

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
CIRCUIT COURT

Kristi Lea Harrington, Circuit Court Judge

Case No. 2017-CP-10-00398  
Appellate Case No. 2018-000562

**RECEIVED**  
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SC Court of Appeals

Mary P. Smith, Maezell Mitchell Jefferson, individually and as personal representative of the Estate of Annabelle Thornton, Shirrese B. Brockington, as special administrator of the Estate of Janine Gourline, Emma Smalls, Viola Pringle, Cephus Thornton, Arthur Graddick, III, an imprisoned person, Venetra Watson, and any known or unknown persons or entities claiming any interest in the Estates of Lucinda Pringle, Odessa Graddick, Arthur Graddick, Jr., Annabelle Thornton and Janine Gourline,.....Appellants,

v.

Angus M. Lawton, personal representative of the Estate of Lucinda Pringle, Evelina Brown Moses, Thomas P. Brown, Jr., and Unknown PR Rebecca Patricia Brown,.....Respondents.

**RECORD ON APPEAL**

**VOL. 2**

T. Jeff Goodwyn, Jr., Esquire  
Goodwyn Law Firm, LLC  
2519 Devine Street  
Suite A  
Columbia, SC 29205  
(803) 251-4517  
*Attorney for Appellants*

Jonathan S. Altman, Esquire  
Derfner, Altman & Wilborn, LLC  
575 King Street, Suite B (29403)  
P.O. Box 600  
Charleston, SC 29402  
(843) 723-9804

Stephen M. Slotchiver, Esquire  
Slotchiver & Slotchiver, LLP  
44 State Street  
Charleston, SC 29401  
(843) 577-6531  
*Attorneys for Respondents*

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STATE OF SOUTH CAROLINA COURT OF COMMON PLEAS  
COUNTY OF CHARLESTON 200-CP-10-006213

EVALINA BROWN  
MOSES, et al.,

Plaintiff,

-vs-

MARY P. SMITH,  
et al.,

Defendant.

TRANSCRIPT OF RECORD

April 29, 2009

Charleston, South Carolina

B E F O R E:

The Honorable Roger M. Young, Sr.

A P P E A R A N C E S:

Jonathan S. Altman, Esquire  
Alan Medlin, Esquire  
Stephen M. Slotchiver, Esquire  
Charles Goldberg, Esquire  
Edward Guerard, Jr., Esquire

Amanda K. Haffenden, RPR, CRR  
Circuit Court Reporter

1 THE COURT: All right. All right. This is  
2 an appeal from the probate Court. All right. Is this  
3 your appeal? Are you ready?

4 MR. ALTMAN: We are, Your Honor.

5 THE COURT: Go ahead.

6 MR. ALTMAN: Your Honor, if I may, appellant  
7 are going to divide our argument into two separate  
8 sections. I'm going to speak briefly about the facts,  
9 give you a little background as well as the procedural  
10 history. It's somewhat of an unusual case, and then  
11 Professor Medlin is going to speak about the legal  
12 arguments underlying the appellants' appeal and why we  
13 believe that Judge Condon was correct in his findings of  
14 fact but misapplied those facts to the applicable law.  
15 Frankly, there isn't that much in dispute, and I believe  
16 the respondents will concede that point. The case  
17 involves Lucinda Pringle.

18 Ms. Pringle died in October 1989, right after  
19 Hugo. She lived almost all her life up Highway 17 on Old  
20 Georgetown Highway. Ms. Pringle had five daughters. One  
21 daughter predeceased here, and that daughter had three  
22 children, three grandchildren of the decedent, who we  
23 represent.

24 The decedent, Ms. Pringle, raised all three  
25 of her grandchildren because that daughter was mentally

1 ill, unable to care for her kids. The other four  
2 daughters that are represented by Mr. Goldberg and  
3 Mr. Guerard, one of them are living and two of them have  
4 passed during the pendency of this case. They all lived  
5 on the deceased's property, and the property has  
6 considerable value. It's one half of ten acres on Old  
7 Georgetown Highway. It's probably worth \$4 to \$5  
8 million, which is probably why there are so many  
9 attorneys here today.

10 The case is interesting factually. In 1988,  
11 the decedent, Ms. Pringle, prepared a will. At that time  
12 our clients -- two of them were in New York. They had  
13 left to find work when they were younger. The  
14 handicapped granddaughter, Rebecca, who is represented by  
15 David Michel has been appointed as guardian, was living  
16 with grandma at the time. Grandma wanted to have a will  
17 that looked after the three grandkids she had raised.  
18 That will was prepared in 1988 and was witnessed by one  
19 of the respondents' sons. Our folks had nothing to do,  
20 and, frankly, didn't know about the will at all.

21 Hugo hit in September of 1989. Ms. Pringle  
22 died about a month afterwards, I believe, October 11 of  
23 1989. Our folks didn't know about a will at that time.  
24 Now, what happened after that is Erma Smalls, one of the  
25 respondents, concealed this will and concealed it for a

1 long period of time. We agree a lot about what Judge  
2 Condon found. Judge Condon acknowledged in his order  
3 that the will had been used by Ms. Smalls to process an  
4 insurance claim to repair the house after Hugo, and he  
5 references in his order the existence of that insurance  
6 claim and how it was processed. In fact, our folks are  
7 identified on that insurance claim as executors in the  
8 identical order in factious as they appear on the will.

9 Now, the will was concealed for a significant  
10 period of time after 1989. We didn't find out the will  
11 was not produced to our folks until 2005 when Emma Smalls  
12 turned it over to one of our ladies and said, I can't  
13 live with this anymore. Here is the will. She  
14 immediately filed it with the probate Court.

15 Now, the respondents -- we took everybody's  
16 deposition. Everybody denies knowing anything about the  
17 will. They deny turning it over. The Court references  
18 this in its order, and the Court, in Judge Condon, found  
19 that these are an incredibly compelling set of facts, and  
20 he says, and the Court says, that the appellants have  
21 shown good cause. It is with great reluctance the Court  
22 finds, or found, that it could not consider this will.

23 Now, what happened after 1990 is nothing  
24 happened. For nine years after the decedent's death,  
25 there was no probate activity at all. Nobody opened the

1 estate; nobody disclosed the will. Our folks didn't have  
2 the will. It was concealed during this period. About  
3 nine years and four months after decedent's death, one of  
4 the respondents, Ms. Gourdine, opened the estate, and  
5 that is an important -- really, a very critical event in  
6 this appeal because what Judge Condon focussed on was  
7 this ten-year deadline, and he references that the estate  
8 was opened prior to that point.

9 It was opened nine years and four months, and  
10 that is an issue that Professor Medlin is going to talk  
11 about, about why that is so important. Our folks never  
12 got any notice of estate activity. They didn't know  
13 about the opening of the estate. They didn't know about  
14 deeds and distribution being the issue. The estate was  
15 administered, or mis administered, as an intestate estate  
16 as if the decedent had no will.

17 We know she did have a will. It's of record  
18 now. The issue is whether or not the intent of the  
19 testator can be enforced and that policy can be  
20 furthered. We believe that it can, for a couple reasons:  
21 One, and this is referenced in Judge Condon's order, this  
22 estate was never closed, and a lot of the time period  
23 since the probate Court allows for pursuing relief  
24 through an estate, commences when that final order is  
25 issued. In this estate, no order has ever been issued.

1 The estate is still open, so there is still a number of  
2 avenues that we believe the, petitioners or the  
3 appellants, can pursue relief because that order was  
4 never issued.

5 Secondly, we believe that because this estat-  
6 was open within that ten-year period, there is additiona-  
7 avenues. If the respondents have waited until after that  
8 ten-year period, maybe that door would have been closed,  
9 but in this case they didn't. They were in a rush to try  
10 and get the property, to get property they weren't  
11 entitled to, and they rushed it, rushed. They waited  
12 nine and a half years, but had they waited another six  
13 months, that avenue may have been closed to us, but  
14 because the estate was opened and never closed, we  
15 believe that we've got a number of grounds, and the judge  
16 erred in applying the facts in this case.

17 I'm going to turn it over to Professor Medlin-  
18 who will probably speak in more detail about the probate  
19 code, and if you have any more questions about the facts,  
20 I'll be happy to answer them.

21 PROFESSOR MEDLIN: Good morning, Your Honor.

22 Your Honor, if I may, we believe the trial  
23 Court made a number of errors, and we think any one of  
24 these errors would be a ground for reversal, but as  
25 Mr. Altman pointed out, one of the problems in this case

1 is the existence of the so-called phantom order, and if  
2 you indulge me, Your Honor, let me just spend a couple  
3 minutes talking about the normal way an intestacy is  
4 handled in probate court.

5 Under probate code, there are only two ways  
6 to have a court order when there is an intestacy. The  
7 first way is to present to the Court a formal petition,  
8 which is known as a formal testacy proceeding, and at the  
9 beginning of the administration of the estate, the judge  
10 can determine, after notice and hearing -- because that  
11 is the difference between formal and informal proceedings  
12 in probate court -- the judge can determine after notice  
13 and hearing that the decedent died intestate. There is  
14 no informal method of making a determination of intestacy  
15 under the probate code.

16 In fact, what is commonly done, Your Honor,  
17 is the applicant asks for an informal appointment as  
18 personal representative. Because there is no analog in  
19 formal probate for an intestacy, the estate is  
20 administered after the appointment of that personal  
21 representative informally under the assumption of  
22 intestacy.

23 Now, the second way in which there can be a  
24 formal Court determination of intestacy is through a  
25 request at the closing of the estate, when one files a

1 petition for settlement, which was done in this case, and  
2 the petition for settlement can ask for a determination  
3 of intestacy and a determination of the heirs who would  
4 take under intestacy and as I mentioned, that, in fact,  
5 was done by the respondents in this case.

6           Once that happens, the Court can then make a  
7 formal determination that the decedent died intestate,  
8 that's is the only way you can do it. Neither was done  
9 in this case, Your Honor, as I see it. Certainly, as  
10 Judge Condon notes in his order and as the court  
11 documents would reflect, the administration of the estate  
12 that took place starting sometime in 1999 was handled  
13 only pursuant to an informal appointment, which simply  
14 assumed that an intestacy exists.

15           However, when the personal representative,  
16 one of the respondents, petitioned to close the estate,  
17 she did, in fact, ask for an order determining that there  
18 was an intestacy. To do that, the Court has a couple of  
19 options directed by the law.

20           First, if any of the interested parties  
21 demands a hearing, then, in fact, the judge must hold a  
22 hearing, and we have a true formal proceeding, one with  
23 notice, followed by a hearing. On the other hand, if,  
24 within 30 days after the personal representative has  
25 filed a statement with the Court indicating that the



1 appropriate notices have gone out to the interested  
2 persons and no interested persons ask for a hearing, then  
3 the Court can, sua sponte, determine that a intestacy  
4 exists.

5 Well, in this case, Your Honor, there was no  
6 such order. What was provided by the probate Court in  
7 this case was what the Court calls a certificate of  
8 discharge. It is the certificate that purports to  
9 discharge the personal representative from her duties and  
10 responsibilities, not from any liabilities, because there  
11 are different provisions in the probate code that deal  
12 with that, but there was no order closing the estate,  
13 what would be under the Court administration forms, form  
14 413. There was no such order.

15 So we are in the position, in appealing the  
16 trial Court's order, of having to consider either option;  
17 number one, the option we believe is the correct option,  
18 that this estate has never been closed. It was timely  
19 commented, and I'll get into more detail with your  
20 indulgence in just a moment with that, Your Honor. It  
21 was timely commenced, but it hasn't yet been closed.

22 Notably, although the probate code does have  
23 provisions directing when a probate proceeding must be  
24 commenced, there is, of course, no requirement of how  
25 long that probate administration must take, and as Your

1 Honor, I'm sure, is aware, there are many probate  
2 administrations that take a very long time.

3 The other option is that as Judge Condon  
4 seems to indicate in his order that the failure to  
5 provide or issue this order closing the estate, form 413,  
6 was through an oversight. Now if that somehow creates a  
7 de facto or phantom order, we still believe that it is  
8 not too late to do what it is that we ask the Court to  
9 do.

10 So either way, Your Honor, we believe that  
11 the time to do what we ask the Court to do, which is to  
12 recognize the testator's intent, or, more specifically,  
13 simply to give us an opportunity to present to the Court  
14 the will to see if it's valid, to recognize the  
15 testator's intent, under either of those scenarios, the  
16 time has not run.

17 THE COURT: Let me stop you a second. Did  
18 Judge Condon issue this 413 nunc pro tunc, where he just  
19 said it was an oversight that never got issued? That it  
20 never got issued, I guess I should say.

21 PROFESSOR MEDLIN: I've not looked back in  
22 the file since the hearing, but as far as I know, he did  
23 not issue it nunc pro tunc, just said that it was not  
24 issued through an oversight.

25 THE COURT: All right.

1 PROFESSOR MEDLIN: Now, Your Honor, and,  
2 again, the procedure in this case, unfortunately, is a  
3 little complex, so I apologize for that this morning, but  
4 we are here today simply trying to accomplish what we  
5 stated, that is, to give the Court an opportunity to  
6 consider whether this will is valid or not. We believe  
7 it is, of course, but we're not asking this Court to make  
8 that determination. We did not ask the trial Court to  
9 make that determination.

10 The reason we are here today is because we  
11 filed, once our clients were given the original will by  
12 Ms. Smalls, who lives on the land, one of the  
13 respondents, and our clients immediately took that  
14 original will down to the probate Court. Correspondence  
15 was issued by the probate Court saying that Judge Condon  
16 was concerned that the time period to probate a will had  
17 elapsed and to seek counsel.

18 Mr. Slotchiver then, on behalf of our  
19 clients, presented an informal application to  
20 subsequently administer the case, an application for  
21 subsequent administration. Under Probate Code Section  
22 62-3-103 that would be appropriate when, in fact, the  
23 administration of the estate had not been completed.  
24 Related to that, we also filed a motion to vacate the  
25 certificate of discharge, which, again, we would request

1 simply relieves the personal representative of her duties  
2 and powers, but did not close the estate.

3 So the procedure, as I said, is a little  
4 complex, but I think the arguments are fairly simple,  
5 Your Honor. First of all, section 62-3-108 is one  
6 operative section that provides when a will can be  
7 offered for probate. And, again, with your indulgence,  
8 Your Honor, I'll talk in more detail about that in just a  
9 little bit.

10 But 62-3-108 does not, and, for obvious  
11 reasons, I would think, talk about when an estate  
12 administration must be concluded, nor does it say  
13 anything about a time limit on when an estate begun has  
14 an informal assumption of intestacy can be corrected  
15 through the admission of a properly executed and valid  
16 last will and testament. The only time limit in 62-3-108  
17 deals with the commencement of an estate administration,  
18 and as Mr. Altman pointed out, the respondents took care  
19 of that. They timely commenced the estate administration  
20 in this case.

21 So assuming there was no order closing the  
22 estate, then we would simply say that in this posture  
23 there is no prohibition under the law whatsoever for the  
24 Court to recognize the opportunity to determine if a  
25 later discovered original will is, in fact, a valid will.

1 of the testator and to honor her intentions and, Your  
2 Honor, to fill in facts just a little bit, as recognized  
3 by the trial Court's order, one of our clients was, in  
4 fact, aware that a will allegedly had been created.

5 In fact, he tried to take a copy to the  
6 probate Court, and he did so at a time when there would  
7 have been no question that under 62-3-108 the will could  
8 have been probate. He was told by the probate Court  
9 officials that the probate Court would not probate a copy  
10 of a will. He gave up. He relied on the probate Court,  
11 telling him that he could not probate a copy of a will.

12 This, of course, Your Honor is not correct.  
13 It is perfectly possible to probate a copy of a will in  
14 South Carolina. Nevertheless, until many years later,  
15 2005, when Ms. Smalls gave the will to another of our  
16 clients, did he know that the original will existed and  
17 within a couple of days immediately went down to probate  
18 that will. That is what I referred to earlier, and that  
19 is what triggered all that.

20 Now, Your Honor, this would take us into our  
21 specific grounds for appeal. Again, recognizing that if  
22 there was, in fact, no order closing the estate, clearly  
23 it cannot be too late to recognize an opportunity to  
24 determine the testator's intent and present the will.  
25 There is nothing in the will that prevents that.

1           So most of the rest of my argument this  
2 morning, Your Honor, is going to be dedicated to the  
3 possibility, which I wouldn't understand, but to the  
4 possibility that somehow this order does magically exist  
5 just because the trial Court said it was not issued  
6 because of an oversight. Even then, Your Honor, it's not  
7 too late to do what we ask the Court to do.

8           First of all, in Judge Condon's order, he  
9 cites section 62-3-412, which talks about vacating an  
10 order of the Court as applying to prevent our clients  
11 from being able to accomplish what we asked the Court to  
12 do. Again, this is misplaced in the sense that there was  
13 no order of intestacy. It was an informal appointment  
14 only.

15           So the Court never issued such an order, but  
16 even if it had, Your Honor, Judge Condon, we believe, has  
17 erred in determining that one of our clients, who is  
18 severely mentally retarded, somehow could have gotten  
19 notice of that order.

20           Now, again, how you get notice of an order  
21 that doesn't exist, I don't know, but assuming somehow it  
22 magically exists, none of our clients agrees, obviously,  
23 to have received notice of that order, and, in any event,  
24 our client, who is clearly incompetent, could not legally  
25 be in a position to receive notice of that order.

1 Now, Judge Condon addresses that, and this is  
2 our second grounds for appeal, by saying that our other  
3 two clients, her brother and sister, were serving as her  
4 guardian and citing the probate code section that says if  
5 one has a guardian, then notice to the guardian binds the  
6 protected person.

7 The problem with that, Your Honor, is that by  
8 definition in the probate section, section 62-1-2016, a  
9 guardian has to be appointed by the Court, or, through  
10 testamentary means, according to that definition.

11 This was done outside of Court. Certainly,  
12 the brother and sister, our other two clients of our  
13 incompetent client, represented now by David Michel as  
14 guardian ad litem, certainly they took care of her, but  
15 they were never appointed as her guardian, so there is a  
16 legal gap there. You can't charge our incompetent client  
17 with notice of an order that never existed when she did  
18 not ever have a guardian appointed for her.

19 And, in fact, the trial Court's own actions  
20 demonstrate that this has to be the case. If there had  
21 been a guardian who could act on our incompetent client's  
22 behalf, there would have been no need to appoint Mr.  
23 Michel as guardian ad litem in this case. The guardians  
24 would certainly have the authority to act on her behalf.

25 Your Honor, this will take us to our third

1 ground for appeal, and, again, assuming that some order  
2 magically exists, Judge Condon fails to recognize that  
3 sections 62-3-413 also allows the vacation or  
4 modification of an order for good cause, as long as it is  
5 done within the time allowed for appeal.

6 Judge Condon himself, in his order,  
7 recognizes there is good cause. So I won't waste Your  
8 Honor's time, unless you want me to talk more about that,  
9 as to whether there is good cause. Assuming that there  
10 is good cause, 62-3-413 would operate in this manner. It  
11 says, you can modify or vacate the order for good cause,  
12 as long as there is still time to appeal the order.  
13 Section 62-1-306 of the probation code talks about the  
14 time to appeal. It says the appellants must appeal  
15 within a certain amount of time after receipt of the  
16 written order. Once again, that time period has never  
17 started running, number one, because there is no written  
18 order that could have been received.

19 Number two, even if it had been received by  
20 our clients, it could not be received by our incompetent  
21 client. Moreover, of course, there is no proof that such  
22 a written order was served on even our competent clients  
23 because there is just no order, but even if there were,  
24 there is no such proof of that service. So 62-3-413  
25 clearly provides that the time to ask to modify or vacate



1 the order has not run because the time to appeal that  
2 phantom order hasn't even commenced, under section  
3 62-1-306, and the good cause has already been determined  
4 by the trial Court.

5 And, Judge, as I mentioned before, I would  
6 like to talk in a little bit more detail about section  
7 62-3-108. I may have been saying that backwards before,  
8 but 62-3-108 is the section that talks about the time  
9 limit within which one must commence the probate of an  
10 estate.

11 In coming to his decision, Judge Condon  
12 relies on case law from other jurisdictions. He cites  
13 several cases as being applicable. Well, there are a  
14 couple problems with that, Your Honor. First of all, our  
15 version of this particular section is not the uniform  
16 probate code version, and so it is not appropriate to  
17 refer to cases in other state jurisdictions as applying  
18 to our particular version of the probate code because it  
19 isn't the same as the uniform version.

20 Now, granted, if there is a South Carolina  
21 probate code section that is verbatim from the uniform  
22 probate code, then the desire to have uniformity under  
23 the laws of the states that have enacted a version of  
24 that uniform probate code section could be recognized  
25 by referring to the law of those other states.

1 But that's not the case here. Our version is  
2 different. It's similar in many respects, Your Honor,  
3 but it is different in some ways. But perhaps more  
4 importantly, Your Honor, even if it were appropriate to  
5 refer to those other cases and rely on them, those cases  
6 don't stand for the proposition that the trial Court  
7 asserts.

8 Those cases, of course, are different and  
9 deal with different facts in and among themselves, but  
10 the general difference is this: Not one of those cases  
11 deals with this situation. Every one of those cases  
12 deals with an attempt to commence the administration of  
13 an estate or, in one case, to simply in effect quiet  
14 title, after the applicable time period to probate a will  
15 had expired.

16 And as I've indicated, Your Honor, this is a  
17 different case. The estate administration was timely  
18 commenced. That makes this case different from every one  
19 of the cases cited by the trial Court in its order. Your  
20 Honor, moreover, in a footnote in the order, the trial  
21 Court recognizes that there are other cases that  
22 provide -- that the time period can be tolled.

23 Now, what argument is going to be presented,  
24 I'm going to anticipate, is that this section is a  
25 statute of repose and not a statute of limitation. I'm

1 not aware of South Carolina law on point for this  
2 particular section. Certainly we have South Carolina law  
3 dealing with what's a statute of repose versus a statute  
4 of limitation, and I'm not aware of any case that deals  
5 particularly with this section, and, in any event, we  
6 would still argue that a statute of repose still would  
7 not prevent us from doing what we asked to do because we  
8 have a timely commenced administration of the estate.

9 Judge Condon's order also misapplied, Your  
10 Honor, section 62-3-102. In the order, the trial Court  
11 says that this section provides that a will cannot be  
12 admitted into evidence after the applicable time period.  
13 Again, we argue that time period has not expired, but,  
14 Your Honor, even in cases where it has, 62-3-102, nor the  
15 case cited by the trial Court's order, provide no such  
16 thing. What that section and the cited case would  
17 provide is that you have to have a valid probated will to  
18 prove transfer of title. That, we do not dispute.

19 But nothing in that section says that you  
20 cannot use that will for other purposes, such as to  
21 produce evidence of fraud, which is part of our argument,  
22 that we're simply asking for the opportunity to present  
23 to the probate Court. Now, 62-3-108 also talks in very  
24 specific terms about what is allowed and what is not  
25 allowed.

1 First of all, it prohibits the commencement  
2 of a formal testacy proceeding more than ten years after  
3 the decedent's death. Again, this estate administration  
4 was commenced within ten years, just barely, of the  
5 decedent's death, but the mechanism that our clients have  
6 used to try to get an opportunity to show the decedent's  
7 intent proved a determination of the validity of the will  
8 is, under section 62-3-108, which is asking for a  
9 subsequent administration of the estate.

10 This was asked for in an informal process;  
11 again, one of the two options the probate code gives. We  
12 can ask for informal, we can ask for formal. An informal  
13 application is not a formal testacy proceeding. By  
14 definition, formal requiring notice in hearing; informal,  
15 not.

16 Now, that section also specifically  
17 recognizes that in certain cases, it is appropriate to  
18 commence the probate, not conclude, Your Honor, but to  
19 commence the probate of a will after more than ten years  
20 from the decedent's death. There are a couple of  
21 situations in that section that recognize that in certain  
22 cases, essentially where there has been a mistake or a  
23 question about a decedent's death, that it's appropriate  
24 to commence that probate more than ten years after the  
25 decedent's death.

1 Now, our facts don't apply to those two  
2 exceptions, Your Honor, but what those two exceptions  
3 tell us is this: That the legislature recognized that  
4 section 62-3-108 is not an absolute bar to probating a  
5 will in any situation ten years or more after the  
6 decedent's death. It specifically recognizes that there  
7 are situations where that can be done, and so the spirit  
8 of that section, Your Honor, we would argue, doesn't  
9 preclude, even if the time limit had otherwise run, from  
10 probating a will that is the result of, we would argue,  
11 fraud.

12 Your Honor, the trial Court's order also  
13 doesn't talk about an issue that we talked about with  
14 respect to the running of section 62-3-108, and that is  
15 the issue of fraud. Without getting into any more detail  
16 than what Mr. Altman and I have already provided, we are  
17 alleging that the respondents allegedly knew about the  
18 existence of the original will and didn't turn it over  
19 until 2005, some 16 years after the decedent had died.

20 Yet at least one of the respondents had to  
21 know that the will existed and, by implication, had to  
22 present that will, or a copy of it, to the insurance  
23 company after Hugo because the insurance check is issued  
24 to our three clients and that one respondent, who, if you  
25 read the will, literally, would be the only four

1 beneficiaries of the estate. So the insurance company  
2 issued the check as if the will existed. How could the  
3 insurance company have known to name just those four  
4 beneficiaries instead of all the other intestate heirs  
5 unless that will had been presented to it as evidence of  
6 who was to receive the proceeds? And at that point, our  
7 three clients signed over the check to the respondent so  
8 that she could repair her house as an accommodation.

9           So we think there is plenty of evidence to  
10 show the fraud and the bad faith of the respondents in  
11 this particular case, and because of that, we believe  
12 that other sections of the probate code are applicable,  
13 as well. For example, section 62-3-105, 62-3105 talks  
14 about the -- I'm sorry, Your Honor. I gave you the wrong  
15 cite. I'm trying to read under my 62-1-106 says that any  
16 of the time limits in the probate code do not apply in  
17 the case of fraud. And, again, that is consistent with  
18 the general law, and, in fact, there is, in effect, a  
19 discovery rule under 62-1-106.

20           Within two years after discovery of the  
21 fraud, then action must be taken against the perpetrator  
22 of the fraud or the personal representative. Your Honor,  
23 within a couple of days of our clients being told that  
24 there was a will being given, the original will, in  
25 effect, discovering the fraud that the original will had

1 been withheld to them, they turned that will over to the  
2 probate Court, so we're well within the two-year statute  
3 of limitations. Your Honor, moreover, and this is the  
4 section that I was confusing, as I was looking down,  
5 section 62-3-105, as well as 62-3-106, which deal with  
6 remedies against the personal representative and against  
7 distributees of the estate by interested persons, also  
8 have exceptions to time limits because of fraud, again,  
9 the general recognition of the law that allows you to not  
10 profit from fraud and allows the statute of limitations  
11 to run.

12 The probate code both specifically and  
13 generally recognizes a fraud exception to the operation  
14 of any time limit. Judge Condon does not address that in  
15 his order. Now, still on section 62-3-108, Your Honor,  
16 it also specifically provides that it is incontestable  
17 that the decedent died intestate only if no informal  
18 probate and no formal testacy proceedings are commenced  
19 within ten years after the decedent's death. Well, that  
20 condition under the statute is not met. In fact, we did  
21 have an informal probate process taking place.

22 The respondents commenced the administration  
23 of the estate within that ten-year period and conducted  
24 the informal assumption of intestacy starting then, so we  
25 haven't even caused the time -- we have not even

1 effectuated the trigger that relates to the time limit  
2 under section 62-3-108.

3 Your Honor, the trial Court also cites the  
4 Fashay case to try to, as best I can read the order, Your  
5 Honor, explain why it's okay that order closing the  
6 estate was issued, or perhaps why our incompetent client  
7 is bound, but certainly as to the first issue, if, in  
8 fact, that is what the trial Court is saying by citing  
9 that case, we believe that that is, again, a  
10 misapprehension of that case. That case talks about a  
11 collateral impact on a judgment, and assuming that the  
12 underlying process that led to that judgment was handled  
13 properly by a Court. That case is not applicable here,  
14 Your Honor, because we don't have a judgment. We don't  
15 have an order. It's not deemed collaterally attacked.  
16 We're simply trying to, during the continuing  
17 administration of this estate, come to the appropriate  
18 conclusion.

19 Your Honor, we also argued to the trial Court  
20 that public policy recognizes as the primary intention of  
21 probate to recognize the decedent's intent, and without  
22 the opportunity in this case to present the will to the  
23 probate Court for it to determine if it is valid, then  
24 we're being denied even the opportunity to honor that  
25 very important public policy, which is to recognize the



1     testator's intent.

2             Your Honor, this goes to seven, number seven,  
3     of our grounds for appeal. We also believe the trial  
4     Court erred by finding that one of our clients,  
5     Mr. Thomas Brown, did not properly attempt to probate the  
6     copy of the will. As I mentioned earlier, Your Honor, he  
7     did try to take a copy of the will within the time  
8     period, clearly, and was told by the probate Court staff  
9     that you could not probate a copy of a will. Now, Your  
10    Honor, it would be horrifically unfair to our client, who  
11    is not represented at that time, to rely on the probate  
12    Court to be told what is not correct under the law, to  
13    assume that the probate Court knows what it is talking  
14    about, and then find out later that there was, in fact,  
15    an original will and also to find out later, once at that  
16    point he had obtained counsel, that it is possible, in  
17    certain cases, to probate a copy of a will, rather than  
18    the original, and then for the probate Court to say, Too  
19    bad. You relied on us. You got fooled. It's too bad.  
20    We don't have a remedy for you. That creates a horrible  
21    example for public policy reasons, Your Honor.

22             Your Honor, I alluded to this briefly  
23    earlier, but I wanted to just flesh this out a little bit  
24    more, and I'll be finished in just a minute. There is  
25    some serious due process concerns here as well, and I

1 harken back to my discussion earlier about the  
2 methodology for giving interested persons an opportunity  
3 to demand a formal hearing after appropriate notice, when  
4 closing the estate. Section 62-3-1001 says that when a  
5 personal representative attempts to close the estate,  
6 there are any number of options the personal  
7 representative can ask the Court to provide in the  
8 ensuing order, but there are certain documents that have  
9 to be sent to all interested persons in order to bind  
10 them, and those interested persons have 30 days from the  
11 time the personal representative tells the Court that  
12 those documents have been presented, the proof of the  
13 notice, within which to demand a formal hearing.

14 Your Honor, that time has not run under the  
15 facts of this case. None of our clients has received any  
16 notice of the petition for settlement. If that is  
17 disputed by respondent as to our two competent clients,  
18 that really doesn't have to be resolved here today  
19 because our incompetent client, who was not represented  
20 by a guardian at the time, who was not represented by a  
21 guardian ad litem at the time, could not have received  
22 notice, so any proof that the personal representative  
23 filed itself was inaccurate, perhaps fraudulent, and so  
24 consequently, we would argue that time period is still  
25 running, and to deny the opportunity to ask for a formal

27  
1 hearing, at which point it would be appropriate, Your  
2 Honor, to present the will in question, that would be a  
3 serious denial of our client's due process rights,  
4 especially our incompetent client.

5 Your Honor, in conclusion I would simply ask  
6 the Court to consider this: If Judge Condon's order is  
7 upheld, it will invite the withholding of wills. It will  
8 say that because of a rigid, although improper  
9 application of the time limits under section 62-3-108, if  
10 you can get away without presenting a will to the Court  
11 for ten years, then you are rewarded for your improper  
12 behavior.

13 I also remind the Court, as I'm sure Your  
14 Honor is aware, that there is a requirement under the  
15 probate code that any party in possession of a will is  
16 required to turn it over, to deliver it to the Court.  
17 Failure to do so can be either a misdemeanor or a felony.  
18 It's a felony if, in fact, it's done with the intent to  
19 harm the recognition of a testator's intent.

20 Your Honor, we're not pursuing that. I  
21 simply raise that only because it shows the seriousness  
22 of the probate code that the legislature believe is the  
23 responsibility to present a will to the Court, so not  
24 only is there an obvious responsibility -- for the  
25 decedent is dead. She has to trust one to do right by

1 her, otherwise wills just don't work.

2 Not only is their responsibility under the  
3 probate code to turn that will over to the Court, but to  
4 allow somebody to withhold it and then benefit from it  
5 would be a misadministration of justice.

6 Thank you, Your Honor.

7 THE COURT: All right. All right. Anybody  
8 from the other side?

9 MR. GUERARD: Yes, sir. Good morning, Your  
10 Honor. I was really interested in the argument about the  
11 public policy, and that's the threshold issue of what  
12 we're dealing with here today, is section 62-3-108. And  
13 that sets forth the public policy as determined by the  
14 state legislature, as to how they will deal with the  
15 probate process and bring an ultimate end to probate  
16 Court litigation.

17 And there is no question but that the  
18 provision that -- the ultimate issue in this case, the  
19 ultimate time, and it's the ultimate issue in this  
20 jurisdiction, Your Honor. The legislature gave several  
21 exceptions in 108 and then got down to the last  
22 paragraph, and it says, However, if no informal probate  
23 and no formal testacy proceedings are commenced within  
24 ten years after the decedent's death, then it's  
25 incontestable that the decedent left no will and that the

1 decedent's estate passes by intestate succession.

