --- let me -- let me ask, okay.

19 A: Yeah.

20 THE COURT: So, I mean, when was the last time Mr.
21 Bill called the authorities on you?

22 A: Oh, that, I haven't been with him and seen him
23 in -- since 2011 I think when I move away from,
24 you know, from that situation. Somewhere up in
25 there.



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1 THE COURT: So in 2011 ---

2 A: That was -- that was -- yeah. Probably, that
3 was the lat time back up in 2010, somewhere up
4 in there, I don't know.

5 THE COURT: So when did you stop dealing with Mr.
6 Bill?

7 A: Back in about 2010, 2011, when I move -- and I
8 move on Buckhead Drive and my daughter, my
9 youngest daughter, came and lived with me.
10 Then from there, I move on (inaudible) Avenue.
11 And my son and my two daughters came with me.

12 THE COURT: When were the four years that you moved
13 out from Mr. Rivers ---

14 A: That was during the time ---

15 THE COURT: --- in with Mr. Bill?

16 A: That was during that time ---

17 THE COURT: Do you have those ---

18 A: --- from 2007 to about 2011 or something like
19 that. Uh-huh.

20 THE COURT: So I just want to make sure I
21 understand.

22 A: Yeah, you know, Your Honor, I could have -- I
23 could have always went back home and live at
24 147 Peach Orchard Street any time I wanted to.
25 James will always welcome me back.



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1 THE COURT: So you were kind of back and forth?

2 A: No, just that -- well, one time when I move off
3 -- when I move off of (inaudible) Avenue, I
4 went down to Charleston for a little while
5 because I was working down there. And then I
6 went and stayed with this young lady name --
7 her and her father and that's -- that's when
8 the incident happen with my daughter. Mr.
9 Bobby -- I stayed there for a short period of
10 time, about a year or two years.

11 Q: So you weren't living with Mr. Rivers for the
12 26 years?

13 A: Not straight. We was separated for that period
14 of time. But, I mean, I wasn't there, but I
15 was there. I mean, I still had a key to the
16 house, you know. I was there, but I wasn't
17 there. But, I mean, I still had a key to get
18 in and out and he will always come and pick me
19 up. He will all -- any time I call him, he was
20 there. Any time he called me, I was there. We
21 still communicate with one another practically
22 on a daily basis. Uh-huh.

23 THE COURT: Any other questions?

24 MS. FARLOW-MOYD: Your Honor, just re-direct very
25 briefly, if I may?



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1 THE COURT: Okay. Were you done?
2 MS. FARLOW-MOYD: Oh, I'm sorry. Thought she was.
3 THE COURT: That's okay. Ms. Singletary?
4 Q: Were you still performing your wifely duties
5 when you were with Mr. Bill?
6 A: My wifely duty when I was with him?
7 Q: Yeah, you mentioned before that you were
8 cooking and cleaning and all ---
9 A: No, I didn't have to cook for him because he
10 was selling food at the store, so no, I wasn't
11 cooking for him.
12 Q: Were you still cleaning for him?
13 A: I was working -- no, I didn't. I cleaned the
14 store, the business.
15 MS. FARLOW-MOYD: Your Honor, if I may, I think my
16 client may be misunderstanding the question.
17 THE COURT: Okay. Will you re-state?
18 Q: I'm speaking about the decedent.
19 A: Oh.
20 Q: I'm speaking about Mr. ---
21 A: Mr. Rivers?
22 Q: --- Rivers.
23 A: Oh.
24 Q: Were you still cooking and cleaning and all the
25 other ---



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- 1 A: When I come over from time to time ---
- 2 THE COURT: Listen, listen. Let her finish the
- 3 question so that you can respond to the
- 4 question appropriately, okay?
- 5 A: Okay.
- 6 THE COURT: All right. One more time, Ms.
- 7 Singletary.
- 8 Q: Were you still cooking and cleaning and caring
- 9 for Mr. Rivers ---
- 10 A: Yes, that ---
- 11 Q: --- when you were staying with Mr. Bill?
- 12 A: Yes, I was. I would come over; I will cook; I
- 13 would help him in the yard, push that lawn
- 14 mower, that whole acre, a lawn mower -- that
- 15 whole acre of yard, help him keep up his yard.
- 16 And if he need anything else done in the house,
- 17 yes, I do. Wash clothes for him. He'll come
- 18 pick me up, take me to the laundromat with him
- 19 to wash his clothes. Yes, I still was there
- 20 for him.
- 21 Q: Okay.
- 22 A: Yes, I was.
- 23 Q: Was Mr. Bill your boyfriend?
- 24 A: Yeah, Mr. Bill and I -- he -- Mr. Rivers had a
- 25 girlfriend.



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1 Q: All right. No further questions.

2 A: Yeah, he -- I mean, he was seeing somebody. He
3 was seeing this young girl named Kathy. She's
4 dead now. She got -- that's the young lady who
5 was shot at the bank in Santee. That was his
6 friend that he was seeing.

7 THE COURT: Well, how long do you think he was
8 seeing Ms. Kathy?

9 A: Oh, he was -- for the whole time I was
10 practically with Mr. Bill.

11 THE COURT: Oh.

12 A: He used to go -- him and her husband used to
13 ride down to Eutawville every single day, every
14 day. They was down in Eutawville and that's
15 exactly where they went, to Kathy. He was
16 doing his little thing down there, as well, you
17 know, because he used to do his little thing,
18 you know. And that's where he had my daughter
19 and my grandson with him.

20 THE COURT: Your daughter and your grandson were in
21 the company of his other girlfriend?

22 A: Yeah, yeah. Oh, yeah.

23 MS. FREDERICK: My father took care of them. There
24 was nobody there with him to take care of these
25 children and her son, which is his grandson.



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1 He took care of those kids ---

2 MS. FARLOW-MOYD: Your Honor, I'm gonna object
3 because she's testifying and not actually
4 asking a question.

5 THE COURT: Objection sustained.

6 MS. FARLOW-MOYD: And there'll be a time where she
7 can actually testify.

8 THE COURT: Objection sustained. All right. So,
9 I'm assuming you're done, Ms. Singletary?

10 MS. SINGLETARY: Yes, Your Honor, no further
11 questions.

12 THE COURT: All right. You had some re-direct?

13 MS. FARLOW-MOYD: Yes, Your Honor.

14 THE COURT: All right.

15 MS. GIBSON-RIVERS - RE-DIRECT EXAMINATION BY MS.
16 FARLOW-MOYD:

17 Q: Ms. Rivers, is it your testimony that you and
18 your husband did have ups and downs in your
19 marriage, is that correct?

20 A: Yes, we did. Yes, we did.

21 Q: And is it your testimony that both of you may
22 have had outside relationships during the
23 course of the marriage?

24 A: Yes, we did.

25 Q: But did any of that break your marital bond?



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1 A: No, it did not, because he was there for me and
2 I was always there for him.

3 Q: Okay. And even though you had those brief
4 periods -- those periods of separation, did you
5 all reconcile at some point?

6 A: Yes, we did and that was before he got sick.
7 Before he took sick. And I glad I was there
8 when he did because he used to drink so much
9 everyday. He go across the street because I
10 used to come over and sit with him over there
11 to Bob and Trish and, you know, we drink, and
12 some how another I start noticing that he was
13 losing control -- I though the was having a
14 stroke. But come to find out, he had dry blood
15 on his brain. Because one time I saw him where
16 he done slide down that brick step and no
17 telling when he hit his head, but good thing I
18 was there or he may not even been here as long
19 as he was.

20 Q: And Ms. Rivers, isn't it normal for some
21 married couples to file separate tax returns?

22 A: Yes, it is.

23 Q: And isn't it very normal for some married
24 couples not to have both names listed on their
25 vehicles?



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- 1 A: Yes, it is.
- 2 Q: And do you believe it's also normal and very
3 customary for sometimes for both spouses name
4 not to be on a bank account?
- 5 A: I definitely believe that one, yeah.
- 6 Q: Okay. And even though you do have somewhat of
7 a criminal ---
- 8 A: Yeah.
- 9 Q: --- record, do you believe that you are able to
10 administer this estate properly?
- 11 A: Yes, I been taking care of this estate ever
12 since he passed. I mean ---
- 13 Q: Okay.
- 14 A: Yeah.
- 15 Q: Okay. And do you believe that considering
16 you've hired an attorney, would you allow --
17 would you accept the legal advice of this
18 attorney in administering this estate?
- 19 A: Yes.
- 20 Q: And do you believe that you have the ethical
21 standing that is needed to properly manage this
22 estate?
- 23 A: Yes, I do. I have changed my life totally. I
24 mean, I'm a totally different person, yes. I
25 can handle the estate. I been taking care of



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1 it. I maintain the yard; I keep the house
2 clean; I pay the bills. The only ---
3 Q: Pardon me, one thing, when you say you pay the
4 bills, are you paying the mortgage at the home
5 that you and your husband lived in?
6 A: I'm paying -- I'm paying the mortgage. I'm
7 also paying on that ARS air condition and
8 heating unit because it's a five year payment
9 plan on that. I'm paying that. I'm paying the
10 internet bill; I'm paying the cable bill. My
11 son is paying the light bill.
12 Q: Okay. So you are maintaining ---
13 A: And I'm putting food in the house.
14 Q: Thank you. No further questions, Your Honor.
15 THE COURT: All right. Anything else for this
16 witness from anyone? Ms. Frederick? Ms.
17 Singletary?
18 MS. SINGLETARY: No, Your Honor.
19 THE COURT: Ms. Frederick?
20 MS. FREDERICK: No, Your Honor.
21 THE COURT: You may step down, ma'am.
22 MS. RIVERS: Thank you.
23 THE COURT: Any other witnesses, Ms. Farlow-Moyd?
24 MS. FARLOW-MOYD: Your Honor, if the Court is going
25 to defer to the Answer of the other two



1 children then I won't have to call them because
2 they joined ---

3 THE COURT: Okay.

4 MS. FARLOW-MOYD: --- in all the relief requested
5 for their mother.

6 THE COURT: Okay.

7 MS. FARLOW-MOYD: I will call Mr. Lee Dildy, who is
8 Ms. Rivers' father.

9 THE COURT: Mr. Dildy, come forward for me, sir. If
10 you would, sir, please raise your right hand.
11 Do you affirm that your testimony's going to be
12 the truth?

13 MR. DILDY: I do.

14 THE COURT: All right. Please have a seat for me,
15 sir, and speak directly into the microphone,
16 okay?

17 MR. DILDY: Yes, ma'am.

18 THE COURT: All right.

19 MR. DILDY - DIRECT EXAMINATION BY MS. FARLOW-MOYD:

20 Q: Mr. Dildy, will you please state your full name
21 for the Court?

22 A: Lee Russell Dildy.

23 Q: And what is your relationship to Karen Gibson-
24 Rivers?

25 A: That's my daughter.



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1 Q: And do you believe that there was a common law
2 marriage between your daughter and James
3 Rivers?

4 A: I do.

5 Q: Okay. And did you know Mr. Rivers?

6 A: I did.

7 Q: And how long did you know Mr. Rivers?

8 A: Well, before the children. Before the oldest
9 child. And he's 27, I believe. Longer than
10 that, over 30 years.

11 Q: Okay. And during that time, do you believe
12 that Mr. Rivers intended to be in a common law
13 marriage with Karen Gibson-Rivers?

14 A: I do.

15 Q: Okay. And have you ever heard Mr. Rivers refer
16 to Karen Gibson-Rivers as his wife?

17 A: Yes, to me. I mean, because we would
18 sometimes, you know -- in a joking way, I would
19 ask him about that and, yeah, I know it was.
20 He did.