2 By their own statement to the Court they said  
3 that they have not asked the Court to determine the --  
4 they did not ask the probate Court to make a  
5 determination as to the validity of the will. They would  
6 reserve that, if they were given the opportunity. If  
7 you, for some reason, reversed Judge Condon, then they  
8 would then engage in the process that is demanded that  
9 they should have already initiated within a ten-year  
10 period.

11 All of the subsections, and when I say  
12 subsections I'm distinguishing that from 108, deal with  
13 different procedural time limits, deal with different  
14 applicable statutes of limitations to the sections in  
15 which they are defined, and those statutes, in some  
16 cases, set out the tolling provision of that statute of  
17 limitations. It could be fraud, incapacity, a  
18 combination of them.

19 108, in the reporter's comments, said the  
20 limitation period described applies to all persons  
21 including those under disability. The cases that were  
22 cited in the order that dealt with disabilities as  
23 applied under the model act sustain the legislature's  
24 mandate that unless the disability of the tolling  
25 mechanism is defined within the statute of repose, there

1 is none. Ultimate means exactly what it says; ultimate,  
2 without exception. And there is no disability exception  
3 or tolling mechanism set forth in the statute of repose.

4 The appeal is limited in its scope before  
5 this Court in that this clearly is a matter of law, this  
6 being considered by the Court on the appeal. This is not  
7 an equity case, as defined by their grounds for appeal  
8 and the fact that the ultimate decision turns on the  
9 interpretation of these various statutes.

10 They don't get to retry or reargue their  
11 case. It is incumbent upon them to show that there was  
12 no evidence sufficient for the Court to sustain the  
13 authority as rendered by Judge Condon, as long as there  
14 is, quote, some evidence to support his findings, then  
15 that is the scope of review that is before the Court  
16 today.

17 And let's look specifically at that, and the  
18 key is there is no petition, informal or formal testacy  
19 position -- excuse me, petition -- that has ever been  
20 submitted to the probate Court for the determination of  
21 the validity of the will.

22 Under 108, it says you've got ten years from  
23 the death of the decedent, which was October the 11th,  
24 1989, so on October the 11th of 1999, what was before the  
25 probate Court at that point in time, there was an

1 informal petition that was filed, and -- let's see here.  
 2 On May 5th, 1999, and the petition recited that, quote,  
 3 There was no will. That is what was reported to probate  
 4 Court.

5 As of about six months after that, October  
 6 11, 1999, under the operation of 62-3-108, this estate  
 7 was, as a matter of law, determined to be an  
 8 incontestable intestate estate by operation of law. At  
 9 that point, there was nothing else for the probate Court  
 10 to proceed on. The Court literally had no jurisdiction  
 11 to issue orders or do anything in the furtherance of that  
 12 estate.

13 They went ahead and they deeded distribution,  
 14 which showed all of the heirs including the petitioners,  
 15 as to their intestate share. That had already been  
 16 determined by operation of law on October 11th. Whether  
 17 there was a subsequent order or not closing the estate,  
 18 there was a certificate of discharge, but they were no  
 19 longer in effect. At that point the Court's jurisdiction  
 20 had evaporated.

21 The whole premise of getting into 62 -- or  
 22 trying to get around 62-3-108 is the mechanism that would  
 23 initiate the ten-year limitation, and, again, it says it  
 24 no informal probate and no formal testacy, testacy,  
 25 proceedings are commenced, and they acknowledge that that

1 did not happen, and the return before the Court shows  
2 that that, in fact, is exactly the situation, that there  
3 is no formal testacy process that has been commenced to  
4 probate this will.

5 The petitioner will argued that the, quote,  
6 out of state authorities should not be applied to the  
7 interpretation of the South Carolina statute. I would  
8 just like to mention to the Court that -- and the grounds  
9 were that it didn't comply with the model act. They're  
10 totally correct. It is way, way more restrictive than  
11 the model act. The model act was a three- to four-year  
12 limitation, and when I say more restrictive, it gave the  
13 public a greater opportunity.

14 The state legislature, rather than go with  
15 the three or four years, they adopted the ten years;  
16 however, when I say it's more restrictive, in this  
17 context, the model act says that if no formal -- no  
18 informal probate, no formal testacy proceedings are  
19 commenced, it shall be determined that the estate was  
20 incontestable and therefore passed by intestacy.

21 Under our statute, they took the shall out,  
22 which is to some extent, I guess, respective. If you  
23 talk about could, would, or will, shall is more limiting,  
24 but they took shall out and inserted the word is. So  
25 there was nothing left to be done when other than the



1 expiration of the ten years. When the ten years ran, it  
2 is an incontestable estate as a matter of law.

3 Again, from a policy legislative intent  
4 perspective, they very intentionally left out incapacity,  
5 insanity, lack of mental ability, mental defect,  
6 minority. Any of the standard statute of limitations  
7 tolling mechanisms were intentionally not set forth in  
8 this fashion. Same thing with the construction defect  
9 cases and the eight-year statute, medical malpractice.  
10 You've got statutes of limitations within the overall  
11 statute of repose. The medical defect statute is a  
12 three-year statute of limitations from when you knew or  
13 should have known.

14 It's a six year statute of repose that if you  
15 don't file within six years, it doesn't matter what  
16 happens, who knew what, when, where, how, or why. It's  
17 gone, except they put a tolling provision in that statute  
18 for minority, not incapacity or otherwise.

19 So this is totally consistent with the  
20 legislative definition of statutes of repose, and they  
21 did exactly what they meant to do in setting this up.

22 There is really no need to go back through  
23 the different time requirements that Professor Medlin  
24 went through because the court simply did not have the  
25 jurisdiction within which to do anything other than what

1 it did ultimately, and that was to impose an ultimate  
2 maximum penalty time limit in regards to this particular  
3 case. I don't particularly feel comfortable about what  
4 may or may not have happened factually. All of that,  
5 quite frankly, was disputed, but the law was set up to  
6 address unusual situations, just like what we're talking  
7 about, in order to have some ultimate determination of  
8 litigation in regard to wills.

9 The simple fact, again, is that this party  
10 will was never submitted to the Court to be probated,  
11 informally or formally, which the statute says you've got  
12 to do both, and we would ask the Court to sustain Judge  
13 Condon on those grounds.

14 THE COURT: Okay. I'm not going to do any  
15 more. I got these folks that have been waiting patiently  
16 and, I really only had you allocated for about 15  
17 minutes. I'm going to give you an opportunity to respond  
18 to anything each other said. I would like you to submit  
19 proposed briefs, or proposed orders, to me within 20  
20 days. Okay? You can send it by e-mail. Okay? Thank  
21 you.

22 MR. GUERARD: Thank you, Judge.

23 - - -

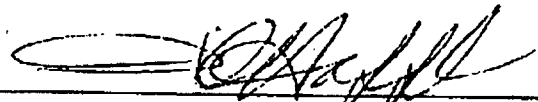
24 (Whereupon, the proceedings were concluded.)

25 - - -

1 I, the undersigned Amanda K. Haffenden, RPR, CRR,  
2 Official Court Reporter for the Ninth Judicial Circuit of  
3 the State of South Carolina, do hereby certify that the  
4 foregoing is a true, accurate, and complete transcript of  
5 record of all the proceedings had and evidence introduced  
6 in the trial of the captioned case, relative to appeal,  
7 in the Circuit Court for Charleston County, South  
8 Carolina, on the 29th of April 2009.

9 I do further certify that I am neither of kin,  
10 counsel, nor interest to any party hereto.

11 September 18, 2009

12  
13  
14 

Circuit Court Reporter

1 STATE OF SOUTH CAROLINA ) IN THE PROBATE COURT  
2 COUNTY OF CHARLESTON ) CASE NO. 1999-ES10-0689

3 In Re: The Estate of Lucinda Pringle

4 \*\*\*\*\*

5 HEARD BEFORE: HON. IRVING CONDON

6 DATE: Wednesday, November 9, 2016

7 TIME: 11:30 A.M.

8 PLACE. Charleston County Probate Court  
9 84 Broad Street  
Charleston, South Carolina

10 REPORTED BY: MARY ANN RIDENOUR, RPR, CLR  
11 Registered Professional Reporter,  
12 Certified LiveNote Reporter  
and Notary Public

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POST OFFICE BOX 21784  
CHARLESTON, SC 29413-1784

## A P P E A R A N C E S

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2

3

JONATHAN ALTMAN, ESQUIRE  
575 King Street, Suite B  
Charleston, South Carolina 29403

4

5

T. JEFF GOODWYN, JR., ESQUIRE  
2519 Devine Street, Suite A  
Columbia, South Carolina 29205

6

7

AYESHA WASHINGTON, ESQUIRE  
Post Office Box 30026  
Charleston, South Carolina 29417

8

9

STEPHEN SLOCHIVER, ESQUIRE  
44 State Street  
Charleston, South Carolina 29401

10

11

ANGUS M. LAWTON, ESQUIRE  
496 Bramson Court  
Mount Pleasant, South Carolina 29464

12

13

14

15

16

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## 1 I N D E X

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3 CERTIFICATE.....21

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## 6 I N D E X

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8 (No exhibits were offered or marked.)

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1 (The proceeding commenced at 12:23 P.M.)

2 THE COURT: Thank you. Good afternoon.

3 Again, my name is Irving Condon, probate judge for  
4 Charleston County. This is the matter of Lucinda  
5 Pringle, Charleston County Probate Case Number  
6 1999-ES-10-689. We're here on all outstanding motions.  
7 I met with counsel in chambers. Again, still trying to  
8 encourage everyone to try to settle the matter, if they  
9 can. They indicated they would talk to the parties  
10 again, but they had some things that they wanted to put  
11 on the record today.

12 Counsel, are you ready to proceed?

13 MR. GOODWYN: Yes, Your Honor. Thank you,  
14 Your Honor. My name is Jeff Goodwyn. I represent the  
15 petitioners in this case. I know there's been some --  
16 the proponents of the Will have been petitioners  
17 before. But for purposes of today, I'm the petitioner,  
18 petitioning the Court to inquire into certain areas.

19 There's two main issues that my clients would ask  
20 the Court to address today. One is address the  
21 allegations of fraud that have been raised by the  
22 proponents of the Will in response to this petition.  
23 And the other issue is the issues related to the  
24 validity of the Will itself, whether it's been properly  
25 proved, witnessed, executed properly under 62-35-02,

1 and some other issues that I will get into in a minute.

2 With respect to the first issue, it's our reading  
3 of the Court of Appeals' Order that allegations of  
4 extrinsic fraud are good cause to reopen the estate;  
5 therefore, the estate has been reopened. And at this  
6 point, it's our understanding the purpose of this  
7 hearing would be to have the petitioners prove or try  
8 to prove the allegations of this extrinsic fraud. It's  
9 our position that there has been no fraud in the case,  
10 no fault proved, no concealment proved. The prior  
11 Order from this Court, from October 20, 2008, there's  
12 no specific finding of concealment. The Order does not  
13 specifically address the effect that the proponents of  
14 the Will actually had a copy of the Will and tried to  
15 probate it within three years of the death of the  
16 decedent. We're asking for finding of the facts with  
17 those issues. And the Order does not address the other  
18 issues related to concealment.

19 I think the proponents of the Will are operating  
20 under the theory that Emma Smalls concealed the Will  
21 because revealing it would have somehow gotten her  
22 kicked off the property, which does not seem to make  
23 sense, since Emma Smalls is named as a beneficiary of  
24 the Will that's been offered for probate. I'm not  
25 going to get too deep into the -- into the -- into the



1 weeds and the details of the testimony. The Court's  
2 already had a hearing on that and has all the  
3 transcripts and has all the testimony that's going  
4 to -- that would be presented in the case. What we're  
5 asking for, though, is finding of fact that were -- as  
6 to whether or not there was concealment, did any  
7 alleged concealment -- if -- if Emma Smalls did conceal  
8 the Will, could the -- could the proponents of the Will  
9 still have been able to obtain a copy, in light of the  
10 fact that Thomas Brown was easily able to obtain a copy  
11 after asking? I would point out there's no evidence in  
12 the record that other than Thomas Brown none of the  
13 other proponents of the Will sought to even find a  
14 copy. Had they asked either Viola or Thomas Brown for  
15 a copy of the Will, they could easily obtain it. They  
16 didn't do so.

17 As to the second issue, the Will itself and the  
18 validity of the Will, it's our position that the proper  
19 time to challenge the validity of the Will is at the  
20 time that it's first offered for probate, which is --  
21 which is now. The Will -- although the Will -- let me  
22 phrase it this way. The issues from our perspective  
23 with the Will is that -- the issue as to whether or not  
24 the Court will accept it was in issue as it relates to  
25 the ten-year time bar. And once that issue had been

1 resolved, the Court of Appeals made its decision that  
 2 the Will was going to be allowed. Now it's formally  
 3 been offered for probate. This is the proper time to  
 4 challenge anything related to the validity of the Will  
 5 itself. That issue has not been before the Court,  
 6 that -- that -- there has not been a proper time to  
 7 raise that prior to this point, because the Will was  
 8 not a part of the record. It's not part of the -- had  
 9 not been offered to probate until now, until the  
 10 September of 2015 filing asking the Court to probate  
 11 the Will.

12 My clients, petitioners in this case, take a  
 13 number of issues with the Will and its validity.  
 14 First, it's not a self-proving Will. It has not been  
 15 proven. There's no testimony from any of the witnesses  
 16 as to its execution. There's no other evidence in the  
 17 record relating to its execution. Therefore, it has  
 18 not been proved and the Court should not probate the  
 19 Will.

20 THE COURT: Counsel, it's also my  
 21 understanding that -- haven't all the witnesses to the  
 22 Will passed?

23 MR. GOODWYN: That's my understanding. I  
 24 think that's what Mr. Altman believes as well.

25 And the second issue that we take with the Will

1 and its validity, it's not the original Will. Clearly,  
2 on the face of the Will, the beneficiary -- the section  
3 of the Will, the names of the beneficiaries have  
4 clearly been whited out and typed over. We don't know  
5 what was underneath the Will or, excuse me, underneath  
6 the current typed names on there. There's been a  
7 change as well in the executor section on the second  
8 page. Clearly, this is not the original Will and it  
9 should not be probated.

10 The third issue, challenge we have to the Will  
11 itself, is the witness section. While there are three  
12 witnesses listed there, if you read what they're  
13 witnessing, it reads, Signed, sealed, published and  
14 declared by Lucinda Springer, as for her Last Will and  
15 Testament in the presence of us, in the presence of her  
16 bequest and in the presence of one another, all present  
17 together and hereto subscribe our names as witnesses.  
18 Then it's signed by the three witnesses. So Lucinda  
19 Springer is not the decedent in this case. You know,  
20 while the -- I understand the names share some common  
21 letters, but Springer and Pringle are different names.  
22 We think these -- the witness section is not valid for  
23 Lucinda Pringle's Will, and that there are effectively  
24 no witnesses to her execution of the Will, based on the  
25 plain face of the Will itself. This is especially

1 important in a case where the signature of the decedent  
2 is not her actual signature; it's just X marks. So we  
3 can't tell who actually signed the will.

4 There's other abnormalities with the Will. For  
5 example, there are two executor clauses, one on page --  
6 the first page, that's item four, and then the  
7 pre-printed clause of the paragraph on the second page.  
8 And the executors named are not the same between the  
9 two. Those are the issues that we have with the Will  
10 and ask that the Court make finding of facts and  
11 conclusions of law relating to those issues, and not --  
12 and not accept the Will for -- as it's been a valid  
13 Will.

14 I'd also like to raise the issue going back to the  
15 concealment issue, the issue of laches. The  
16 petitioners or the -- excuse me, not the petitioners,  
17 but the opponents of the Will have had a copy of the  
18 Will since 1992. They failed to file the copy of the  
19 Will. I ask that that Will be probated before the  
20 ten-year -- the 62-3-108 statute ran, and then it  
21 wasn't until 2005 is when they first had the Will or  
22 asked that the Will -- when they -- because there  
23 was -- they thought it was a valid Will. We think the  
24 laches are valid in this -- in this case.

25 And again, Your Honor, we would ask for findings

1 of fact and conclusions of law on all of those issues,  
2 and reserve the right to respond to Mr. Altman.

3 THE COURT: Thank you, Mr. Goodwyn.

4 Ms. Washington, anything to add to that or  
5 anything else? Or you want to wait until the others?

6 MS. WASHINGTON: None, Your Honor. But I  
7 would just say formally for the record, I noted that  
8 the -- both petitions filed by the petitioners and  
9 respondent, which I am a part of this, says Shirrese  
10 Brockington, just be updated to note that I am now the  
11 special administrator for Ms. Gordine's estate.

12 THE COURT: All right, thank you.

13 Mr. Altman?

14 MR. ALTMAN: Thank you, Your Honor.

15 Before I talk a little bit about the history of  
16 the case and the sequence of filings in this case, I  
17 will point out I'm not sure whether Mr. Goodwyn has it.  
18 The Will -- the Last Will and Testament that was filed  
19 by Ms. Moses after it was produced by Emma Smalls, in  
20 fact, identifies the decedent or the testator as I,  
21 Lucinda Pringle, on page one of the document. On what  
22 I have as page three, it may be slightly different, and  
23 I don't know whether you have this, identifies the  
24 document as the Last Will and Testament of Lucinda  
25 Pringle, dated July 30, 1988. That document on the

1 third page that I've just noted is -- is handwritten.

2 And it -- and we would certainly -- the document  
3 clearly reflects that it is Lucinda Pringle's mark on  
4 the second page of that document. That's how old this  
5 case is. This Will was executed in 1988. Ms. Pringle  
6 died in 1989, pre-Hugo.

7 There's never been any issue regarding the  
8 validity of this Will. This is the, by my count, the  
9 sixth final hearing in this case. From what I expect  
10 to be an appeal from whatever Order the Court issues,  
11 it will be the third appeal in this case. This is the  
12 first time that there's been any suggestion or  
13 challenge as to the validity or acceptability of this  
14 particular Last Will and Testament. This case was  
15 remanded to Your Honor in 2011, over five years ago.  
16 This is the fourth final hearing since remand. And for  
17 the record, the Court has issued three orders post  
18 remand addressing the Will, addressing the probate, and  
19 charging counsel and the special administrator with  
20 what the court ordered, what the Court of Appeals  
21 required.

22 On November 9, 2012, a final hearing was held in  
23 this case. And present were myself, Mr. Slotchiver and  
24 Ms. Brockington, and Mr. Goodwyn's predecessors,  
25 Charles Goldberg and Edward Guerard. And the Court

1 issued an order on March 24, 2013, relative to that  
2 final hearing in which the Court found and stated that  
3 this Court hereby accepts the probate -- accepts for  
4 probate the Last Will and Testament of Lucinda Pringle,  
5 dated July 30, 1998.

6 Now, a number of events happened after that,  
7 including a motion for reconsideration, which the Court  
8 heard and denied, as well as a subsequent motion to  
9 dismiss on jurisdictional grounds. Again, we're  
10 revisiting 62-3-108. And the statute of limitations is  
11 the ten-year bar that was raised early on in this case.  
12 In response to that, the Court issued another Order,  
13 it's part of the record in this case, following a  
14 hearing on June 26, 2013. The Order the Court issued  
15 is dated December 20, 2013, in which the Court stated  
16 that it is, quote, required to accept and probate the  
17 Last Will and Testament of Lucinda Pringle, dated July  
18 30, 1988.

19 I will note that at no time were either of those  
20 Orders appealed. They are full and final in the law of  
21 this case and would bar any -- any petition for formal  
22 testacy today. In fact, in the December 20, 2013,  
23 Order, the Court ordered the petitioners then to  
24 proceed with the opening of the estate, either formally  
25 or informally, and that's exactly what happened.

1           Now, that is -- that was not the final hearing in  
2           this case. Another Motion to Dismiss was filed after  
3           that. And the Court had another hearing that resulted  
4           in a 2015 Order in this case that is part of the  
5           record.

6           And on June 20 -- I can't read it. It looks like  
7           it's the 21st of 2015, the Court noted that it had  
8           previously accepted for probate the Last Will and  
9           Testament of Lucinda Pringle, dated July 30, 1988, and  
10          instructed Angus Lawton, who is -- who is -- by that  
11          date, had been appointed special administrator, to take  
12          all necessary steps to complete the administration of  
13          the estate.

14          So we have three post remand Orders, all that are  
15          consistent with the Court of Appeals' instructions and  
16          findings to go ahead and administer this estate. None  
17          of those Orders were ever appealed. They are final.  
18          And now, five years post remand, this motion is filed  
19          seeking a formal testacy. So we would certainly ask  
20          the Court to deny the petition simply based on the fact  
21          that it's not timely in light of the prior three  
22          Orders.

23          Now, relative to the suggestion that the Court has  
24          not had ample findings of fact, we had a lengthy  
25          hearing and we have a considerable record in this case.



1 All of the parties were deposed prior to their death,  
2 all the -- all the living daughters of the decedent  
3 were deposed. Those depositions were included in the  
4 record for the 2008 hearing, and the Court took all of  
5 those into consideration in its Order from 2008. And  
6 that Order includes significant findings of fact as to  
7 the matters, factual matters, at issue.

8 And I will -- I will note for the record at no  
9 point in the 11-and-a-half-year history of this case  
10 has anyone challenged what transpired. The issues have  
11 always been legal issues, as to whether or not the  
12 respondents, or now the petitioners, are barred by  
13 time, by the sequence of events. But at no time has  
14 there been any argument that the Will isn't the Last  
15 Will and Testament of Lucinda Pringle; that Emma  
16 Smalls, one of her daughters, didn't use this Will to  
17 process an insurance claim post Hugo, received the  
18 benefits from that insurance claim to repair the  
19 property, that those documents -- that those documents  
20 from the insurance company are identical in how they  
21 identify the co-executors of the estate. Now, there's  
22 only one person who had that -- who could have done  
23 that with the insurance company, and that's Emma  
24 Smalls.

25 And we talk about concealment and we talk about

1 facts. Everybody denied the -- all of the surviving  
2 daughters denied the existence of the Will. It's --  
3 it's ironic that we sit here today and we talk about  
4 how that our folks were on notice so there couldn't  
5 have been concealment. We've got ample findings in the  
6 record that not only did they conceal it during the  
7 period, they even concealed it during the course of the  
8 case. Everybody on that line had a case of amnesia,  
9 despite the uncontroverted record in this case that  
10 certainly Emma Smalls knew about the Will, sent the  
11 Will to the insurance company, got the benefit from the  
12 Will, sent it back to a son in New York, and used it to  
13 go ahead and approve her living condition.  
14 Mysteriously, nobody remembers doing any of those  
15 things or knowing about it, even though the respondents  
16 were all living on the property and benefited from the  
17 repairs.

18 But that's -- that's where we find ourselves. And  
19 that's why we've never really argued about the facts  
20 amongst counsel. We talked about it in chambers. The  
21 record on appeal, the factual record on appeal filed by  
22 the respondents in this case, says the facts are  
23 uncontroverted, says they are undisputed. And they  
24 are. We know what happened in this case. We know what  
25 happened. We know this Will was concealed. The record

1 reflects it. There are affidavits of our client that  
2 lay out the facts as to what transpired. There's  
3 deposition testimony from all the relevant parties in  
4 this case. The Court had -- Your Honor made findings  
5 and essentially said these are the findings, this is  
6 what transpired. But reluctantly, in light of the  
7 statute of repose, I can't do anything about it.  
8 That's when it went up -- went up to the Court of  
9 Appeals.

10 In response to that, the Court of Appeals said the  
11 factual findings are the law of the case, the finding  
12 of the cause shown. And then the Court of Appeals, in  
13 its Order, recited a series of facts regarding what  
14 happened, regarding the concealment. And the Court of  
15 Appeals said the surviving daughter confessed to  
16 Evaline's children that she and her sisters had hidden  
17 the existence of the Will in order to live out their  
18 lives on the property decedant intended appellants to  
19 inherit from her Last Will and Testament. That's what  
20 the Court of Appeals said. Then on the next page of  
21 that Order, remanded for further proceedings consistent  
22 with this opinion.

23 That is exactly what the Court has done since  
24 remand, despite motion after motion, after motion  
25 regarding the lawful issues. So we certainly believe

1     that these issue have been amply heard.

2             The record -- the record contains considerable  
3     evidence relative to the Court's consideration. Your  
4     prior Order of 2008 reflects it. The Court of Appeals  
5     Order reflects it. And we would certainly anticipate  
6     incorporating all of those prior findings in the Order  
7     we intend to submit.

8             THE COURT: Thank you. Let me ask counsel,  
9     Mr. Lawton, anything?

10            MR. LAWTON: No, sir, Your Honor, I don't  
11     believe so. Thank you.

12            THE COURT: Counsel?

13            MR. GOODWYN: Just a couple of things in  
14     reply. I did want to put on the record we are relying  
15     on 62-3-407 for the proposition that the proponents of  
16     the Will have the burden of establishing prima facia  
17     proof of execution of the Will in all cases. We have  
18     asked petitioner that this be -- that it be  
19     administered as a formal testacy, and the Court inquire  
20     into all these issues about the Will as set forth in  
21     our petition. And would state there there's no  
22     evidence in the record as to the execution of the Will;  
23     therefore, it shouldn't be probated.

24            The last issue is something we talked about as  
25     well in my file. When I was preparing for the hearing

1 today I found an original deposition of Evaline Moses.  
2 I'll ask Mr. Altman if -- if that was presented to the  
3 Court in a previous hearing. He has it in his record  
4 on appeal so, obviously, it was, in some form. The  
5 original may not have been submitted. But if it's in  
6 the record on appeal, it must be in the record somehow.  
7 We could either submit this original now or assume the  
8 Court has it and stipulate --

9 MR. ALTMAN: It's whatever the Court prefers.  
10 If you -- if you have the -- I'm happy to produce a  
11 copy of it. In fact, I can hand it up right now, if  
12 you want to keep the original.

13 MR. GOODWYN: Well, I mean, if you're going  
14 to hand it up, I'd just as soon hand the original.

15 MR. ALTMAN: Let's go ahead and do that,  
16 then.

17 MR. GOODWYN: Okay.

18 THE COURT: Okay, that's fine. Thank you.

19 MR. GOODWYN: That's all I have, Your Honor.

20 THE COURT: Okay.

21 MR. ALTMAN: Your Honor, the only other issue  
22 that we want to preserve is the right to seek fees and  
23 costs associated with -- with this motion, in light of  
24 its current posture.

25 THE COURT: Okay.

1 MR. ALTMAN: When would you like orders?

2 THE COURT: I'll defer to you, each of you.

3 I don't know what your schedules are.

4 Let me just make sure, Ms. Washington, do you have  
5 anything else? Mr. Lawton, anything?

6 MR. LAWTON: No, sir.

7 MS. WASHINGTON: No, sir.

8 MR. GOODWYN: Can we do 30 days?

9 THE COURT: That's fine.

10 MR. ALTMAN: That's fine. That's perfectly  
11 fine.

12 THE COURT: And I assume everyone here in the  
13 courtroom is represented by counsel. Anybody not  
14 represented by counsel that the Court can help? All  
15 right. Okay. Any other questions? Any other issues  
16 for today?

17 MR. ALTMAN: I don't believe so.

18 THE COURT: Okay. We'll have the proposed  
19 orders and we'll go from there.

20 MR. GOODWYN: Can we just e-mail them?

21 THE COURT: Whatever is easiest for you. The  
22 clerk can give you -- okay.

23 MR. ALTMAN: Thank you, Your Honor.

24 THE COURT: Thank you. Have a good day.

25 MR. GOODWYN: Thank you.

1 THE COURT: Thanks.

2 (The proceeding adjourned at 12:46 P.M.)

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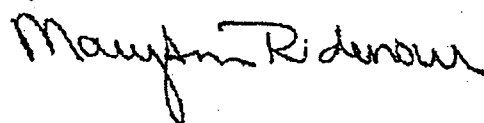
## C E R T I F I C A T E

STATE OF SOUTH CAROLINA:  
COUNTY OF DORCHESTER:

I, MARY ANN RIDENOUR, Registered Professional  
Reporter and Notary Public, State of South Carolina at  
Large, certify that I was authorized to and did  
stenographically report the foregoing proceeding; and  
that the transcript is a true record of the testimony  
given by the witness, and was sworn as such.

I further certify that I am not a relative,  
employee, attorney or counsel of any of the parties,  
nor am I a relative or employee of any of the parties'  
attorney or counsel connected with the action, nor am I  
financially interested in the action.

WITNESS MY HAND AND OFFICIAL SEAL this 21st day of  
November, 2016, in the Town of Summerville, County of  
Dorchester, State of South Carolina.



---

Mary Ann Ridenour, RPR, CLR  
and Notary Public  
My commission expires:  
March 14, 2021



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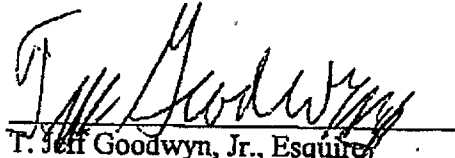
York 15:12



Certificate of Counsel

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

Respectfully submitted,



T. Jeff Goodwyn, Jr., Esquire  
Goodwyn Law Firm, LLC  
2519 Devine Street, Suite A  
Columbia, SC 29205  
(803) 251-4517  
(803) 251-4527 facsimile  
*Attorney for the Respondents*

July 10, 2017

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

COURT OF COMMON PLEAS  
2017-CP-10-00398

MARY P. SMITH, ET  
AL.,

PLAINTIFFS,

VS.

ANGUS LAWTON, ET AL.,

DEFENDANTS.

TRANSCRIPT OF RECORD

FEBRUARY 1, 2018  
CHARLESTON, SC

B E F O R E:

HONORABLE KRISTI HARRINGTON, JUDGE

A P P E A R A N C E S:

T. JEFF GOODWYN, JR., ESQUIRE  
Attorney for the Plaintiffs

JOHN ALTMAN, ESQUIRE  
STEPHEN SLOTCHIVER, ESQUIRE  
Attorneys for the Defendants

\* \* \* \* \*

Ruth C. Weese, RDR  
Official Court Reporter  
Ninth Judicial Circuit

1 (The following proceedings were held  
2 February 1, 2018, Charleston County, South  
3 Carolina, @ 11:56 a.m.)

4 THE CLERK: Your Honor, the next case  
5 is 2017-CP-10-00398, Smith versus Lawton.

6 THE COURT: Counsel, state your name  
7 for the record and the party you represent.

8 MR. GOODWYN: Jeff Goodwyn and I  
9 represent the appellants in the case.

10 MR. ALTMAN: Good morning, Your Honor.  
11 John Altman along with Stephen Slotchiver. We  
12 represent the respondents.

13 THE COURT: What are we doing here  
14 today?

15 MR. GOODWYN: This is an appeal from  
16 probate court.

17 THE COURT: Be happy to hear from you.

18 MR. GOODWYN: Thank you, Your Honor. I  
19 don't know if you have had a chance to review the  
20 briefs in the case.

21 THE COURT: I have briefly reviewed the  
22 briefs.

23 MR. GOODWYN: This is not a small case.  
24 It's a very --

25 THE COURT: Ms. Leonard was very kind

1 this week to make sure that I got my biceps  
2 workout. I have multiple, multiple file cases.

3 MR. GOODWYN: I brought about a fifth  
4 of my file here today.

5 THE COURT: So if we could do this: If  
6 you would please just direct me in the briefs, as  
7 you know I am going to take this matter under  
8 advisement to thoroughly review this. So if you  
9 will just tell me in your briefs where you would  
10 like me to focus, I will allow you for oral  
11 supplementation. I think that's always the best  
12 way to go.

13 MR. GOODWYN: Sure.

14 THE COURT: Tell me what you want me to  
15 know.

16 MR. GOODWYN: I will start off with  
17 some background of the case. It's a very old case.  
18 The date of death in this case is 1989. The  
19 decedent died in 1989. There was an informal  
20 probate of the estate opened in 1999. There was no  
21 will available at that time. The property was  
22 disbursed to all the heirs in 2000 and the personal  
23 representative was discharged in 2001. In 2005,  
24 however, that's when this action really began. A  
25 will surfaced. I am not the original attorney in

1 the case. I got involved in 2015. So my  
2 predecessors were involved in the first ten years  
3 of the case. The will surfaced. The respondents  
4 asked that the will be -- that the deed of  
5 distribution from the final estate be undone  
6 because this will that they had produced had been  
7 concealed, fraudulently concealed by Emma Smalls.

8 And the reason that they allege that  
9 she concealed the will goes all the way back to  
10 Hurricane Hugo in 1989. She was living on some of  
11 this property and the decedent died prior to the  
12 hurricane. The hurricane hit and for her to get  
13 insurance proceeds she needed to be a beneficiary  
14 of the will. So the allegation was from the  
15 respondents Emma Smalls altered the will to include  
16 herself as a beneficiary and named herself as one  
17 of the personal representatives. Presented that to  
18 the insurance company, got insurance benefits for  
19 her house, had her house repaired and then  
20 concealed the will from there forward until after  
21 she died. And then in 2005 it resurfaced and it  
22 was asked to be accepted at that point. The Court  
23 refused to accept the will in 2005 under 62-3-108  
24 which is a ten year statute of limitations for  
25 wills. Any will over ten years old cannot be

1       accepted by the Court.

2               So the Court denied the petition to  
3       even accept the will for consideration. The  
4       respondent appealed to the Court of Appeals. The  
5       Court of Appeals says well, because it was  
6       fraudulently concealed we are going to allow it to  
7       be offered. And that was the litigation. There  
8       was some other motions to reconsider, that kind of  
9       thing, leading up to September 2015 when the court  
10      commanded the personal representative or special  
11      administrator at that point to formally offer the  
12      will for probate, which at that time that was the  
13      first time the will was offered for probate.

14             So that's -- really that's the order  
15      from which the appeal is, the hearing on the -- my  
16      client's petition to challenge the will. We  
17      challenge the validity of the will. We raised the  
18      issue the will cannot be proven and that the will  
19      that was offered is not the original will. It was  
20      the will that Emma Smalls altered to give to the  
21      insurance company. Nobody has the actual original  
22      will so we don't know who the original  
23      beneficiaries were and we don't know what property  
24      was to be devised in the original will.

25             That's the focus of my brief and I

1 would direct your attention to my first two  
2 arguments of my brief and the fact that will was  
3 not proven, and then the second argument that this  
4 is a copy of the will that was offered, not the  
5 original. The Court cannot accept and probate a  
6 will that's not the original.

7 And let me, if I may, just highlight  
8 the points in the brief on this issue because I  
9 think it is important. 62-34-06 and 62-34-07 are  
10 provisions that really control this issue as far as  
11 proving the will goes. 62-34-07 requires that the  
12 or states that the proponents of the will have the  
13 burden of establishing prima facie proof of the due  
14 execution of the will in all cases.

15 The respondents in this case are the  
16 proponents of the will. We are the opponents of  
17 the will. They have the burden to produce evidence  
18 that the will was executed. No evidence was  
19 presented at the hearing. The only -- at the  
20 hearing essentially what we did is just -- because  
21 all the depositions had been submitted in a prior  
22 appeal on whether the will was barred by the ten  
23 year statute, we just stipulated that all those  
24 depositions would come in, all the prior evidence  
25 from prior hearings would be the evidence at this

1 hearing. No additional evidence was taken at the  
2 hearing from the -- this was the hearing back in  
3 11-9 of '16 I think it was when the hearing was  
4 actually held. So at that hearing no additional  
5 evidence was taken. I don't know if you have a  
6 copy of the will in front of you.

7 THE COURT: Do you have a copy handy so  
8 I don't have to --

9 MR. GOODWYN: I do. As you know, the  
10 rules require that this -- an appeal from the  
11 probate court has to be filed in compliance with  
12 the same rules from the Court of Appeals so there's  
13 a large record on appeal before you. I apologize.  
14 I had it.

15 THE COURT: Well, we will attempt to  
16 find it.

17 MR. GOODWYN: Here it is. It's in the  
18 record, but --

19 MR. ALTMAN: Jeff, I just want to  
20 correct one thing. You made a reference to a copy  
21 being filed in the record. This is the original  
22 that's been filed. It was filed in 2005. It's not  
23 a copy.

24 MR. GOODWYN: I am sorry. And when I  
25 say the original will -- well, was what the



1 original will was filed, but it's the altered  
2 version of the original will.

3 MR. ALTMAN: That's the position the  
4 appellants take, that it's been altered. This is  
5 contrary to certainly our position, but whatever  
6 document was filed is not a xerox.

7 THE COURT: Okay. Thank you for the  
8 clarification.

9 MR. GOODWYN: I would object to them  
10 even taking that position. For the last ten years  
11 the respondents have been arguing that this will  
12 was altered. You go back to look at their 2008 --  
13 and it's in my reply brief where I cite their 2008  
14 brief where they go through in great detail and say  
15 Emma Smalls altered this will. She did this, this,  
16 this and this to alter the will. She had to do it  
17 to get the insurance proceeds and then she  
18 concealed it. They had to do that to outline their  
19 case to show that she was a bad actor to the Court  
20 of Appeals to allow them to get it under the ten  
21 year statute of limitations.

22 So I think they are judicially estopped  
23 at this point from arguing that the will is not  
24 altered. That aside, going back to the will  
25 itself, you can look at the will. If any will

1 should be suspect or be potentially fraudulent,  
2 it's this one. If you look at it, it's clearly not  
3 prepared by a lawyer, it's just copied out of a  
4 book and the names and the property be devised just  
5 been typed in. You can see the beneficiary  
6 designation portion has been whited out and typed  
7 over. That's what Emma Smalls did to get her name  
8 and the homes listed in the will. The will -- the  
9 signature blank for the testator herself is signed  
10 with an X. There is no way to confirm or compare  
11 that signature to any other prior signature. The  
12 attestation clause which, of course, it's not a  
13 self-proving will, it's not notarized, it's signed  
14 by two witnesses that are deceased that did not  
15 testify at the hearing. They did not provide any  
16 affidavit saying yes, this is what happened. But  
17 if you look at the attestation clause it says that  
18 the witnesses are witnessing the signature of  
19 Lucinda Springer, not Lucinda Pringle. It's a  
20 different name. It is not just one letter off. I  
21 mean they start and end with a different name,  
22 different letter, the middle letters are not all  
23 the same. It's they both have Pring in common, but  
24 it's a different name. The Court would have to  
25 speculate that they meant Pringle, but Courts are

1 not allowed to speculate under Cornell v. Vance.

2 THE COURT: That's where you are  
3 indicating that Judge Condon erred, is he  
4 speculated.

5 MR. GOODWYN: A number of places. But  
6 he speculated to who the beneficiaries are, as to  
7 what property was being devised, that this will did  
8 not include the homes -- if the homes themselves  
9 were not being devised, then the homes were passed  
10 under the statute of the intestacy. We have to  
11 speculate as to what property was even being  
12 devised in the original will. In this will that  
13 section was completely whited out and typed over  
14 with what Emma Smalls wanted to be in the will,  
15 what she needed to get her insurance benefits.

16 So that portion goes to whether or not  
17 the will is original. As far as the will being  
18 proven goes, the 42 -- 62-3-406 requires one of the  
19 witnesses, this is for a non-self-proving will,  
20 that one of the witnesses testify. These witnesses  
21 were dead and the statute goes on and says if they  
22 can't testify or were dead or whatever, an  
23 affidavit would suffice. There is no affidavit  
24 from these witnesses. It suggests other evidence  
25 may be offered to prove the will, but no other

1 evidence was offered. None. And the last section  
2 -- last sentence of 62-3-406 states that the  
3 attestation clause or a rebuttal presumption is  
4 given to the events that are alleged to have taken  
5 place in the attestation clause. If you look at  
6 the attestation clause, again it says Lucinda  
7 Springer signed the will.

8           So there's no evidence outside the will  
9 itself -- that the will was executed. It's a very  
10 suspicious will to begin with and there is  
11 literally no evidence that this will was executed  
12 by the testator. So I have laid out that argument  
13 in better detail in my brief. So again I would  
14 like to hit on a few more points on the fact that  
15 it is not the original will. You know, I think  
16 it's not a very credible argument anyway to suggest  
17 that this is the original will. You can clearly  
18 see it was whited out and typed over. And there  
19 are allegations that Emma Smalls had to do this.

20           THE COURT: Well, how do we know that  
21 that wasn't done when it initially was -- that was  
22 the original will?

23           MR. GOODWYN: You would have had to  
24 initialed that and formalize those changes just as  
25 you would any other will. Any changes to a will

1 have to be executed, signed in the same fashion  
2 that the original was. That didn't happen here.  
3 And, again, this is their allegation. They have  
4 alleged from ten years ago that Emma Smalls did  
5 this so she could get the insurance benefits for  
6 her house after the hurricane.

7 MR. ALTMAN: I am going to object.  
8 There is no documentation that shows that.

9 MR. GOODWYN: I have got it right here.

10 MR. ALTMAN: I am happy to address it.  
11 It does not say that. I want to address it.  
12 That's the third time Jeff has said that. That  
13 isn't in the record.

14 MR. GOODWYN: It is. I have got it in  
15 my reply brief. I will show you.

16 MR. ALTMAN: I am happy to address a  
17 direct quote.

18 THE COURT: If it's in the reply  
19 belief, gentlemen, what I indicated, and let me  
20 just reiterate I have a lot to read. What I just  
21 want you to do is give me or highlight sections  
22 that you think that I need to truly review and  
23 after reading your reply briefs I am assuming that  
24 they were sufficient and detailed everything I need  
25 to know. If they are not, then we will either have

1 a hearing or I'll give y'all a phone call and we  
2 will do a redo on the phone, all right?

3 MR. GOODWYN: Okay. It's argument  
4 No. 3 in my reply brief that their memo in support  
5 of a motion to vacate dated April 11, 2008, where  
6 they outline all their reasons why they think that  
7 the will had been tampered with.

8 So anyway, even that aside, even if  
9 it's believed that's not their position, it's  
10 pretty obvious on its face the will has been  
11 tampered with. And the evidence is very clear that  
12 Emma Smalls did that. She concealed the will. She  
13 was a bad actor in this case and needed the  
14 insurance money so she added herself to the will.  
15 And in the process of adding herself to the will,  
16 she had to delete the entire portion of the will  
17 that indicates what property is being devised.  
18 Because of that, we don't know what the original  
19 will devised. We don't know what property the  
20 original will devised. And again, as I stated  
21 earlier, if the original will did not include real  
22 property in it, then that property would have  
23 passed under the laws of intestacy. And the Court  
24 would have to speculate as to what property was  
25 being devised in order to accept the will for

1 probate as it is. And because speculation is not  
2 allowed by a Court as to what the testator's intent  
3 was, the Court cannot probate the will. And for  
4 that reason and the other reasons I mentioned in my  
5 brief I think the Court has to reverse -- this  
6 Court has to reverse the probate court and find the  
7 will cannot be accepted for probate.

8 MR. ALTMAN: Thank you, Your Honor.  
9 And I apologize to Mr. Goodwyn.. He's inherited a  
10 case with quite a history. This case predates Hugo  
11 when this lady passed away. And it's interesting  
12 to hear Mr. Goodwyn describe Ms. Smalls as a bad  
13 actor or the bad actor because --

14 THE COURT: She actually died right  
15 before Hugo.

16 MR. ALTMAN: Right before Hugo. Before  
17 I was a lawyer. I think probably all of us were,  
18 maybe started law school. Twenty-seven years is a  
19 long time and this wasn't a case where we had -- by  
20 the way, today is the first time that I have ever  
21 heard Ms. Smalls described as a bad actor. Up  
22 until this hearing and this proceeding the  
23 appellant's sole position is that we don't know  
24 anything about the will. We weren't involved in  
25 this. We didn't conceal it. We don't know where

1 it came from even though it was produced to our  
2 client in 2005. That's what their deposition  
3 testimony says. We don't know anything about this  
4 insurance stuff. We weren't involved with it.  
5 It's simply been you are time barred. You are  
6 barred by time.

7 Now, we have had ample final hearings.  
8 Mr. Goodwyn has been involved just a couple years.  
9 We've been in court 15 times on this. And the  
10 reason we have been in court 15 times is because  
11 the appellants and their predecessors got together  
12 and conspired to deprive and contest the decedent's  
13 intent to keep our folks from inheriting it and it  
14 has worked. They have continued living on the  
15 property for 27 years. They have had a fantastic  
16 run receiving the benefit of their wrongdoing.  
17 That is -- it is not simply Emma Smalls that was  
18 part of this and I will refer you to the record on  
19 appeal that was filed by the appellants over a  
20 decade ago. And what it claims, and it is  
21 interesting, this is their position, not ours,  
22 within several days after the death of Lucinda  
23 Pringle on October 11, 1989, one of our clients,  
24 Thomas Brown, was shown the will. Not by Emma  
25 Smalls who produced it in 2005 when she thought she



1 was dying, but by two other respondents, Annabelle  
2 Thornton and Mary Smith. That's within days. This  
3 was a conspiracy amongst a bunch of folks.

4 And then later on in their brief the  
5 very will that they now seek to challenge they are  
6 relying upon a decade ago. Then we have got Viola  
7 Pringle giving a copy to Thomas Brown back in 2003.  
8 Then we have got -- and then Thomas goes ahead and  
9 tries to probate the copy, is told by the probate  
10 court we don't accept a copy. You have got to  
11 probate the original. The same document that is  
12 being challenged now as not being the original was  
13 shown to Thomas within days of the decedent's  
14 death. Was produced and -- a copy was produced in  
15 '03 and the same document in '05. And we know it  
16 is the same document because Emma Smalls submitted  
17 it to the insurance company for a Hugo claim. She  
18 didn't do that for herself. She did it for all of  
19 the appellants who were living on the property and  
20 had suffered Hugo damage.

21 Now this suggestion that the will was  
22 altered, there is no evidence. In fact, in their  
23 final brief the issue regarding the will according  
24 to the appellants now is that those facts are  
25 uncontroverted. Those uncontroverted facts are

1 that we all have the will, we all knew about the  
2 will, you could have done something with it and you  
3 didn't and you are time barred. That argument went  
4 on for over 25 years, that hey, the fact that we  
5 hid the will doesn't matter because you are barred  
6 by that ten year statute. That's been their  
7 position throughout this.

8 Now, we had a final hearing in '08 on  
9 this issue. The will was considered, the testimony  
10 was taken. Everybody was deposed in this case.  
11 Everybody had a chance to go ahead and testify.  
12 Any argument before Mr. Goodwyn's involvement, and  
13 maybe if he had been involved back in '08 or '11 or  
14 '12, '13 or '14 when we were in court on final  
15 hearings on this case, those issues could have been  
16 fleshed out differently. But they were addressed  
17 and they were addressed by the court in the order.

18 Now, the Court of Appeals considered  
19 all this in 2011. And they didn't rule just on the  
20 issue regarding the ten years. There are factual  
21 findings that they affirmed and I will tell you we  
22 don't have to interpret the decedent's intent  
23 because the Court of Appeals did it for us in their  
24 remanded order of 2011. It says one by one  
25 decedent's other daughters lived their lives and

1 passed away until the last surviving daughter  
2 confessed to the decedent that she and her sisters  
3 had in the existence of the will an order to live  
4 out their lives on the property. Decedent intended  
5 appellants to inherit from the last will and  
6 testament. That's what the Court of Appeals said  
7 in 2011, seven years ago. Nothing has changed and  
8 then the Court of Appeals remanded the case to the  
9 probate court and said we reverse and remand to  
10 probate court for further proceedings consistent  
11 with this opinion.

12 Now, in response to that the appellants  
13 filed three more motions, a couple more appeals  
14 saying essentially that the Court of Appeals had  
15 erred. We had multiple final hearings on this  
16 issue. The Court went ahead and said no.

17 So in 2015 or '16 Mr. Goodwyn gets  
18 involved and raises this very issue again. It had  
19 been touched on over and over and over. I get why  
20 they are doing it. Since 1989 they have been the  
21 beneficiary of this misconduct. First they conceal  
22 it, then they produce it, then they say you are  
23 time barred, then they deny producing it.. We have  
24 litigated and they filed a bunch of in my  
25 estimation frivolous relitigation to litigate the

1 issue that they had.

2 Now again they have the audacity to  
3 come and say well, you didn't sell proof of will.  
4 We don't have the witnesses. You hid the will for  
5 17 years. People died. Now you question why we  
6 don't have the witnesses? Now Emma Smalls is a bad  
7 actor. You got Emma's deposition. She denies all  
8 of this stuff. This is all after the Court of  
9 Appeals had remanded this.

10 Now, the standard on review of probate  
11 court is really, really tough. What it says it  
12 unless there is no evidence to support it. We have  
13 got a record of 26 years in this case. We have got  
14 a remand from the Court of Appeals saying this is  
15 the intent of the testator. Nobody questioned the  
16 validity of the will until Mr. Goodwyn got  
17 involved. We have litigated that issue. This  
18 suggestion that Judge Condon didn't have that issue  
19 before him is completely contrary to the workout  
20 you are going to receive carrying this file up and  
21 down the stairs. Everybody was deposed in this  
22 case. Everybody was questioned about the will.  
23 The Court of Appeals has made findings relative to  
24 that in their own final brief. I would submit the  
25 issue is mooted. Their argument is that we knew

1 about the will, that they gave us the will, that  
2 they filed the will, that we sat on our hands and  
3 had an opportunity to deal with this before the ten  
4 year statute ran and we are time barred.

5 Now that the Court of Appeals has said  
6 no, you don't benefit from your misconduct, they  
7 don't have the right to turn and relitigate it. My  
8 fear is that we are going to get another appeal out  
9 of this and now my folks will likely die without  
10 seeing the benefit of the testator's intent, but  
11 that is what we are talking about, simply honoring  
12 the intent of the testator. We think there is --  
13 Judge Condon's order frankly speaks for itself.  
14 It's a strong order. He addressed these issues  
15 again to avoid this appeal.

16 I would hope the Court I would suggest  
17 spend some time on the order. The briefs go ahead  
18 and spell this out, but the remand instructions and  
19 the findings of the Court of Appeals are very  
20 strong in this case.

21 MR. GOODWYN: I think it's -- this is a  
22 fundamental question that you need to answer here  
23 before you can rule on this. Has the issue of the  
24 validity of the will been litigated. The answer is  
25 no. It was never offered for probate until

1 September 2015. The only issue before any court  
2 prior to that was can the will even be considered  
3 by the Court because of the ten year statute of  
4 limitations. My client could never have even  
5 challenged the validity of the will prior to  
6 September 2015 because it had never been offered.  
7 That's blocking and tackling 101 of probate law is  
8 the proper time. The only time you can challenge  
9 the validity of the will is when it is offered for  
10 probate which was never done prior to  
11 September 2015. At that point I had just gotten in  
12 the case. Well, this is the right time to  
13 challenge the validity of the will. To suggest  
14 that the Court of Appeals ruled on that prior is --  
15 there's mentioned -- like he said, there is  
16 something in the Court of Appeals order that says  
17 that this was the testator's intent for these  
18 beneficiaries to take. That issue wasn't before  
19 the Court of Appeals. That can only be considered  
20 to be a dicta. That's not a holding from the Court  
21 of Appeals.

22 Even if you do consider that as a  
23 holding that these testators that the Court of  
24 Appeals says are to take, there's nothing in there  
25 that says what they are going to take. Again, this

1 will is clearly altered on its face. This is not  
2 the original will. This is not -- assuming Lucinda  
3 Pringle or Springer, whatever it is, actually  
4 signed the will, that's her X on there, which has  
5 never been proven. The Court of Appeals never  
6 opined on that. We don't know what the property  
7 was. That issue has never been litigated. I mean,  
8 yes, there has been a very long history of  
9 litigation prior to September 2015, but none of it  
10 had to do with the validity of the will, was it  
11 proved, is this the original will. And I challenge  
12 my opponent to point to any pleading where my  
13 clients have raised the validity of the will. It  
14 has never happened because it could not possibly  
15 have been done. You can't challenge the validity  
16 of the will until it is offered for probate, which  
17 the first time that was done was September 2015.

18 So this is a fresh issue before the  
19 Court, never been litigated and I think the probate  
20 court got involved because there was no evidence of  
21 the record at all that this will was executed as it  
22 should. It's not self-proving. There was no  
23 witnesses, no other extrinsic evidence to prove it  
24 and clearly the order itself even says this will  
25 was offered. The Court itself references that in

1 the order. So the Court acknowledges that this is  
2 not the original will, but then goes on to say we  
3 are going to accept it anyway even though is it not  
4 the original will. I mean who do you give what?  
5 The Court is giving what is going to abide by what  
6 Emma Smalls wanted to give certain beneficiaries.

7 So for those reasons I think the Court  
8 has to reverse it. There was no evidence before  
9 the Court as to proper execution of the will and it  
10 is clearly not the original will.

11 THE COURT: And are you asking me to  
12 remand it?

13 MR. GOODWYN: Yes.

14 THE COURT: Thank you. Gentleman, as I  
15 indicated, I will take it under advisement. I do  
16 not anticipate within the ten days, but that's how  
17 I am going to proceed.

18 (These proceedings were concluded at  
19 12:25 p.m., February 1, 2018, Charleston County,  
20 South Carolina.)  
21  
22  
23  
24  
25



## CERTIFICATE OF REPORTER

I, Ruth C. Weese, Registered Diplomat  
Reporter for the State of South Carolina at Large,  
do hereby certify that the foregoing transcript is  
a true, accurate, and complete record.

I further certify that I am neither related  
to nor counsel for any party to the cause pending  
or interested in the events thereof.

Witness my hand, I have hereunto affixed my  
official seal this 18th day of May, 2018 at  
Charleston, Charleston County, South Carolina.

*Ruth C. Weese*

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Ruth C. Weese

Registered Diplomat

Reporter

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- (1) It was stipulated by and between counsel
- (2) for the parties that the deponent was explained
- (3) his right to read and sign the deposition and
- (4) did waive that right.
- (5) (THOMAS P. BROWN, JR.), having been duly
- (6) sworn, testified as follows:
- (7) DIRECT EXAMINATION BY MR. GUFFARD:
- (8) Q Mr. Brown, you've been here while Evelina
- (9) testified?
- (10) A Yes, I were.
- (11) Q And have you had a chance to look at this? If
- (12) you would just, that's Respondent's No. 1, Exhibit No. 1.
- (13) A Uh-huh. Yeah, I remember the check.
- (14) Q Excuse me?
- (15) A I remember the check.
- (16) Q Tell me what you recall about it, as to how it
- (17) got to you, and what was involved.
- (18) A How the check got to me, how I know about it,
- (19) because it was an insurance check for the house, and the
- (20) check didn't be cashed, but all these signatures were on
- (21) it.
- (22) Q But everybody had to sign it.
- (23) A Yeah. They send the check to New York with her
- (24) grandson. I signed it, you know. But I didn't think
- (25) about it gonna come to this, you know. I give it back

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- (1) to -- because James Smalls bring it to me. James Smalls
- (2) bring it to me, her son. And I signed it and sent it
- (3) back.
- (4) Q Tell me who he was, now.
- (5) A James Smalls brought it to me.
- (6) Q Okay. Now, who was me?
- (7) A James Smalls is Emma Smalls' son.
- (8) Q When you say he brought it to you, it was in
- (9) New York?
- (10) A Yeah, in New York.
- (11) Q Where did he live?
- (12) A During that time, I don't know, he used to live
- (13) in Manet in the projects. He might of been back home. I
- (14) can't remember what happened, you know. If he was in New
- (15) York or in South Carolina during the time. He might of
- (16) been in New York, he might of been in South Carolina.
- (17) Q How about Daryl Smalls?
- (18) A Daryl Smalls? That's Emma Smalls' grandson.
- (19) Q Okay. Is that who you're talking about?
- (20) A No, I talking about James Smalls.
- (21) Q Okay. So that's your signature on the
- (22) deposition paper?
- (23) A On the back here.
- (24) Q And if you would flip back to the
- (25) A Yeah, it's my signature.

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- (1) Q Okay. And so your recollection is you gave the
- (2) check to James Smalls.
- (3) A No, I didn't say that.
- (4) Q Okay. Then I'm sorry.
- (5) A I say James Smalls brought the check to me.
- (6) Q He brought it to you.
- (7) A For me to sign it.
- (8) Q Okay. Then after you and Ms. Moses signed the
- (9) check, what did you do with it?
- (10) A I didn't do anything. I sign it and give it
- (11) back to James Smalls. I let him keep it. I sign it he
- (12) look it.
- (13) Q What happened after that? Did you get any
- (14) money from this check?
- (15) A No, no, no. No, sir. I didn't get no money
- (16) from that check, no.
- (17) Q Did you get any money from your grandmother's
- (18) estate?
- (19) A Yeah. Because they had some money in the
- (20) house.
- (21) Q And explain that to me. You say there was
- (22) money in the house.
- (23) A Yeah. \$9,000 in Mary P. Smith, and Annebelle
- (24) Thornton find it, and show it to me. And they give me
- (25) the money, the \$9,000.

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- (1) Q Why did they give it to you?
- (2) A I really don't know why they give to it
- (3) me. They say my grandmother leave it to us, leave it to
- (4) Patricia, Evelina, and Thomas Brown.
- (5) MR. ALTMAN: Relax here.
- (6) THE WITNESS: Yeah.
- (7) Q Take a deep breath and relax. Now, when
- (8) they -- Who told you that?
- (9) A Told me what?
- (10) Q Excuse me. About your grandmother had left you
- (11) this money, you and Patricia --
- (12) A Me and Patricia and Annebelle Thornton was in
- (13) the house, they show it to me. Then they give me the
- (14) \$9,000, like I say before.
- (15) Q When you say they showed it to you, you're
- (16) talking about the \$9,000 or they showed you the will?
- (17) A The will.
- (18) Q When did you know that that money would be
- (19) yours and Patricia's and Patricia's and Emma's?
- (20) A Now I know. But the will, they talk about the
- (21) will, they wasn't one.
- (22) Q Let's go back to the beginning.
- (23) MR. GUFFARD: Has the will and I've got
- (24) it?
- (25) I ASK WILL AND IF I HAVE THE ANSWER TO IT IS YES.

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- (1) EXHIBIT 1 FOR ID.)  
 (2) (The questions and answers were read by  
 (3) the reporter.)  
 (4) Q If you would, take a look at what's been marked  
 (5) as, actually this would be No. 2, if you would, please  
 (6) take a look at this, which has been marked as  
 (7) Respondent's Exhibit No. 1 to your deposition.  
 (8) A (Witness did as directed.) Okay. Yeah, said  
 (9) some what going on. Yeah, I've seen it.  
 (10) Q Okay. Now, when Lucinda Pringle died, when she  
 (11) passed away, where were you living at that time?  
 (12) A In Bronx, New York.  
 (13) Q All right, sir. And did you attend her  
 (14) funeral?  
 (15) A Yes, I did.  
 (16) Q And when you came to Charleston to attend her  
 (17) funeral, where did you stay?  
 (18) A At the house where Lucinda Pringle stay in.  
 (19) Q And who else was there, that you recall, as far  
 (20) as family members?  
 (21) A In the house at the time or who was living  
 (22) there?  
 (23) Q Who was there at the house at the time? At  
 (24) Ms. Pringle's house, who else was staying there?  
 (25) A Patricia and, uh, Annebelle.

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- (1) Q Tell me again about the money. At that  
 (2) time -- Well, it was after the funeral?  
 (3) A Uh-huh.  
 (4) Q But the family was still there.  
 (5) A Yeah.  
 (6) Q And then, at that time, if you would tell me  
 (7) about the money. You said somebody had found it and  
 (8) brought it to you.  
 (9) A Yeah. Because, uh, Annebelle Thornton and, uh,  
 (10) Mary P. Smith, they had the money in their hand in a  
 (11) piece of rag. They say "This what your grandmother leave  
 (12) for uh, and the will, too."  
 (13) Q You said and the will, too. So they had the  
 (14) will and the money?  
 (15) A Yes.  
 (16) Q And they were showing you in the will that  
 (17) all were to take it, and that's why they were giving  
 (18) you the money.  
 (19) A No. They give me the money because they say my  
 (20) grandmother leave that money for me and my two sisters.  
 (21) Q Right. Under her will.  
 (22) A Not on her will. Grandmother say from word  
 (23) to mouth. And say no money in the will.  
 (24) Q Let me pick up. I thought that you said, and  
 (25) they gave you the money.

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- (1) A Yeah.  
 (2) Q -- but I thought you said that at the time they  
 (3) gave you the money, you also saw the will.  
 (4) A Yeah, that's right.  
 (5) Q This document right here, a copy, this is a  
 (6) copy of that will that you saw at that time.  
 (7) A Yes.  
 (8) Q And we're talking about 1989?  
 (9) A '89 when she passed away.  
 (10) Q Now, based on that, did you ever ask them any  
 (11) more about the will?  
 (12) A Yeah. I asked them. I tried to get it. I  
 (13) asked them about the will.  
 (14) Q Who did you ask?  
 (15) A I ask Emma Smalls about the will.  
 (16) Q When did you ask her that?  
 (17) A A lot of times. When I came from -- When I  
 (18) moved back here I really -- When I, uh, when I came back  
 (19) to South Carolina, to live here, I asked her more than  
 (20) one time.  
 (21) THE REPORTER: I'm sorry. You did what?  
 (22) THE WITNESS: I asked her more than one  
 (23) time.  
 (24) Q Did you ask Annebelle or Emma for the will when  
 (25) they gave you the money?

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- (1) A No. Because -- No, I didn't ask for no will,  
 (2) but I seen it.  
 (3) Q Okay. When did you move back to South  
 (4) Carolina?  
 (5) A Five years ago. It was 2000 or 2001. I don't  
 (6) know exactly the year. 2000 or 2001, one or the other.  
 (7) Q From the time you first saw the will --  
 (8) A Uh-huh.  
 (9) Q -- when you got the money --  
 (10) A Uh-huh.  
 (11) Q -- did you talk with anybody else in your  
 (12) family about your grandmother's will?  
 (13) A Yeah.  
 (14) Q Who did you talk with and when?  
 (15) A I told, uh, her son, Emma Smalls's son, about  
 (16) the will that my grandmother left me.  
 (17) Q Thomas Smalls?  
 (18) A No, no, Emma Smalls's son. He asked me about  
 (19) the will. I say, "Yes, they a will, and your mother got  
 (20) it." I asked her, she say she don't know nothing about  
 (21) no will. So I went to go about to the lawyer.  
 (22) MR. ALFMAN: Finish your answer, Tom.  
 (23) Q When did you talk to Emma Smalls's son about  
 (24) the will?  
 (25) A It was recently. It wasn't that long. The name

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- (1) when I talked to him about the will, when I talked to him
- (2) about the will, he said, uh, "Well, why she left it to
- (3) you?" I say, "I don't know." I asked her about it, she
- (4) say she ain't got it. She wasn't going to give it to me
- (5) Q And this was when? When did you have that
- (6) conversation?
- (7) A About maybe about two or three years ago.
- (8) Q Okay. Now, again, go back to your
- (9) grandmother's funeral.
- (10) A Yes.
- (11) Q Did you talk, at that point, did you talk with
- (12) anybody? Did you talk to Evelina about, and I'm talking
- (13) about in 1989, when you were here at Lucinda Pringle's
- (14) house after her funeral
- (15) A Uh-huh.
- (16) Q You got the \$9,000.
- (17) A Uh-huh.
- (18) Q And you saw the will
- (19) A Uh-huh.
- (20) Q Did you say anything to Evelina?
- (21) A About the will?
- (22) Q About the money and the will?
- (23) A I tell her about the money. The will was,
- (24) uh -- No, I didn't talk to them about the will, I talk to
- (25) them about the money.

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- (1) Q When they showed you the will, at that time,
- (2) did you read it?
- (3) A I saw my name up there. I saw Patricia name up
- (4) there. Rebecca, Patricia, and my sister name was there.
- (5) And I didn't see no other name up there but the name up
- (6) there now. I really didn't see it. I really might been
- (7) looking for it, once my aunt tell me this what my
- (8) grandmother leave her. I say, "Well, okay." You know?
- (9) Q I'm not sure. I look at it again and tell me
- (10) what you're concerned about. I'm not sure I'm following
- (11) you. I want to make sure I understand.
- (12) A What you don't understand?
- (13) Q You were talking about there was a name you
- (14) didn't see before?
- (15) A No. Emma Small's name?
- (16) Q Yes.
- (17) A I didn't see that on there. It probably was
- (18) but I didn't see it. That's what I'm talking about.
- (19) Q You just didn't see all whether it was on there
- (20) at the time or not?
- (21) A Yeah, yeah. I just didn't see all it. I'm not
- (22) trying to say it. She was seen me and Patricia were
- (23) Q You just reading?
- (24) A I just reading. Yeah, yeah.
- (25) Q Did you understand when you looked at the

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- (1) will, did you understand that y'all would get the real
- (2) estate and the house from your grandmother?
- (3) A Yeah. Yeah. I thought that she -- like she
- (4) will it to us, I thought we supposed to get it
- (5) Q Okay. Now, after you saw the will, and you
- (6) made that assumption, did you ever go to an attorney to
- (7) do anything about it?
- (8) A Yes. We had my job attorney. Because, uh,
- (9) when we went to probate court, they say they can't do
- (10) nothing with the copy, they need the dead
- (11) Q That's when you tried to file the copy here?
- (12) A Yeah.
- (13) Q In 2005?
- (14) A Yeah. About 2000 -- Yeah, probably about 2005
- (15) Q Okay.
- (16) A Because I did go -- Go ahead.
- (17) Q Go ahead.
- (18) A I said I did go one time, but they tell me they
- (19) can't do anything with the copy.
- (20) Q Where did you go and who told you that?
- (21) A I went to the probate place. I went there and
- (22) show them the paper where we got this. "Nothing we can
- (23) do with this copy."
- (24) Q How did you get the copy?
- (25) A I got a copy from Viola. But when I took the

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- (1) copy, I found the copy wasn't no good, really wasn't no
- (2) good to me. They say I need the original. And that's
- (3) when I went to other places to try to get it.
- (4) Q So when Viola gave you the \$9,000 --
- (5) A No. Viola didn't give me the \$9,000.
- (6) Q Excuse me. When did Viola give you a copy of
- (7) the will?
- (8) A About, let me see, about three years after the
- (9) will.
- (10) Q I'm sorry?
- (11) A About three years after the death. They give
- (12) me the copy, you know. I took it down to the probate
- (13) court, and nothing they could do, so I just leave it
- (14) alone. And I went back again, they tell me again, no,
- (15) nothing they can do, unless I have the original
- (16) Q Now, in regard to the money that you were
- (17) given, what did you do with that?
- (18) A Well, I take it to New York, it belonged to me
- (19) and my sister, and, uh, I give my sister the \$5,000. And I
- (20) I took a thousand dollars out to me. I brought a --
- (21) got another thousand dollars but I didn't have to take
- (22) Candina to Annapolis.
- (23) Q And what you give this to? I don't know.
- (24) A Yeah.
- (25) Q The -- let me see about the money that you

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- (1) \$7,000
- (2) A That's what she got, 7,000.
- (3) Q So then you kept a thousand and you gave a
- (4) thousand to Patricia?
- (5) A Annebelle.
- (6) Q Well, gave it to Annebelle
- (7) A Yeah.
- (8) MR. GUERARD: Excuse me one movement.
- (9) (Recess taken)
- (10) MR. GUERARD: That concludes any questions
- (11) we've got.
- (12) MR. ALTMAN: You're done
- (13) (The deposition concluded at 11 57 a.m.)
- (14) . . .