21 Q: Okay. Thank you. No further questions, Your
22 Honor.

23 THE COURT: Ms. Frederick, any questions?

24 MS. FREDERICK: No questions.

25 THE COURT: Ms. Singletary, any questions?



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1 MR. DILDY - CROSS-EXAMINATION BY MS. SINGLETARY:

2 Q: Why did you believe they were in a common law
3 marriage?

4 A: Because ever since she was there, before the
5 kids came, she was there; after the kids came,
6 she was there. They were always together. And
7 he said that they -- that that was his wife,
8 that's what he called her.

9 Q: Okay.

10 THE COURT: You may step down, sir. Anything else?

11 MS. FARLOW-MOYD: Nothing else, Your Honor.

12 THE COURT: All right. Can you tell me briefly, Ms.
13 Farlow-Moyd, what are the assets that are in
14 the estate? It says 6,500 for the real estate,
15 that's the home in Vance?

16 MS. FARLOW-MOYD: Your Honor, what we know of ---

17 THE COURT: 65,000, excuse me.

18 MS. FARLOW-MOYD: --- is that the mobile home ---

19 THE COURT: Okay.

20 MS. FARLOW-MOYD: --- there's a mobile home, I'm not
21 sure of the value of the mobile home. We
22 haven't done an inventory or anything because
23 she's not appointed. Are you referring to that
24 tax notice from Dorchester County?

25 THE COURT: No, I'm just -- I'm just trying to get



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1 an idea of what assets there are.

2 MS. FARLOW-MOYD: There's a mobile home ---

3 THE COURT: Okay.

4 MS. FARLOW-MOYD: --- there's a piece of real estate
5 and there's a van. And I do believe that Ms.
6 Rivers told me that there's about \$2,000 in a
7 bank account. And that's the extent of the
8 estate.

9 THE COURT: Okay. All right. Are you ready, Ms.
10 Frederick?

11 MS. FREDERICK: Yes.

12 THE COURT: Do you have any witnesses? Do you
13 intend to testify yourself? How do you intend
14 to ---

15 MS. FREDERICK: I will testify and will call my aunt
16 and my dad's sister as a witness.

17 THE COURT: Okay. So let's hear from your witnesses
18 first.

19 MS. FREDERICK: Okay.

20 THE COURT: What's her name?

21 MS. FREDERICK: Delores Clinton.

22 THE COURT: All right. Ms. Clinton, come on up. If
23 you would, please raise your right hand. Do
24 you affirm that your testimony's going to be
25 the truth?



1 MS. CLINTON: Yes.

2 THE COURT: All right, ma'am, you may be seated. As
3 I've instructed the others, please speak
4 directly into the microphone, okay?

5 MS. CLINTON: Yes.

6 THE COURT: All right.

7 MS. CLINTON - DIRECT EXAMINATION BY MS. FREDERICK:

8 Q: So, Ms. Clinton, can you just give a brief
9 explanation or summary of your relationship
10 with the decedent?

11 A: Well, he was my brother. I came to South
12 Carolina -- moved back to South Carolina in '95
13 and he decided he wanted to get some property
14 near me so he could be near me, so this is how
15 they got on Peach Orchard street. That's it.

16 Q: So you are a neighbor of the decedent, correct?

17 A: I was his neighbor, yes.

18 Q: Okay. And so can you tell the Court a little
19 bit about your understanding of the
20 relationship between Mr. Rivers and Ms. Gibson,
21 as his sister and neighbor?

22 A: Okay. I met Diane when she moved up there.
23 There was a relationship. You know, they --
24 they lived together there and then was like she
25 said ---



1 THE COURT: I have to stop you. Who's Diane?

2 A: Oh, I'm sorry, Ms. Gibson.

3 THE COURT: Oh, okay.

4 A: I'm sorry; Ms. Gibson. And there was a period
5 of time that she wasn't there. And, you know,
6 James would come over and -- well, Mr. Rivers
7 would come over and Angel would come over and,
8 you know, they would sit with me or talk with
9 me. And then there was a time that she was
10 there. Now, sometimes she would come over to
11 my house and, you know, we would talk and I
12 will explain thing to her and, you know, how I
13 lived and what I like and what I didn't like.
14 And, you know, we got along fairly well at
15 times. And there were times that we did not
16 get along, especially because of Angel, you
17 know. And the way she raised her and the way
18 when Angel came to live with me and the way I
19 did -- felt that I was gonna raise her, you
20 know, she didn't agree with it, which was -- it
21 was okay because that was her opinion. But
22 when I was appointed guardian for her, then I
23 was training Angel the way I felt that she
24 needed to be trained. But as far as how long
25 they been together, you know, before '95, I



1 don't know. I don't know. Because I was not
2 here. But I know that they did live together
3 and I do know when my brother got sick, she
4 would call me and let me know that he was sick
5 and then I would go over there and I would
6 check with him and then, you know -- and she
7 would -- I would tell her we need to call the
8 ambulance, let's take him to the hospital. And
9 she agreed. Now, there were -- there were
10 times that she really, really worked well with
11 me with my brother. And I will not take that
12 away from her. As far as what she did with him
13 in the house, I don't know because I was not
14 there. But I know, you know, she did call me
15 many times telling me that your brother's sick.
16 And there were times that he didn't want her to
17 call me, but she did anyway, you know.
18 Basically, the last couple of months of his
19 life, she called me and said well, your
20 brother's sick. And there was a time that they
21 took him from the doctor's office to the
22 hospital and I didn't know, but she called me
23 and let me know that he did not want me to know
24 that he was sick and that he was going to the
25 hospital. And then I argued with him when I



1 went to the hospital to find out why he didn't
2 call me. And she did tell me that he did not
3 want her to tell me and he acknowledged that he
4 did not want me to know that he was sick. Now,
5 as far as the time that -- you know, the last
6 time when he never came back home, she called
7 me. She called me early in the morning. And
8 she told me that he was sick and when I went
9 there and I saw how sick he was, I just knew he
10 wasn't gonna come back because I saw -- I saw
11 it on him. And she -- you know, she says well
12 -- I said well, I'm gonna ride in the
13 ambulance. I'm gonna go behind the ambulance.
14 She says, well, I'm gonna wait for Angel to
15 come home because she didn't want Angel to see
16 the condition that the house was in because of
17 his illness, because he bled out. So she said,
18 okay, I'll come after Angel comes home. And --
19 well, she didn't get there, but I would call
20 her and let her know what was happening with
21 him. And then when he did pass, she called me
22 and told me that he had passed. Which I -- you
23 know, I thank her for that and I have no
24 bitterness in my heart for her. I really
25 don't. But I just want everything to be done



1 right as far as the children is concerned and
2 Angel. You know, I want Angel to get what she
3 deserves and I want Jas and Jewel to get what
4 he -- what they deserve and Angel, Mesha, and
5 Jay to get what they deserve because they were
6 all James' children. And I don't think anybody
7 should be spared not to have something that
8 James owned. That's my feeling. I'm sorry,
9 this is just -- it's just to early, you know.

10 Q: Okay. Thank you for that, Ms. Clinton. Can
11 you tell the Court, and I know by you being Mr.
12 Rivers' sister and neighbor for many, many,
13 many years, can you tell the Court based upon
14 the numerous conversations or interactions
15 you've had with him, have you ever heard him
16 refer to Ms. Gibson as his wife, either in your
17 presence, to you, or any intentions to want to
18 make her his wife?

19 A: And I will tell the truth. I have never heard
20 him say that that was his wife -- that she was
21 his wife. I have never heard him say that.
22 And I said to him -- well, he joked one time,
23 he said, well, I'm gonna go get a marriage
24 license. I says, you are. I says, well, then
25 you need to do that. Because he know how I



1 felt about living together, you know, and he
2 said well, I'm gonna go get marriage license.
3 I says, okay, well, you need to do that. I
4 says, if you want to marry her, then you need
5 to go get a marriage license and marry her.
6 But he has never said to me that she was his
7 wife. And then he said, well, I'm not gonna
8 marry anybody. You know, I mean, I don't know
9 if he was joking. I don't know. But he says
10 well, I ain't gonna marry nobody. And that's
11 all he said to me.

12 Q: And so Ms. Clinton, during the time of, you
13 know, in the past few years, My daddy's been --
14 Mr. Rivers has been in the hospital several
15 times based upon the condition he was fighting,
16 during any of your visits to the hospital, did
17 you guys discuss his final wishes in regards to
18 how he wanted his estate, what he wanted done,
19 in regards to maybe his kids, his home, or
20 anybody being over his assets and things of
21 that nature?

22 A: He said that his main concern was Angel. He
23 said he wanted to make sure that Angel was well
24 taken care of because Mesha was grown and Jay
25 was grown. And his main concern was Angel. He



1 wanted to make sure that Angel was well taken
2 care of.

3 Q: And so did you guys ever discuss any legal
4 actions in regards to like power of attorney or
5 wills or anything like that?

6 A: Yeah, we discussed it and he never did anything
7 about it. We -- I says, James, you need to get
8 a power of attorney, so you know, somebody can
9 handle your estate. He says, yeah, I'm gonna
10 do it; I'm gonna do it, and he never did it.
11 He even went as far as having me to get a will
12 kit, but he never did anything with it. He
13 never did.

14 Q: Did he at any time tell you that someone had
15 power of attorney or that he was going to
16 appoint an individual as power of attorney?

17 A: Yeah, he said that he was gonna have you power
18 of attorney, but he never -- he never did
19 anything. He never did anything.

20 Q: And to your understanding, Ms. Clinton, was
21 there any situation in regards to my dad, Mr.
22 Rivers, taking care of his grandchild during
23 his illness while he was sick?

24 MS. FARLOW-MOYD: Your Honor, I'm gonna object to
25 this on the grounds of relevancy. I'm not sure



1 what this has to do with petitioner asking to
2 be appointed as a personal representative or be
3 deemed as his common law wife.

4 **THE COURT:** Seems like it's gonna be a stretch, Ms.
5 Frederick. Why do you think it's rational --
6 related?

7 **MS. FREDERICK:** Well, I really wanted -- I was
8 trying to speak to Ms. Gibson stating that she
9 was taking care of wifely duties or housely
10 duties during this time when in actuality, she
11 was rarely there. Mr. Rivers was doing this on
12 his own, even while he was going -- while he
13 was sick.

14 **THE COURT:** All right.

15 **MS. FARLOW-MOYD:** Your Honor, but her question dealt
16 with the grandchild and that's not really
17 relevant to anything that Ms. Gibson testified
18 about as she was doing in the household
19 providing for the decedent.

20 **THE COURT:** Objection sustained.

21 **MS. FREDERICK:** Your Honor, those are all the
22 questions I have for Ms. Clinton. Thank you.

23 **THE COURT:** All right. Ms. Singletary, do you have
24 any questions for this witness?

25 **MS. CLINTON - EXAMINATION BY MS. SINGLETARY:**



1 Q: Ma'am, did you have an opportunity to review
2 the documents that were admitted into evidence?

3 A: No, I did not.

4 MS. SINGLETARY: Could I show her a particular
5 document?

6 THE COURT: There you are, ma'am.

7 Q: Do you see the one that talks about whole life
8 insurance certificate? Do you see that one?
9 Could we turn the page to page two in that one?
10 It has there James Rivers -- just James Rivers'
11 daughter, Angel Rivers daughter, Karen Diane
12 Gibson Wife.