0018

1 STATE OF SOUTH CAROLINA )

U-S-R-T-I-F-I-C-A-P-K

2 COUNTY OF CHARLESTON )

3

4

5 I, G. Michael Alexander, Registered  
6 Professional Reporter and Notary Public, certify that I  
7 did have THOMAS P. BROWN, JR. to appear before me at  
8 11:30 a.m. on the 15th day of June, 2006, at the law  
9 offices of the Steinberg Law Firm, 61 Broad Street,  
10 Charleston, South Carolina; that the witness was duly  
11 sworn and cautioned to tell the truth, the whole truth,  
12 and nothing but the truth, that the foregoing pages  
13 constitute a true and accurate transcript of his  
14 testimony, given at that time and place.

15 I further certify that I am not of counsel  
16 or kin to any of the parties to this cause of action, nor  
17 am I interested in any manner in its outcome.

18 IN WITNESS WHEREOF I have hereunto set my  
19 hand and seal this 25th day of June, 2006.

20

21

22

23

24

25

G. Michael Alexander, RPA/CSA  
Notary Public for South Carolina  
My Commission Expires May 24, 2010

## Mr. Brown

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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y'all 8:17; 13:1  
Yeah 3:13,23; 4:10,25;  
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you're 4:19; 6:15; 12:10;  
15:12  
you've 3:8  
you? 11:3

NON - NEGOTIABLE

DETACH AND RETAIN THIS PORTION FOR YOUR RECORDS.

TOTAL AMOUNT →

3000.00

**PUBLIC SAVINGS FIRE & CASUALTY INSURANCE COMPANY**

P.O. BOX 10020 • 304 MEETING STREET

CHARLESTON, SOUTH CAROLINA 29411

TEL. (803) 577-9930

12-1  
132

SOUTH CAROLINA NATIONAL BANK  
CHARLESTON, S.C.

023234

CHECK NO.

THREE THOUSAND & NO CENTS

DATE

01/15/90

PAY TO THE ORDER OF

AND YOUR

ENDORSE

NEEDS

IDENTIFICATION

THOMAS BROWN, PATRICIA BROWN,  
EVELINA BROWN AND EMMA SMALLS  
EXECUTORS OF THE ESTATE OF  
LUCINDA PRINGLE

AMOUNT

\*\*\*\*\*3,000.00

VOID AFTER 60 DAYS

*J. F. Pringle*

*M. L. C.*

023234 0532000190 1003 35256

Exhibit "A"

| IN NO | ACCOUNT NO | DATE     |
|-------|------------|----------|
|       | 715639     | 11/15/90 |

**PUBLIC SAVINGS FIRE & CASUALTY INSURANCE COMPANY**

P.O. BOX 10020 • 304 MEETING STREET  
CHARLESTON, SOUTH CAROLINA 29411

(803) 577-9530

CHECK NO.

**023234**

| ACCT NO        | POLICY NO  | INSURED, DESCRIPTIONS, OR DEDUCTIONS | AMOUNT     |
|----------------|------------|--------------------------------------|------------|
| 44             | 0007036091 | SETTLEMENT OF HURRICANE LOSS         | \$7,000.00 |
| TOTAL AMOUNT → |            |                                      |            |

**N - NEGOTIABLE**

DETACH AND RETAIN THIS PORTION FOR YOUR RECORDS.

**RECEIPT AND RELEASE**

I (we), the undersigned, do hereby acknowledge payment in full for all claims existing under the policy or policies listed on this check, and do forever release Public Savings Life Insurance Company from any further claim or liability under this policy. WITNESSED AND SIGNED: WILLIAM W. WATKINS, JR. DATE: 11/15/90

FOR DEPOSITARY BANK USE ONLY

592  
505

STANDARD CHARTE BANK, THE CITY

TO WHOM IT MAY CONCERN:

WE, THE UNDERSIGNED, HAS AUTHORIZED OR GIVEN OUR PERMISSION TO EMMA SMALLS TO CASH THIS SETTLEMENT OF HURRICANE LOSS CHECK TO BE DIVIDED AMONG THE CO-SIGNEES LISTED BELOW.

THOMAS BROWN

Thomas Brown

DATE

3/5/90

EVELINA BROWN

Evelina Brown

DATE

3/5/90

PATRICIA BROWN

x

DATE

3/5/90

WITNESS:

WITNESS:

Louise Green

Joann Slater

Slater

Elizabeth M. Amadio

N.Y. Commission expires  
11-10-96

30:340 (50 / plg)  
OFFICIAL DOCUMENT

005274  
Official Check  
First Union National Bank  
of SC  
Mt. Pleasant Office  
Mt. Pleasant, SC

PURCHASER'S COPY  
To record your purchase, detach stub, fill  
in date, amount, payable to  
number this stub for your records.

|            |           |
|------------|-----------|
| Payable to | Amount \$ |
| One        |           |

**FIRST  
UNION**

First Union National Bank of South Carolina  
Mt. Pleasant Office  
Mt. Pleasant, South Carolina

005274  
OFFICIAL CHECK

July 2, 90

PAY TO THE  
ORDER OF \*\*Thomas Brown & Evelyn Brown\*\*

\$\*\*1,800.00\*\*

\*FUND 6777\* 1,800.00 CTS

DOLLARS

FOR Settlement - Emma Snalls

*Shirley K. Walker*  
AUTHORIZED SIGNATURE

\*00006777\* 0539014730 9300005274\*

0001

1 STATE OF SOUTH CAROLINA ) IN THE PROBATE COURT  
NINTH JUDICIAL CIRCUIT  
2 COUNTY OF CHARLESTON ) Case No. 09-PS-10-000-2

3

EVELINA BROWN MOSES, THOMAS P )

4 BROWN, JR. and DAVID L. MITCHELL )

as Guardian ad Litem for )

5 REBECCA PATRICIA BROWN, )

6 Petitioners, ) DEPOSITION OF:

7 -vs- ) EVELINA B. MOSES

8 ESTATE OF LUCINDA PRINGLE, )

9 ESTATE OF ANNABELLE THORNTON, )

ESTATE OF JANINE GORDINE, )

10 EUGENE GRADDOCK, ANTHONY )

EUGENE GRADDOCK, JR., VIOLA )

11 PRINGLE, MARZELL MITCHELL, )

CEPHUS THORNTON, and any other )

12 Persons and entities claiming any )

Interest in the Estate of )

13 LUCINDA PRINGLE, )

14 Respondents. )

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Petitioners'

19

(No exhibits were proffered.)

20

Respondents'

21

1 Copy of insurance check

22

23

24

25

0

0002

## APPEARANCES

2 For the Petitioners: Jonathan Altman  
Stephen Stinchiver  
3 Attorneys at Law  
10 Calhoun Street, Suite 410  
Charleston, SC 29401

4 For the Respondents: STEINBERG LAW FIRM  
By Charles Goldberg  
5 Attorney at Law  
41 Broad Street  
Charleston, SC 29401  
6 Edward P. Guerd, Jr.  
7 Attorney at Law  
1 Carriage Lane  
Charleston, SC 29401

8 Not Present: Emma Smalls  
9 Marzell Mitchell  
10 Cephus Thornton

INDEX TO EXHIBITS

EXHIBIT SUBMITTED BY MR. [Name]

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- (1) It was stipulated by and between counsel
- (2) for the parties that the deponent was explained
- (3) her right to read and sign the deposition and
- (4) did waive that right
- (5) (EVELINA BROWN MOSES), having been duly
- (6) sworn, testified as follows.)
- (7) DIRECT EXAMINATION BY MR. GUERARD:
- (8) Q Ms. Brown, if you would, I'll ask you, Mary had
- (9) trouble with the uh-huhs and the ut-huhs, but if you
- (10) could answer yes or no that will help us a lot.
- (11) I'm going to ask you some questions about the
- (12) estate, the will, your family history, that type of
- (13) thing. If at any point you don't understand the
- (14) question, if you would please ask me to repeat it, or
- (15) could I be more specific, or you don't understand it,
- (16) because when you answer, I want to feel comfortable and
- (17) know that you have given me a full, complete response.
- (18) Is that okay?
- (19) A Yes
- (20) Q And if at any time, I don't think this is going
- (21) to take long, but if you want to, if you need a break.
- (22) you cannot talk with your attorney, but if you need a
- (23) break or anything, just raise your hand, and we'll stop
- (24) for a few minutes to give you time to do whatever you
- (25) need to do, collect your thoughts.

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- (1) Are you on any type of medication?
- (2) A No
- (3) Q Is there any reason that could not give me full
- (4) and complete responses, answers, to the questions that
- (5) I'm going to ask you?
- (6) A I'll try my best.
- (7) Q That's all I can ask. If you would, what I
- (8) want to do is, let's start with the will, because that's
- (9) what this is all about. If you would, tell me what you
- (10) know about this document, and when you saw it, and the
- (11) circumstances involved.
- (12) A I saw it -- I saw it in 2005
- (13) Q And where were you when you saw it? Where did
- (14) this take place?
- (15) A At Emma Smalls' house
- (16) Q I'm sorry?
- (17) A Emma Smalls' house
- (18) Q And why were you at Emma Smalls' house?
- (19) A Emma Smalls called me, and told me that she had
- (20) something for me to see
- (21) Q Was there anybody else present? Did you go by
- (22) yourself or was there anybody else with you?
- (23) A No I went by myself
- (24) Q Was there anybody else there in the home other
- (25) than Emma Smalls?

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- (1) A No, just Emma Smalls.
- (2) Q And describe exactly what it was that Emma
- (3) Smalls wanted to talk to you about and to show you
- (4) A Uh, she wanted to show me the will
- (5) Q And is this a copy of the document you're
- (6) referring to?
- (7) A Yes. I don't have on my glasses, I can't see
- (8) Yes, this is the will.
- (9) Q In regard to Lucinda Pringle, what was your
- (10) relationship to her?
- (11) A She was my grandmother and my mother
- (12) Q Okay. If you would, I know what you're going
- (13) to say, but go ahead and explain to me what you mean by
- (14) that.
- (15) A Well, she take care of me. She was my mother
- (16) because my mother named Evelina Brown, but she take care
- (17) of me since the time I know myself, she take care of me.
- (18) Q Where were you born?
- (19) A I born in South Carolina.
- (20) Q Here in Charleston or Mt. Pleasant?
- (21) A In Charleston.
- (22) Q And how long did you live here in Charleston?
- (23) A I live here until, I think, I was 17 years old.
- (24) Q When were you born?
- (25) A 6/6/49.

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- (1) Q And you say you left Charleston at the age of
- (2) 17?
- (3) A I think about 17.
- (4) Q And where did you go?
- (5) A To New York.
- (6) Q And how long did you live in New York?
- (7) A Approximately about 30 years. Over 30 years.
- (8) Q When you say New York, are you talking about
- (9) New York City, New York, New York?
- (10) A New York City
- (11) Q Okay. And when you left New York where did you
- (12) go?
- (13) A Came to South Carolina
- (14) Q And have you resided here since then?
- (15) A Excuse me?
- (16) Q How long have you lived in South Carolina since
- (17) you came back from New York?
- (18) A Six years
- (19) Q Where. In your last home in South Carolina?
- (20) What's your address?
- (21) A 105 Euclid Avenue, Summerville
- (22) Q And how long have you resided there?
- (23) A About seven years. About six years
- (24) Q So when you moved back there, where did you live?
- (25) A Yes



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- (1) Q You moved into a house there?
- (2) A Yes.
- (3) Q Where is Fucalyptus in relationship to the
- (4) property that's in dispute? How far do you live from
- (5) your grandmother's property?
- (6) A Uh, I say about 45 minutes.
- (7) Q When you came back to Charleston, about six
- (8) years ago, did you reestablish contact with your family?
- (9) A When I first came back, yeah, I make contact
- (10) with my family
- (11) Q With Emma?
- (12) A Yes.
- (13) Q And Lorella and John Arthur?
- (14) A No.
- (15) Q Excuse me?
- (16) A No
- (17) Q You didn't have much to do with them?
- (18) A No
- (19) Q How about Viola?
- (20) A Yes, I talked to Viola.
- (21) Q Cephus?
- (22) A Yes, I talked to Cephus.
- (23) Q Maezell?
- (24) A Yes, I talked to Maezell.
- (25) Q And then Ms. Smith, Mary Smith? You

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- (1) reestablished your family contacts?
- (2) A Yes
- (3) Q When you were in New York did you maintain
- (4) contact with the Charleston family?
- (5) A Yes.
- (6) Q Okay. Now, do you recall when your grandmother
- (7) died?
- (8) A No I recall when my grandmother died?
- (9) Q Yes.
- (10) A She die
- (11) Q I said do you recall when?
- (12) A When?
- (13) Q Yes
- (14) A Yes, 89
- (15) Q And were you living in New York at that time?
- (16) A Yes
- (17) Q Did you come down for the funeral?
- (18) A Yes, I was here
- (19) Q Did Emma is going down?
- (20) A Yes
- (21) Q How long did you stay in the Charleston area
- (22) after the funeral?
- (23) A Not too long. After the funeral I was just
- (24) really out of it
- (25) Q Are sorry?

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- (1) A After the funeral you said?
- (2) Q Yes. After the funeral how long did you stay?
- (3) A I ain't stay here long
- (4) Q You were starting to say something else
- (5) MR. ALTMAN: She said she was really out
- (6) of it.
- (7) THE WITNESS: I was out of it.
- (8) MR. GUERARD: Okay.
- (9) Q Where did you stay while you were down here for
- (10) the funeral?
- (11) A Lucinda Pringle house.
- (12) Q Who else was living in the house at that time?
- (13) A Lucinda Pringle, Patricia Smith Pringle, and
- (14) Annebelle Thornton.
- (15) Q That was one your aunts, Annebelle?
- (16) A Yes.
- (17) Q Was this house damaged during Hurricane Hugo?
- (18) A I don't know. I wasn't here then.
- (19) Q Well, were you involved in settling the
- (20) property damage claim to the house?
- (21) A No.
- (22) MR. GUERARD: If you would, mark this as
- (23) Respondents' Exhibit 1.
- (24) (COPY OF INSURANCE CHECK MARKED RESPONDENTS'
- (25) EXHIBIT 1 FOR ID)

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- (1) Q If you would, look at what's been identified as
- (2) Respondent's No. 1.
- (3) A (Witness did as directed.)
- (4) Q That's just another copy. Take a minute and
- (5) look through those papers, if you don't mind
- (6) A (Witness did as directed.) Okay.
- (7) Q If your grandmother had not left a will, all of
- (8) her children would have taken an interest in the property
- (9) at her death?
- (10) A If she didn't left a will? Repeat that again,
- (11) please.
- (12) Q If she had not left a will, would her heirs
- (13) take title to the property?
- (14) MR. ALTMAN: Object to the form. It calls
- (15) for a legal conclusion.
- (16) THE WITNESS: Yeah
- (17) Q Excuse me. You can answer it
- (18) A If she didn't leave a will?
- (19) Q Right
- (20) A Yeah. If she didn't leave a will. But she
- (21) leave a will
- (22) Q Okay. And this document is dated January 15
- (23) 1990 correct?
- (24) A Right
- (25) Q And I want to go to the next exhibit, the

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- (1) Patricia Brown, Evelina Brown, and Emma Smalls, the
- (2) executors of the estate of Lucinda Pringle. Is that
- (3) correct?
- (4) A Yes, that's what that say.
- (5) Q And do you recall, after looking at this
- (6) exhibit, do you recall seeing that check?
- (7) A Yes, I did saw that check.
- (8) Q All right. And on page 2 or, excuse me, on
- (9) page 3, is that your signature under Thomas Brown?
- (10) A Yes, that is my signature under Thomas Brown
- (11) Q Okay. So is it fair to say that January 15,
- (12) 1990 --
- (13) A Uh-huh.
- (14) Q -- you know you were to take this property,
- (15) along with Thomas, Evelina, and Emma, under the will.
- (16) MR. ALTMAN: Same objection
- (17) THE WITNESS: Yes. I remember that.
- (18) Q You say you remember that?
- (19) A I remember this check. I do remember that
- (20) check
- (21) Q Well, it says that y'all were executors of the
- (22) estate. Do you remember seeing the will at that time?
- (23) A No, no, no.
- (24) Q Okay. Seeing the check, did you ask anybody,
- (25) at that time, was there a will?

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- (1) A No
- (2) Q If there was no will, then why would your
- (3) cousins and aunts and uncles not be on that check along
- (4) with you?
- (5) A What happened? When this check came, I asked
- (6) the same question, when this check came, Emma Smalls had
- (7) sent it to her son in New York. And her grandson bring
- (8) the check by to sign. She had this check -- They had
- (9) this check for awhile before I signed that check.
- (10) Because I say I wasn't gonna sign no check. And they
- (11) keep calling me and say "Sign the check. Why you gonna
- (12) let the estate get the check back?" I say, "I ain't
- (13) gonna sign anything." Then I thought -- My brother came
- (14) to me and said, "Why don't you sign the check?" I said,
- (15) "I'm not gonna sign anything." Then they called me
- (16) again. I say, "Let me tell you something. I'll sign the
- (17) check. After that, leave me alone, leave me out of
- (18) this." And that's what it was. She had her grandson
- (19) come up to my house up in New York.
- (20) Q Who was her grandson?
- (21) A David Smith.
- (22) Q Okay. And do you know what happened to the
- (23) check?
- (24) A No, I don't know what happened.
- (25) Q After you signed it?

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- (1) A After I signed it, I give it back to his
- (2) grandson. Because he came by my house, and I give it
- (3) back to my grandson -- I give it back to her grandson
- (4) Q That's Daryl?
- (5) A Daryl, right.
- (6) Q Now, is that Thomas' signature above yours?
- (7) A You ask Thomas. I don't know.
- (8) Q I wasn't sure whether y'all signed it at the
- (9) same time.
- (10) A No, we didn't. No, we didn't, no.
- (11) Q Do you know Louise Green?
- (12) A No.
- (13) Q Or Joanne Slater?
- (14) A No, I don't.
- (15) Q Apparently they were witnesses to the X that
- (16) was signed for Patricia.
- (17) A No, I don't know. I don't know. I don't know
- (18) Q Was Patricia still in the house down here in
- (19) January of 1990?
- (20) A Yes.
- (21) Q Okay. Who is Albertha M. Smalls?
- (22) A I don't know
- (23) Q Do you know what happened to the money that was
- (24) to be paid out under this check?
- (25) A No, I don't.

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- (1) Q Did you receive any?
- (2) A No, I didn't receive any.
- (3) Q Do you know whether it went back to repair the
- (4) house?
- (5) A I don't know.
- (6) Q Did at any time you talk with your grandmother
- (7) about what was going to happen to the property if
- (8) something happened to her?
- (9) A Yeah. She used to call me and I used to talk
- (10) to her. She said, "Well, if anything happen to me, I
- (11) want to leave everything to you," and my brother Thomas
- (12) Brown. She said, "Because Mary Smith have her kids, Emma
- (13) Smalls have her kids, Annebelle have her kids, Jannin
- (14) passed away already, and we didn't have nobody. And she
- (15) said, "Just I want everything to go to my grandkids
- (16) they don't have nobody." She would make sure we have a
- (17) place to come back to.
- (18) Q It's your testimony that you had never seen
- (19) this will until 2005?
- (20) A Right.
- (21) Q If I understood just your testimony correctly, you
- (22) were at the point that you said, "Okay, I'll sign it, but
- (23) I don't want to have anything to do with it. I don't want
- (24) you to go to with it, but I can't refuse."
- (25) A Yes, that's what I said.

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- (1) Q What physically happened to the check after you  
(2) signed it?
- (3) A I take it back -- No. He take it back -- Daryl  
(4) Smalls take it back, whatever he did. He bring it to my  
(5) house, I sign it, give it back to him. What happened  
(6) after that? He take it back to Emma Smalls. I don't  
(7) know.
- (8) Q Now, at that point in time where did Thomas  
(9) Brown live?
- (10) A New York.
- (11) Q So you gave it back to Daryl, but you don't  
(12) know where it went from there.
- (13) A Right, I don't know where it went after that.
- (14) MR. GUERARD: Give me one second.
- (15) (The deposition went off the record for a brief  
(16) period.)
- (17) MR. GUERARD (resumed):
- (18) Q If you don't mind, if you would look at the top  
(19) of the signature page again on this Respondent's Exhibit  
(20) 1. It says "We the undersigned have authorized or given  
(21) our permission to Emma Smalls to cash this settlement of  
(22) hurricane loss check to be divided among the co-signees  
(23) listed." So it's your testimony that you didn't get any  
(24) of the proceeds from that check?
- (25) A No. And when I sign, I didn't got anything off

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- (1) that check, no
- (2) Q Did you later receive any money?
- (3) A No, not from that check. No.
- (4) Q You started to say not from that check. Did  
(5) you receive money from a different source --
- (6) A No, I didn't. No money.
- (7) Q -- that had anything do with your grandmother's  
(8) estate?
- (9) A No, sir, I didn't receive no money.
- (10) MR. GUERARD: Excuse me one second.
- (11) Charlie, let's step outside
- (12) (Recess taken)
- (13) MR. GUERARD (resumed)
- (14) Q Ms. Brown, in regard to this check we've been  
(15) talking about, it says "Pay to the order of Thomas Brown,  
(16) Patricia Brown, Evelina Brown, and Emma Smalls, executors  
(17) of the estate of Lucinda Pringle." Is that correct?
- (18) A I don't have my glasses on, but I see Thomas  
(19) Brown. Yeah, I see him.
- (20) Q At that point, when you saw that check, you  
(21) weren't curious as to why only you were shown as being  
(22) executor or beneficiaries of your grandmother?
- (23) A No.
- (24) Q And you didn't ask herself, "Is there a will?" or  
(25) "How did that come about?" or all the questions that you

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- (1) and ask them what was going on?
- (2) A No.
- (3) Q Did you discuss it with anybody, other than  
(4) Thomas and/or Daryl as to what this was about?
- (5) A No. I didn't, no.
- (6) Q Were you not concerned, at that point, about  
(7) whether you were going to have an interest in the land,  
(8) whether that land might be yours and Thomas' and  
(9) Patricia's and Emma's?
- (10) A No, no, no. When I find out, no. When I  
(11) find out about that will in 2005, that's when I thought,  
(12) you know, I said, "How can they do something like that?"
- (13) Q Well, from 1990 until 2005, when you say you  
(14) first saw the will --
- (15) A Right.
- (16) Q -- it indicated that there was a will, and that  
(17) you were beneficiary under that will.
- (18) A No. I didn't know nothing about no will during  
(19) this time, I didn't. I just know in 2005.
- (20) Q But you never picked up the phone and called  
(21) Emma and said, "Emma, why is it just us on this check?"
- (22) A No.
- (23) Q When were you married?
- (24) A Where I marry?
- (25) Q When?

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- (1) A '77.
- (2) Q 1977?
- (3) A Uh-huh.
- (4) Q And who were you married to?
- (5) A Glaston Moses.
- (6) Q Where were you married?
- (7) A In South Carolina.
- (8) Q And did your grandmother come to your wedding?
- (9) A It was at my grandmother house
- (10) Q All the family showed up?
- (11) A Uh-huh.
- (12) Q Now, we talked about the land. Did you receive  
(13) anything else from your grandmother or your grandmother's  
(14) estate as a result of her death? Did you receive any  
(15) cash payments or was there any cash in the house that was  
(16) divided up, any furniture, special effects?
- (17) A No. I don't know.
- (18) Q Well, who would know?
- (19) A Who would know? I don't know. I don't know.
- (20) Q Well, from that time going to assume that there  
(21) was something that was distributed from or received by  
(22) you and/or Thomas from your grandmother's estate, is that  
(23) a fair assumption?
- (24) A Okay.
- (25) Q Did you want to tell me about it?

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- (1) A Tell you about what?
- (2) Q About what you received from your grandmother's
- (3) estate
- (4) A Oh, only thing, my brother had came and said,
- (5) uh, they is some money -- they is some money they left,
- (6) and they gave it to him
- (7) Q So you didn't get any of it?
- (8) A And he brought it, and he said, "Here this
- (9) money they left." Grandmother left. And I said to
- (10) him -- He say, well, he give Annabelle some money.
- (11) Q How much money are we talking about?
- (12) A I think he said a thousand dollars.
- (13) Q How much did you get?
- (14) A I got seven.
- (15) Q Seven thousand?
- (16) A Yes.
- (17) Q How much did Thomas get?
- (18) A I don't know how much Thomas get.
- (19) Q And it was your understanding that that's what
- (20) your grandmother had left you.
- (21) A That's what my brother said. My aunt settle
- (22) the estate
- (23) Q Did you talk with anybody else other than
- (24) Thomas about the \$7,000 that you got?
- (25) A No, I didn't

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- (1) Q Did you receive anything else other than the
- (2) \$7,000?
- (3) A No.
- (4) Q Did Thomas tell you how much he had gotten?
- (5) A I don't recall now. I don't recall what he
- (6) say
- (7) Q Was any money put aside for Patricia out of
- (8) that money?
- (9) A Yeah, some was put aside. Some had put aside
- (10) for her
- (11) Q How much was put aside for her?
- (12) A I think about 3,000. Three thousand, something
- (13) like that
- (14) Q About 3,000?
- (15) A Yes
- (16) MR. GUERARD: Excuse me a second
- (17) (The deposition went off the record for a brief
- (18) period)
- (19) MR. GUERARD: (resumed)
- (20) Q Based on all of that did you not understand
- (21) that you could have claimed this fund?
- (22) A No, no. That
- (23) Q Why was that?
- (24) A I know I could not. I don't know I could claim
- (25) the fund and I was that will in 1975

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- (1) Q Well, what made you think that you could claim
- (2) the money, without sharing it with your other heirs, as
- (3) opposed to having to share the land with them? I don't
- (4) understand the distinction
- (5) A Okay. There's a will. There is a will.
- (6) Q Well, a will determines who is going to get
- (7) what in an estate. Do you understand that?
- (8) A Yes, I understand.
- (9) Q Okay. And this check is almost the verbatim
- (10) language out of the will. I don't think Emma would have
- (11) just made that up. Do you?
- (12) A Make that check up?
- (13) Q Made up that language.
- (14) A I don't know. I don't know. Just like I told
- (15) you, all I know is about that check. I don't know where
- (16) that money go or what. All I know is about that check,
- (17) grandson bring it to me and tell me to sign it. And I
- (18) give him the money before I sign that check
- (19) Q And this check designates you as an executor of
- (20) your grandmother's estate
- (21) A Yeah, that's what it say.
- (22) Q You didn't have any trouble taking the money.
- (23) but then never asked about the land.
- (24) A No.
- (25) MR. GUERARD: Excuse me one moment

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- (1) (The deposition went off the record for a brief
- (2) period.)
- (3) MR. GUERARD: Thank you, ma'am. No
- (4) further questions.
- (5) (The deposition concluded at 11:25 a.m.)
- (6) . . .



0023

1 STATE OF SOUTH CAROLINA 3

C-E-R-T-I-F-I-C-A-T-E

2 COUNTY OF CHARLESTON 1

3  
4 I, G. Michael Alexander, Registered  
5 Professional Reporter and Notary Public, certify that I  
6 did have EVELINA BROWN MOSES to appear before me at  
7 10 33 a.m. on the 15th day of June, 2008, at the law  
8 offices of the Steinberg Law Firm, 61 Broad Street,  
9 Charleston, South Carolina; that the witness was duly  
10 sworn and cautioned to tell the truth, the whole truth,  
11 and nothing but the truth; that the foregoing pages  
12 constitute a true and accurate transcript of her  
13 testimony, given at that time and place.

14 I further certify that I am not of counsel  
15 or kin to any of the parties to this cause of action, nor  
16 am I interested in any manner in its outcome.

17 IN WITNESS WHEREOF I have hereunto set my  
18 hand and seal this 28th day of June, 2008.

19

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G. Michael Alexander, RPR/CSR  
Notary Public for South Carolina  
My Commission Expires May 24, 2018

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IN THE PROBATE COURT  
FOR THE STATE OF SOUTH CAROLINA  
CHARLESTON COUNTY

DEPOSITION OF VIOLA PRINGLE

EVELINA BROWN MOSES, THOMAS P. BROWN, JR., and DAVID L.  
MICHEL as Guardian Ad Litem for REBECCA PATRICIA BROWN,

Petitioner,

vs.

CASE NO. 99-ES-10-689-2

ESTATE OF LUCINDA PRINGLE, EMMA SMALLS, MARY P. SMITH,  
ESTATE OF ANNABELLE THORNTON, ESTATE OF JANINE GOULDINE,  
ODESSA GRADDICK, ARTHUR EUGENE GRADDICK, JR., VIOLA  
PRINGLE, MAEZELL MITCHELL, CEPHUS THORNTON, and any  
other Persons and entities claiming any interest in the  
Estate of LUCINDA PRINGLE,

Respondents.

DEPONENT:

VIOLA PRINGLE

DATE:

March 28, 2006

TIME:

10:15 AM

LOCATION:

DERFNER ALTMAN & WILBORN  
40 Calhoun Street, Suite 410  
Charleston, South Carolina

REPORTED BY:

J. LYNN CLARK, CSR(Iowa) RPR-CP  
NCRA REGISTERED MERIT REPORTER  
CLARK & ASSOCIATES, INC.  
P.O. Box 73129  
Charleston, SC 29415  
843-762-6294  
WWW.CLARK-ASSOCIATES.COM  
Lynn@clark-associates.com

Clark & Associates, Inc.  
843.762.6294

Transcript of the Testimony of Viola Pringle

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2

A P P E A R A N C E S

3

ON BEHALF OF THE PETITIONERS:

4

5

DERFNER ALTMAN & WILBORN  
BY: JONATHAN ALTMAN  
40 Calhoun Street, Suite 410  
Charleston, SC 29403

6

7

SLOTCHIVER & SLOTCHIVER  
BY: STEVEN M. SLOTCHIVER  
44 State Street  
Charleston, SC 29401

8

9

ON BEHALF OF THE RESPONDENTS:

11

STEINBERG LAW FIRM  
BY: CHARLES GOLDBERG  
61 Broad Street  
Charleston, SC 29401

12

13

14

EDWARD P. GUERARD, JR.  
One Carriage Lane, Suite H  
Charleston, SC 29407

15

16

ALSO PRESENT: MAEZELL MITCHELL  
CEPHUS THORNTON

18

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Clark & Associates, Inc.  
843.762.6294

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I N D E X

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Page

4

EXAMINATION

5

By Mr. Altman

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Certificate of Reporter

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Transcript of the Testimony of Viola Pringle

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1

VIOLA PRINGLE,

2 being first duly sworn, was examined and testified as  
3 follows:

4

EXAMINATION

5 BY MR. ALTMAN:

6 Q. Ms. Pringle, good morning.

7 A. Good morning.

8 Q. I'm Jonathan Altman. You were here for  
9 Ms. Small's deposition, so the same rules apply to you.

10 A. Uh-hum.

11 Q. Obviously if you don't understand a question that  
12 I ask you, just stop me and ask me to rephrase it. If  
13 you don't, I'm going to assume that you understood the  
14 question that I'm asking you. If you need a break, just  
15 tell me and we'll be happy to take one.

16 To help the court reporter, make sure that you  
17 actually answer the question affirmatively, yes or no,  
18 no uh-huh or huh-uhs or nods or shakes of the head.  
19 It's difficult for her to take that down.

20 Do you have any questions for me before we get  
21 started?

22 A. No.

23 Q. State your full name for the record.

24 A. Viola Pringle.

25 Q. Give me your date of birth.

1 A. 12-28-47.

2 Q. Your Social?

3 A. 579-64-8603.

4 Q. Tell me where you're from.

5 A. I'm from South Carolina.

6 Q. Where?

7 A. Mount Pleasant, South Carolina.

8 Q. Tell me where you were born.

9 A. I was born in Mount Pleasant, South Carolina.

10 Q. Give me the address, if you know it.

11 A. I don't. Because I was a baby, so I don't know.

12 Q. Tell me where you live now.

13 A. I live at 2517 Old Georgetown Road, Mount  
14 Pleasant, South Carolina.

15 Q. Is that the heirs property that we've been  
16 talking about? Do you live on the property?

17 A. Yeah.

18 Q. How long have you lived there?

19 A. Well, I've lived there with my -- during the time  
20 my mom had died.

21 Q. Did you live there before your mom passed away?

22 A. No.

23 Q. So you moved back to the property after?

24 A. When I came back from New York, I lived at 2411  
25 Highway 17 North.

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1 Q. Is that part of the property?