13 A: Uh-huh.

14 Q: Would you be able to recognize your brother's
15 signature or his handwriting?

16 A: I'm not sure.

17 Q: Okay. So is it your testimony you're not sure
18 if this is his handwriting here (indicating)?

19 A: Right here (indicating)?

20 Q: Yes, ma'am. Where it says Karen Diane Gibson,
21 wife. Do you see that?

22 A: I see that.

23 Q: Is that his handwriting?

24 A: I'm not sure.

25 Q: Okay. All right.



- 1 A: I'm not sure.
- 2 Q: What about the second -- the final page, will
- 3 you turn the page, please?
- 4 A: Now, that's not a signature.
- 5 Q: The final page.
- 6 A: Oh, the final page.
- 7 Q: There's a signature---
- 8 A: Right here (indicating)?
- 9 Q: Yes, ma'am.
- 10 A: Now, that looks like his signature.
- 11 Q: Okay, okay. In any of those other documents,
- 12 will you take a look and see if that's the same
- 13 writing or signature, please?
- 14 A: This one doesn't (indicating).
- 15 THE COURT: Which one?
- 16 A: The ARS.
- 17 THE COURT: What's the number, says exhibit number
- 18 which one?
- 19 A: 3. That's just their notes with a signature on
- 20 it. That doesn't look like his.
- 21 Q: Handwriting or --- which one?
- 22 A: This one (indicating).
- 23 Q: That's not?
- 24 A: That doesn't look like his signature.
- 25 Q: Okay. Oh, that's just their notes. Okay. All



1 right. Any others?

2 A: Now, this doesn't look like his signature
3 (indicating).

4 THE COURT: Gotta be more specific.

5 A: That one does (indicating).

6 THE COURT: What number? What's the sticky ---

7 A: 1.

8 THE COURT: --- number? Number 3?

9 A: Number 1.

10 MS. FARLOW-MOYD: Your Honor, was she referring to
11 Exhibit 1, is she was referring to the second
12 page with the signature for James Rivers?
13 Because there's a signature on the first page.

14 A: It's this ---

15 THE COURT: Talk to me.

16 A: This one (indicating).

17 THE COURT: Let me see, ma'am. So for the record,
18 you're talking about Exhibit 1, page 2?

19 A: Exhibit 1, page 2.

20 MS. FARLOW-MOYD: Exhibit 1, page ---

21 THE COURT: Exhibit 1, page 2.

22 MS. FARLOW-MOYD: Hold it up so I can see
23 (inaudible). Okay.

24 Q: So that's the one regarding his pension?

25 A: Yeah.



- 1 Q: Okay. All right.
- 2 A: Now, this looks normal like his signature here
- 3 (indicating).
- 4 THE COURT: You're gonna have to speak up.
- 5 A: This -- Waterfront Pension Plan -- Pension
- 6 Fund.
- 7 Q: Okay.
- 8 A: That looks more like it, that one. But not on
- 9 this -- not on this ---
- 10 Q: On the affidavit.
- 11 A: Right.
- 12 THE COURT: Is that one marked?
- 13 A: No, there's nothing on that.
- 14 MS. FARLOW-MOYD: It's part of Exhibit 1.
- 15 THE COURT: So part of Exhibit 1 does not appear to
- 16 be ---
- 17 A: Oh, okay.
- 18 THE COURT: --- your brother's signature is what
- 19 you're saying?
- 20 Q: You said it does?
- 21 A: Correct, it does not.
- 22 Q: It does not, the Affidavit?
- 23 A: Okay. Wait a minute. This one doesn't
- 24 (indicating).
- 25 Q: Okay.



- 1 A: This looks more like his (indicating) and this
2 does, looks more like his (indicating).
- 3 Q: Okay.
- 4 A: But this one does not (indicating).
- 5 THE COURT: So just to make certain that the record
6 is clear.
- 7 Q: You're pointing to -- when you said this one
8 does not, is that Petitioner's Exhibit 1
- 9 A: The Petitioner's Exhibit 1, yes.
- 10 Q: Okay.
- 11 A: Page 2, that does not look like his signature.
- 12 Q: Okay.
- 13 THE COURT: Okay.
- 14 Q: Any others?
- 15 A: And -- well, I guess this is a part of pension
16 one, this page (indicating).
- 17 Q: Okay. She's talking about Waterfront Employees
18 Pension Fund, is that this?
- 19 MS. FARLOW-MOYD: Your Honor, actually, I allowed
20 this for a while. I'm actually going to object
21 to this. There's been no foundation laid that
22 Ms. Clinton even knew what her brother's
23 signature looked like. Moreover, she's not a
24 handwriting expert and we don't have anything
25 to compare it with. So I would object to her



1 being allowed to testify as to what looks like
2 his signature and what doesn't look like his
3 signature based on the fact that there's been
4 no foundation laid that she even knows what his
5 signature looks like or has any expertise in
6 regard to determining whether or not it's
7 someone's handwriting. So at first I was just
8 going to allow it, but I just want to put that
9 objection on the record, Your Honor.

10 THE COURT: All right. Objection duly noted. All
11 right, so I don't want this piece to be left
12 behind if it's actually a part of the exhibit,
13 even though it doesn't have a sticky number on
14 it.

15 A: Okay.

16 THE COURT: All right. Keep them all together. All
17 right. So -- All right, so Ms. Singletary,
18 were you done?

19 MS. SINGLETARY: One more question.

20 Q: I know you said that you've never heard him
21 refer to her as the wife ---

22 A: Right.

23 Q: --- him as in the decedent refer to Ms. Rivers
24 as the wife.

25 A: Yes.



1 Q: Have you ever heard her refer to him as her
2 husband?

3 A: Yes.

4 Q: You have?

5 A: Yes.

6 Q: Okay. How often?

7 A: Quite often.

8 Q: Okay. Throughout the years?

9 A: Yes.

10 Q: Okay. All right.

11 MS. SINGLETARY: No further questions.

12 THE COURT: Anything else from anyone?

13 MS. FARLOW-MOYD: Just very briefly, Your Honor.

14 THE COURT: Sure.

15 MS. CLINTON - CROSS-EXAMINATION BY MS. FLOYD-MARLOW:

16 Q: Ms. Clinton ---

17 A: Uh-huh.

18 Q: --- just now when you testified that you heard
19 the petitioner refer to your brother as her
20 husband, is that correct?

21 A: Yes.

22 Q: Was this ever said in the presence of your
23 brother?

24 A: No.

25 Q: Never said in his presence?



1 A: No, she usually -- you know, it's usually us
2 talking ---

3 Q: Okay. Thank you.

4 A: --- and she would say that that's her husband.

5 MS. FARLOW-MOYD: No further questions, Your Honor.

6 MS. CLINTON - EXAMINATION BY THE COURT:

7 Q: All right. So, Ms. Clinton?

8 A: Yes, ma'am.

9 Q: You've heard Ms. Karen testify that she and Mr.
10 Rivers had friends?

11 A: Yes.

12 Q: Okay. But you heard her confirm her attorney's
13 representation that it never broke the bond of
14 the marriage?

15 A: Yes.

16 Q: Right, okay. Did you know that other lady?

17 A: No, I just know her name.

18 Q: Okay.

19 A: But I never met her.

20 Q: Okay. All right. All right, you may step
21 down.

22 THE COURT: Thank you, ma'am.

23 MS. FREDERICK: Your Honor, I have one -- can I ask
24 one follow-up question to Ms. Clinton?

25 THE COURT: Yes, ma'am.



1 MS. CLINTON - RE-DIRECT EXAMINATION BY MS. FREDERICK:

2 Q: Ms. Clinton, during your time of being the
3 neighbor for Mr. Rivers, have you ever at any
4 point known of another female friend or
5 companion living in the house with him at any
6 time that he was living there as your neighbor?

7 A: No.

8 MS. FREDERICK: No further questions.

9 THE COURT: You may step down, ma'am. Anything
10 else? Any other witnesses, Ms. Frederick?
11 That's it. All right. Let's see, did anyone
12 else have any positions? You said -- so we
13 know that James and Jamesha are all on board
14 with Karen Rivers' petition. Jewel is not
15 present.

16 MS. FREDERICK: Did I -- can I testify, Your Honor?

17 THE COURT: Sure, what do you have to say? Raise
18 your right hand. Do you affirm that your
19 testimony's going to be the truth?

20 MS. FREDERICK: Sorry, other right hand. Yes.

21 THE COURT: All right. What do you have to say?

22 MS. FREDERICK - DIRECT TESTIMONY:

23 MS. FREDERICK: I will agree with Ms. Gibson in
24 regards to her stating that my father, Mr.
25 Rivers, was there for her ---



1 THE COURT: Uh-huh.

2 MS. FREDERICK: --- whenever she needed. He was
3 that type of man. He was very generous,
4 loving, and would do anything for his children.

5 THE COURT: Uh-huh.

6 MS. FREDERICK: My father never intended for Ms.
7 Gibson to be his wife. Never. I think the
8 nature of their relationship was really based
9 upon them having children together. And the
10 type of man that my dad was, as my aunt
11 testified, is that he really wanted to make
12 sure his kids were taken care of. For as long
13 as I've known Ms. Gibson, she has always been
14 in and out, in trouble, on drugs, back and
15 forth. Never stable at all. The entire time.
16 I wanted very much for my father to have
17 someone that he could call his wife and live
18 with and grow old with because he deserved
19 that. Ms. Gibson was not that person. She was
20 never that person. Her behavior was very
21 indicative on the day my dad passed away. I
22 went to the house after we left the hospital to
23 find out what the next arrangements were gonna
24 be, what were we gonna do, what were the next
25 steps, because I live in Charlotte, North



1 Carolina. So I had to come all the way down
2 and I wanted to know what were the next steps.
3 Ms. Gibson was under the influence, was very
4 nasty, attacked me, pulled my hair in the house
5 because I came to ask her what was the next
6 steps, what are we gonna do, what type of
7 documents does she have or my father have in
8 this house. Ms. Gibson got rid of everything
9 that belongs to my father. Never consulted
10 with my sister and I. The very next day, she
11 went to the funeral home and told them my dad
12 was to be cremated without consulting with me,
13 my dad's mother, nobody in our family did she
14 consult with. When they told her the cost of
15 the cremation, she said, heck no, that's too
16 much money. Ms. Gibson didn't even want my
17 father to have a funeral service at all. My
18 dad laid there -- we went to the last minute
19 that I had to go pay -- I paid almost \$8,000
20 out of my pocket for his funeral myself. Ms.
21 Gibson didn't want him to have a funeral, but
22 when we got to the funeral home, she and her
23 children were on the front row. They didn't
24 offer me a dime to help bury my father. After
25 that, I'm assuming Ms. Gibson found out that



1 she needed my consent or whatever to stay at
2 the house, now she's calling me saying that she
3 wants to work things out. When I told her I
4 would not do that, her daughter, Jamesha, e-
5 mails me the nastiest response ---

6 MS. FARLOW-MOYD: Your Honor, I'm gonna --- I'm
7 gonna object to that. I know that, you know,
8 she has an opportunity to talk, but talking
9 about what Jamesha may have e-mailed, Your
10 Honor, I don't believe is relevant to what
11 we're here for today. My client is just here
12 to be deemed the common law spouse and to be
13 appointed as the Personal Representative.
14 Jamesha is over the age of 18 and she's
15 responsible for her own actions and that
16 shouldn't actually be discussed at this time.

17 THE COURT: So tell me without telling me what she
18 told you, tell me why do you think Jamesha's e-
19 mail is relevant to the issues before the
20 Court.

21 MS. FREDERICK: Well, it may not be relevant. I was
22 just speaking to the nature of their
23 relationship as a whole.