2 A. No.

3 Q. How close?

4 A. It's in walking distance.

5 Q. When did you return from New York?

6 A. I returned from New York in '83.

7 Q. So for the last 23, 24 years, you've lived very  
8 close to this property?

9 A. Yeah.

10 Q. And it's my understanding that your mother passed  
11 away in October of '04?

12 A. Uh-huh.

13 Q. And you moved onto the property before her death  
14 or after her death?

15 A. Before.

16 Q. Approximately when?

17 A. Let's see. It was after my grandmother had died.

18 Q. My understanding is your grandmother passed away  
19 in October of 1989.

20 A. Uh-huh.

21 Q. So sometime between 1989 and 2004, you moved to  
22 the property?

23 A. Say that again.

24 Q. Your mother passed away in 2004. Your  
25 grandmother passed away in 1989. So I understand that

1     sometime during that 15-year period, you moved on this  
2     property.

3     A.   Yeah.

4     Q.   Approximately when?

5     A.   It was in -- was it -- it was after the time she  
6     had -- my grandmother had died, because my mom needed  
7     help to take care of Patricia Brown, so I helped her. I  
8     moved to help her.

9     Q.   So soon after --

10    A.   No. No. It wasn't soon after. It was about --

11    Q.   1995, 1992?

12    A.   '4.

13    Q.   1994. Okay. So you've lived on this property  
14    for in excess of 10 years?

15    A.   Yeah.

16    Q.   When you moved on the property around 1994, what  
17    other family members were living on the property?

18    A.   My mom and Patricia.

19    Q.   Who else?

20    A.   Emma.

21    Q.   Anyone else?

22    A.   Those are the only one I know of.

23    Q.   Where was Ms. Gourdine living?

24    A.   She was living on Highway 41.

25    Q.   She was not living at 2517 Old Georgetown Road?



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1 A. No.

2 Q. You're positive?

3 A. I'm positive.

4 Q. Okay. The reason why I ask you whether you're  
5 positive is, I'm going to show you a document that  
6 Ms. Gourdine filed with the Probate Court in 1999. And  
7 I'll show this to you. And she reflects her address as  
8 2517 Old Georgetown Road.

9 A. She always did.

10 Q. She always did?

11 A. She always did.

12 Q. Okay. So she --

13 A. Even when she wasn't living in South Carolina,  
14 when she was living in New York, she always use her  
15 mother address.

16 Q. Okay. And 2517 Old Georgetown Road was  
17 Ms. Pringle's mailing address, your grandmother?

18 A. Uh-huh.

19 Q. Any other family members living on the property?

20 A. Well, my mom was living with her mom. And Emma  
21 Smalls.

22 Q. Okay. Emma Smalls was living on the property.

23 A. Uh-huh.

24 Q. Lucinda Pringle had lived on the property. Your  
25 mother was living on the property, and you moved back

1 onto the property --

2 A. Uh-huh.

3 Q. -- in 1994. Anybody else?

4 A. What? Anybody else what?

5 Q. Living on the property.

6 A. It was Lucinda and Elizabeth Washington family

7 that was on the property.

8 Q. From the Lucinda Pringle wing of that family.

9 A. Hum?

10 Q. From your grandmother's side of the family.

11 A. Emma Smalls, Annabelle Thornton.

12 Q. And you and Rebecca?

13 A. Yeah.

14 Q. Nobody else?

15 A. No.

16 Q. Tell me how far you went in school, Ms. Pringle.

17 A. 10th grade.

18 Q. Tell me your employment background, if you don't  
19 mind.

20 A. Well, when I lived -- I worked at school at Mount  
21 Pleasant. The academy -- not the academy, the -- what's  
22 that school called? Moultrie.

23 Q. In what position?

24 A. I was the cook.

25 Q. Are you employed now?

Page 10

1 A. No.

2 Q. You're retired?

3 A. I do -- I mean I do housework. I do housework.  
4 That's about it.

5 Q. I usually ask people at the start, but have you  
6 ever had your deposition taken before?

7 A. No.

8 Q. Have you ever been involved with a legal action  
9 before?

10 A. No.

11 Q. Now, you were here during Ms. Small's testimony  
12 and you heard us discuss your family tree. Was there  
13 anything incorrect or anybody that we left out in that  
14 discussion, that you recall?

15 A. What? The family tree?

16 Q. Yes, ma'am.

17 A. No.

18 Q. Did that appear to be a correct --

19 A. Whatever you have on here for the family tree is  
20 correct.

21 Q. Do you know of any other children or individuals  
22 who may claim an interest in this property that I've  
23 left out?

24 A. No.

25 Q. Now, you were living in Mount Pleasant when your

1 grandmother passed away; is that correct?

2 A. Uh-huh.

3 Q. Do you recall any discussion of probating her  
4 estate between 1989 and 1999?

5 A. Huh-uh.

6 Q. That's a no?

7 A. Yes, no. Sorry.

8 Q. That's all right. Now, when did you become aware  
9 that Ms. Gourdine had begun the process to probate your  
10 grandmother's estate? Or were you aware that she had  
11 filed anything?

12 A. No, not really.

13 Q. No --

14 A. No. No.

15 Q. I'm going to show you a document that's been  
16 marked Petitioners' Exhibit 3. And I'm going to show  
17 you a document that appears to have your mother's  
18 signature on it.

19 A. Uh-huh.

20 Q. Does that appear to be your mother's signature?

21 A. Yeah.

22 Q. Were you aware that she had signed that document?

23 A. No.

24 Q. Did you know that she had signed any documents  
25 for the Probate Court?

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1 A. No.

2 Q. When did you become aware that an action to  
3 administer your grandmother's estate had been begun by  
4 your family?

5 A. When all this started.

6 Q. And you didn't know anything until this action  
7 had been filed?

8 A. Huh-uh.

9 Q. I just want to be clear about that. The first  
10 time that you learned of any activity in the Probate  
11 Court involving your grandmother's estate was in 2006?

12 A. Say that again.

13 Q. Or 2005. Until this case started, and I'm  
14 talking about the last 18 months, you were unaware of  
15 any -- any action, any steps taken with the Probate  
16 Court involving your grandmother's estate?

17 A. Yes.

18 Q. You were unaware that your mother had signed the  
19 form I just showed you marked Petitioners' Exhibit 3?

20 A. Yes.

21 Q. And you personally had never been to the Probate  
22 Court relative to your grandmother's estate?

23 A. To my grandmomma estate?

24 Q. Yes.

25 A. Right.

1 Q. When did you become aware that your mother --  
2 scratch that.

3 My understanding is Ms. Gourdine died in 1999; is  
4 that correct?

5 A. I really don't know the date that -- the only  
6 date that I really know that died, was deceased, is my  
7 mother.

8 Q. And she passed away in 2004.

9 A. Right. November -- I mean October 17, 2004.

10 Q. Are you aware that your mother was appointed  
11 substitute personal representative of your grandmother's  
12 estate before her death?

13 A. Yes.

14 Q. How did you become aware of that?

15 A. Through her.

16 Q. What did she tell you?

17 A. She just said it.

18 Q. She said, I've been appointed to take --

19 A. Uh-huh. She's going to be appointed -- she's  
20 going to appoint herself as our grandmother -- as her  
21 momma estate.

22 Q. Did you help her in her capacity as personal  
23 representative?

24 A. No.

25 Q. Did you do anything at all?

Page 14

1 A. Just what she told me. That's it.

2 Q. But according to your testimony, she just told  
3 you --

4 A. Uh-hum.

5 Q. -- guess what, I'm going to take -- I'm going to  
6 take over this for Ms. Gourdine after she passed away;  
7 is that correct?

8 A. Uh-huh.

9 Q. And that was the extent of your knowledge?

10 A. Yep.

11 Q. And you didn't do anything.

12 A. (Shook head.)

13 Q. Is that correct?

14 A. That's correct.

15 Q. You never had any discussion with Evelina Brown  
16 Moses about it? Yes or no.

17 A. What I just told you.

18 Q. Okay. I just want to make certain.

19 A. No.

20 Q. You never had any discussion with Thomas Brown?

21 A. No.

22 Q. And you never had any discussion with Rebecca  
23 Patricia Brown?

24 A. She wouldn't understand if I did. No.

25 Q. Now, were you a party to any conversation about

1 the existence of a will for your grandmother?

2 A. No.

3 Q. When did you first learn that your grandmother  
4 had a will?

5 A. When we heard from the lawyers.

6 MR. SLOCHIVER: Which lawyers?

7 THE WITNESS: Evidently the deposition  
8 lawyers.

9 Q. Now, the reason --

10 MR. ALTMAN: If we could mark this as  
11 Petitioners' Exhibit 6.

12 (Exhibit No. 6 was marked for  
13 identification.)

14 Q. Now, Ms. Pringle the reason why we went -- I went  
15 back through it with you as to your involvement is  
16 because I'm going to show you a document. It's a  
17 receipt from the Probate Court that reflects that you  
18 personally, Viola Pringle, paid the fee to reopen this  
19 estate.

20 A. Yeah. That's my name.

21 Q. And that's dated March 22, 2001?

22 A. Uh-hum.

23 Q. Do you recall going to the Probate Court and  
24 paying that money?

25 A. Yeah. My mom asked me to.



Page 16

1 Q. Well, that's a little bit different than your  
2 earlier testimony.

3 A. Well, she just asked me to go pay it, and that's  
4 what I did.

5 Q. Tell me what else you did.

6 A. That was it.

7 Q. Did you have any other contact with the Probate  
8 Court?

9 A. Well, with -- with Lucinda Pringle?

10 Q. Yes, ma'am.

11 A. No. That was it.

12 Q. This one trip down to the Probate Court --

13 A. Except what my mom wanted me to do.

14 Q. Well, let's talk about that. What else did your  
15 mom want you to do?

16 A. That was it.

17 Q. I just want to be clear, because earlier I asked  
18 you the extent of your involvement with the estate, and  
19 you said, my mom told me one thing and that was it. And  
20 now you're telling me that, she asked me to do some  
21 other things. She asked me to go down to the Probate  
22 Court and pay this money.

23 A. Yeah. That was -- that was it.

24 Q. Okay. What else?

25 A. That's it.

1 Q. You never went back to the Probate Court.

2 A. Not for that.

3 Q. What did you go back to the Probate Court for?

4 A. To find out what's going on.

5 Q. What did you find out?

6 A. Nothing.

7 Q. Who did you talk to?

8 A. I don't remember.

9 Q. How many times do you think you visited the  
10 Probate Court for your mom?

11 A. I think about twice, something like that.

12 Q. On what dates?

13 A. I don't remember, sir.

14 Q. How many telephone calls do you think you made to  
15 the Probate Court?

16 A. I don't even have the Probate Court number to  
17 call.

18 Q. Where was the Probate Court located in 2001?

19 A. I don't know for sure.

20 Q. Where do you think, best of your recollection?

21 A. I'd rather not say about my recollection, because  
22 I don't know. Oh, okay. That's where it was. Oh,  
23 okay.

24 Q. Were you aware that your grandmother's estate had  
25 been closed after Ms. Gourdine passed away?

Page 18

1 A. I guess so, because she passed away. She wasn't  
2 able to finish it.

3 Q. Do you recall speaking to anybody at the Probate  
4 Court about how to reopen the estate?

5 A. Yeah, I think I did.

6 Q. Who suggested that you do that?

7 A. Who suggested it?

8 Q. Yes.

9 A. You mean at the Probate Court, who suggested to  
10 tell me that, to reopen it?

11 Q. Why did you call the Probate Court about  
12 reopening it?

13 A. I didn't call no Probate Court because I didn't  
14 know the Probate Court number.

15 Q. How did you have contact with the Probate Court  
16 regarding the estate? I'm trying to understand how this  
17 came about that you --

18 A. Well, I went down there.

19 Q. Why did you go down there?

20 A. To find out.

21 Q. To find out what?

22 A. How to continue with my aunt -- didn't finish  
23 after her death.

24 Q. Why were you doing that?

25 A. Because my mom mentioned it to me, since she

1 mention it.

2 Q. What did your mom mention to you?

3 A. About what I told you the first time.

4 Q. What discussions did you have with your mom  
5 regarding the property?

6 A. That was it, sir.

7 Q. Did you know that you had to administer your  
8 grandmother's estate to take the property out of your  
9 grandmother's name?

10 A. No.

11 Q. What were you trying to accomplish through  
12 administering your grandmother's estate?

13 A. We were just trying to get it straightened out.

14 Q. What were you trying to get straightened out?

15 A. The property.

16 Q. I'm sorry?

17 A. The property.

18 Q. And what were you trying to do?

19 A. Just trying to get it straightened out.

20 Q. Whose name were you trying to get the property  
21 in?

22 A. You mean the -- Annabelle.

23 Q. Anybody else?

24 A. Just Annabelle.

25 Q. Your mom wanted the property in her name?

Page 20

1 A. No. No. You twisting my word.

2 Q. Okay. Well, tell me.

3 A. We just wanted to take it out of a dead person  
4 name and put it into a person that was alive. That's  
5 all.

6 Q. Did you have any discussion with your mom  
7 regarding the existence of a will for your grandmother?

8 A. No.

9 Q. I just want to be clear. You testified earlier  
10 that you didn't learn of the existence of a will until  
11 this action began.

12 A. Yeah, that's what I said. Uh-huh.

13 Q. Is that still your testimony?

14 A. Yeah.

15 Q. I'm going to show you another document, 7.

16 (Exhibit No. 7 was marked for  
17 identification.)

18 Q. And these are notes from the Probate Court that  
19 indicates that you were provided some documents on March  
20 6, 2001. That's before the application for successor  
21 personal representative was filed. Does that date,  
22 March 6, 2001, seem about right to you?

23 A. No.

24 Q. Do you have any recollection of going to the  
25 Probate Court in March?

1 A. No.

2 Q. Ms. Pringle, I'm going to show you some documents  
3 that we're going to mark as 8.

4 (Exhibit No. 8 was marked for  
5 identification.)

6 Q. And this is the application that your mother  
7 submitted and filed with the Probate Court in 2001. Do  
8 you recall seeing this document --

9 A. Yeah.

10 Q. -- before today? Tell me your recollection of  
11 it.

12 A. I just remember seeing it.

13 Q. Did you help your mother prepare it?

14 A. Yeah, I helped her.

15 Q. Now, when this document was submitted, there  
16 were some other documents that were submitted as well.  
17 These documents have already been marked as Petitioners'  
18 Exhibit 5. If you would, look at those for a second.

19 A. Okay.

20 Q. Have you ever seen this document before?

21 A. Uh-hum.

22 Q. Did you help your mom prepare this document?

23 A. Is that the same as this one?

24 Q. They were filed at the same time, but they're  
25 different documents.

Page 22

1 A. But all pertain to these two?

2 Q. Yes, ma'am.

3 A. (Nodded.)

4 Q. Is this your handwriting on this document -- on  
5 either?

6 A. No. My handwriting is on none of them.

7 Q. Did you help your mother prepare these documents?

8 A. I helped her, but I didn't -- my handwriting is  
9 not on those documents.

10 Q. How old was your mother in 2001? How old was she  
11 when she passed away?

12 A. Well, I don't know exactly how old she was, but I  
13 can tell you her date of birth.

14 Q. Please.

15 A. April 20th, 1927.

16 Q. Did you-all have any family meetings regarding  
17 your mother taking over the estate, taking over the role  
18 as personal representative?

19 A. Not really.

20 Q. She just decided to do this on her own?

21 A. Well, like I said, being my grandmother had died  
22 and, you know, so she decided that she -- the best thing  
23 to do would be just do it since Janine had died too.

24 So --

25 Q. Now, was there ever a discussion -- are you aware

1 of any discussion with your mother's other living  
2 sister?

3 A. No.

4 Q. What about other family members that had an  
5 interest in the estate?

6 A. No.

7 Q. How far did your mother go in school?

8 A. I don't exactly know.

9 Q. What do you think?

10 A. I'm not -- my thinking is not good. So I'm not  
11 going to guess. If she was here, she probably would  
12 answer that question for you herself. I'm not going to  
13 guess.

14 Q. Did she graduate from high school?

15 A. Not to my knowledge.

16 Q. What did she do for a living during her life?

17 A. Domestic work.

18 Q. Do you recall helping your mother with any other  
19 estate documents, deeds, petitions for settlement?

20 A. Settlement on what?

21 Q. Of the estate of your grandmother.

22 A. No.

23 Q. I'm going to show you a document --

24 (Exhibit No. 9 was marked for  
25 identification.)



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1 Q. Ms. Pringle, this document has been marked  
2 Petitioners' Exhibit 9. If you would take a second and  
3 look at it, I'm going to ask you if you've ever seen  
4 that before.

5 A. Uh-huh. Yeah, I've seen it. All those documents  
6 that you've shown me for Annabelle Thornton, all that  
7 document that you showing me, all these came together.  
8 All that was together.

9 Q. Okay. Did you see this document before it was  
10 completed and filed with the court?

11 A. No.

12 Q. Is today the first time you've seen this document  
13 after it was completed and signed by your mother?

14 A. Yeah.

15 Q. Now, if you would, look at SB on this form. And  
16 you can see it's got an X to it right there.

17 A. Uh-hum.

18 Q. That sentence states that, I request that the  
19 court find the decedent died intestate and make a  
20 determination of the heirs at law of the decedent.  
21 You're aware that the term intestate means to die  
22 without a will?

23 A. No. I'm aware of it now.

24 Q. Was it your understanding in 2001 that your  
25 grandmother had died without a will?

1 A. Yes.

2 Q. Prior to the commencement of this action, in the  
3 last 18 months, had you ever heard of your grandmother  
4 having a will?

5 A. Let's cut it short right here. I've never heard  
6 of a will until all this come about right here. Okay?

7 Q. Have you ever heard that Emma Smalls --

8 A. I have never --

9 Q. Let me finish. Have you ever heard that Emma  
10 Smalls had a will in her possession?

11 A. No.

12 Q. Have you ever heard that any other family member  
13 had a will and concealed it?

14 A. No.

15 Q. And that includes our clients.

16 A. What you just ask me?

17 Q. I just want to be very clear that your testimony  
18 is, until the last year, 18 months, you never heard any  
19 discussion about the existence of a will.

20 A. No.

21 Q. Ms. Pringle, did you help your mother in the  
22 preparation of these deeds of distribution, the deeds to  
23 the property? I'll be happy to show them to you. Let's  
24 mark this as 10.

25 (Exhibit No. 10 was marked for

Transcript of the Testimony of Viola Pringle

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1 identification.)

2 A. Now what's this? It's a deed?

3 Q. That's a deed of distribution. Have you ever  
4 seen that document before?

5 A. Yeah, I have.

6 Q. Did you assist your mother in the preparation of  
7 that document?

8 A. Like I told you before, all these papers here  
9 that you are showing me, all those papers and this one,  
10 everything you're showing me, they all came together.  
11 You are separating them.

12 Q. When I ask you that, I'm asking you in its  
13 completed form. Not in a package that the Probate Court  
14 gave you originally.

15 A. That's the way it came. They all came together.

16 Q. What I'm asking you is, have you ever seen this  
17 document in its completed form with this information  
18 included?

19 A. Oh, Annabelle Thornton?

20 Q. Yes, ma'am.

21 A. Yeah, I have.

22 Q. Do you know who completed this, this deed? Who  
23 prepared it?

24 A. I really don't know, but I've seen it.

25 Q. Do you know who Myrtle Jackson is?

1 A. No.

2 Q. Have you ever heard that name before?

3 A. Myrtle Jackson?

4 Q. Yes, ma'am.

5 A. Huh-uh.

6 Q. Was somebody assisting your mother in the  
7 preparation of these deeds?

8 A. Well, to tell you the truth, besides me, sir, I  
9 can't answer that question for you.

10 Q. Do you know of anybody else besides you?

11 A. No.

12 Q. Do you know a Diane Williams?

13 A. Oh, yeah. Uh-huh.

14 Q. Who is Diane Williams?

15 A. She's a notary.

16 Q. Where does Ms. Williams live?

17 A. All I know is Mount Pleasant.

18 Q. Is she a friend of your family?

19 A. She's a friend of mine.

20 Q. How did she get involved in the preparation of  
21 these deeds?

22 A. I found out they needed to be notarized, so she  
23 was a notary public. So --

24 Q. I want to be fair with you. I just asked you  
25 whether anybody else was involved that you knew, and you

Transcript of the Testimony of Viola Pringle

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1 told me, no, other than myself. Now you're telling me  
2 that Diane Williams --

3 A. Well, you didn't mention anything about the  
4 notary public now. That's a notary.

5 Q. What I asked you was who else was involved in the  
6 preparation of these documents, played any role. I want  
7 you to tell me everybody. Don't leave out anybody who  
8 had any role. I don't care whether it was witnessing.  
9 I don't care whether it was notarizing. I don't care  
10 whether it was just being in a room where it was being  
11 discussed.

12 A. Oh, okay.

13 Q. I don't care whether it was driving you downtown  
14 to the Probate Court to file it. Tell me everybody that  
15 was involved in any part of this.

16 A. Diane Williams.

17 Q. Where can I find Ms. Williams?

18 A. I don't know, sir.

19 Q. Is she still a friend of yours?

20 A. Yeah, uh-huh.

21 Q. Do you know where she lives?

22 A. No, huh-uh.

23 Q. Does she live in Mount Pleasant?

24 A. Yeah, she live in Mount Pleasant.

25 Q. What about Phillip Hair?

1 A. Who?

2 Q. Phillip Hair?

3 A. No.

4 Q. He's also a witness on these documents.

5 A. Let me see.

6 MR. ALTMAN: Let's mark these as 11.

7 (Exhibit No. 11 was marked for  
8 identification.)

9 A. Where that name on here that you just mentioned?

10 Q. (Indicating.) What does Ms. Williams do for a  
11 living?

12 A. She's no longer working.

13 Q. And what did she do for a living when she was  
14 working?

15 A. She worked -- had worked for an insurance agency.  
16 That's all I know.

17 Q. Did she help you and your mom with the estate?

18 A. No.

19 Q. Other than these deeds?

20 A. No. All she did was notarize it. That's all she  
21 did.

22 Q. Actually she witnessed it. She didn't notarize  
23 it.

24 Do you recall were you present when she witnessed  
25 these documents?

Transcript of the Testimony of Viola Pringle

Page 30

1 A. Who?

2 Q. Diane Williams.

3 A. Yeah.

4 Q. Where did that take place?

5 A. At my mama, where she lived.

6 Q. She came by the house?

7 A. Yeah.

8 Q. Did you call her?

9 A. No. I went by her house.

10 Q. I thought you just said this happened at your  
11 mother's house.

12 A. Yeah, that's what I said. It happened at my  
13 mother house.

14 Q. And she came by your mother's house?

15 A. Yeah.

16 Q. Did you call her and ask her to come by your  
17 mother's house?

18 A. No, I didn't call her. That's what I'm telling  
19 you. I went by her house.

20 Q. And got her?

21 A. Yeah.

22 Q. Was Phillip Hair present when this deed --

23 A. I don't know a Phillip.

24 Q. Do you have any idea why his name would appear on  
25 this document?

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1 A. No, I don't. Not unless it was done at Probate  
2 Court. I don't.

3 Q. Did you deliver these documents to the Probate  
4 Court?

5 A. Yeah. Uh-huh.

6 Q. Was your mom with you?

7 A. No. She wasn't feeling good at the time.

8 Q. Correct me if I'm wrong. I know that you were  
9 present when this deed was signed. I know that Diane  
10 Williams was present. I know that your mother was  
11 present. I know that Phillip Hair was not present.

12 A. I don't even -- I told you, I don't know who that  
13 is.

14 Q. I'm just asking you who was present when your mom  
15 signed this.

16 A. Oh, okay.

17 Q. Anybody else besides you, Ms. Williams and your  
18 mom when these documents were signed?

19 A. No.

20 Q. Nobody else.

21 A. Not that I -- not that I recall.

22 Q. Not that you recall.

23 A. Not that I recall.

24 Q. And that after these documents were signed, you  
25 brought them down to the Probate Court?



Transcript of the Testimony of Viola Pringle

Page 32

1 A. (Nodded.)

2 Q. I'm going to show you what's been marked  
3 Petitioners' Exhibit 4. It's a document entitled Last  
4 Will and Testament of Lucinda Pringle.

5 A. Uh-hum.

6 Q. Have you ever seen that document before?

7 A. No.

8 Q. Not since this action started have you ever seen  
9 it?

10 A. No.

11 Q. As we sit here today, this is the first time  
12 you've ever laid eyes on it?

13 A. (Nodded.)

14 Q. Yes or no.

15 A. Right. First time.

16 Q. Has anybody ever discussed the existence of this  
17 document with you?

18 A. No.

19 Q. Do you know where this document came from?

20 A. No. I'm telling you, this is my first time and  
21 you ask me all these questions about that document  
22 there. When I'm tell you this is my first time seeing  
23 it, shouldn't that question be answered -- or anything  
24 you ask me about that, shouldn't that be answered with  
25 that question? I don't know anything about any will,

1 sir.

2 Q. Ms. Pringle, have you read the petition filed in  
3 this action?

4 A. Yeah, I've -- yeah, I have read it. And I don't  
5 remember everything that was said, but I've -- I've  
6 glanced through it. Put it that way.

7 Q. After reading the petition, do you understand  
8 what this will purports to say?

9 A. No. Because I've never seen a will.

10 MR. ALTMAN: Do you-all have anything?

11 A. Not until what you just showed me. That's all I  
12 can say.

13 MR. GUERARD: He's through.

14 (The deposition was concluded at 10:52 a.m.)

15 - - -

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1 STATE OF SOUTH CAROLINA )  
2 COUNTY OF CHARLESTON )  
3

4 I, J. Lynn Clark, Registered Professional Reporter  
5 and Notary Public for the State of South Carolina at  
6 Large, do hereby certify that the witness in the  
7 foregoing deposition was by me duly sworn to testify to  
8 the truth, the whole truth and nothing but the truth in  
9 the within-entitled cause; that said deposition was  
10 taken at the time and location therein stated; that the  
11 testimony of the witness and all objections made at the  
12 time of the examination were recorded stenographically  
13 by me and were thereafter transcribed by computer-aided  
14 transcription; that the foregoing is a full, complete  
15 and true record of the testimony of the witness and of  
16 all objections made at the time of the examination; and  
17 that the witness was given an opportunity to read and  
18 correct said deposition and to subscribe the same.

19 Should the signature of the witness not be affixed to  
20 the deposition, the witness shall not have availed  
21 himself of the opportunity to sign or the signature has  
22 been waived.

23 I further certify that I am neither related to nor  
24 counsel for any party to the cause pending or interested  
25 in the events thereof.

Witness my hand, I have hereunto affixed my official  
seal this 8th day of April, 2006, at Charleston,  
Charleston County, South Carolina.

J. Lynn Clark  
RPR, CP-CM, CSR  
My Commission expires  
October 30, 2006

Clark & Associates, Inc.  
843.762.6294

CHARLESTON COUNTY PROBATE COURT

RECEIPT# 064642

2144 MELBOURNE AVE

NORTH CHARLESTON, SOUTH CAROLINA 29405

PHONE (843)740-5890

| DATE       | RECEIPT NO. | AMOUNT | PAID BY |
|------------|-------------|--------|---------|
| 03/22/2001 | 064642      | 22.50  | CASH    |

Received From: VIOLA PRINGLE

Case Number: 1999 ES 10 000689

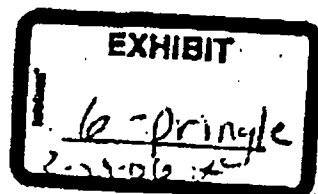
Transaction ID: 189141

Case Name: PRINGLE, LUCINDA

Payment Code: 022 REOPEN/SUCCESSOR PR

RETAIN THIS RECEIPT FOR YOUR RECORDS

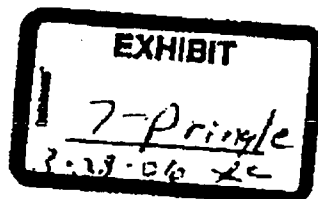
Deputy Clerk (PBTMAH /00)



8/16/00 NO SHOW @ RTSC - Rule 4 per TCC  
3601 Viola Pringle - grand daughter provided with  
(of Lucinda)  
Pringle

successor petition and 2 renunciations.  
Her mother is supposed to petition as PR.

5-8-01 sent original deed to Annabell Thornton mh  
Avelina Brown-Moses - 832-2327



IN THE MATTER OF Juanda Ringle

CASE NUMBER

MAR 22 PM 3:11

APPLICATION/PETITION FOR SUCCESSOR PERSONAL REPRESENTATIVE

☒ INFORMAL ☐ FORMAL

Applicant/Petitioner:

Annabell Thornton

The previous/original application/petition is adopted, except as noted on the attachment.

The name(s) and address(es) of the most recent duly qualified and acting Personal Representative(s) for this estate is/was: JAMIE Goudine

If not previously filed with the Court, a copy of the above Personal Representative's death certificate, resignation or termination of appointment is attached.

The name(s) and address(es) of the proposed successor Personal Representative(s)

Annabell Thornton  
2517 Old Georgetown Rd.  
Mount Pleasant SC 29464

Priority for this appointment is:

- ☐ named as Primary Personal Representative in will or nominee of Primary Personal Representative  
☐ named as Alternate Personal Representative in will or nominee of Alternate Personal Representative  
☐ 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  
☒ other (describe): Sister of Jamie Goudine  
☐ nominee of any of the above

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 March, 2001.

Dane Williams

**DAVE WILLIAMS**

NOTARY PUBLIC, SOUTH CAROLINA

My Commission Expires: 1-31-10

Signature: Annabell Thornton

Name: Annabell Thornton

Address: 2517 Old Georgetown Road  
Mount Pleasant SC 29464

Telephone (O): \_\_\_\_\_

(H): (843) 884-3532

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone (O): \_\_\_\_\_

(H): \_\_\_\_\_

EXHIBIT

8 - pringle  
3-28-01

ORDER FOR HEARING

IT IS SO ORDERED that a hearing on this matter be set for:

DATE:

TIME:

PLACE:

Pursuant to Section 62-1-401, the petitioner is ordered to give notice of this hearing to all interested persons at least twenty (20) days prior to the hearing.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

IRVIN G. CONDON, Probate Court Judge

ORDER OF APPOINTMENT

IT IS HEREBY ORDERED that the above application / petition for successor Personal Representative(s) be  
[ ] GRANTED [ ] DENIED:

Executed this 22<sup>nd</sup> day of March, 2001

Irvin G. Condon  
IRVIN G. CONDON, Probate Court Judge

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.

Signature: [Signature]  
Name: Annabell Thornton  
Address: 2512 Old Georgetown Rd  
MT. Pleasant S.C. 29466  
Telephone (O): \_\_\_\_\_  
(H): (843) 884-3532

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone (O): \_\_\_\_\_  
(H): \_\_\_\_\_  
**STATE WITNESS**

Attorney: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

IN THE MATTER OF )

LUCINDA PRINGLE

CASE NUMBER

1999-ES-10-689(2)

PETITION FOR SETTLEMENT

1. The undersigned as the Personal Representative(s) has/have collected and managed the assets of the estate; has/have paid all lawful claims against the estate; has/have distributed assets or proposed to distribute as designated on the Proposal for Distribution; and has/have performed all other required acts pertaining to estate of decedent.
2. The Personal Representative(s) has/have filed:  
☐ Proof of Publication.  
☐ an Inventory  
☒ a Proposal for Distribution  
☐ a Final Accounting  
☐ all required returns (including final income tax return, fiduciary income tax return, estate tax return). If not please explain.
3. The time period for submission of claims has expired.
4. I request that the Court issue Orders as appropriate together with such other Orders as the law may require and as the Court may deem applicable and proper.
5. I request that the Court: (check all that apply)  
☐ A. Consider and approve an accounting and the proposal for distribution.  
☒ B. Approve the distribution previously made and authorize the Personal Representative(s) to transfer title to the assets and distribute them to the distributees in the amount and manner set forth in the Proposal for Distribution (Form #410PC).  
☐ C. Find that the decedent died testate and make a determination of testacy status and beneficiaries of the decedent.  
☒ D. Find that the decedent died intestate and make a determination of the heirs at law of the decedent.  
☐ E. Discharge, or set forth the conditions of the termination of the appointment of the Personal Representative, and the release of the Personal Representative's bond, if any.  
☐ F. Other.
6. Notice of Right to Demand Hearing and copies of the final accounting, the Proposal for Distribution, and this petition have been/are being sent to all interested persons as required by law.

Executed this 25th day of May, 2001

SWORN to before me this 25th day of May, 2001

Notary Public for South Carolina

My Commission Expires: 8-3-2009

Signature: Annabell Thornton

Name: ANNABELL THORNTON

Address: 1517 OLD GEORGETOWN RD.

MT. PLEASANT, SC 29466

Telephone (O):

(H): 884-3532

Signature:

Name:

Address:

Telephone (O):

(H):

FORM #421PC (01.01)

3-1-1991, 6-2-1-1992, 6-2-1-1993

EXHIBIT

9-Pringle

3:17 c/o PC



STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

FILED

APR 17 1990

PROBATE COURT

IN THE MATTER OF LUCINDA PRINGLE  
CHARLESTON COUNTY

CASE NUMBER 1999ES10-00689(2)

DEED OF DISTRIBUTION

WHEREAS, the decedent died on the 11 day of OCTOBER 1989 ~~XX~~ and,

WHEREAS, the Estate of the decedent is being administered in the Probate Court of Charleston County, South Carolina in File # 1999ES10-00689(2) and,

WHEREAS, the grantee herein is either a beneficiary or heir at law, as appropriate, of the decedent; and,

WHEREAS, the undersigned Personal Representative is the duly appointed and qualified fiduciary in this matter; and,

NOW, THEREFORE, in accordance with the laws of the State of South Carolina, the Personal Representative has granted bargained, sold and released, and by these Presents does grant, bargain, sell and release to:

ANNABELL THORNTON 1/5

EMMA SMALLS 1/5

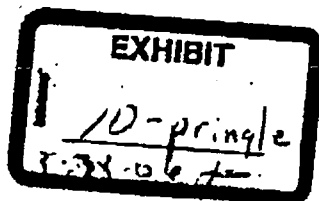
MARY P. SMITH 1/5

REBECCA BROWN, THOMAS BROWN, JR., EVELINA BROWN MOSES 1/5  
*Estate of Janice Gourdin 1/5*

the following property:

2517 OLD GEORGETOWN ROAD  
MT. PLEASANT, SC 29466

TMS #578 00 00 026



FEDERAL CHIEF OF POLICE  
RECEIVED 10/17/90

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit and I understand such information.
2. The property is being transferred BY ESTATE OF LUCINDA PRINGLE TO ANNABELL THORNTON, EMMA SMALLS, MARY P. SMITH, REBECCA BROWN, THOMAS BROWN JR., EVELINA BROWN MOSES, Estate of Annie Pounding ON 6 APRIL 2001.
3. Check one of the following: The DEED is

- (a) ☐ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
- (b) ☐ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as distribution to a trust beneficiary.
- (c) ☒ EXEMPT from the deed recording fee because (exemption # 1) (Explanation, if required.) TRANSFERRING REALTY TO Legal Heirs (If exempt, please skip items 4 - 6, and go to item 7 on this Affidavit.)

4. Check one of the following if either item 3(a) or 3(b) above has been checked.

- (a) ☐ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$ \_\_\_\_\_ dollars.
- (b) ☐ The fee is computed on the fair market value of the realty which is \$ \_\_\_\_\_ dollars.
- (c) ☐ The fee is computed on the fair market value of the realty as established for property tax purposes which is \$ \_\_\_\_\_ dollars.

5. Check ☐ YES or ☐ NO to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If YES the amount of the outstanding balance of this lien or encumbrance is \$ \_\_\_\_\_ dollars.

6. The DEED Recording is compute as follows:

- (a) \_\_\_\_\_ the amount listed in item 4 above.
- (b) \_\_\_\_\_ the amount listed in item 5 above (if no amount place zero (0)).
- (c) \_\_\_\_\_ Subtract line 6(b) from line 6(a) and place the result (sum).

7. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: PERSONAL REPRESENTATIVE

8. I understand that a person required to furnish this affidavit who wilfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than One Thousand and no/100ths (\$1,000.00) Dollars or imprisoned not more than one year or both.

SWORN to before me this 17 day of April, 2001.

Monte A Jackson  
Notary Public for South Carolina  
My Commission Expires: 06.09.09

Annabell Thornton  
Grantor, Grantee, or Legal Representative  
connected with this transaction  
ANNABELL THORNTON  
Print or Type Name Here

**CHARLIE LYBRAND**

FILED PROBATE CT CHARSCO

**CHARLESTON COUNTY  
REGISTER MESNE CONVEYANCE  
COUNTY OFFICE BUILDING  
P.O. BOX 726  
CHARLESTON, SC 29402-0726  
843-958-4800**

2001 APR 20 PM 11:35

4-19 2001

DOCUMENTS BEING RETURNED TO:

Probate Court

Please make note of the following enclosures:

☒ CASH 10.00 ☒ CHECK ☒ DEED ☐ MORTGAGE ☐ PLAT ☐ SATISFACTION  
☐ POWER OF ATTORNEY ☐ ASSIGNMENT ☐ RELEASE ☐ OTHER

IN REFERENCE TO:

Bringle/Eat

Items being rejected for the following reasons:

- ☐ Must have original Document
- ☐ Need signature of witness or witnesses
- ☐ Insert Book Letter in front of Reference Number - ( Ex: T145 - 123)
- ☐ Complete South Carolina Probate or Acknowledgment
- ☐ Complete Satisfaction
- ☐ Need signature of Notary Public
- ☐ Insert Book and Page Reference Number
- ☐ Affidavit is required
- ☐ Plat must be approved by the proper governmental jurisdiction
- ☒ Need a complete Legal Description
- ☐ Complete the Derivation Clause
- ☐ Need the amount of assumption and the Book and Page of the Mortgage
- ☐ Your check is \$\_\_\_\_\_ short - over
- ☐ Document cannot be filed in the Charleston County RMC Office
- ☐ Please sign your check
- ☐ No check sent for recording
- ☐ Please date the Document
- ☐ Other

Corrected  
version  
sent back  
4-24-01

Remarks or instructions:

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

**FILED**  
APR 17 11:36 AM  
CHARLESTON COUNTY

2001 APR 20 AM 11:36  
PROBATE COURT

IN THE MATTER OF LUCINDA PRINGLE  
CASE NUMBER 1999ES10-00689(2)

**DEED OF DISTRIBUTION**

WHEREAS, the decedent died on the 11 day of OCTOBER 1989 and,

WHEREAS, the Estate of the decedent is being administered in the Probate Court of Charleston County, South Carolina in File # 1999ES10-00689(2) and,

WHEREAS, the grantee herein is either a beneficiary or heir at law, as appropriate, of the decedent; and,

WHEREAS, the undersigned Personal Representative is the duly appointed and qualified fiduciary in this matter; and,

NOW, THEREFORE, in accordance with the laws of the State of South Carolina, the Personal Representative has granted, bargained, sold and released, and by these Presents does grant, bargain, sell and release to:

ANNABELL THORNTON 1/3  
EMMA SMALLS 1/5  
MARY P. SMITH 1/5  
REBECCA BROWN, THOMAS BROWN, JR., EVELINA BROWN MOSES 1/5  
*Estate of Lucinda Pringle*

the following property:

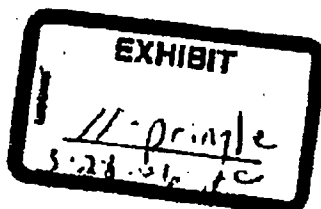
2517 OLD GEORGETOWN ROAD  
MT. PLEASANT, SC 29466

TMS 1578 00 00 026



Assigns, ALL that piece, or parcel of land, situate, in Christ Church Parish, Charleston County, State aforesaid, and containing ten and one-half (10½) acres, more or less, said parcel known as Lot No. 5 on a plat of Boone Hall and Sea Shore tracts, which said plat is recorded in the R.M.C. Office for Charleston County in Plat Book B, page 46, and dated the 28th day of November, 1873. BEING the same property conveyed to September Drayton by J. H. Horlbeck and John S. Horlbeck, by Deed dated January 1, 1881, and recorded in the R.M.C. Office for Charleston County in Book K-19, page 3.

FILED PROBATE CHANCERY  
APR 17 11:36 AM



TOGETHER with all and singular, Rights, Members, Hereditaments and Appurtenances to the said Premises/Property belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises/Property unto the said ANNABELL THORNTON 1/5, EMMA SMALLS 1/5, MARY P. SMITH 1/5, (REBECCA BROWN, THOMAS BROWN, JR., EVELINA BROWN MOSES 1/5), (Estate of Annie Gurdine 1/5)

IN WITNESS WHEREOF, the undersigned, as Personal Representative of the estate of the decedent, has executed this Deed, this 6 day of APRIL, 2001.

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF

Estate Of: LUCINDA PRINGLE

by Signature: [Signature]

Witness:

[Signature: Dane Williams]

Witness:

[Signature: Phillip D. Hays]

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

PROBATE

PERSONALLY appeared before me Dane Williams

and made oath that he/she saw the within named Personal Representative(s) sign, seal, and as their act and deed, deliver the within written Deed, and that he/she with Phillip D. Hays witnessed the execution thereof.

SWORN to before me this 17 day of

April, 2001

Witness Signature:

[Signature: Dane Williams]

[Signature: Phillip D. Hays]

Notary Public for South Carolina

My Commission Expires: 060209

BELOW, PLEASE SPECIFY THE EXACT NAME AND ADDRESS  
OF THE PERSON(S) TO WHOM TAX BILL SHALL BE SENT.

Name: ANNABELL THORNTON  
Address: 2517 OLD GEORGETOWN RD.  
City: MT. PLEASANT  
State: SOUTH CAROLINA  
Zip Code: 29455

**TITLE HAS NOT BEEN EXAMINED**

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF CHARLESTON )

**PROBATE COURT'S AFFIDAVIT**

IN RE: Estate of LUCINDA PRINGLE, deceased

CASE NUMBER: 1999ES10-00689(2)

I, MARY A. HOLLENBAUGH, Estate Clerk being duly sworn, certifies that  
 (s)he has examined the Deed of Distribution for the Personal Representative in the Estate of  
LUCINDA PRINGLE, deceased, and that the grantee(s) therein are correct and  
 conform to the estate file for the above named decedent.

Signed:

Mary A. Hollenbaugh  
 Deputy Clerk

Mary A. Hollenbaugh  
 (Print or type name)

Sworn to and subscribed

before me this 17<sup>th</sup> day of

April, 2008

Michael Nohant

Notary Public for South Carolina

My Commission Expires: 5-21-06

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit and I understand such information.
2. The property is being transferred BY ESTATE OF LECINDA PRINGLE TO ANNABELL THORNTON, EMMA SMALLS, MARY P. SMITH, REBECCA BROWN, THOMAS BROWN JR., EVELINA BROWN MOSES, Estate of Anne Condit ON 6 APRIL 2001.
3. Check one of the following: The DEED is  
(a) ☐ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.  
(b) ☐ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as distribution to a trust beneficiary.  
(c) ☒ EXEMPT from the deed recording fee because (exemption # 1) (Explanation, if required.) TRANSFERRING REALTY TO Legal Heirs  
(If exempt, please skip items 4 - 6, and go to item 7 on this Affidavit.)
4. Check one of the following if either item 3(a) or 3(b) above has been checked.  
(a) ☐ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$ \_\_\_\_\_ dollars.  
(b) ☐ The fee is computed on the fair market value of the realty which is \$ \_\_\_\_\_ dollars.  
(c) ☐ The fee is computed on the fair market value of the realty as established for property tax purposes which is \$ \_\_\_\_\_ dollars.
5. Check ☐ YES or ☐ NO to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If YES the amount of the outstanding balance of this lien or encumbrance is \$ \_\_\_\_\_ dollars.
6. The DEED Recording is compute as follows:  
(a) \_\_\_\_\_ the amount listed in item 4 above.  
(b) \_\_\_\_\_ the amount listed in item 5 above (if no amount place zero (0)).  
(c) \_\_\_\_\_ Subtract line 6(b) from line 6(a) and place the result (sum).
7. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: PERSONAL REPRESENTATIVE
8. I understand that a person required to furnish this affidavit who wilfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than One Thousand and no/100ths (\$1,000.00) Dollars or imprisoned not more than one year or both.

SWORN to before me this 17 day of April, 2001.

Michael A. Jackson  
Notary Public for South Carolina  
My Commission Expires: 06.02.09

Annabell Thornton

Grantor, Grantee, or Legal Representative  
connected with this transaction

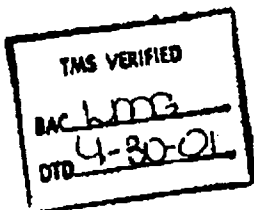
ANNABELL THORNTON

Print or Type Name Here

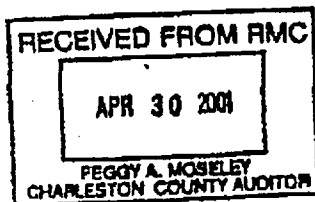
Probate Court

BOOK: U369PG562

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2  
P. 202  
4-27-01



FILED  
U369-558  
2001 APR 25 PM 4:46  
CHARLIE LYBRAND  
REGISTER  
CHARLESTON COUNTY SC



Recording Fee 10.00  
State Fee  
County Fee  
Postage  
TOTAL 10.00  
GA



TITLE NOT EXAMINED

STATE OF SOUTH CAROLINA,  
COUNTY OF CHARLESTON.

PROBATE COURT

IN THE MATTER OF ELIZABETH G. WASHINGTON  
CASE NUMBER 99-ES-10-00684  
DEED OF DISTRIBUTION

WHEREAS, the decedent died on the 13th day of March, 1996; and,

WHEREAS, the estate of the decedent is being administered in the Probate Court for Charleston County, South Carolina in File # 99-ES-10-00684 and,

WHEREAS, the grantee herein is either a beneficiary or heir at law, as appropriate, of the decedent; and,

WHEREAS, the undersigned Personal Representative is the duly appointed and qualified fiduciary in this matter; and,

NOW, THEREFORE, in accordance with the laws of the State of South Carolina, the Personal Representative has granted bargained, sold and released, and by these Presents does grant bargain, sell and release to:

Name: Ethel Wright, David Washington, Jr., Isaac Washington, Alma Washington,  
Rosalee Coaxum, Abdul Hason, and Leola Wright

Address: 2626 Linnea Lane  
Mt. Pleasant, SC 29466

the following described property:

ALL that piece or parcel of land situate in Christ Church Parish, Charleston County, South Carolina, containing Ten and one-half (10.5) acres, more or less, said land known as No. 5 on Plat of Boons Hall and Sea Shore Tracts, and recorded in the R.M.C. Office for Charleston County in Plat Book B, page 46, the 28th day of November, 1873.

BEING the same property conveyed to Elizabeth G. Washington and Lucinda Pringle by deed of Steven Graddick, Jr. a/k/a Stephen Graddick, Jr., Rebecca Jefferson, Estelle Capers, Henry Bailem, Jr., Florence Ford, David Green and Harriet Lane, Heirs of September Drayton, dated December 1, 1988, and recorded September 18, 1989, at Book R-187, page 214, in the RMC Office for Charleston County, South Carolina, and being the same property conveyed to September Drayton by deed of F.H. & J. S. Horibeck dated January 1, 1881 and recorded in the R.M.C. Office for Charleston County in Book K-19, Page 3.

TMS NO. 578-00-00-026

FORM 840PC (1/89)

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said premises unto the said Grantees and their Heirs and Assigns forever.

IN WITNESS WHEREOF, the undersigned, as Personal Representative of the estate of the decedent, has executed this Deed, this 7th day of May, 2001.

Signed, Sealed and Delivered  
In The Presence Of

Estate of Elizabeth G. Washington

[Signature]  
Blenda W. Zane

BY Rosalee Coaxum  
Rosalee Coaxum, as Personal  
Representative of the Estate

STATE OF SOUTH CAROLINA,  
COUNTY OF CHARLESTON.

PROBATE

PERSONALLY appeared before me the undersigned witness and made oath that s/he saw the within named Personal Representative(s) sign, seal, and, as her act and deed, deliver the within-written Deed and that s/he, with the other witness whose signature appears above witnessed the execution thereof.

SWORN to before me this 7th  
day of May, 2001.

[Signature] s.)  
Notary Public  
My Commission Expires: 1/14/10

Blenda W. Zane

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit and I understand such information.
2. The property being transferred BY Rosalie Cozum, Personal Representative of the Estate of Elizabeth G. Washington TO Ethel Wright, David Washington, Jr., Isaac Washington, Aime Washington, Rosalee Cozum, Abdul Mason and Leola Wright, ON May 7, 2001
3. Check one of the following: THE DEED is
  - (a) \_\_\_\_\_ subject to the deed recording fee as a transfer for consideration, paid or to be paid in money or money's worth.
  - (b) \_\_\_\_\_ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
  - (c) X \_\_\_\_\_ EXEMPT from the deed recording fee because (exemptions 1-12) (exemptions 1) (Explanation if required) Deed of Distribution  
(If exempt, please skip items 4-7, and go to item 8 of this affidavit.)
4. Check one of the following if either item 3(a) or item 3(b) above has been checked
  - (a) \_\_\_\_\_ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \_\_\_\_\_
  - (b) \_\_\_\_\_ The fee is computed on the fair market value of the realty which is \$ \_\_\_\_\_
  - (c) \_\_\_\_\_ The fee is computed on the fair market value of the realty as established for property tax purposes which is \$ \_\_\_\_\_
5. Check YES \_\_\_\_\_ or NO \_\_\_\_\_ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "YES", the amount of the outstanding balance of this lien or encumbrance is \$ \_\_\_\_\_
6. The DEED Recording Fee is computed as follows:
  - (a) \_\_\_\_\_ the amount listed in Item 4 above
  - (b) \_\_\_\_\_ the amount listed in Item 5 above (no amount, place zero)
  - (c) \_\_\_\_\_ Subtract Line 6(b) from Line 6(a) and place the result.
7. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transactions as: ATTORNEY
8. Check if Property other than Real Property is being transferred on this Deed.
  - (A) \_\_\_\_\_ Mobile Home
  - (B) \_\_\_\_\_ Other
9. DEED OF DISTRIBUTION - ATTORNEY'S AFFIDAVIT: Estate of Elizabeth G. Washington  
deceased CASE NUMBER 22-ES-10-00684. Personally appeared before me the undersigned attorney who, being duly sworn, certified that (s)he is licensed to practice law in the State of South Carolina; that (s)he has prepared the Deed of Distribution for the Personal Rep. in the Estate of Elizabeth G. Washington, deceased and that the grantee(s) therein are correct and conform to the estate file for the above named decedent.
10. I understand that a person required to furnish this affidavit who wilfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

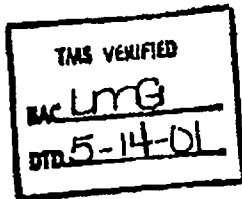
SWORN to before me this 7th  
day of May, 2001  
Alonda W. Cox  
Notary Public for South Carolina  
My Commission Expires: 10/18/05

Signed [Signature]  
Grantor, Grantee, or Attorney that  
prepared this form

S. THOMAS WORLEY, JR.  
Print or Type Name Here

S. Thomas Worley, Jr. B&A 371PG289

LT  
C/S



FILED

A371-286  
2001 MAY -9 PM 12:06

CHARLIE LYBRAND  
REGISTER  
CHARLESTON COUNTY SC

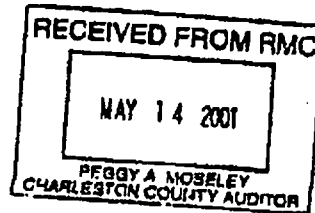
Recording Fee 10.00

State Fee

County Fee

Postage

TOTAL 10.00



TITLE NOT EXAMINED

STATE OF SOUTH CAROLINA.

PROBATE COURT

COUNTY OF CHARLESTON.

IN THE MATTER OF ELIZABETH G. WASHINGTON

CASE NUMBER 99-ES-10-00684

**DEED OF DISTRIBUTION**

WHEREAS, the decedent died on the 13th day of March, 1996; and,

WHEREAS, the estate of the decedent is being administered in the Probate Court for Charleston County, South Carolina in File # 99-ES-10-00684 and,

WHEREAS, the grantee herein is either a beneficiary or heir at law, as appropriate, of the decedent; and,

WHEREAS, the undersigned Personal Representative is the duly appointed and qualified fiduciary in this matter; and,

NOW, THEREFORE, in accordance with the laws of the State of South Carolina, the Personal Representative has granted bargained, sold and released, and by these Presents does grant bargain, sell and release to:

Name: Ethel Wright, David Washington, Jr., Isaac Washington, Alma Washington, Rosalee Coaxum, Abdul Hason, and Leola Wright

Address: 2626 Linnen Lane  
Mt. Pleasant, SC 29466

the following described property:

ALL that piece or parcel of land situate in Christ Church Parish, Charleston County, South Carolina, containing Ten and one-half (10.5) acres, more or less, said land known as No. 5 on Plat of Boone Hall and Sea Shore Tracts, and recorded in the R.M.C. Office for Charleston County in Plat Book B, page 46, the 28th day of November, 1873.

BEING the same property conveyed to Elizabeth G. Washington and Lucinda Pringle by deed of Steven Graddick, Jr. a/k/a Stephen Graddick, Jr., Rebecca Jefferson, Estelle Capers, Henry Baillem, Jr., Florence Ford, David Green and Harriet Lane, Heirs of September Drayton, dated December 1, 1988, and recorded September 18, 1989, at Book R-187, page 214, in the RMC Office for Charleston County, South Carolina, and being the same property conveyed to September Drayton by deed of F.H. & J. S. Horibeck dated January 1, 1881 and recorded in the R.M.C. Office for Charleston County in Book K-19, Page 3.

TMS NO. 578-00-00-026

FORM 640PC (11/89)

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said premises unto the said Grantees and their Heirs and Assigns forever.

IN WITNESS WHEREOF, the undersigned, as Personal Representative of the estate of the decedent, has executed this Deed, this 7th day of May, 2001.

Signed, Sealed and Delivered  
In The Presence Of

Estate of Elizabeth G. Washington

[Signature]

BY

Rosalee Coaxum  
Rosalee Coaxum, as Personal  
Representative of the Estate

Glenda W. Year

STATE OF SOUTH CAROLINA,  
COUNTY OF CHARLESTON.

PROBATE

PERSONALLY appeared before me the undersigned witness and made oath that s/he saw the within named Personal Representative(s) sign, seal, and, as her act and deed, deliver the within-written Deed and that s/he, with the other witness whose signature appears above witnessed the execution thereof.

SWORN to before me this 7th  
day of May, 2001.

[Signature]  
Notary Public  
My Commission Expires: 1/14/10

Glenda W. Year

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit and I understand such information.
2. The property being transferred BY Rosalie Coarua, Personal Representative of the Estate of Elizabeth G. Washington TO Ethel Wright, David Washington, Jr., Isaac Washington, Alma Washington, Rosalie Coarua, Abdul Mason and Leola Wright, ON May 7, 2001
3. Check one of the following: THE DEED is  
(a) subject to the deed recording fee as a transfer for consideration, paid or to be paid in money or money's worth.  
(b) subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.  
(c) X EXEMPT from the deed recording fee because (exemptions 1-12) (exemption) 1  
(Explanation if required) Deed of Distribution  
(If exempt, please skip items 4-7, and go to item 8 of this affidavit.)
4. Check one of the following if either item 3(a) or item 3(b) above has been checked  
(a) The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \_\_\_\_\_  
(b) The fee is computed on the fair market value of the realty which is \$ \_\_\_\_\_  
(c) The fee is computed on the fair market value of the realty as established for property tax purposes which is \$ \_\_\_\_\_
5. Check YES or NO to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "YES", the amount of the outstanding balance of this lien or encumbrance is \$ \_\_\_\_\_
6. The DEED Recording Fee is computed as follows:  
(a) the amount listed in Item 4 above  
(b) the amount listed in Item 5 above (no amount, place zero)  
(c) Subtract Line 6(b) from Line 6(a) and place the result.
7. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transactions as: ATTORNEY
8. Check if Property other than Real Property is being transferred on this Deed.  
(A) Mobile Home  
(B) Other
9. DEED OF DISTRIBUTION - ATTORNEY'S AFFIDAVIT: Estate of Elizabeth G. Washington  
deceased CASE NUMBER 37-EV-10-00684. Personally appeared before me the undersigned attorney who, being duly sworn, certified that (s)he is licensed to practice law in the State of South Carolina; that (s)he has prepared the Deed of Distribution for the Personal Rep. in the Estate of Elizabeth G. Washington, deceased and that the grantee(s) therein are correct and conform to the estate file for the above named decedent.
10. I understand that a person required to furnish this affidavit who wilfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

SWORN to before me this 7th  
day of May, 2001  
Alinda W. Sae  
Notary Public for South Carolina  
My Commission Expires: 10/18/03

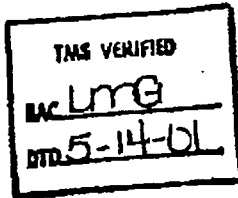
Signed [Signature]  
Grantor, Grantee, or Attorney that  
prepared this form

S. THOMAS HOLLEY, JR.  
Print or Type Name Here

S. Thomas Worley, Jr.

DEA: 371PG289

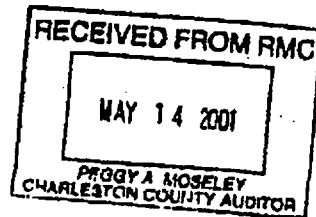
15  
C/2



FILED

A371-286  
2001 MAY -9 PM12:06  
CHARLIE LYBRAND  
REGISTER  
CHARLESTON COUNTY SC

|               |       |
|---------------|-------|
| Recording Fee | 10.00 |
| State Fee     |       |
| County Fee    |       |
| Postage       |       |
| TOTAL         | 10.00 |





TITLE NOT EXAMINED

STATE OF SOUTH CAROLINA,  
COUNTY OF CHARLESTON.

PROBATE COURT

IN THE MATTER OF ELIZABETH G. WASHINGTON  
CASE NUMBER 99-ES-10-00684

**DEED OF DISTRIBUTION**

WHEREAS, the decedent died on the 13th day of March, 1996; and,

WHEREAS, the estate of the decedent is being administered in the Probate Court for Charleston County, South Carolina in File # 99-ES-10-00684 and,

WHEREAS, the grantee herein is either a beneficiary or heir at law, as appropriate, of the decedent; and,

WHEREAS, the undersigned Personal Representative is the duly appointed and qualified fiduciary in this matter; and,

NOW, THEREFORE, in accordance with the laws of the State of South Carolina, the Personal Representative has granted bargained, sold and released, and by these Presents does grant bargain, sell and release to:

Name: Ethel Wright, David Washington, Jr., Isaac Washington, Alma Washington, Rosaice Coaxum, Abdul Hason, and Leola Wright

Address: 2626 Linnen Lane  
Mt. Pleasant, SC 29466

the following described property:

ALL that piece or parcel of land situate in Christ Church Parish, Charleston County, South Carolina, containing Ten and one-half (10.5) acres, more or less, said land known as No. 5 on Plat of Boone Hall and Sea Shore Tracts, and recorded in the R.M.C. Office for Charleston County in Plat Book B, page 46, the 28th day of November, 1873.

BEING the same property conveyed to Elizabeth G. Washington and Lucinda Pringle by deed of Steven Graddick, Jr. a/k/a Stephen Graddick, Jr., Rebecca Jefferson, Estelle Capers, Henry Bailem, Jr., Florence Ford, David Green and Harriet Lane, Heirs of September Drayton, dated December 1, 1988, and recorded September 18, 1989, at Book R-187, page 214, in the RMC Office for Charleston County, South Carolina, and being the same property conveyed to September Drayton by deed of F.H. & J. S. Horibeck dated January 1, 1881 and recorded in the R.M.C. Office for Charleston County in Book K-19, Page 3.

TMS NO. 578-00-00-026

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said premises unto the said Grantees and their Heirs and Assigns forever.

IN WITNESS WHEREOF, the undersigned, as Personal Representative of the estate of the decedent, has executed this Deed, this 14 day of May, 2001.

Signed, Sealed and Delivered  
In The Presence Of

Estate of Elizabeth G. Washington

[Signature]

BY Rosalee Coaxum  
Rosalee Coaxum, as Personal  
Representative of the Estate

Blenda W. Year

STATE OF SOUTH CAROLINA,  
COUNTY OF CHARLESTON.

PROBATE

PERSONALLY appeared before me the undersigned witness and made oath that s/he saw the within named Personal Representative(s) sign, seal, and, as her act and deed, deliver the within-written Deed and that s/he, with the other witness whose signature appears above witnessed the execution thereof.

SWORN to before me this 7th  
day of May, 2001.

[Signature]  
Notary Public  
My Commission Expires: 1/14/10

Blenda W. Year

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit and I understand such information.
2. The property being transferred BY Rosalie Cozum, Personal Representative of the Estate of Elizabeth G. Washington TO Abdul Mason, David Washington, Jr., Isaac Washington, Alma Washington, Rosalie Cozum, Abdul Mason and Leola Wright, ON May 7, 2001
3. Check one of the following: THE DEED is  
(a) ☐ subject to the deed recording fee as a transfer for consideration, paid or to be paid in money or money's worth.  
(b) ☐ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.  
(c) ☒ EXEMPT from the deed recording fee because (exemptions 1-12) (exemption# 1) (Explanation if required) Deed of Distribution  
(If exempt, please skip items 4-7, and go to item 8 of this affidavit.)
4. Check one of the following if either item 3(a) or item 3(b) above has been checked  
(a) ☐ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \_\_\_\_\_  
(b) ☐ The fee is computed on the fair market value of the realty which is \$ \_\_\_\_\_  
(c) ☐ The fee is computed on the fair market value of the realty as established for property tax purposes which is \$ \_\_\_\_\_
5. Check YES ☐ or NO ☐ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "YES", the amount of the outstanding balance of this lien or encumbrance is \$ \_\_\_\_\_
6. The DEED Recording Fee is computed as follows:  
(a) ☐ the amount listed in Item 4 above  
(b) ☐ the amount listed in Item 5 above (no amount, place zero)  
(c) ☐ Subtract line 6(b) from line 6(a) and place the result.
7. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transactions as: ATTORNEY
8. Check if Property other than Real Property is being transferred on this Deed.  
(A) ☐ Mobile Home  
(B) ☐ Other
9. DEED OF DISTRIBUTION - ATTORNEY'S AFFIDAVIT: Estate of Elizabeth G. Washington  
deceased CASE NUMBER 29-ES-10-00684. Personally appeared before me the undersigned attorney who, being duly sworn, certified that (s)he is licensed to practice law in the State of South Carolina; that (s)he has prepared the Deed of Distribution for the Personal Rep. in the Estate of Elizabeth G. Washington, deceased and that the grantee(s) therein are correct and conform to the estate file for the above named decedent.
10. I understand that a person required to furnish this affidavit who wilfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

SWORN to before me this 7th  
day of May 2001  
Alma W. Cozum  
Notary Public for South Carolina  
My Commission Expires: 10/18/03

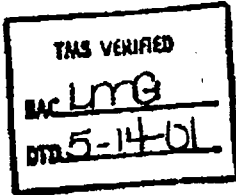
Signed [Signature]  
Grantor, Grantee, or Attorney that  
prepared this form

J THOMAS MORLEY, JR  
Print or Type Name Here

S. Thomas Worley, Jr.

BKA' 371PG289

LT  
GPR

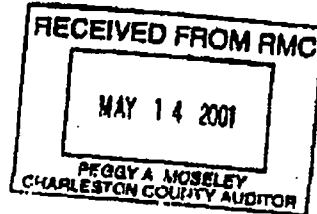


FILED

A371-286  
2001 MAY -9 PM 12:06

CHARLIE LYBRAND  
REGISTER  
CHARLESTON COUNTY SC

Recording Fee 10.00  
State Fee 1  
County Fee 1  
Postage 10.00  
TOTAL 10.00



IN THE PROBATE COURT  
FOR THE STATE OF SOUTH CAROLINA  
CHARLESTON COUNTY

DEPOSITION OF MAEZELL T. MITCHELL

EVELINA BROWN MOSES, THOMAS P. BROWN, JR., and DAVID L.  
MICHEL as Guardian Ad Litem for REBECCA PATRICIA BROWN,

Petitioner,

vs.

CASE NO. 99-ES-10-689-2

ESTATE OF LUCINDA PRINGLE, EMMA SMALLS, MARY P. SMITH,  
ESTATE OF ANNABELLE THORNTON, ESTATE OF JANINE GOURDINE,  
ODESSA GRADDICK, ARTHUR EUGENE GRADDICK, JR., VIOLA  
PRINGLE, MAEZELL MITCHELL, CEPHUS THORNTON, and any  
other Persons and entities claiming any interest in the  
Estate of LUCINDA PRINGLE,

Respondents.

DEPONENT: MAEZELL T. MITCHELL

COPY

DATE: March 28, 2006

TIME: 11:00 AM

LOCATION: DERFNER ALTMAN & WILBORN  
40 Calhoun Street, Suite 410  
Charleston, South Carolina

REPORTED BY: J. LYNN CLARK, CSR(Iowa) RPR-CP  
NCRA REGISTERED MERIT REPORTER  
CLARK & ASSOCIATES, INC.  
P.O. Box 73129  
Charleston, SC 29415  
843-762-6294  
WWW.CLARK-ASSOCIATES.COM  
Lynn@clark-associates.com

Clark & Associates, Inc.  
843.762.6294

Page 2

1

2

3

A P P E A R A N C E S

4

ON BEHALF OF THE PETITIONERS:

5

DERFNER ALTMAN & WILBORN  
BY: JONATHAN ALTMAN  
40 Calhoun Street, Suite 410  
Charleston, SC 29403

6

7

8

SLOTCHIVER & SLOTCHIVER  
BY: STEVEN M. SLOTCHIVER  
44 State Street  
Charleston, SC 29401

9

10

ON BEHALF OF THE RESPONDENTS:

12

STEINBERG LAW FIRM  
BY: CHARLES GOLDBERG  
61 Broad Street  
Charleston, SC 29401

13

14

15

EDWARD P. GUERARD, JR.  
One Carriage Lane, Suite H  
Charleston, SC 29407

16

17

18 ALSO PRESENT: VIOLA PRINGLE  
CEPHUS THORNTON

19

20

21

22

23

24

25

I N D E X

|                         | Page |
|-------------------------|------|
| EXAMINATION             |      |
| By Mr. Altman           | 4    |
| Certificate of Reporter | 17   |

E X H I B I T S

Page

Transcript of the Testimony of Maezell T. Mitchell

Page 4

1

MAEZELL T. MITCHELL,

2 having been first duly sworn, was examined and testified  
3 as follows:

4

EXAMINATION

5 BY MR. ALTMAN:

6 Q. Ms. Mitchell, good morning.

7 A. Good morning.

8 Q. How are you?

9 A. I'm okay.

10 Q. You've had the benefit of sitting through two  
11 depositions, so you probably have a good sense as to how  
12 depositions are conducted.