24 THE COURT: Okay.

25 MS. FREDERICK: Right, and ---



1 THE COURT: So I'm going to sustain her objection,
2 so let's stay on the relevant topic, okay.

3 MS. FREDERICK: So, and Ms. Gibson has never ever
4 wanted for my sister and I to have any sort of
5 relationship with my father. I have come to my
6 dad's house on several times and Ms. Gibson has
7 been under the influence; they have fought,
8 have called police. I have had to leave. And
9 this has been over so many years. The police
10 have been called out there so many times. And
11 it got to the point where I didn't even want to
12 come to visit my father. I couldn't even talk
13 on the phone with my dad without her in the
14 background cursing, just going off all the
15 time. When my dad got sick -- when my dad got
16 sick, I begged him to come and live with me.
17 My dad was out one day paying his bills. He
18 got so sick and disoriented he was in a parking
19 lot of this place. He called me all the way in
20 Charlotte. He couldn't even -- he didn't even
21 remember where he was. I have called my dad
22 sometimes where he couldn't even barely even
23 talk.

24 MS. FARLOW-MOYD: Your Honor, again, I'm gonna
25 object. I don't know what Mr. Rivers'



1 condition has to do with the finding of the
2 common law marriage and the appointment as the
3 Personal Representative. If there are things
4 that need to be testified about the petitioner,
5 of course, that's relevant, but about Mr.
6 Rivers' condition, I'm not sure how that's
7 relevant, Your Honor.

8 **THE COURT:** Tell me why you feel it's relevant.

9 **MS. FREDERICK:** Because she said she took care --
10 she helped pay the bills, that was clearly not
11 the case. He was out and about right after
12 chemotherapy doing it himself. Diane said --
13 Ms. Gibson said she was there taking care of
14 him. Clearly, she was not. I have called
15 several times and he didn't even know where she
16 was. He didn't even know where she was and he
17 couldn't even talk.

18 **THE COURT:** So let me -- I just want to make a
19 ruling on her objection so I'm going to
20 overrule her objection, so you may continue.

21 **MS. FREDERICK:** So I begged my dad to come and stay
22 with me because they were not doing -- I even
23 called my brother and told him why do you guys
24 have my dad out here doing this stuff on his
25 own and you know how sick he is. I begged him



1 to come and stay with me. He would not do it.
2 You know why? Because he wanted to make sure
3 Angel was taken care of, because that's the
4 kind of a person he was. So for Ms. Gibson to
5 sit here and act like she was his wife and she
6 took such good care of him, is appalling to me.
7 I have been there. I know what happened. And
8 the only reason why my dad is gone is because
9 they didn't take care of him.

10 THE COURT: Do you have --- was that all, Ms.
11 Frederick? Okay. Do you have any questions
12 for her, Ms. Singletary or Ms. Farlow-Moyd?

13 MS. FARLOW-MOYD: I do, Your Honor, just very
14 briefly.

15 THE COURT: Okay. We'll just give her just a few
16 moments.

17 MS. FARLOW-MOYD: Okay.

18 THE COURT: Okay. Ms. Farlow-Moyd?

19 MS. FARLOW-MOYD: Thank you.

20 MS. FREDERICK - CROSS-EXAMINATION BY MS. FARLOW-MOYD:

21 Q: Ms. Frederick, how long have you lived in North
22 Carolina?

23 A: Gosh, at least since '92. I graduated from
24 high school in '92, so I've moved there when I
25 was like in tenth grade or something.



1 Q: So you haven't lived in South Carolina since
2 about the late '80s, early '90s?

3 A: Like '90, yeah.

4 Q: Thank you. No further questions, Your Honor.

5 THE COURT: Okay. Ms. Singletary, any questions?

6 MS. FREDERICK - EXAMINATION BY MS. SINGLETARY:

7 Q: How often did you speak with your dad?

8 A: I spoke to him often, more often than my sister
9 did. I would have to reach out to him more so
10 than he called me. But the nature -- but our
11 conversations were very different depending
12 upon if Diane was there. If Diane was there,
13 we could not have a conversation at all. If
14 she wasn't there, we would talk. But ---

15 Q: Would you say once a week, once a month, how
16 often?

17 A: No, not -- probably once a month.

18 Q: All right. And how often did you visit with
19 your father?

20 A: Less than that. Really, less than that. My
21 relationship with my dad was really a strange
22 one because of Diane. When I did visit him a
23 lot, she was not there. And I would make sure
24 that when I came to visit, that she was not
25 there because of her behavior.



1 Q: Did he ever refer to her as his wife?

2 A: Never. Even in the hospital, someone said,
3 well, your wife came by. He told the nurse,
4 that is not my wife. When I -- when my dad was
5 in the hospital, he gave me healthcare power of
6 attorney for him. He signed this notarized
7 document giving me authorization for his
8 healthcare. And even when you brought up the
9 comment about his signature, the signature on
10 this document that was notarized in the
11 hospital does not match those documents there.
12 So clearly, there is a discrepancy in regards
13 to the signatures on those documents.

14 MS. SINGLETARY: I don't have any other questions,
15 Your Honor.

16 MS. FREDERICK - EXAMINATION BY THE COURT:

17 Q: All right. Ms. Frederick, so are you
18 suggesting that they did not cohabitate or do
19 you agree with her assessment that they lived
20 together for twenty-some-odd years?

21 A: No, ma'am. No, Your Honor. I do not agree
22 with that. They did not. Even by her own
23 testimony, she was gone more than what she
24 stated. Outside of the time that she -- she
25 was locked up, she did a couple of years in



1 prison. I know for a fact I got married in
2 2005, I don't know where she was. She wasn't
3 around then. My dad gave me away at my
4 wedding. He came to Charlotte and stayed with
5 me. My aunt, my grandmother, everybody was
6 there. She -- even Jamesha and Jay, but she
7 wasn't there. I don't know where she was.
8 Well, 2001 when I got married. I had my son in
9 1999, my dad came up with Jamesha and Jay and
10 she wasn't there. I don't know where she was.
11 I've come to my dad's home. He told me she
12 wasn't -- I came up for (inaudible) birthday
13 party one time and he told me she was living
14 with another man then. She was there at the
15 birthday party, but she wasn't with my dad at
16 all and had not been based on what he explained
17 to me. So -- and this was normal behavior.
18 And my dad -- and even -- they weren't even
19 sleeping in the same room together. They
20 weren't even sleeping together when she did
21 stay there. So my dad did for her out of
22 compassion, but definitely not out of him
23 feeling obligated as a husband or her as his
24 wife.

25 THE COURT: All right. Anything else from anyone?



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1 MS. FARLOW-MOYD: Your Honor, if you would allow
2 just brief closing arguments.

3 THE COURT: Sure.

4 MS. FARLOW-MOYD: Thank you, Your Honor.

5 CLOSING STATEMENT:

6 MS. FARLOW-MOYD: Your Honor, this is -- this is my
7 client's position. Her position is that
8 marriages have ups and downs. I practice in
9 Family Court all the time and I deal with
10 couples who commit adultery. I deal with
11 couples who sleep in separate bedrooms for
12 years. It does not actually mean that there
13 was no marriage bond. So, Your Honor, I do not
14 believe that the fact that there were brief
15 periods of separation, there might have even
16 been some adultery, I do not believe that that
17 would actually destroy the marriage bonds.
18 Now, Mr. Rivers' sister testified, and she
19 lived right next to them, and she testified
20 that she saw my client there; she saw my client
21 take care of him; and that my client would even
22 involve her in matters involving his health,
23 even when he didn't even ask her for her to be
24 involved. Now, in regards to Ms. Frederick's
25 testimony, she testified that she left South



1 Carolina in the late '80s or early '90s, Your
2 Honor, so she's been gone for maybe even as
3 much as 20 years or more. And she also
4 testified that she only spoke with her father
5 maybe once a month and saw him less than that.
6 So any testimony she gives, Your Honor, we have
7 to deal with the credibility issue because she
8 was not there. She was not there on a day-to-
9 day basis. Your Honor, what really gives us
10 Mr. Rivers' intent are these documents that we
11 presented as evidence. Most of those documents
12 are notarized and in order for a document to be
13 notarized, you have to show proof of your
14 identity. And in all of those documents, my
15 client is identified as the spouse. On every
16 document, she's the spouse; she's the wife, and
17 she's listed there. Even on his life insurance
18 policy, she's listed as the wife. He made
19 provisions to provide for her through his
20 pension plan as his wife. And he did these
21 things, Your Honor, because he intended for
22 them to have a common law marriage. Even --
23 even the witness, the sister, testified that
24 she's heard my client refer to him as her
25 husband. Your Honor, so we would ask that



1 there would be a finding that there is a common
2 law relationship. Now, if the Court takes
3 issue with some of my client's criminal record
4 and takes issue with her serving as Personal
5 Representative, that's a separate matter. But
6 we do believe that there's been clear and
7 convincing evidence presented her today that a
8 common law marriage did actually exist between
9 the parties.

10 THE COURT: Did you have a closing argument, Ms.
11 Frederick, or were you done?

12 CLOSING STATEMENT:

13 MS. FREDERICK: Yeah, just a few statements. I
14 think reputation is really important and I know
15 we have documents here that I really would
16 question the validity of the signature, but to
17 deem or establish common law marriage,
18 reputation is very important. And the idea
19 that Ms. Gibson has lived with other men or
20 another man outside of the home and has been
21 outside of the home on several occasions, I
22 think is very important for us to take into --
23 that into consideration where thinking about
24 the common law marriage. And also the fact
25 that she didn't even sleep in the same room



1 with him is very important to stipulate that
2 we're thinking in regards to common law
3 marriage. There's no one in all these years
4 who has eve heard my father refer to her as his
5 wife in any manner. And that's very important.
6 You know, and we have Ms. Gibson's record here,
7 she has a record from drug possession to fraud
8 to child neglect to everything and it's been
9 consistent over the years, so it's not like
10 she's cleaned up her act and has gotten better.
11 She -- her record shows that she has, you know,
12 a traffic violation just as recent as May of
13 this year. So there -- she continues the same
14 behavior, this patterned behavior, over time,
15 which is primarily one of the reasons why my
16 dad would never have taken her as his wife.
17 And secondly, her reputation's very important
18 to take into consideration in regards to just
19 sleeping with another man or living with
20 another man and coming back whenever you need
21 my dad to help you out with something.

22 THE COURT: Ms. Singletary, did you have any
23 comments you wanted to add?

24 Q: No, Your Honor.

25 THE COURT: All right. What we will do is I'll take



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1 the matter under advisement, take a moment to
2 review the documents. Expect to hear from the
3 Court before Friday at 5:00 p.m. Good luck to
4 you all.

5 MS. FARLOW-MOYD: Thank you, Your Honor.

6 (There being nothing further, the hearing was
7 concluded.)
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OF SOUTH CAROLINA

COUNTY OF ORANGEBURG

) COURT OF COMMON PLEAS

) C/A No. 2017-CP-38-01301

Re: Estate of James Rivers)

Karen Gibson Rivers,)

Petitioner,)

v.)

Jasmine Frederick, Jewel Hayden,)

James Rivers, Jr., Jahmesha Rivers,)

Angel Rivers, a minor child,)

Defendants.)

HEARING

The hearing was held before the Honorable James B. Jackson, Jr., Master in Equity for Orangeburg County.



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APPEARANCES

T. Jefferson Goodwyn, Jr., Esquire
 Goodwyn Law Firm, LLC
 2309 Devine Street
 Columbia, South Carolina 29205
 Attorney for the Petitioner

Also Present:
 Jasmine Frederick
 Angel Rivers, a minor child
 John Mitchell

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EXHIBITS

(No exhibits were marked during the hearing.)



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1 CALL TO ORDER:

2 **THE COURT:** We're now on the record in the matter of
3 the Estate of James Rivers. The petitioner in
4 this matter is Karen Gibson Rivers, who is
5 represented by her attorney, Jeff Goodwyn. Ms.
6 Rivers is present, is that correct?

7 **MS. RIVERS:** Yes, sir.

8 **THE COURT:** Okay. The defendants or respondents are
9 Jasmine Frederick, Jewel Hayden, James Rivers,
10 Jr., Jahmesha Rivers, Angel Rivers, a minor
11 child, are all defendants in this matter and
12 the case number -- the Probate case number is
13 2017-ES-38-0188. The Common Pleas number is
14 2017-CP-38-1301. We're present here today for
15 me to hear an appeal from the Order of the
16 Honorable Pandora Jones Glover, Probate Judge
17 for Orangeburg County, and I'm ready -- ready
18 to do that.

19 INTRODUCTIONS:

20 **THE COURT:** Before we get started, let me make sure
21 I know who's here. Tell me who you are back in
22 the back, please.

23 **MS. RIVERS:** Angel Rivers.

24 **THE COURT:** You're Angel Rivers?

25 **MS. RIVERS:** Yes.



1 THE COURT: Who is one of the defendants. All
2 right. How old are you, Angel?
3 MS. RIVERS: 16.
4 THE COURT: All right. So she's still a minor.
5 MS. RIVERS: She'll be 17 in August.
6 THE COURT: And tell me -- tell me your name in the
7 back, please, now.
8 MR. MITCHELL: John Mitchell.
9 THE COURT: John Rivers?
10 MR. MITCHELL: Mitchell.
11 THE COURT: John Mitchell.
12 MR. MITCHELL: Right.
13 THE COURT: Okay. Are you -- you're not one of the
14 heirs, though, is that right, Mr. Mitchell?
15 MR. MITCHELL: That's correct.
16 THE COURT: And what's your name?
17 MS. FREDERICK: Jasmine Frederick.
18 THE COURT: Jasmine Frederick. And you are one of
19 the heirs?
20 MS. FREDERICK: Yes.
21 THE COURT: One of the -- you're children -- a child
22 of James Rivers, is that correct?
23 MS. FREDERICK: Correct. Uh-huh.
24 THE COURT: And, Angel, you're a child of James
25 Rivers, is that correct?



1 MS. RIVERS: Yes, sir.

2 THE COURT: All right. Why is Mr. Mitchell here?

3 MS. FREDERICK: He's -- he's with me. He drove me.

4 THE COURT: Okay. Okay. He's -- he's support for
5 you, okay. Are any of the other defendants
6 gonna be here, Ms. Frederick, that you know of?

7 MS. FREDERICK: My -- my twin sister, Jewel Hayden,
8 had to work so she can't make it.

9 THE COURT: All right. What about James, Jr. and
10 Jahmesha Rivers?

11 MS. RIVERS: Those are my kids. James, Jr. is out
12 in California and Jahmesha, she's at work.

13 THE COURT: Okay. Are they -- are they heirs of the
14 estate regardless of ---

15 MS. RIVERS: Yes, sir.

16 PRELIMINARY MATTERS:

17 THE COURT: I mean -- okay. All right. Then,
18 again, Mr. Goodwyn, I'll be glad to turn it
19 over to you. This is an appeal. I do have in
20 the computer filing a copy of the Record on
21 Appeal. I've not gone over all of that yet.

22 MR. GOODWYN: Sure.

23 THE COURT: You provided me with a written copy of
24 the Order that's being appealed from and so
25 I'll be glad to hear from you in regards to ---



1 MR. GOODWYN: Do you have -- the file should contain
2 my brief, as well.

3 THE COURT: Yeah, I'm sure your Record on Appeal
4 does.

5 MR. GOODWYN: Right. And it -- it refers -- it's
6 written in a Court of Appeals style brief, so
7 it has the cites to all the -- to all the
8 documents.

9 THE COURT: I saw that ---

10 MR. GOODWYN: --- in the record, so.

11 THE COURT: --- and, again, so the Record on Appeal,
12 I have that. It's got an index, I can't half
13 read it because it's too small for my old eyes
14 to read, but I made it bigger. So I'm looking
15 for a brief?

16 MR. GOODWYN: My -- I mean, I filed my -- my brief.

17 THE COURT: I don't see a brief set forth in the
18 index. Maybe I'm overlooking it.

19 MR. GOODWYN: Well, the index, yeah, I wouldn't
20 think I would have included that ---

21 THE COURT: That's the Record on Appeal.

22 MR. GOODWYN: --- in the Record on Appeal. It's
23 probably a separate document.

24 THE COURT: All right. Well, let's make sure it's
25 here.



1 MR. GOODWYN: If not, I can get you one.

2 THE COURT: Well, here's a brief.

3 FEMALE SPEAKER: I can make a copy.

4 THE COURT: Yeah, I've got Appellant's Brief.

5 MR. GOODWYN: Okay.

6 THE COURT: Jeff Goodwyn.

7 MR. GOODWYN: Okay.

8 THE COURT: How long is it? Again, I like paper
9 rather than computers, so ---

10 MR. GOODWYN: Yeah, six or seven pages maybe.

11 THE COURT: Barbara, do you mind making a copy?

12 FEMALE SPEAKER: I do not at all.

13 MR. GOODWYN: Do you want me to keep my mask on for
14 the argument? I know it's mentioned ---

15 THE COURT: No, no, no, everybody's welcome to take
16 their mask off. I've had my shots and I got
17 this big piece of plastic up here that I didn't
18 want, by the way. The County put it in anyway,
19 which shows you how much authority I have
20 around here.

21 (Laughter)

22 THE COURT: And let me -- let me -- while she's
23 making that copy, explain to those of you who
24 are here. My name's Jay Jackson. I'm the
25 Master in Equity in Orangeburg County, which



1 means I'm the judge that hears all the mortgage
2 foreclosures. And Ms. Rivers, let me ask you
3 to do this, would you sit in the back so I can
4 see you?

5 MS. RIVERS: Sure.

6 THE COURT: My computer screen gets in the way of
7 everybody that sits over there.

8 MS. RIVERS: Excuse me.

9 THE COURT: Is that okay, Mr. Goodwyn?

10 MR. GOODWYN: Yeah, that's fine.

11 THE COURT: If you need to talk to her, we'll stop
12 and do that.

13 MR. GOODWYN: Yeah, that's ...

14 THE COURT: Because I like to see everybody.

15 MS. RIVERS: Yes, sir.

16 THE COURT: And I assume nobody really wants to look
17 at me, but I assume y'all would like to see --
18 hear what I say. Again, I'm the Master in
19 Equity, which makes me the judge that hears,
20 for the most part, all the mortgage foreclosure
21 cases. I hear other cases, too, and then
22 sometimes a certain judge will assign matters
23 to me. And I also have been appointed by the
24 Chief Justice as a Special Circuit Judge, which
25 doesn't make me special, just means I'm



1 occasionally acting as a Circuit Judge. One of
2 the things I can do is hear Probate appeals,
3 both as the Master and as the Special Circuit
4 Judge. Is this -- is this referred?

5 MR. GOODWYN: It was. I think ---

6 THE COURT: Okay.

7 MR. GOODWYN: I think what it was is we had it set
8 and Judge Goodstein -- there was an issue with
9 the notice -- serving all the parties with the
10 notice of the hearing and instead of just
11 continuing it, I think she just referred it,
12 so.

13 THE COURT: And, again, this way you get a 10:00
14 hearing and we start at 10:00, so it's always
15 -- and the Circuit Judges love to refer things
16 to me so I can hear it instead of them.

17 MR. GOODWYN: Right.

18 THE COURT: All right. I've got your brief then.
19 It is in the computer and I also got a copy,
20 Mr. Goodwyn, so I'll be glad to hear from you.

21 MOTION BY PETITIONER:

22 MR. GOODWYN: Thank you, Your Honor. This -- as you
23 -- as you said, this is an appeal from the
24 Probate Court on the issue of a common law
25 marriage between Ms. Gibson Rivers and the



1 decedent, James Rivers. Judge Glover heard
2 this back in 2017. I did not try the case. I
3 was hired ---

4 **THE COURT:** I saw that. I saw where -- I saw where
5 it was Samantha Farlow-Moyd, who I know.

6 **MR. GOODWYN:** Right. But she did a good job getting
7 all the relevant witnesses there. This is --
8 just to give you a little background on this
9 relationship, this is a romantic relationship
10 from 1987 through 2017, very long relationship,
11 three children with this couple. They -- there
12 were about four years or so I think the
13 testimony was where they did not live together.
14 They were still raising the children together,
15 but they were not living together, but then
16 they reconciled and I believe they got back
17 together. So, basically, you know, 25-plus
18 years, you know, less four in there where
19 they're living together. She uses his name.
20 They're raising children together. They call
21 each other husband and wife. And there are a
22 number of documents that are referenced in my
23 brief and that are in the record that were
24 referenced at the trial that refer -- where the
25 parties refer to each other as spouse or wife



1 or husband, that kind of thing, and I'll kind
2 of go through a few of those. There's a
3 Waterfront Employee ILA Pension and Welfare
4 Fund enrollment form, the beneficiary forms,
5 that Ms. Rivers signed -- signed as the spouse.
6 The decedent referred to Ms. Rivers as his
7 spouse in an affidavit on those same documents,
8 that was a notarized document, so he's
9 attesting that she's his spouse in that
10 document. The pay statements of the decedent's
11 pension show Ms. Rivers listed as his spouse
12 and Ms. Rivers signed these documents in the
13 space designated for spouse. Ms. Rivers, she
14 is currently receiving his pension as the
15 surviving spouse. That's not part of the
16 Probate estate, but it's relevant as to -- as
17 to what the part- -- how the parties treated
18 each other. Ms. Rivers is listed by Mr. Rivers
19 as his wife on his life insurance enrollment
20 form and beneficiary designation forms for his
21 policy with the Independent Order of Foresters,
22 that's in the Record, page 125. Ms. Rivers
23 demonstrated that she used her name when
24 transact- -- excuse me, transacting business.
25 The name Karen Rivers is on a heating and air



1 warranty that the couple purchased for the
2 home, it's on the Record, page 128. The County
3 -- Dorchester County itself recognized Ms.
4 Rivers as Karen D. Gibson Rivers, as evidenced
5 by the property tax notice for the couple's
6 property located at 112 Fripp Lane. They were
7 both -- Ms. Rivers and Mr. Rivers were both
8 listed on the check to pay a bill for Ditech,
9 it's formerly Greentree for a water leak. So,
10 there were, you know, a number of documents,
11 you know, key documents in their life where
12 they recognized each other as husband and wife.
13 Karen Gibson Rivers, you know, took his name,
14 used his name, throughout her life evidencing
15 the fact that she believed that they were
16 married. I think she testified that the only
17 reason that they never got married is that she
18 didn't -- at the time, she didn't see any
19 practical benefit for doing so. Now, she, of
20 course, realizes that there's, you know, the
21 inheritance side of it that is a benefit, but
22 she didn't realize it at the time. The --
23 there was some evidence in the record that the
24 -- that Judge Glover referred to in her Order,
25 they filed individual tax returns, they had



1 vehicles in their own names, and they
2 maintained separate bank accounts.

3 Ms. Rivers' mother, Lee Dildy, testified
4 that -- that her son referred to Ms. Rivers as
5 his wife in conversations that they had, that
6 was -- that's a significant because Judge
7 Glover had a finding in her Order indicating
8 that nobody testified that -- that Mr. Rivers
9 referred to Ms. Rivers as his wife, and that
10 was inaccurate. There is -- there is evidence
11 in the record to that effect.