13 Once again, if there are any questions that I ask  
14 you that you don't understand, stop me, ask me to  
15 rephrase it. I want to make sure that you understand  
16 the questions and that your testimony is correct and  
17 accurate. Is that fair?

18 A. That's fair.

19 Q. And it's going to make the court reporter's job  
20 easier if you say yes or no rather than just nodding  
21 your head. Okay?

22 A. Okay.

23 Q. And speak up if you can. State your full name  
24 for the record.

25 A. Maezell Thornton Mitchell.



1 Q. Ms. Mitchell, where do you live?

2 A. 7795 Peppercorn Lane. This is in North  
3 Charleston. And my ZIP there is 29420.

4 Q. You are a daughter of Annabelle Thornton?

5 A. Yes, I am.

6 Q. You're Ms. Pringle's sister?

7 A. Yes, I am.

8 Q. How long have you lived in North Charleston?

9 A. Right now, I've been there for 10 years.

10 Q. Did you ever live on the -- when was the last  
11 time you lived on the heirs property?

12 A. Probably in 1969.

13 Q. Now, were you in the Charleston area since 1969?

14 A. Yes.

15 Q. You've lived here continuously?

16 A. Uh-hum, but I was always out on my own.

17 Q. What do you do for a living?

18 A. Right now, I work for FLETC, Federal Law  
19 Enforcement Training Center.

20 Q. How long have you done that?

21 A. Well, it will be three years in June.

22 Q. You were in the area when your grandmother passed  
23 away, Lucinda Pringle --

24 A. Uh-hum, yes.

25 Q. -- in 1989? In the 10 years after your

Page 6

1 grandmother's passing, do you recall any discussion with  
2 any member of your family regarding her estate?

3 A. No.

4 Q. Do you recall any discussion about the property,  
5 clearing the title to the property, getting it in the  
6 right names?

7 A. I can remember because I'm always out on my own,  
8 they were talking -- I remember my mom saying they  
9 wanted to get the property, Lucinda -- it was Lucinda  
10 Pringle and Elizabeth Washington -- to get a surveyor  
11 and cut it in half.

12 Q. Was that ever done, to your knowledge?

13 A. No.

14 Q. Is it your understanding that the Washington  
15 family has a 50 percent interest in this property?

16 A. Well, I think they would have.

17 Q. Has your mom's estate been opened yet?

18 A. No.

19 Q. Do you know whether your mother left a will?

20 A. No, she did not.

21 Q. Have you had any discussion with your brother and  
22 sister regarding probating her estate?

23 A. No.

24 Q. She died about a year-and-a-half ago?

25 A. Yes.

1 Q. Is that correct? Other than those discussions  
2 about the Washington family and having the property  
3 surveyed, do you recall any discussion about the Pringle  
4 side of the family's stake in the property after she  
5 passed away?

6 A. No.

7 Q. Did you have any discussions with your mother  
8 about it?

9 A. The only thing I know is, like I said before,  
10 they were trying to get the property divided. And  
11 that's it.

12 Q. Were you aware that your aunt, Ms. Gourdine, had  
13 opened your mother's estate in 1999?

14 A. Opened my mother's estate?

15 Q. Or your -- I'm sorry -- your grandmother's  
16 estate.

17 A. Well, no. Huh-uh. I know they all were just --  
18 you know, I can't say anything definite. I really  
19 can't. Because like I said, I always lived out on my  
20 own. You know, whatever they were doing, I might have,  
21 you know, hear something in passing. But I can't say  
22 any definite, because I never lived there. Once I  
23 became grown, I was out on my own.

24 Q. When did you learn that your mother had applied  
25 to replace Ms. Gourdine as personal representative of

Page 8

1 your grandmother's estate?

2 A. You know, I can't give you a definite date  
3 because I just don't know. I don't know when she  
4 start -- exactly the date when she started these  
5 proceedings.

6 Q. Did you become aware at some point that your  
7 mother, with your sister's help, was filing documents  
8 with the Probate Court?

9 A. Like I said, I know they were trying to get the  
10 property straightened out. Okay? Exactly when they  
11 were doing this, the time, I don't know.

12 Q. Did you ever go down to the Probate Court for  
13 your mother?

14 A. Never did.

15 Q. Did you ever review any probate documents with  
16 your sister?

17 A. She might have showed me things. She might have.  
18 I can't say yes or no. She may have, but like I said,  
19 because I'm -- I don't live there. I never lived there.  
20 I didn't even get married from there. I don't know. I  
21 just can't say that.

22 Q. You've heard testimony and discussion about your  
23 grandmother's will.

24 A. Uh-huh.

25 Q. When is the first time you recall hearing talk

1 about your grandmother's will?

2 A. I received a letter in the mail from attorneys  
3 saying to -- something about a will. At that time, I  
4 learned about it.

5 Q. What did you do in response to that?

6 A. I just appeared on the date they told me to.

7 Q. Have you had any family meetings since you went  
8 to court that day about this property?

9 A. Huh-uh.

10 Q. That's a no?

11 A. No. Yes. I'm sorry. I apologize.

12 Q. Did you have any discussions with your sister or  
13 brother about this case?

14 A. No.

15 Q. Have you had any contact at all with Thomas Brown  
16 or Evelina Brown Moses?

17 A. No. Thomas, I see every now and then, but I  
18 don't see them on a regular basis.

19 Q. How close was you-all's family? Do you-all get  
20 together for reunions and family --

21 A. No.

22 Q. -- family gatherings?

23 A. That ended years ago. The family reunions ended  
24 more than 20-something years ago. We don't do that.

25 Q. Do you ever recall seeing Thomas or Evelina on

Page 10

1 the property?

2 A. On the property?

3 Q. The last five, 10 -- 10 years?

4 A. Well, yeah, because they coming to visit. They  
5 come to visit. Yeah.

6 Q. Who would they visit with?

7 A. They would visit the house that's there where my  
8 mom lived in. They would visit there. And they would  
9 visit -- come and visit other family members also every  
10 now and then.

11 Q. Who lived on the property in the last 10, 15  
12 years?

13 A. My mom lived there, my aunt lived there and the  
14 Washington family lived there.

15 Q. Before Evelina Brown passed away, did she live on  
16 the property also?

17 A. Evelina Brown? Yeah. Yeah. She lived there.

18 Q. Is there a house where she lived?

19 A. Yeah. She live with her mother, Lucinda Pringle.

20 Q. She lived with her mother in the same house?

21 A. Yeah, in the same house.

22 Q. Who's living in that house now?

23 A. My sister is.

24 Q. Viola?

25 A. Uh-huh.

1 Q. How long has she lived in that house for?

2 A. I would say she move in there a few years after  
3 Hugo.

4 Q. In the early '90s?

5 A. Yeah.

6 Q. Since your grandmother passed away, has anybody  
7 other than Viola lived in your grandmother's house?

8 A. Vi lived there and my mom lived there.

9 Q. Does anybody live there with your sister?

10 A. No. Oh, and Patricia Brown lived there.

11 Patricia Brown lived in there up until my mother died  
12 and for a little while after my mom died.

13 Q. When you refer to Patricia, you're referring to  
14 Rebecca Patricia --

15 A. Right, yes.

16 Q. Ms. Mitchell, were you aware that your sister was  
17 helping your mother with your grandmother's estate?

18 A. I don't recall -- I can't say definitely. Like I  
19 said, told you before, you know, they talked about  
20 surveying the land to get everything cut in half. And  
21 that's about it. Because I lived out on my own, I come  
22 and go. I've never, you know, sat down to anything  
23 seeing this and that. No, I can't say that. You know,  
24 if she was helping my mom, our mom, that's what she did.  
25 You know.

Page 12

1 Q. Oftentimes in families and property, there's one  
2 or two people who take the lead and make sure the taxes  
3 are paid, that sort of thing. Who played that role in  
4 your family?

5 A. Well, when the taxes are paid, it was the  
6 Washington side of the family.

7 Q. Why was that?

8 A. Because that's who -- we just did it. I think  
9 that's the -- that's the way it was done from what I  
10 could remember. Once everybody have the funds  
11 available, Washington go down and pay the tax on the  
12 land.

13 Q. Does the family get together? Does somebody send  
14 out a statement saying, your portion of the taxes is  
15 this amount?

16 A. No, no. I think -- and this is just what I'm  
17 saying now. I think once the tax paper came, they would  
18 just say the tax paper's here, let me know when you-all  
19 are ready to pay. That's what I can remember from what  
20 my grandmother did.

21 Q. Who takes the lead in the Washington family, if  
22 you know?

23 A. I don't think there's just one person that takes  
24 the lead. I can't say one person definitely that takes  
25 the lead.



1 Q. Have you-all had any discussion about the value  
2 of this property?

3 A. No.

4 Q. Are you aware that the property has appreciated  
5 in value a great deal?

6 A. You know, the only thing I know is that I would  
7 hear lawyers refer to it as valued property. But to  
8 actually know the value of it, per se, to have, no, I  
9 can't say.

10 Q. Other than the two lawyers in this -- other than  
11 the lawyers in this room, who has referred to the  
12 property as valuable?

13 A. I can't say no other because this is where I  
14 heard it from.

15 Q. Did your family meet with any lawyers prior to  
16 this action beginning?

17 A. No, not that I'm aware of. Huh-uh.

18 Q. Do you know Diane Williams?

19 A. Yeah, I know her. But I can't say in a -- you  
20 know.

21 Q. Where do you know her from?

22 A. I know Diane from school.

23 Q. You-all grew up together?

24 A. No. We didn't grow up together. I just know her  
25 from school.

Page 16

1 with papers, you got letters from lawyers.

2 A. Uh-hum.

3 Q. Your brother and your sister got the same  
4 letters, and you-all have never talked about it?

5 A. No. No.

6 Q. I want to give you every opportunity to make sure  
7 that -- you're under oath.

8 A. Yes.

9 Q. That other than meeting with your lawyers, you  
10 never had a conversation with any of your family members  
11 about this case?

12 A. (Shook head.) No.

13 Q. You never asked them, did you know about this  
14 will?

15 MR. GOLDBERG: She's answered the question  
16 about two or three times.

17 A. No. No.

18 MS. VIOLA PRINGLE: Four times.

19 MR. THORNTON: Five.

20 MR. ALTMAN: You're done.

21 (The deposition was concluded at 11:15 a.m.)  
22  
23  
24  
25

1 STATE OF SOUTH CAROLINA )  
2 )  
3 COUNTY OF CHARLESTON )

4 I, J. Lynn Clark, Registered Professional Reporter  
5 and Notary Public for the State of South Carolina at  
6 Large, do hereby certify that the witness in the  
7 foregoing deposition was by me duly sworn to testify to  
8 the truth, the whole truth and nothing but the truth in  
9 the within-entitled cause; that said deposition was  
10 taken at the time and location therein stated; that the  
11 testimony of the witness and all objections made at the  
12 time of the examination were recorded stenographically  
13 by me and were thereafter transcribed by computer-aided  
14 transcription; that the foregoing is a full, complete  
15 and true record of the testimony of the witness and of  
16 all objections made at the time of the examination; and  
17 that the witness was given an opportunity to read and  
18 correct said deposition and to subscribe the same.

19 Should the signature of the witness not be affixed to  
20 the deposition, the witness shall not have availed  
21 himself of the opportunity to sign or the signature has  
22 been waived.

23 I further certify that I am neither related to nor  
24 counsel for any party to the cause pending or interested  
25 in the events thereof.

26 Witness my hand, I have hereunto affixed my official  
27 seal this 8th day of April, 2006, at Charleston,  
28 Charleston County, South Carolina.

29 J. Lynn Clark  
30 RPR, CP-CM, CSR  
31 My Commission expires  
32 October 30, 2006

IN THE PROBATE COURT  
FOR THE STATE OF SOUTH CAROLINA,  
CHARLESTON COUNTY

DEPOSITION OF EMMA SMALLS

EVELINA BROWN MOSES, THOMAS P. BROWN, JR., and DAVID L.  
MICHEL as Guardian Ad Litem for REBECCA PATRICIA BROWN,

Petitioner,

vs.

CASE NO. 99-ES-10-689-2

ESTATE OF LUCINDA PRINGLE, EMMA SMALLS, MARY P. SMITH,  
ESTATE OF ANNABELLE THORNTON, ESTATE OF JANINE GOURDINE,  
ODESSA GRADDICK, ARTHUR EUGENE GRADDICK, JR., VIOLA  
PRINGLE, MAEZELL MITCHELL, CEPHUS THORNTON, and any  
other Persons and entities claiming any interest in the  
Estate of LUCINDA PRINGLE,

Respondents.

DEPONENT: EMMA SMALLS

DATE: March 28, 2006

TIME: 9:30 AM

LOCATION: DERFNER ALTMAN & WILBORN  
40 Calhoun Street, Suite 410  
Charleston, South Carolina

REPORTED BY: J. LYNN CLARK, CSR(Iowa) RPR-CP  
NCRA REGISTERED MERIT REPORTER  
CLARK & ASSOCIATES, INC.  
P.O. Box 73129  
Charleston, SC 29415  
843-762-6294  
WWW.CLARK-ASSOCIATES.COM  
Lynn@clark-associates.com

Clark & Associates, Inc.  
843.762.6294

ORIGINAL

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A P P E A R A N C E S

4

ON BEHALF OF THE PETITIONERS:

5

6

DERFNER ALTMAN & WILBORN  
BY: JONATHAN ALTMAN  
40 Calhoun Street, Suite 410  
Charleston, SC 29403

7

8

SLOTCHIVER & SLOTCHIVER  
BY: STEVEN M. SLOTCHIVER  
44 State Street  
Charleston, SC 29401

9

10

ON BEHALF OF THE RESPONDENTS:

11

12

STEINBERG LAW FIRM  
BY: CHARLES GOLDBERG  
61 Broad Street  
Charleston, SC 29401

13

14

15

EDWARD P. GUERARD, JR.  
One Carriage Lane, Suite H  
Charleston, SC 29407

16

17

ALSO PRESENT:

18

MAEZELL MITCHELL  
VIOLA PRINGLE  
CEPHUS THORNTON

19

20

21

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23

24

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Transcript of the Testimony of Emma Smalls

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I N D E X

EXAMINATION

By Mr. Altman

Certificate of Reporter

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E X H I B I T S

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REQUESTED INFORMATION

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Transcript of the Testimony of Emma Smalls

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1

EMMA SMALLS,

2 having been first duly sworn, testified as hereinafter  
3 set forth.

4

EXAMINATION

5 BY MR. ALTMAN:

6 Q. Ms. Smalls, good morning.

7 A. Good morning.

8 Q. My name is Jonathan Altman, and I'm an attorney  
9 in Charleston. To my right is my co-counsel on this  
10 case, Steve Slotchiver. And we're going to ask you a  
11 series of questions about some property as well as the  
12 estate of your mother, Lucinda Pringle.

13 A. Yes.

14 Q. Now, I assume you've never had your deposition  
15 taken before; is that correct?

16 A. Deposition, what do you mean by that?

17 Q. Have you ever been a party to a legal action in  
18 the past?

19 A. No.

20 Q. Well, let me tell you a little bit about a  
21 deposition and the ground rules that apply. I'm going  
22 to ask you a series of questions today. If you don't  
23 understand any of the questions that I ask you, I want  
24 you to stop me and say, Mr. Altman, I don't understand,  
25 can you rephrase it. If you don't, I'm going to assume

1 that you do understand and that the answers that you  
2 give are truthful and correct. Is that fair?

3 A. I don't understand how you mean.

4 Q. Okay. I'm going to ask you questions today, and  
5 if you don't understand the questions, I want you to  
6 stop me and tell me, I don't understand what you're  
7 asking me.

8 A. Okay.

9 Q. If you don't do that and you answer the question,  
10 I'm going to assume that you did understand it. Is that  
11 fair?

12 A. That's fair.

13 Q. Before we went on the record, I told you that if  
14 you ever need a break, want to stand up, have to go to  
15 the restroom, just stop me. Okay?

16 A. If I want a break?

17 Q. If you want a break, if you want to stretch your  
18 legs, you want to go to the bathroom, just tell me and  
19 we'll stop the deposition and we'll go off the record.  
20 Okay?

21 If you would, this lady to my left is taking down  
22 your answers. So it's important for you to answer yes  
23 or no to questions --

24 A. Yes.

25 Q. -- and not to nod or say uh-huh or huh-uh because



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1 she's trying to accurately take down your testimony  
2 today.

3 Give me your full legal name, Ms. Smalls.

4 A. Emma Smalls.

5 Q. Your date of birth, please, ma'am?

6 A. February 4th, 1921.

7 Q. Your Social Security number?

8 A. I don't know my Social Security number out of my  
9 head. I got it in my pocketbook.

10 Q. If you don't know, that's fine.

11 A. I know it, but I don't know it in my head. I've  
12 got it in my pocketbook.

13 Q. Okay. Now, am I correct that you are a daughter  
14 of Lucinda Pringle?

15 A. Yes.

16 Q. I have tried to create a family tree for you.  
17 And I know that it's partially incorrect, but I'm going  
18 to hand you a copy of what was my attempt to document  
19 your family tree going back to your mother.

20 MR. ALTMAN: And if we could mark this as, I  
21 suppose, Petitioners' 1.

22 (Exhibit No. 1 was marked for  
23 identification.)

24 Q. Ms. Smalls, if you would look at that document --

25 A. I can't read.

1 Q. Okay. Well, I'm going to go through this  
2 document with you nevertheless, because we're going to  
3 use the same numbers for all the depositions. How many  
4 brothers and sisters did you have?

5 A. I didn't have no brothers, but I had four  
6 sisters -- I make five. Five sisters.

7 Q. Your mother had five children, all daughters?

8 A. Five daughters.

9 Q. Tell me the names of your sisters.

10 A. Evelina Brown, she's deceased.

11 Q. Okay.

12 A. Mary Smith, Janine Gourdine, Annabelle Thornton.

13 Q. Now, my understanding is that your sister Evelina  
14 Brown had three children; is that correct?

15 A. Three children, yeah.

16 Q. Rebecca Brown, Thomas Brown and Evelina Brown  
17 Moses?

18 A. Yes.

19 Q. Any others?

20 A. No.

21 Q. My understanding is that you have four children;  
22 is that correct?

23 A. I got four living children. Yes.

24 Q. Give me the names of your four living children.

25 A. John Smalls, James Smalls, Loretta Richardson and

Transcript of the Testimony of Emma Smalls

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1 -- Loretta Richardson and James Smalls.

2 Q. Is Arthur Smalls also --

3 A. Arthur Smalls.

4 Q. Where do your children live?

5 A. James live in Cainhoy, that's what I call it,  
6 Cainhoy.

7 Q. What about John Smalls?

8 A. John Smalls live in Mount Pleasant.

9 Q. What about your daughter, Loretta? Where does  
10 she live?

11 A. Loretta live on Bowman Road.

12 Q. And your son Arthur?

13 A. He live in Snowden.

14 Q. He lives in Snowden. Have all four of your  
15 living children resided locally, Mount Pleasant,  
16 Cainhoy, during the last 15 to 20 years? Did they ever  
17 live out of the Charleston area?

18 A. They went to visit but -- James and John live in  
19 New York, but they were home for a long time.

20 Q. Have they been home for longer than 10 years?

21 A. If it was 10 years? I can't remember if it was  
22 10.

23 Q. Now, did you have a child pass away?

24 A. Yeah. I have two children pass away.

25 Q. What were their names?

1 A. Augustus Smalls, Shirley Ann Smalls -- Shirley  
2 Ann Gary, she was married.

3 Q. How long ago did Augustus Smalls pass away?

4 A. Oh, I can't remember. I really don't remember.  
5 So many years.

6 Q. Was Augustus survived by a wife or children?

7 A. No, he didn't have no wife.

8 Q. What about Shirley Ann?

9 A. Shirley Ann had -- had six children.

10 Q. How long ago did Shirley Ann pass away?

11 A. Oh, boy. That's another thing I can't remember.  
12 But I can't remember.

13 Q. Now, it's my understanding that your sister Mary  
14 Smith resides in Washington, DC.

15 A. Do what?

16 Q. That your sister Mary --

17 A. Yeah.

18 Q. -- she didn't live here; is that correct?

19 A. Washington, in Washington.

20 Q. Has she always lived in Washington?

21 A. Well, she gone from here when she was a young  
22 lady.

23 Q. So many years she's been up in Washington?

24 A. Yeah.

25 Q. She has two children?

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1 A. Mary have three living children.

2 Q. Robert Pringle is her son?

3 A. That's her son.

4 Q. Shirley Howard is her daughter?

5 A. Shirley who?

6 Q. Howard?

7 A. I don't remember the name. Maezell?

8 Q. My understanding is that Maezell is your sister  
9 Annabelle Thornton's daughter.

10 A. Daughter, yeah.

11 Q. But you believe that Mary Smith has three living  
12 children?

13 A. Yes.

14 Q. Now, your sister Janine Gourdine --

15 A. She died.

16 Q. She died? Several years ago?

17 A. Yes.

18 Q. How many children did Ms. Gourdine have?

19 A. One.

20 Q. What was that child's name?

21 A. Arthur.

22 Q. Was Odessa Graddick a child of Ms. Gourdine?

23 A. Well, I don't know much about them. I don't know  
24 them.

25 Q. But you know that Arthur Graddick --

1 A. Is a Janine's son.

2 Q. Okay. Annabelle Thornton, your sister --

3 A. Yes.

4 Q. -- she recently passed away.

5 A. Yes.

6 Q. Is that correct? How many children did your  
7 sister have?

8 A. Three children.

9 Q. Viola Pringle --

10 A. Yes.

11 Q. -- is a daughter?

12 A. That's her daughter.

13 Q. Maezell Mitchell?

14 A. That's her daughter.

15 Q. And Cephus Thornton?

16 A. That's another one.

17 Q. Any other children?

18 A. No.

19 Q. Where do you live, Ms. Smalls?

20 A. I live over in Mount Pleasant. Stay in Mount  
21 Pleasant.

22 Q. What address?

23 A. 2517 Old Georgetown Road.

24 Q. Is that the same property that your mother lived  
25 on?

Transcript of the Testimony of Emma Smalls

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1 A. Yes.

2 Q. How long have you lived there?

3 A. How long I live there?

4 Q. Yes, ma'am.

5 A. I live there since 1970- -- 19 -- I think it was  
6 1969.

7 Q. 1969. So about 37 years?

8 A. Yes. It was --

9 Q. A long time.

10 A. (Nodded.)

11 Q. Who lives on that property with you?

12 A. We live on the -- you mean who live with me now  
13 or live on the property?

14 Q. On the property.

15 A. You mean -- I don't know what you mean. On the  
16 heirs property or what?

17 Q. On the heirs property. And I'll go through a  
18 list with you, and you tell me whether these people  
19 either lived on the property during their life or now  
20 live on the property.

21 Did Evelina Brown live on the property before she  
22 passed away?

23 A. Evelina live on the property before she got  
24 married. But she had live there a long time before she  
25 got married.

1 Q. What about Janine Gourdine?

2 A. Janine Gourdine never lived on that property.

3 Q. Where did Ms. Gourdine live?

4 A. Ms. Gourdine live -- she live in the city. And  
5 from the city, she lived in Charleston. And she  
6 lived -- I say Charleston, that's the same place -- in  
7 New York.

8 Q. What about Ms. Thornton, did she live on the  
9 property?

10 A. Annabelle Thornton?

11 Q. Yes, ma'am.

12 A. Yes, she lived on the property.

13 Q. Who else lived on the property?

14 A. I live on the property.

15 Q. Besides you. Do any of your children live on the  
16 property?

17 A. No.

18 Q. Do any of Annabelle Thornton's children live on  
19 the property? What other family members live on the  
20 heirs property?

21 A. On the heirs property?

22 Q. Yes, ma'am.

23 A. The Washingtons live on the heirs property.

24 Q. Who are the Washingtons?

25 A. Alma Washington.



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1 Q. Okay. Was Elizabeth Washington a sister of your  
2 mother?

3 A. Yes.

4 Q. And some of her family members live on the  
5 property with you?

6 A. With me?

7 Q. Yes, ma'am.

8 A. You mean live with me or --

9 Q. On the heirs property. On the property, not in  
10 your house.

11 A. Alma Washington live on the property.

12 Q. Who else?

13 A. Just Alma and her children.

14 Q. Ms. Smalls, how far did you go in school?

15 A. I went to the fourth grade.

16 Q. If you would, tell me a couple of the places that  
17 you worked during your life.

18 A. I worked on Dunnemann Avenue.

19 Q. What did you do on Dunnemann Avenue?

20 A. Do the housework.

21 Q. Now, when we talk about the heirs property, did  
22 your mother own that property?

23 A. My mother owned it as a heirs property.

24 Q. Who else had an interest in the property with  
25 your mother?

1 A. I don't know.

2 Q. Is it possible though that her sister Elizabeth  
3 Washington owned it with her?

4 A. Well, there were two sisters.

5 Q. Were there any other sisters or were they the  
6 two?

7 A. Just them two.

8 Q. How long had your mom lived on the property?

9 A. I don't remember.

10 Q. Her entire life?

11 A. I don't know if it was her entire life.

12 Q. Now, at the time -- your mom passed away in 1989;  
13 is that correct? Does that ring a bell?

14 A. It's a long time. I don't remember. I don't  
15 remember that, but I just know that it was a long time.  
16 It's about 15 or 16 years.

17 Q. And you were living on the property at the time  
18 your mom passed away?

19 A. Yes, I was.

20 Q. Were you living with your mother?

21 A. No. I never lived with my mother.

22 Q. How close was your house to your mother's house?

23 A. I really didn't measure it. I guess about two  
24 blocks, two or three blocks.

25 Q. You could walk over there?

Transcript of the Testimony of Emma Smalls

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1 A. Yeah, I could walk over there.

2 Q. You saw your mother often?

3 A. Yes, I saw my mother often. My mother was a long  
4 time at the house.

5 Q. Now, my understanding is your mother passed away  
6 on October 11, 1989. Did you take any steps after your  
7 mom passed away --

8 A. No step at all. No step at all.

9 Q. Now, according to the records that I've looked  
10 at, nothing happened relative to your mother's estate or  
11 the property for about 10 years.

12 A. I don't know what you mean by that.

13 Q. Okay. In 1999, there were some documents that  
14 were filed with the Probate Court. And that was about  
15 10 years after your mother passed away.

16 A. Well, I don't know.

17 Q. Well, I'm going to tell you that in 1999 your  
18 sister Ms. Gourdine filed some documents with the  
19 Probate Court.

20 MR. ALTMAN: If we could mark these as  
21 Petitioners' 2.

22 (Exhibit No. 2 was marked for  
23 identification.)

24 Q. Do you remember any discussion with Ms. Gourdine  
25 or Ms. Thornton or any other family members about your

1 mom's estate?

2 A. No.

3 Q. No discussion?

4 A. No discussion.

5 Q. I'm going to tell you that this document that's  
6 been marked Petitioners' Exhibit 2 was filed by your  
7 sister Ms. Gourdine in May of 1999. Okay?

8 A. Okay. But I don't know.

9 Q. Do you have any recollection of this document at  
10 all?

11 A. Not at all.

12 Q. Now, I'm also going to tell you that before this  
13 document was filed, there were some other documents that  
14 were prepared about this document. And one of those  
15 documents has your signature on it, so I'm going to ask  
16 you to look at this document.

17 MR. ALTMAN: If we can mark these as 3.

18 (Exhibit No. 3 was marked for  
19 identification.)

20 A. Would you tell me that again? My signature --

21 Q. I'll repeat myself. Give me one second.

22 I'm going to show you a document that's dated  
23 April 6, 1999. And this appears to have your signature  
24 on it. Will you look at that for me?

25 A. I look at it, but I never -- I think I know my

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1 name, but that's all I know on there. In '99, the day  
2 is what?

3 Q. 1999, your sister Ms. Gourdine opened your  
4 mother's estate. Okay? Do you recall that at all?

5 A. No.

6 Q. Do you recall signing this document?

7 A. Well, I don't know about this document, what it  
8 is. I don't know.

9 Q. Does that appear to be your signature? That's  
10 your name.

11 A. My name. Now what -- would you ask me that  
12 again?

13 Q. This document appears to have your signature on  
14 it.

15 A. Uh-huh. And when that happen?

16 Q. This is in April of 1999 is when this document is  
17 dated. Does that appear to be how you sign your name?

18 A. 1999?

19 Q. Don't worry about the date. I'm only asking you  
20 about the signature. Is that how you sign your name,  
21 Ms. Smalls?

22 A. That doesn't look like how I sign my name.

23 Q. Okay. Will you do something for me?

24 A. What?

25 Q. Will you sign this document so I can see how you

1 sign your name?

2 A. (Witness complies.)

3 Q. Thank you. Ms. Smalls, the document that your  
4 sister Ms. Gourdine filed with the court states that  
5 your mother died without a will, that she did --

6 A. I don't know anything about a will. I don't know  
7 anything about that.

8 Q. When did you learn that your mother did have a  
9 will?

10 A. I didn't -- I haven't know it yet. I just know  
11 it now when this happen that my mother have a will. I  
12 just know it right now.

13 Q. Did you have any knowledge that your mother had a  
14 will before this action was filed?

15 A. No.

16 Q. Had there ever been any discussion --

17 A. No.

18 Q. -- about a will?

19 A. Never. I never know anything about a will.  
20 Never had no discussion about a will.

21 Q. Did you have any discussion with any family  
22 members --

23 A. Never.

24 Q. -- about your mother having a will?

25 A. Never did have any because I don't know anything

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1 about a will.

2 Q. You had never seen --

3 A. I didn't never seen none, I never heard about  
4 none. I didn't know about no will. I didn't know  
5 nothing about any will.

6 Q. Am I correct that the first time that you learned  
7 -- strike that.

8 Is it your testimony that the first time you  
9 learned that your mother had a will was when this action  
10 was brought?

11 A. Yes.

12 Q. Yes? Yes or no.

13 A. Yes.

14 Q. Did you ever have any discussion with your mother  
15 about what she wanted to do with her property?

16 A. No, never, never. Never did.

17 Q. Did she ever tell you that she was going to leave  
18 this property to you and your sisters?

19 A. No.

20 Q. Did she ever tell you she was going to leave the  
21 property to her grandchildren?

22 A. No.

23 Q. You never -- your testimony is that your mother  
24 never had any discussion with you --

25 A. No. No discussion.

1 Q. -- about the property?

2 A. Never any discussion about the property.

3 Q. Have any of your family members told you that  
4 they knew about a will?

5 A. No.

6 Q. Ms. Smalls, how often do you speak with Evelina  
7 Brown Moses?

8 A. Evelina Brown, how often I speak with her?

9 Q. Yes, ma'am.

10 A. Well, she was living in New York since she left  
11 home. Not very good, because she doesn't live close to  
12 me.

13 Q. She was up in New York for a long period of time?

14 A. Yes.

15 Q. What about Thomas Brown?

16 A. Thomas was in New York too for a period of time.

17 Q. Was he in New York or Louisiana?

18 A. Well, he went -- first he been in New York. I  
19 don't know when -- he been in Louisiana on a job.

20 Q. Ms. Smalls, do you recall meeting with Evelina  
21 Brown Moses or Thomas Brown about this will?

22 A. No.

23 Q. In the summer of 2005?

24 A. No.

25 Q. I'm going to show you a copy of a document.



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1 MR. ALTMAN: If we could mark this, I guess,  
2 as 4.

3 (Exhibit No. 4 was marked for  
4 identification.)

5 Q. This document which is titled Last Will and  
6 Testament of Lucinda Pringle, take a look at it for a  
7 second, if you don't mind, Ms. Smalls.

8 A. I'm looking, but I just can't read it.

9 Q. Okay. Has anybody ever shown you a document and  
10 told you that that's your mother's will?

11 A. No.

12 Q. Is today the first time anybody has ever shown  
13 you --

14 A. I haven't seen a will. I haven't never seen a  
15 will.

16 Q. So if I told you this was your mother's will,  
17 today would be the first time you've ever laid eyes on  
18 it.

19 A. On the will?

20 Q. Yes, ma'am.

21 A. Yeah.

22 Q. And it's your testimony today that you never had  
23 your mother's will in your possession?

24 A. No, I didn't have it. I don't know about the  
25 will. I don't know anything about a will.

1 Q. Ms. Smalls, did you have any discussion with  
2 either Ms. Thornton or Ms. Gourdine regarding your  
3 mother's estate?

4 A. No.

5 Q. Did you ever go to the Probate Court for any  
6 hearings or filings?

7 A. I never been in no court.

8 Q. Did you know that Ms. Gourdine had been appointed  
9 executor or personal representative of your mother's  
10 estate?

11 A. No, I didn't --

12 Q. Did you know that after Ms. Gourdine passed away  
13 that Ms. Thornton was appointed personal representative?

14 A. No. No, I don't know.

15 Q. Because you signed -- you did sign some documents  
16 relative to the estate. Do you know that?

17 A. Document to the estate?

18 Q. We went through one earlier. But there's  
19 another --

20 MR. ALTMAN: If we could mark these as 5.

21 (Exhibit No. 5 was marked for  
22 identification.)

23 Q. Ms. Smalls, this is a document that also appears  
24 to have your signature that's dated March 13, 2001. Can  
25 you see that signature?

Transcript of the Testimony of Emma Smalls

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1 A. 2001. And what this document is?