12 The argument is for common law marriage, I
13 don't know how familiar you are with the --
14 with the issue, but there's a 1970 case, kind
15 of the sentinel case on this, it's *Jeanes v.*
16 *Jeanes*, where it says -- the holding is there's
17 a strong presumption in favor of marriage by
18 cohabitation, apparently matrimonial, coupled
19 with social acceptance over a long period of
20 time. This presumption is ordinarily rebuttal,
21 but the degree of proof to overcome it is
22 generally very high, especially where the
23 parties have cohabitated as husband and wife
24 for a long time. That's the situation in this
25 case. We have a 25 year-plus relationship,



1 with three children, raising kids, you know,
2 all the -- you know, estate planning, life
3 insurance, and pension forms all designating
4 each other as spouse ...

5 THE COURT: Was there a will?

6 MR. GOODWYN: No will. So, *Jeanes v. Jeanes*
7 applies. There's this very high presumption to
8 overcome in a situation like this for a long
9 time. I've just gone through all of the
10 evidence and the reasons why it looks like they
11 are common law married. Judge Glover points to
12 these three issues. The issue about the taxes
13 being filed separately, the vehicles being in
14 separate names, and the fact that they
15 maintained separate bank accounts. I would
16 argue that these days, that's very common. A
17 lot of married couples file taxes separately;
18 a lot of married couples keep cars in their own
19 names; and a lot of married couples maintain
20 individual bank accounts. That's not, in my
21 eyes -- in my mind, that's not something that
22 suggests that they didn't believe each other
23 were -- they didn't -- they didn't believe they
24 were married to each other. That's just how
25 they chose to handle their finances, which is,



1 again, very common these days for married
2 people to keep those things separate.

3 With -- there was a fair amount of testimony
4 at the trial devoted toward essentially bad
5 mouthing Ms. Rivers about, you know, her past
6 drug use, some criminal activity that really,
7 you know, doesn't have any bearing whatsoever
8 on whether or not they're married. We think
9 perhaps the trial judge got soured on Ms.
10 Rivers by that; I don't know. But given the
11 high -- the high level of -- of evidence that
12 you have to have to overcome this presumption
13 that they are common law married based on the
14 *Jeanes v. Jeanes* case, you know, there's a
15 mountain of evidence suggesting that they --
16 that they were married, that they treated each
17 other as husband and wife, you know, raising a
18 family together all these years, all these
19 documents where they refer to each other as
20 husband and wife, and we don't think that the
21 -- that there's near enough evidence to
22 overcome this -- this presumption that they are
23 common -- common law married, at least the
24 points that Judge Glover points to in the
25 Order. So, as a result, I think by asking this



1 Court to overturn Judge Glover based on *Jeanes*
2 v. *Jeanes*, that presumption that they are
3 common law married and the fact that the record
4 does not have any real evidence to suggest that
5 they weren't. Again, the evidence that -- that
6 the Court relied on is not evidence suggesting
7 that they're not married; it's just how couples
8 these days manage their finances. So, that's
9 -- that's the essence of the argument that I,
10 you know, laid out in a little more detail in
11 my brief and I'd ask you to take a look at
12 that.

13 THE COURT: All right. I certainly will. And,
14 again, I'm gonna ultimately take this under
15 advisement ---

16 MR. GOODWYN: Sure.

17 THE COURT: --- because I need to review the record
18 ---

19 MR. GOODWYN: Right.

20 THE COURT: --- the testimony, and all that sort of
21 stuff.

22 MR. GOODWYN: Sure.

23 THE COURT: So, I'll certainly do that. But let me
24 ask you some questions ---

25 MR. GOODWYN: Sure.



1 THE COURT: --- to get your position on some things
2 that come to my mind in dealing with this
3 situation. Let me ask you first of all, the
4 Order says that from 2007 to 2011, these
5 parties separated and lived separate and apart
6 and had other relationships. What is your
7 position on whether or not when they did that,
8 they ended whatever common law marriage they
9 had before hand and then when they re- -- began
10 to live together again in 2011, they had to re-
11 establish another common law marriage?

12 MR. GOODWYN: I see what you're saying. I just --
13 you know, I analogize that to a married couple
14 that -- that separates and then reconciles.
15 Their marriage doesn't end during the period of
16 separation. A lot of married couples have
17 rough spots and sometimes they will move out
18 and then they reconcile, but they've always
19 been married, you know, they're still --
20 they're still married. That's what I -- that's
21 the analogy I'd use here is the period we're
22 looking at goes all the way back to '87 when
23 they first started, you know, dating and then
24 they had kids. Just because they, you know,
25 separated, didn't live together for those four



1 years, I don't think that ends that period. I
2 think you still look at it as one, you know,
3 25-year period with a rough patch.

4 **THE COURT:** Is there any case law on that that you
5 know of? You've done more research ---

6 **MR. GOODWYN:** I couldn't find any.

7 **THE COURT:** --- than I have recently. I have done
8 research and been involved in a common law
9 marriage case or two ---

10 **MR. GOODWYN:** Right.

11 **THE COURT:** --- over my four-year career ---

12 **MR. GOODWYN:** Right.

13 **THE COURT:** --- and I've been -- but those are all
14 in Family Court and so I -- you know, I'm up
15 there with ---

16 **MR. GOODWYN:** Yeah.

17 **THE COURT:** --- that old case law and most of this
18 common law marriage stuff is real old case law.

19 **MR. GOODWYN:** Right.

20 **THE COURT:** But you couldn't find any cases where --
21 -

22 **MR. GOODWYN:** Not on that point, I mean ---

23 **THE COURT:** --- there was a separation?

24 **MR. GOODWYN:** No, not on that point. I've seen --
25 you know, I've seen cases that are, like,



1 prescriptive easements, you know, property
2 issues where you're talking about adverse
3 possession and all that and I think, you know,
4 in those types of cases, I think that if you
5 leave and come back and start over ---

6 THE COURT: It's got to be uninterrupted in those
7 cases.

8 MR. GOODWYN: Yeah, I think that's a different --
9 different concept ---

10 THE COURT: All right.

11 MR. GOODWYN: --- than this.

12 THE COURT: I'm not so sure. It's just a thought
13 that occurs to me.

14 MR. GOODWYN: Right.

15 THE COURT: And I will have to look at that. But I
16 just ---

17 MR. GOODWYN: Right.

18 THE COURT: --- I just didn't know whether there was
19 any sort of definitive answer on that ---

20 MR. GOODWYN: Yeah.

21 THE COURT: --- that you were aware of.

22 MR. GOODWYN: No, no, no.

23 THE COURT: Now, all the documents you refer to are
24 in the record?

25 MR. GOODWYN: They're in the record. It's not --



1 most of the record is the transcript and
2 there's probably, you know, ten or fifteen
3 pages, maybe at most, of documents that are
4 referred to.

5 **THE COURT:** I think I saw them in the Record on
6 Appeal.

7 **MR. GOODWYN:** Right.

8 **THE COURT:** So, I'll certainly review those. And
9 you say there's some testimony from the
10 decedent's mother where he referred to Ms.
11 Rivers as his spouse?

12 **MR. GOODWYN:** Right.

13 **THE COURT:** And I'll certainly review that, because
14 I did see the finding that that didn't happen.

15 **MR. GOODWYN:** Right.

16 **THE COURT:** Now, the judge refers to under the
17 particular statute involved that the evidence
18 had to be clear and convincing, do you agree
19 with that?

20 **MR. GOODWYN:** Yes, that is the -- that is the
21 standard and then -- and, again, that *Jeanes v.*
22 *Jeanes* case I believe is the applicable case
23 when you have a period of -- a very long period
24 of cohabitation with a couple with social
25 acceptance having kids together, then there's a



1 very high presumption that they are common law
2 married and it's a much higher burden to rebut
3 that.

4 **THE COURT:** What was the -- what was the period of
5 time they lived together in the *Jeanes* case?
6 I'll have to look at that one, because I'm not
7 familiar with that one.

8 **MR. GOODWYN:** I don't know how long that is.

9 **THE COURT:** Okay. I just didn't know if you knew it
10 off the top of your head.

11 **MR. GOODWYN:** I don't.

12 **THE COURT:** I'll look at it. Mr. Rivers passed away
13 when? Do you know the date of death? 2017?
14 2016?

15 **MS. FREDERICK:** February 11, 2017.

16 **MR. GOODWYN:** February 11th ---

17 **MS. RIVERS:** 3rd.

18 **MS. RIVERS:** I'm sorry, the 3rd. Yeah. His funeral
19 was the 11th.

20 **THE COURT:** February 3rd, 2017. And you don't any
21 reason to dispute that, do you, Mr. Goodwyn?

22 **MR. GOODWYN:** No, that sounds right. And then this
23 petition ---

24 **THE COURT:** Okay.

25 **MR. GOODWYN:** --- was filed April 6 of 2017.



1 THE COURT: And tell me who you are again, I'm
2 sorry. You're ---
3 MS. RIVERS: Karen Gibson Rivers.
4 THE COURT: You're Ms. ---
5 MS. RIVERS: Karen Gibson Rivers.
6 THE COURT: Rivers, okay.
7 MS. RIVERS: Yes.
8 THE COURT: All right. So, Karen Rivers is your
9 client?
10 MR. GOODWYN: Right, right, right.
11 THE COURT: And I don't hear anybody disagreeing
12 with that date of February 3rd, so. Was Mr.
13 Rivers married before?
14 MR. GOODWYN: Not that I'm aware of.
15 THE COURT: He was never married?
16 MS. FREDERICK: He's never been married.
17 THE COURT: But he had at least two children by
18 someone else?
19 MS. RIVERS: Before I met him.
20 THE COURT: But not somebody he was married to?
21 MS. RIVERS: No.
22 THE COURT: Did he have -- there were three children
23 born of Mr. Rivers ---
24 MR. GOODWYN: That relationship, yeah.
25 THE COURT: --- by Mrs. Rivers, is that correct?



1 MS. RIVERS: Yes.

2 THE COURT: I'm just trying to think of any other
3 questions I wanted to ask you. And, again, we
4 talked off the record about this, but the new
5 case, and I don't even remember the name of it
6 ---

7 MR. GOODWYN: Yeah, I don't either.

8 THE COURT: --- that did away with common law
9 marriage prospectively ---

10 MR. GOODWYN: Right.

11 THE COURT: --- in your opinion does not change what
12 the Rules of Evidence as to common law marriage
13 that existed prior to that case being ---

14 MR. GOODWYN: That's my understanding, yeah, it was
15 prospective. I mean, this trial was held
16 before that case even came out.

17 THE COURT: And, certainly, the period of time we're
18 talking about is before that case, so.

19 MR. GOODWYN: Oh, yeah.

20 THE COURT: No doubt about that.

21 MR. GOODWYN: Right.

22 THE COURT: And so -- of course, that hearing was in
23 2017, so I guess it was before that ---

24 MR. GOODWYN: Right.

25 THE COURT: --- case was issued. Okay. All right.



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1 Anything else you want to tell me, Mr. Goodwyn,
2 about this?

3 MR. GOODWYN: No, Your Honor, that's it.

4 CONCLUDING REMARKS:

5 THE COURT: Okay. All right. Well, I'm going to
6 take the matter under advisement just so y'all
7 will know. And, again, I'm gonna try and
8 decide this as quickly as I can. I've got
9 other things going on. And in Orangeburg, I'm
10 a part-time judge, but I don't work all the
11 time here. I do mediations and some other
12 things with my other time. But I'll try and
13 certainly decide this within a reasonable
14 amount of time, but I need to go over what, you
15 know, there's a lot of testimony and a lot of
16 evidence and so I'll review that and I'll
17 certainly let you know my decision. All right.

18 MR. GOODWYN: Thank you very much.

19 THE COURT: All right. Thank y'all for coming.
20 Thank you very much.

21 (There being nothing further, the hearing concluded.)
22
23
24
25



WATERFRONT EMPLOYERS-ILA PENSION AND WELFARE FUND

SOUTH CAROLINA AREA
POST OFFICE BOX 21889
CHARLESTON, SOUTH CAROLINA 29413-1889
(843) 723-5561 ***** (843) 722-0776 (FAX)
EMAIL: CHASILADMS@AOL.COM



JAMES RIVERS pensioner and KAREN GIBSON his/her spouse met with me, _____ to review and ~~finalize~~ all documents relating to the state of his/her retirement benefits. All forms were ~~checked~~ to see that they were properly dated, signed and notarized, and that a copy was made available to the pensioner. The following items were discussed with and explained to JAMES RIVERS pensioner and KAREN GIBSON spouse.

1. Monthly Pension Benefits:
 - a. Monthly benefit, distribution option and election.
 - b. Joint & Survivor Annuity benefit
2. Death Benefits - Pension Plan:
 - a. \$15,000 on retiree payable to beneficiary of his choice.
 - b. \$10,000 on spouse, payable to retiree if death occurs during retiree's lifetime, or if retiree's death occurs first, to a beneficiary named by the surviving spouse.
3. Welfare Benefits available for retirees:
 - a. Who is covered
 - b. Current schedule of benefits and at what time benefits would change to schedule 5 and/or schedule 4.
 - c. Coordination of benefits with Medicare.
4. A copy of the current Pension Plan Booklet and the Welfare Plan Booklet were given to N/A pensioner.



Delores W. Small
Staff Member

The above Pension and Welfare benefits were explained to me, JAMES RIVERS and my spouse, KAREN GIBSON by _____

We understand that the current Welfare benefits are subject to change as we become eligible for Medicare.

We received a copy of our pension papers and the Pension and Welfare Booklets.

We have read the above statement and agree with its contents.

Participant: [Signature]

Spouse: [Signature]

Date: MARCH 30, 2005

WATERFRONT EMPLOYERS - I. L. A. PENSION FUND
899 MORRISON DRIVE
POST OFFICE BOX 21889
CHARLESTON, SOUTH CAROLINA 29413-1889

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

AFFIDAVIT

In the event of my death, I direct the Pension Board of the Waterfront
Employers - I. L. A. Pension Fund to pay any death benefits payable under the
Waterfront Employers - I. L. A. Pension to KAREN GIBSON my
WIFE

In witness whereof I have hereunto set my hand and seal this 30th day of
MARCH, 20 05

Barbara Middleton

Witness

[Signature]

Witness

290-72-3067

Social Security Number

Personally appeared before me BARBARA MIDDLETON and
made oath that SHE saw the within named pensioner sign and seal
and as his act and deed deliver the within beneficiary designation and that
SHE with SIDONIE CHISOLM witnessed the due execution
thereof.

Barbara Middleton
Deponent

SWORN to before me this 30th day of MARCH, 20 05

[Signature]
Notary Public for South Carolina

My Commission Expires: 5-23-2011

WATERFRONT EMPLOYERS - I.L.A. PENSION FUND
P.O. BOX 21889
CHARLESTON, SC 29413
(803) 723-5561

FEBRUARY 17, 2005
PAGE NUMBER 4

JAMES RIVERS
112 FRIPP LANE
SUMMERVILLE SC 29483

SOCIAL SECURITY NO: 250-72-3067
DATE OF BIRTH : 4/01/1943

SPOUSE NAME: KAREN GIBSON

SPOUSE BIRTH DATE : 4/30/1961
SPOUSE SOC.SEC.NBR: 247-21-0627

RETIREMENT DATE OF 4/01/2005 - NORMAL RETIREMENT
PAYMENT DATE OF 4/01/2005

YOUR BENEFITS ARE 100% VESTED!!

SERVICE CREDIT OF 28.00 X \$82.00 = \$2296.00

NORMAL RETIREMENT AT 62 \$2,296.00

MEMBER'S SPOUSE AT 43-11

PENSION TYPE - NORMAL

	Participant Amount	Spouse Amount
120 MONTH CERTAIN WITH 75% JRS ANNUITY	\$2,296.00	\$1,722.00

LUMP SUM ELECTION	LUMP SUM PAYOUT	MONTHLY BENEFIT	SPOUSE'S BENEFIT
NONE	NONE	\$2,296.00	\$1,722.00
5%	\$18,168.31	\$2,181.20	\$1,722.00
10%	\$36,336.61	\$2,066.40	\$1,722.00
15%	\$54,504.92	\$1,951.60	\$1,722.00
20%	\$72,673.22	\$1,836.80	\$1,722.00
25%	\$90,841.53	\$1,722.00	\$1,722.00

ELECTION SECTION

We hereby elect to receive the 25 % DISTRIBUTION OPTION shown above.

WE UNDERSTAND THAT THE ELECTION MADE IS IRREVOCABLE AND THAT THERE IS NO INTEREST ON THE INSTALLMENT PAYMENTS.

James Rivers 3-30-05 Karen Gibson 3-30-05
Participant Date Spouse Date

SWORN TO before me the 30th day of MARCH 2005

[Signature] My commission expires 5-23-2011
Notary Public for South Carolina

WATERFRONT EMPLOYERS - I.L.A. PENSION FUND
P.O. BOX 21889
CHARLESTON, SC 29413
(803) 723-5561

FEBRUARY 17, 2005
PAGE NUMBER 5

SUPPLEMENTAL BONUS BREAK OUT

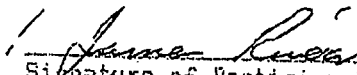
Member's Name	SS Number	Year	Hours	Bonus Amt	Interest	Total
JAMES RIVERS	250-72-3067					
		1996	2560.50	4121.00	1715.37	5,836.37
		1997	2903.00	4806.00	1740.20	6,566.20
		1998	2975.00	4950.00	1565.44	6,515.44
		1999	3103.50	5207.00	1386.36	6,593.36
		2000	2729.50	4459.00	964.26	5,423.26
		2001	2737.50	4475.00	743.97	5,218.97
		2002	2639.00	4278.00	497.32	4,775.32
		2003	2747.00	4494.00	303.35	4,797.35
		2004	2894.00	4788.00	107.73	4,895.73
		2005	1097.50	1195.00	.00	1,195.00
TOTAL -					9,044.00	51,817.00

This is based on Retirement Date 4/01/2005 and Payment Date 4/01/2005.

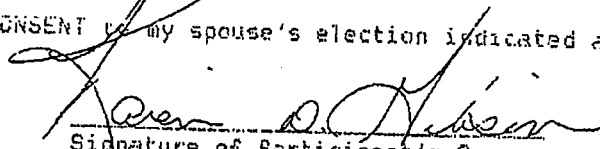
120 Months Certain with 75% J&S Annuity Option - \$262.45

XXXXX I elect to receive the Supplemental Bonus in a LUMP SUM PAYMENT; or

----- I elect to receive the Supplemental Bonus in the form of a MONTHLY ANNUITY for my life (minimum 120 months payment certain), with a MONTHLY ANNUITY equal to 75% of my MONTHLY ANNUITY payable after my death to my spouse if my spouse survives me.


Signature of Participant

I CONSENT to my spouse's election indicated above.


Signature of Participant's Spouse

Witness: CHARLES MILLER
Notary Public or Plan Representative

Notes: The Participant and his or her Eligible Spouse must consent if the above is paid in other than a 120 month certain, 75% Joint and Survivor annuity form using Plan Actuarial Equivalent rates.

The Independent Order Of Foresters ('Foresters')

Head Office: 789 Don Mills Road, Toronto, Ontario, Canada M3C 1T9

U.S. Mailing Address: P.O. Box 179, Buffalo, New York 14201-0179

1-800-828-1540

Insured: James Rivers
Owner: James Rivers
Issue Date: June 16, 2010

Certificate Number: 4791394
Branch Number: 1750

Foresters PlanRight

This is a **WHOLE LIFE INSURANCE CERTIFICATE**.

The Independent Order Of Foresters (referred to as we, our, Foresters or us) will, subject to the provisions of this certificate, pay the death benefit upon our receipt of proof of the insured's death. That death must occur while this certificate is in effect.

CASH SURRENDER VALUE payable at surrender or maturity. Cash values are guaranteed, based upon payment of required total premiums.

PREMIUM AMOUNTS and years payable are shown in the Certificate Data Pages.

PARTICIPATING, eligible to receive dividends.

In this certificate, you and your mean the owner, as shown above. The owner may change after the issue date as described in this certificate.

This certificate is executed at our head office on the issue date.

PLEASE READ THIS CERTIFICATE CAREFULLY.

Right to Examine - If you are not satisfied with this certificate, you may return it to us within 10 days of first receiving it. You can do this by mailing it to our U.S. mailing address, shown above, or by returning it to one of our authorized representatives.

If this certificate is returned to us during this time period, it will be deemed to be void from the issue date. With 10 days after we receive it, we will refund premiums you have paid to us for this certificate.

[Signature]
EXECUTIVE SECRETARY

[Signature]
INTERNATIONAL FRATERNAL PRESIDENT

WHOLE LIFE INSURANCE CERTIFICATE



3. Owner: (Complete only if other than the proposed insured)

Full legal name of individual (First, Middle, Last), institution or trust.

Street address. City. State. Zip code.

Home phone no. Alternate phone/Cell no. Relationship to the proposed insured. Social security number /Tax ID no.

If individual:
Sex: ☐ Male ☐ Female Date of birth (mm/dd/yy):

4. Beneficiary Information (Revocable)

Name of each primary beneficiary.	Relationship.	% Share.
JAS HAMES RIVERS	Daughter	50%
ANGEL RIVERS	Daughter	50%
Name of each contingent beneficiary.	Relationship.	% Share.
KAREN DIANE GIBSON	Wife	100%

5. Other Insurance

Does the proposed insured currently have any life insurance or an annuity in force? ☐ Yes ☒ No.
Will insurance applied for in this Application replace, reduce coverage or modify premiums paid for any existing life insurance or an annuity in force? ☐ Yes ☒ No.

6. Insurance Applied For

Note: Foresters PlanRight certificates with either a graded or modified death benefit, have reduced death benefits (for non-accidental death) during the first two certificate years and do not have a full death benefit until after two certificate years. With the graded death benefit, the death benefit is limited to 30% of the face amount during the first certificate year and 70% of the face amount during the second certificate year. With the modified death benefit, the death benefit during the first two certificate years is limited to the sum of the premiums paid, accumulated with 10% interest compounded annually.

Certificate type: ☒ Foresters PlanRight (With a level death benefit) ☐ Foresters PlanRight (With a graded death benefit) ☐ Foresters PlanRight (With a modified death benefit)

Insurance amount \$ 10,000 Premium amount \$ 6.00 (based on payment made)

Additional coverage: Only if selecting Foresters PlanRight (With a level death benefit).
☒ Accidental Death Rider \$ 0 ☐ Other

Automatic selection, insurance amount and premium adjustment - Owner agrees that if: (i) selecting, but not qualifying for, Foresters PlanRight (With a level death benefit) the owner is instead automatically applying in this Application for Foresters PlanRight (With a graded death benefit); (ii) selecting or applying as per (i) above, but not qualifying, for Foresters PlanRight (With a graded death benefit), the owner is instead automatically applying in this Application for Foresters PlanRight (With a modified death benefit); (iii) the proposed insured qualifies for the certificate selected above but the premium amount paid with this Application is not sufficient for the insurance amount shown above, Foresters shall issue that certificate type for a reduced insurance amount based on the above, or modified if necessary according to the applicable rates, premium amount for that reduced insurance amount. If the premium amount shown above is more or less than the amount required for the certificate type issued, Foresters will increase or decrease the insurance amount and/or premium for that certificate.

Is there an intention that a person or entity, other than the owner, will obtain a right, title, or interest in a certificate issued (includes possible assignment)? ☐ Yes ☒ No.

Automatic premium loan provision elected? ☒ Yes ☐ No.
If "Yes", overdue premium may be deducted from, and become a loan against, available cash value.

7. Payment Information

Payer is: ☒ Proposed Insured. ☐ Owner (if other than proposed insured.) ☐ Other (Complete Payer ID form.)
 First premium payment provided by: ☒ Draft first premium via Pre-Authorized Check (PAC). ☐ Check/Money order (payable to Foresters.)
 Subsequent premium payments made by (select one): ☒ PAC. ☐ Direct bill.
 Payment mode (select one): ☐ Annually. ☐ Semi-annually. ☐ Quarterly. ☒ Monthly (PAC only.)

PAC banking information:

☐ Checking account. Attach void check.
☒ Savings account (no check available). If selected, complete the following:

Name of financial institution: <u>First Citizens Bank & Trust</u>			
Street address: _____			
City: <u>Summerville</u>	State: <u>SC</u>	Zip code: <u>29483</u>	
Transit number: <u>053201487</u>	Account number: <u>079833826016</u>		

Does the payer want a specific draft date? ☒ Yes. ☐ No.
 If 'Yes', draft on the 16th day of the month (choose between the 1st and the 28th.)

The payer agrees that: 1. Foresters is authorized to draft deductions under the PAC plan from the account identified in the PAC banking information section or another account later identified or substituted by the payer. 2. The financial institution from which payments are to be drafted is authorized to treat each draft by Foresters as though it was made personally by the payer. 3. Foresters reserves the right to determine when the first deduction, if any, will be made and the amount of that deduction according to the certificate type issued. 4. This PAC plan is effective immediately and will continue until terminated, which either the payer or Foresters may do at any time by written notice to the other.

X [Signature]
 Payer's signature.

8. Agreements

"I/We" means individually each person identified in this Application as either the proposed insured or the owner. I, as evidenced by my signature in this Application, declare that I have read this Application. I was asked every question that applies to me and provided the answers shown. In this Application, to these questions. The statements, answers, and representations contained in this Application are full, complete, and true. All statements made in this Application shall be representations and not warranties. This Application, Foresters Instruments of Incorporation and its Constitution now in force or subsequently enacted shall form part of the entire contract with Foresters. No person, including a producer, has the authority to waive the disclosure of full, complete and truthful information or write down an answer to a question in this Application other than the answer provided to that person. The answers, statements and representations contained in this Application will influence the assessment and acceptance of this Application by Foresters. Failure to disclose all material facts may result in a loss of coverage and cancellation of the insurance contract, subject to the incontestability provision and legal proceedings. A producer's misrepresentation or untrue declaration may render the insurance contract, issued, if any, voidable, subject to the incontestability provision and legal proceedings. All facts should be shown in this Application. This insurance contract issued, if at all, as a result of this Application, is conditional on there being no change in the insurability of the proposed insured between the date this Application was signed by the proposed insured and the issue date of that insurance contract. Changes or corrections made to this Application by Foresters, if any, are ratified by the owner if the insurance contract delivered, if any, is not returned during the cancellation period. No producer, medical examiner or any other person, except Foresters Executive Secretary or successor position, has power on behalf of Foresters to make, modify, or discharge an insurance contract. This Application and related documents may be sent to Foresters by electronic means, including but not limited to, email and facsimile transmission. Any person who knowingly and with intent to defraud Foresters, any other insurer, or other person(s), files an application for insurance or a statement of claim containing any materially false information or conceals for the purpose of misleading information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and may subject such person to criminal and civil penalties.

WARNING. DO NOT DESTROY THIS DOCUMENT. IT IS YOUR PROOF OF WARRANT



FOR
SERVICE
CALL

747-2714
2548 Oscar Johnson Drive
North Charleston, SC 29405

Invoice #	594636
Time In	Time Out
Time In	Time Out
Technician #	

Customer Name	Karen Rivers	Customer #		Date	1/19/16		
Subdivision		Lot#		Builder		Call Slip #	
Address	147 Peach Orchard St	Unit Number		Home Phone #			
City	Vance	State	SC	Zip Code	29163	Service Zone	
Multiple Invoice #'s For This Call							

System Location Code _____ System Type Code _____ System # _____ Zoning _____

Preliminary Call Code _____ Secondary Call Code _____ Metering Device TXV Piston Size _____

Outdoor Unit Man. RHEEM M# R91936AJ1NA S# W471503311

Fan Coil/Furn. Man. Mortex M# E30B40010ABB S# M1020150052

Evap. Coil Man. Mortex M# 97-855D-0P S# M1016150010

Design CFM _____ Initial Cooling CFM _____

Temperature Rise Method Volts _____ Amps _____ S/A Temp _____ R/A Temp _____ CFM _____

External Static Pressure Method Measured ESP _____ Fan Speed Tap Cooling _____ CFM from Blower Performance Data _____

Corrected Cooling CFM _____

Temperature Rise Method Volts _____ Amps _____ S/A Temp _____ R/A Temp _____ CFM _____

External Static Pressure Method Measured ESP _____ Fan Speed Tap Cooling _____ CFM from Blower Performance Data _____

Cooling Performance Data (TXV) _____ Fossil Fuel Heating Performance Data _____

Saturated Condensing Temperature _____ R/A Temp. _____ DB S/A Temp. _____ DB Temp. Rise _____ DB Manifold Pressure _____

Liquid Line Temperature @ ODU _____

Subcooling measured @ ODU _____

Cooling Performance Data (Piston) _____

R/A Temperature _____ WB

Saturated Suction Temperature _____

Vapor Line Temperature @ ODU _____

Superheat measured @ ODU _____

Notes: *Karen Rivers



WHITE - CUSTOMER CANARY - DEFECTS PINK - NUMERICAL GOLD - AUDIT

DORCHESTER COUNTY S.C.
DATE PRINTED: 2/26/2015, REAL ESTATE

ACCOUNT NUMBER
R-2014-00013188-00 LEVY-YR: 2014

MAP # 130-07-07-008-000C

DIST.	APPRAISAL VALUE	ASSESSED VALUE	MILLAGE
207	61,755	3,710	368.60

Current Owner

GIBSON-RIVERS KARN D

147 PEACH ORCHARD ST
VANCE SC 29163 9539

PLEASE DETACH AND RETURN THIS PORTION WITH PAYMENT

IMPORTANT-MAIL

TREASURER'S COPY WITH FULL PAYMENT
MADE PAYABLE TO:

DORCHESTER COUNTY TREASURER
P.O. BOX 338
ST GEORGE, SC 29477

DEAR TAXPAYER:

This tax notice describes the taxes on this said property for this tax year. The County Assessor's records show changes in the past year either: ownership, acres, assessment or etc. Please check the tax ratio on this notice. If you are the owner/occupant of this property, you may qualify for the Legal Residence Ratio of 4% rather than the 6% ratio, which will save you money. The county assessor is responsible for making these changes. Please call the assessor at 832-0162 or (843)563-0162 for these changes.

Homestead Exemption is an additional reduction for those who own and occupy their property, are over 65 and/or 100% totally and permanently disabled, please call the county auditors office at 832-0118 or (843)563-0118 to apply for Homestead Exemption.

Previous owner:
Purchased: 00/00/00

ACCOUNT NUMBER
R-2014-00013188-00 LEVY-YR: 2014
MAP # 130-07-07-008-000C

RATIO	LAND-APPR	BLDG-APPR
OTHER .050	11,500	50,255

Total Appr:	61,755	Land Appr:	11,500	Bldg Appr:	50,255
		No. Lots:	1	No. Bldgs:	1

Location: FRIPP LN 112



Total Tax	1,367.50
SWUF	75.00
STWRF	11.19
SWCF	102.00
Penalty	136.7

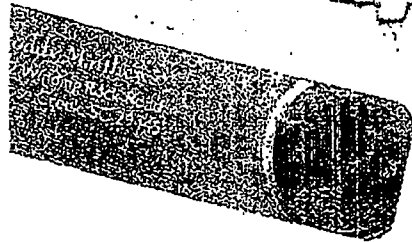
Jan 15, 2015	1,555.69
Jan 16 - Feb 2, 2015	1,596.72
Feb 3 - Mar 17, 2015	1,692.45

After Mar 17 Delinquent notice will be
mail with correct amount

Total Tax	1,367.50
SWUF	75.00
STWRF	11.19
SWCF	102.00
Penalty	136.76

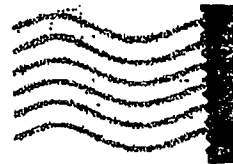
Jan 15, 2015	1,555.69
Jan 16 - Feb 2, 2015	1,596.72
Feb 3 - Mar 17, 2015	1,692.45

After Mar 17 Delinquent notice will be
mail with correct amount



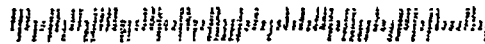
IN SC 294

10 OCT 2015 PM 2 T



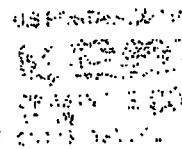
Karm D. Gilson Rivers
147 Peach Orchard St.
Vance, SC

29163-9539



SURANT

Attn: Property Document Services
P.O. Box 979220
Miami, FL 33197-0220

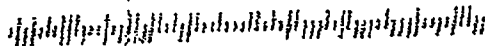


IMPORTANT INSURANCE NOTICE

URGENT INFORMATION: OPEN IMMEDIATELY

001232
KAREN RIVERS
147 PEACH ORCHARD ST
VANCE SC 29163

2916335539 R002



AMERICAN BANKERS INSURANCE COMPANY OF FLORIDA

1122 Quail Roost Drive
Miami, Florida 33157-6596
(305) 253-2244 / FAX (305) 253-2244

Pay to the Order of:
KAREN RIVERS
AND JAMES RIVERS
AND GREEN TREE SERVING LLC

Pay: Four thousand three hundred thirty three and 33/100 Dollars

James Rivers
James Rivers

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ORANGEBURG
CIRCUIT COURT

James B. Jackson, Master-in-Equity

Appellate Case No.: 2021-000772

RE: Estate of James Rivers,

Karen Gibson-Rivers.....Appellant,

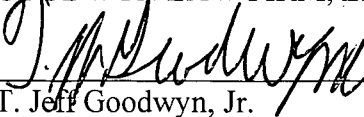
v.

Jasmine Frederick, Jewel Hayden, James Rivers, Jr., Jahmesha Rivers, Angel Rivers, a minor
child,.....Respondents

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that this Record on Appeal, submitted with the consent of all attorneys of record pursuant to Rule 212(b), SCACR, contains all materials proposed to be included by any of the parties and not any other material.

GOODWYN LAW FIRM, LLC



T. Jeff Goodwyn, Jr.

2309 Devine Street

Columbia, SC 29205

(803) 251-4517

jgoodwyn@goodwynlaw.com

Attorney for Appellant

Columbia, South Carolina
December 8, 2021

RECEIVED
DEC 08 2021
SC Court of Appeals