2 Q. This is a document that was signed after your  
3 sister Janine passed away.

4 A. My sister who?

5 Q. After Ms. Gourdine passed away allowing  
6 Ms. Thornton to take her place with regard to the  
7 estate.

8 A. Oh, no. I don't know anything about that.

9 Q. Okay.

10 A. I don't know anything about that.

11 Q. Well, this document appears to have your  
12 signature on it. Is that your signature?

13 A. That -- and what time is that now?

14 Q. Don't worry about the time. Does that appear to  
15 be your signature?

16 A. Now, you know, that's not my signature. That's  
17 some of my handwriting on there. But these things, I  
18 don't know who made these things here. I don't know  
19 anything about that.

20 Q. You have no recollection of signing this  
21 document?

22 A. Well, what the document is about?

23 Q. This is March of 2001.

24 MR. GOLDBERG: She wants to know what it is.

25 Q. This is a document -- it's entitled A

1 Renunciation of Right to Administer.

2 A. I don't know anything about that. I don't know.  
3 I don't know.

4 MR. GOLDBERG: I'm sorry, Jon.

5 MR. ALTMAN: That's okay.

6 MR. GOLDBERG: Explain what that is because  
7 those don't mean much to her.

8 Q. The effect of that document was to allow your  
9 sister Ms. Thornton to take Ms. Gourdine's place.

10 A. No, sir. I know nothing about that. No. No,  
11 no. No.

12 Q. You had nothing to do with your mother's estate?

13 A. Nothing to do with my mother estate.

14 Q. And you had nothing to do with her will.

15 A. Nothing to do with -- I ain't know about the  
16 will. I don't know anything about the will.

17 Q. And you never saw the will?

18 A. I never saw the will.

19 Q. Talked about the will?

20 A. No, I didn't talk about it nowhere because I  
21 didn't do anything. I didn't know my mother leave a  
22 will. I didn't know that.

23 MR. ALTMAN: Let's take a break for a  
24 moment.

25 (A recess was taken.)

Transcript of the Testimony of Emma Smalls

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1 Q. Ms. Smalls, I understand it's your testimony that  
2 you had no idea that your mother had a will.

3 A. Didn't know anything about my mother had a will.

4 Q. Until this action started.

5 A. Until this action started.

6 Q. And now, have you been made aware that she does  
7 have a will?

8 A. Well, that's what they telling me now. That's  
9 what John told me.

10 Q. As we sit here today, now that you know that  
11 there's a will, do you think that your mother's wishes  
12 should be carried out?

13 A. Well, I think she --

14 MR. GOLDBERG: I object.

15 MR. GUERARD: Object to the leading  
16 question. Calls for a legal conclusion.

17 MR. ALTMAN: She can state her opinion.

18 MR. GUERARD: Subject to the objection.

19 A. What -- speak that again? Say that over again.

20 Q. Now that you -- now that you've been made aware  
21 that your mother has a will, now that you know about it,  
22 don't you think that her wishes should be carried out?

23 A. Well, I don't think my mother would have made a  
24 will because she didn't own anything. Now, she was in  
25 the will, and I don't think she could and she wouldn't

1 because she leaves more than one child. She would have  
2 some grandchildren she left. And she wouldn't leave out  
3 her children for her grandchildren.

4 Q. Forget about what the will says. Do you have a  
5 will personally?

6 A. Do I have a will? I have a will?

7 Q. Yes, ma'am. Do you have a will?

8 A. Well, you mean if I have a -- you mean if -- if  
9 she will leave a will for me or --

10 Q. Do you personally have a will, a will for your  
11 children or your grandchildren?

12 A. No.

13 Q. If your mother did have a will, is it your belief  
14 that her wishes should be carried out?

15 MR. GUERARD: Objection to the question.

16 MR. GOLDBERG: Objection.

17 MR. ALTMAN: Noted.

18 A. I don't know. I couldn't say that I exactly  
19 know.

20 Q. Let's go back a little bit. You testified  
21 earlier that you didn't know anything about a will.

22 A. Didn't know anything about a will.

23 Q. Okay. What do you know about this will now?

24 A. What you-all tell me.

25 Q. I'm sorry?

Transcript of the Testimony of Emma Smalls

Page 28

1 A. What you-all tell me about it. That's all I  
2 know.

3 Q. Well, tell us what you learned about this will.

4 A. Well, you told me -- well, all I learned about it  
5 is my mother leave a will. That's all I learned.

6 Q. You just mentioned earlier that you didn't think  
7 your mother would leave a will that would leave out her  
8 children.

9 A. Well, I know. That's my feeling.

10 Q. How do you know that your mother's will left out  
11 her children? Who told you that?

12 A. Well, I don't know anything about a will. But I  
13 say, well, I thought my mother -- I say that I thought  
14 my mother would leave her children in the will. But I  
15 don't know, you know, what she did. I don't know. I  
16 just don't know.

17 Q. Have you discussed this will with your family  
18 members since this case started?

19 A. No, I haven't -- I don't know what -- I was just  
20 wondering what is going on with me, why I don't know  
21 about. That's all been doing, wondering why this is  
22 happen to me, why I don't know about it. That's all I  
23 know.

24 Q. Who have you discussed that with?

25 A. I didn't discuss it with nobody. I said I

1     wondered to myself. I don't -- I don't -- I don't go  
2     and broadcast things to anybody. When you don't know  
3     something, you don't know. And you can't say nothing if  
4     you don't know.

5         Q. All right. Ms. Smalls, I want to be very clear  
6     with you. Is it your testimony today that you never  
7     discussed anything involving your mother's estate with  
8     Evelina Brown Moses?

9         A. No.

10        Q. Is it your testimony that you never discussed  
11     anything involving your mother's estate with Thomas  
12     Brown?

13        A. No. No. Nothing about no will. Never did I  
14     talk about it. Never did have no trouble with my mother  
15     dead or a will or anything. I don't know nothing about  
16     no will.

17        Q. Now, you know Rebecca Patricia Brown.

18        A. (Nodded.)

19        Q. Now, does Rebecca suffer from some sort of  
20     physical condition? Is she disabled?

21        A. Yes, she is. Kind of -- yes, she is.

22        Q. How would you describe her disability?

23        A. I don't know. I couldn't describe it. I  
24     don't -- I ain't know about it. I just know she's  
25     just --



PROBATE COURT

**CASE NUMBER**

**APPLICATION FOR**

(check any that apply)

# PETITION FOR

# INFORMAL

☐ PROBATE OF WILL☐ APPOINTMENT

**FORMAL**

☐ TESTACY

☐ APPOINTMENT

**Applicant/Petitioner:**

**Address:**

**Telephone:**

**1. ALL APPLICANTS/PETITIONERS MUST COMPLETE THIS SECTION.**

1. Nature of interest of undersigned:

## 2. Decedent information

**Name:**

**Social Security Number:**

**Date of Birth:**

**Date of Death:**

**Age at date of death:**

**Domicile at date of death:**

3. Venue for this proceeding is proper in this county because:

☒ Decedent was domiciled in this county at date of death.

☐ Decedent was not domiciled in South Carolina, but was

county at date of death.

☐ Decedent has a right to take legal action in this county because:

4a. Names and addresses of devisees, including dates of birth of minors:

Name \_\_\_\_\_

**Date of Birth**

**Address**Relationship  
to Decedent

(use additional sheet if necessary)

4b. Names and addresses of intestate heirs who are not devisees, including dates of birth of minors:

Name \_\_\_\_\_

Date of Birth

**Address**

Relationship  
to Decedent

| Name             | Date of Birth | Address                  | Relationship to Decedent |
|------------------|---------------|--------------------------|--------------------------|
| Emma P. Smalls   | Adult         | 2519 Old Georgetown Rd.  | Daughter                 |
| Jarvis Fournier  |               | 2317 Old Georgetown Road | Daughter                 |
| Bernice Thompson |               | 2317 Old Georgetown Rd.  | Daughter                 |
| Mary P. Smith    | Adult         | 601 W. Street S.E. #27   | Daughter                 |

(Use additional sheet if necessary)

(Use additional sheet if necessary)

~~\_\_\_\_\_~~  
D.C. 20003

exists, or has any child or the decedent been born since his 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 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 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 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 address, on page 3.

10. Have more than ten years passed since the decedent's death?

☐ NO ☐ YES If yes, please state circumstances authorizing tardy probate on page 3.

11. The decedent died with a personal estate of about the value of \_\_\_\_\_ and real estate of about the value of \$100,000. (A full inventory and appraisal, form #350PC, must be filed within 90 days.) If decedent was a non-resident, please attach South Carolina Tax Commission form ET 101.

*Angela W. Webb, Ref 99/6*

12. After the exercise of reasonable diligence, are you aware of any unrevoked will and/or codicil(s), other than the one(s) attached hereto, relating to property in this State?

☐ NO ☐ YES If yes, please explain on page 3 and then proceed to Section 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 authenticated copy of a will probated in another jurisdiction is attached  
☐ an authenticated copy of a will not probated in another jurisdiction is attached  
☐ the will is lost, destroyed, or otherwise unavailable; however, a description of its contents is attached

*No Will*

2. Do you believe, to the best of your knowledge, the will described above was validly executed?  
☐ YES ☐ NO If no, please explain on page 3.

3. The date of execution of the will was: \_\_\_\_\_  
codicil(s): \_\_\_\_\_

4. Are you aware of any instrument or document amending or revoking the will?  
☐ NO ☐ YES If yes, please explain on page 3.

5. Have you exercised reasonable diligence to determine there is no instrument or document revoking the will?  
☐ YES ☐ NO If no, please explain on page 3.

6. Do you believe the will defined in "1" above is the decedent's last will?  
☐ YES ☐ NO If no, please explain on page 3.

Alex Pringle Spouse deceased

Evelyn P. Brown deceased

Evelyn's children:

Thomas Brown adult Lives in Louisiana

Patricia Brown adult 2517 Old Georgetown Rd.

(Cecilia Brown) adult Mt Pleasant S.C. 29464  
Bronx, New York

III IF APPLYING FOR INFORMAL OR FORMAL APPOINTMENT, PLEASE COMPLETE THE FOLLOWING.

1 The name(s) and address(es) of the proposed Personal Representative(s) is/are:

Tannie Gourdine  
2517 Old Georgetown Rd.  
Mt Pleasant, S.C. 29464

2 Priority for this appointment is:

- ☐ named as Primary Personal Representative in will or nominee of Primary Personal Representative  
☐ named as Alternate Personal Representative in will or nominee of Alternate Personal Representative  
☐ 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 days after death must have passed) or nominee of creditor  
☐ other (describe): \_\_\_\_\_  
☐ nominee of any of the above

3 List below the names of any other persons, if any, having a prior or equal right of appointment (see priority above)

Emma Smith  
Tannie Gourdine  
Anna Bell Thompson  
Mary P. Smith

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 5th day of March, 1999.

Sandra F. Ellw

Notary Public for South Carolina

My Commission Expires: 11-4-2008

Signature: Jamie P. Bourdine  
Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

ORDER OF INFORMAL PROBATE

IT IS HEREBY ORDERED that the above application for probate of a will be ☐ GRANTED ☐ DENIED informally this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Probate Court Judge

ORDER FOR HEARING ON FORMAL PETITION

IT IS HEREBY ORDERED that a hearing on this matter be set for:

DATE:

TIME:

PLACE:

Pursuant to Section 62-1-401, the petitioner is ordered to give notice of this hearing to all interested persons at least twenty (20) days prior to the hearing.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Probate Court Judge

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

IN THE PROBATE COURT

IN THE MATTER OF

*Lucinda Pingle*

CASE NUMBER

*1999ES10689*

RENUNCIATION OF RIGHT TO ADMINISTRATION

The undersigned hereby renounces his/her right to serve as Personal Representative of the above estate and relinquishes any statutory right except as indicated below:

1. I hereby exercise my right to nominate a Personal Representative.  
The name and address of the proposed nominated Personal Representative

*Jamie R. Gaudine*  
*5457 Old Georgetown Rd.*  
*Mt. Pleasant, S.C. 29484*

2. I hereby waive my right to nominate another Personal Representative.

Executed this 21<sup>st</sup> day of April, 1999

Witnessed by:

*Maureen B. Heywood*  
Neighborhood Legal  
Assistance Program

Signature:

*Annabell Thornton*

Name:

*Annabell Thornton*

Address:

*5457 Old Georgetown Rd.*  
*Mt. Pleasant, S.C. 29484*

Phone: (O)

*(843) 584-3532*

(H)

FORM #302C (1/91)

62-3-203

3287

SWORN to before me this

*April* day of 21, 1999

*Corliss Anderson*  
NOTARY PUBLIC FOR SOUTH CAROLINA

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

IN THE PROBATE COURT

IN THE MATTER OF

CASE NUMBER:

*Lucinda Pringle*  
*999ES10 684*

RENUNCIATION OF RIGHT TO ADMINISTRATION

The undersigned hereby renounces his/her right to serve as Personal Representative of the above estate and relinquishes any statutory right except as indicated below:

1. I hereby exercise my right to nominate a Personal Representative.  
The name and address of the proposed nominated Personal Representative is:

2. I hereby waive my right to nominate another Person... Representative.

Executed this 6<sup>th</sup> day of April, 19 99.

Witnessed by:

Juanita Bess

Signature:

*[Signature]*

Name:

NOTARY PUBLIC FOR SOUTH CAROLINA  
My commission expires December 7, 2008

Address:

2519 Old Georgetown Rd.  
MT. Pleasant, S.C. 29464

Phone: (O)

(H)

884-2508

FORM #302C (1/91)

62-3-203

3287

*[Signature]*

# Last Will and Testament

LUCINDA PRINGLE

I, Lucinda Pringle, of Christ Church Parish, (County Of Charleston), being of sound and disposing mind and memory and desiring to make such disposition of my worldly estate as I deem best, DO HEREBY MAKE, PUBLISH AND DECLARE THIS TO BE MY LAST WILL AND TESTAMENT, hereby revoking any and all former wills and codicils whatever by me made.

First: I direct that all my just debts and funeral expenses be paid out of my estate as soon after my decease as conveniently may be and to that end charge my whole estate, real and personal, with the same.

Second: I give, devise and bequeath to Thomas Brown, Patricia Brown, Evelina Brown and Emma R. Shalls my personal belongings and my homes

## ITEM 3

I give, devise and bequeath all my right, title and interest in and to that certain property.

## ITEM 4

I nominate, Constitute and appoint my beloved Grand Childrens, Thomas Brown Patricia Brown and Evelina Brown, Co-Executrices to serve without bond of this my LAST WILL AND TESTAMENT. I authorize and empower my Executrices to hold and retain as invest of my Estate all investments, securities, and other property, real and personal, which shall at time of my death be included in my estate, to sell and dispose of, for the purpose of paying my debts or for any other purpose whatsoever, any or all of such property, either at public or private sale, for such prices and on such terms as my Executrices shall deem proper, and to make, execute and deliver all assignments transfers, and other legal instruments where necessary or Convenient for the passing of the title and ownership thereto, without any liability on the purchaser to see to the application money.

*Lucinda Pringle*

I nominate and appoint Thomas Brown, Patricia Brown, Evelyn Brown and  
Edna P. Smalls  
to be the executorS... of this my Last Will and Testament

IN WITNESS WHEREOF, I have hereunto set my hand and seal to this my Last Will and Testa-  
ment at Mt. Pleasant, S.C.  
this 30 day of July, in the year of our  
Lord One Thousand Nine Hundred and 88

Witnessed by marks (SEAL)  
Signed, sealed, published and declared by the said Lucinda Springer  
at and for her last will and testament in the presence of us,  
at her request and in the presence of one another, all present together.



---

---

**Last Will and Testament**  
**OF**

Lucinda Pringle  
Dated 30 July A. D. 1988

---

---

---

---

Attest: James B. Edwards, Clerk of Court

WITNESSES: JAMES B. EDWARDS, CLERK OF COURT, AND JAMES B. EDWARDS, CLERK OF COURT.

STATE OF SOUTH CAROLINA  
COUNTY OF Charleston

FILED

MAR 22 AM 11:00

PROBATE COURT

IN THE MATTER OF Jacinda Pringle  
CASE NUMBER 99ES10-00689

### RENUNCIATION OF RIGHT TO ADMINISTRATION

The undersigned hereby renounces his/her right to serve as Personal Representative of the above estate and relinquishes any statutory right expect as indicated below:

- X
1. I hereby exercise my right to nominate a Personal Representative.  
The name and address of the proposed nominated Personal Representative is:  
ANNA BELL THORNTON  
2517 OLD GEORGETOWN RD.  
MT. PLEASANT, SC 29464
  2. I hereby waive my right to nominate another Personal Representative.

Executed this 13<sup>th</sup> day of MARCH, 20 01.

Witnessed by:

Kurtis Dailey

Signature: Emma Smalls

EMMA SMALLS

Name: 2519 OLD GEORGETOWN RD.

Address: MT. PLEASANT, SC 29464

Telephone (O):

(H): 843-884-2568

EXHIBIT

5 - Smalls

STATE OF SOUTH CAROLINA: MAR 22 2001  
COUNTY OF Charleston

PROBATE COURT

IN THE MATTER OF Juanita Pringle

CASE NUMBER 99ES10-00689

### RENUNCIATION OF RIGHT TO ADMINISTRATION

The undersigned hereby renounces his/her right to serve as Personal Representative of the above estate and relinquishes any statutory right expect as indicated below:

X

1. I hereby exercise my right to nominate a Personal Representative.  
The name and address of the proposed nominated Personal Representative is:

ANNABELL Thornton  
2517 OLD Georgetown RD  
MT. Pleasant, S.C. 29466

2. I hereby waive my right to nominate another Personal Representative.

Executed this 19 day of March, 2001

Witnessed by:

[Signature]

Signature: Mary P. Smith

Name: Mary P. Smith

Address: 601 The Street, SE #726  
WASHINGTON, DC 20003

Telephone (O):

(H): 202-547-5926

appeared before me and produced ID to prove  
I am Mary P. Smith

JOCELYNE JAUNDOO

JOCELYNE F. JAUNDOO  
NOTARY PUBLIC, DISTRICT OF COLUMBIA  
MY COMMISSION EXPIRES JUNE 14, 2004

FORM 1001 (12-00)

Subscribed or sworn before me on  
the 19th of March in 2001  
the District of Columbia.

IN THE PROBATE COURT  
FOR THE STATE OF SOUTH CAROLINA  
CHARLESTON COUNTY

DEPOSITION OF ROBERT PRINGLE

EVELINA BROWN MOSES, THOMAS P. BROWN, JR., and DAVID L.  
MICHEL as Guardian Ad Litem for REBECCA PATRICIA BROWN,

Petitioner,

vs.

CASE NO. 99-ES-10-689-2

ESTATE OF LUCINDA PRINGLE, EMMA SMALLS, MARY P. SMITH,  
ESTATE OF ANNABELLE THORNTON, ESTATE OF JANINE GOURDINE,  
ODESSA GRADDICK, ARTHUR EUGENE GRADDICK, JR., VIOLA  
PRINGLE, MAEZELL MITCHELL, CEPHUS THORNTON, and any  
other Persons and entities claiming any interest in the  
Estate of LUCINDA PRINGLE,

Respondents.

ORIGINAL

DEPONENT: ROBERT PRINGLE

DATE: March 28, 2006

TIME: 11:32 AM

LOCATION: DERFNER ALTMAN & WILBORN  
40 Calhoun Street, Suite 410  
Charleston, South Carolina

REPORTED BY: J. LYNN CLARK, CSR(Iowa) RPR-CP  
NCRA REGISTERED MERIT REPORTER  
CLARK & ASSOCIATES, INC.  
P.O. Box 73129  
Charleston, SC 29415  
843-762-6294  
WWW.CLARK-ASSOCIATES.COM  
Lynn@clark-associates.com

Clark & Associates, Inc.  
843.762.6294

Transcript of the Testimony of Robert Pringle

Page 2

1

2

3

A P P E A R A N C E S

4

ON BEHALF OF THE PETITIONERS:

5

DERFNER ALTMAN & WILBORN  
BY: JONATHAN ALTMAN  
40 Calhoun Street, Suite 410  
Charleston, SC 29403

6

7

8

SLOTCHIVER & SLOTCHIVER  
BY: STEVEN M. SLOTCHIVER  
44 State Street  
Charleston, SC 29401

9

10

ON BEHALF OF THE RESPONDENTS:

12

STEINBERG LAW FIRM  
BY: CHARLES GOLDBERG  
61 Broad Street  
Charleston, SC 29401

13

14

15

EDWARD P. GUERARD, JR.  
One Carriage Lane, Suite H  
Charleston, SC 29407

16

17

18 ALSO PRESENT: MAEZELL MITCHELL  
19 VIOLA PRINGLE  
20 CEPHUS THORNTON

19

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Clark & Associates, Inc.  
843.762.6294

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I N D E X

Page

EXAMINATION

By Mr. Altman

4

Certificate of Reporter

19

E X H I B I T S

Page

Transcript of the Testimony of Robert Pringle

Page 4

1

ROBERT PRINGLE,

2 having been first duly sworn, was examined and testified  
3 as follows:

4

EXAMINATION

5 BY MR. ALTMAN:

6 Q. Mr. Pringle, good morning.

7 A. Morning.

8 Q. You and I met before. I'm Jonathan Altman. I  
9 represent the Petitioners in this action along with  
10 Steve Slotchiver to my right. You did not have the  
11 pleasure of sitting through the prior four depositions,  
12 so let me just tell you -- establish some ground rules  
13 with you.

14 Is this the first time you've ever been deposed,  
15 ever given testimony like this?

16 A. Yes. Yes.

17 Q. Let me tell you how this works. I'm going to ask  
18 you a series of questions. If you don't understand any  
19 question that I ask you, I want you to stop me. I want  
20 to make sure we get your testimony completely accurate.

21 A. All right.

22 Q. If you're uncertain about anything, uncertain  
23 about what you're being asked, I don't want you to  
24 answer. I want you to tell me and ask me to rephrase  
25 the question. Now, she's taking down everything that

1 you say and you're under oath. So it's important for  
2 you to be very clear as to how you testify. No nods or  
3 shakes of the head, no uh-huh or huh-uh. That's going  
4 to make it difficult for her to get that down. We want  
5 this to be accurate. Is that fair?

6 A. Right.

7 Q. I don't think this is going to go very long, but  
8 if you need to take a break for any reason, just let me  
9 know and we'll stop. Okay?

10 A. Okay.

11 Q. State your full name for the record.

12 A. Robert L. Pringle.

13 Q. Mr. Pringle, where do you live?

14 A. 2517 Old Georgetown Road.

15 Q. You live on the property?

16 A. Yes.

17 Q. How long have you lived on the property for?

18 A. Well, since I came back from New York, for about  
19 13 years I guess. About 13 years.

20 Q. Whose house do you live in?

21 A. I live in my own. I live in a trailer in the  
22 back.

23 Q. You live in a trailer in the back?

24 A. In the back, yes.

25 Q. Who else lives on the property?



Transcript of the Testimony of Robert Pringle

Page 6

1 A. Well, Vi and Emma, Emma Smalls. That's about the  
2 only -- and then my other cousin and them on the other  
3 side.

4 Q. Since you moved back, has Cephus Thornton also  
5 lived on the property?

6 A. No. He don't live there too. Well, he lived  
7 there and -- but he don't really live there, but he --  
8 well, he live there with his girl, I guess. And then  
9 he, you know, come back -- sometimes he spend nights  
10 over there, but he don't really live there.

11 Q. Anybody live with you on the property?

12 A. No. Just me in the back.

13 Q. You're not married?

14 A. No. Well, I'm separated.

15 Q. Did your wife -- did she used to live on the  
16 property with you?

17 A. No. My wife and me -- we never even lived down  
18 here.

19 Q. Give me your date of birth, Mr. Pringle.

20 A. 7-7-40.

21 Q. Your Social?

22 A. What?

23 Q. Your Social?

24 A. 251-66-9380.

25 Q. How far did you go in school?

1 A. I finished 12th grade.

2 Q. You graduated from Laing?

3 A. Laing.

4 Q. Laing also?

5 A. Yes.

6 Q. Now, if my understanding of your family is  
7 correct, you have one sister, Shirley Howard?

8 A. Yes.

9 Q. Do you have any other siblings?

10 A. No. Not right now. No, no. My brother just  
11 died about eight months ago.

12 Q. And what was your brother's name?

13 A. Leroy Hail.

14 Q. Where did your brother live?

15 A. Summerville.

16 Q. Where does Ms. Howard live?

17 A. Ms. Who?

18 Q. Your sister.

19 A. Oh, she live in DC. My sister, she live in DC --  
20 Maryland really, not DC. She used to live in DC, but  
21 she moved to Maryland.

22 Q. Did Mr. Hail ever live on the family property?

23 A. No.

24 Q. What about Ms. Howard?

25 A. No.

Transcript of the Testimony of Robert Pringle

Page 8

1 Q. Has your mother lived on the property at all in  
2 the last 20 years?

3 A. No. She live in DC for the last 50 years.

4 Q. Where does she live now?

5 A. She live in Summerville now.

6 Q. Where does she live in Summerville?

7 A. 711 Longstreet.

8 Q. Does she have a house there?

9 A. Yeah, they have a house there. My sister have a  
10 house there.

11 Q. And that's Shirley Howard you're referring to?

12 A. Yes, sir.

13 Q. How's your mother's health?

14 A. Well, she 84 years old. So she's -- you should  
15 realize from that, you know, it ain't too good.

16 Q. Does she live alone?

17 A. Well, she live alone right now. And you know, I  
18 go over there every night and check on her. Every day  
19 and check on her and make sure, because I'm over here.  
20 She wasn't alone all the time now. Up to my brother  
21 died, he was there.

22 Q. Your brother lived with her in Summerville?

23 A. Yeah, my brother lived there.

24 Q. And I believe you testified earlier you came back  
25 from New York 10 years ago?

1 A. Oh, it's been more than 10 years ago.

2 MR. GUERARD: He said 13.

3 Q. 13 years ago. I'm sorry.

4 A. I came from New York longer than that, but I been  
5 living over there for 13 years, where I'm at now. I  
6 been living in the city before I moved back down, you  
7 know, over there.

8 Q. Okay. When did you come back from New York?

9 A. 1979.

10 Q. So you've been in this area for a good 25 years.

11 A. That's right.

12 Q. You were living here when your grandmother passed  
13 away?

14 A. Yes.

15 Q. And you weren't living on the property, were you?

16 A. No. But I live in the city.

17 Q. Were you aware that your Aunt Janine Gourdine had  
18 opened your grandmother's estate?

19 A. No.

20 Q. Did you ever have any discussions with your  
21 mother regarding your grandmother's property?

22 A. She never know nothing about none of that.

23 Q. What about your brothers and sisters?

24 A. No.

25 Q. What was your understanding as to what was

Transcript of the Testimony of Robert Pringle

Page 10

1 supposed to happen with the family property?

2 A. Well, I don't know what was to happen. I know  
3 it's heirs property, so you know, it was to go on down  
4 to the siblings. You know, if somebody else died, then  
5 we -- it would go on down the line, that's what, because  
6 it's heirs property. Nobody had really owned it.

7 Q. Did you think your mother had an interest in the  
8 property?

9 A. Well, of course she has a interest in it. She's  
10 an heirs, right?

11 Q. I'm asking you.

12 A. Yeah. Yeah, of course she has a interest.

13 Q. Do you think you have an interest in the  
14 property?

15 A. Of course I have a interest.

16 Q. Did you know your grandmother had a will?

17 A. Huh? No, I didn't know nothing about that.

18 Q. When did you learn your grandmother had a will?

19 A. When I got these letters here.

20 Q. That was the first time?

21 A. Yeah. When my mother started getting these  
22 things from the lawyers and so on, that kind of stuff.

23 Q. Did you have any discussion with your mother  
24 after she started getting papers from lawyers?

25 A. She didn't know nothing about no will and all

1 that. She don't even understand a will. She don't.

2 You know, so I've got to explain to her what a will is.

3 She don't really know what a will is noway.

4 Q. We've talked about it with all your family  
5 members here today.

6 A. Yeah.

7 Q. After you-all started getting papers from  
8 lawyers, have you had any discussions with any family  
9 members about your grandmother's estate or her will?  
10 Have you talked to anybody?

11 A. Well, I talk to my cousin. I said, you know,  
12 what's going on, what's happening with Eve and all that.  
13 You know.

14 Q. Which cousin did you talk to?

15 A. Huh?

16 Q. Which cousin did you talk to?

17 A. Well, I just ask questions about, you know,  
18 what's going on. They said they don't know because  
19 they said that they -- they got a letter about a will.  
20 They don't know about a will either though. I said,  
21 well, I don't know.

22 Q. Which cousins did you talk to?

23 A. Well, I talk to my cousin over there. Cephus,  
24 that's all.

25 Q. You talked to Cephus?

Transcript of the Testimony of Robert Pringle

Page 12

1 A. Yeah, I talked to him. We always talk.

2 Q. Did you talk to anybody else?

3 A. No, not really.

4 Q. Maybe?

5 A. No, I don't think so.

6 Q. Did you ever talk to Ms. Pringle or Ms. Mitchell  
7 who are in this room?

8 A. Who is -- oh, no. I didn't really talk to them  
9 -- and the only time I talked it over with him when we  
10 start getting these letters. We talk about when we meet  
11 at this lawyer office. That's about the most time I  
12 even talk about it.

13 Q. How often do you see Ms. Pringle?

14 A. Ms. Pringle?

15 Q. Viola.

16 A. Oh, I pass by her every day.

17 Q. You see her because you live on the property  
18 together?

19 A. Yeah. I pass by every day, pick up my mail and  
20 go on back home. Yeah.

21 Q. And even though you see her every day, you never  
22 talk to her about this lawsuit?

23 A. No. Because I don't really want to -- you know,  
24 I don't want to get involved too much with this thing  
25 here because it will work itself out. She don't know

1 nothing about it. Why should I talk to her about it?

2 She don't know.

3 Q. Were you aware that Viola Pringle had prepared  
4 probate documents for your grandmother's estate?

5 A. No. No. I didn't have nothing to do with that.  
6 I don't know. I didn't know nothing about none of that.

7 Q. Were you even aware that probate documents had  
8 been filed?

9 A. No. After I get all this stuff -- my mother  
10 start getting all these things, then she call me and ask  
11 me where the -- that's when I find all this other -- all  
12 these others.

13 Q. Let's break that up into two parts.

14 A. All right.

15 Q. What did your mother ask you?

16 A. What's this for? What is this? That what she  
17 want to know.

18 Q. And what did you find out?

19 A. That Eve was -- that a lawyer was helping her  
20 with the property, I guess. I said, how could she get  
21 property and then my grandmother didn't even own  
22 property. This is heirs property. It's come on down  
23 from September Wheaton (ph) to her grandfather, whoever  
24 it was, she tell me. I don't know. She ain't never  
25 owned no property either --



Transcript of the Testimony of Robert Pringle

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1 Q. I'm sorry?

2 A. I say my grandmother, she didn't even own the  
3 property. She was an heirs and we're an heirs. Come  
4 straight on down the line.

5 Q. Were you aware that there was a deed issued --

6 A. No.

7 Q. -- taking this property out of heirs property?

8 A. No. No. I tell you after I get this, then I  
9 found out what was going on. My mother got all this,  
10 you know, in the mail, I guess from this office here.

11 Q. I just want to be clear about your testimony.  
12 It's your belief or your understanding that this is  
13 heirs property and --

14 A. That's -- that's my belief from beginning -- from  
15 when I understand what this property was all about,  
16 whether it was heirs property from the get, from the  
17 start. And Lucinda Pringle, my grandmother, she never  
18 owned any property.

19 Q. Are you aware --

20 A. That what?

21 Q. I'm going to show you a deed that was issued by  
22 your Aunt Annabelle Thornton.

23 A. Oh, I ain't know nothing.

24 Q. I want you to look at it before you answer. Are  
25 you aware that a deed was issued as to this property?

1 A. No. I sure don't.

2 Q. Giving your mother --

3 A. Oh, Mama don't know nothing about this. She's  
4 living in DC. She don't know.

5 Q. I'm not asking about what your mother knows. I'm  
6 asking what you know.

7 A. Well, you mentioned my mother just now.

8 Q. This is your mother's name.

9 A. Well, yeah, that's her name.

10 Q. Are you aware --

11 A. Mary P. Smith.

12 Q. Let me finish, please. Are you aware that there  
13 was a deed issued giving your mother a one-fifth  
14 interest in this property?

15 A. No. That's the first time I hear about a deed.  
16 What, like that? That's the first time I see that.

17 Q. Do you know a woman named Myrtle Jackson?

18 A. Who?

19 Q. Myrtle Jackson.

20 A. You got me. I ain't never heard of that one.

21 Q. What about a man named Phillip Hair?

22 A. No.

23 Q. H-A-I-R. Have you ever heard of Mr. Hair?

24 A. No.

25 Q. Ms. Thornton died in 2004 is my understanding.

Transcript of the Testimony of Robert Pringle

Page 16

1 A. Yeah.

2 Q. You were living on the property?

3 A. Yeah, I was living there. I remember when she  
4 died, but I don't know -- you know, I guess it was 2004.

5 Q. How was her health in the last couple of years of  
6 her life?

7 A. Oh, she was sick for a long time. I mean she was  
8 sick for a good little while, a few years.

9 Q. A few years?

10 A. Little by little. You know, well, she feel good  
11 sometime. And then again, she don't. Some days are  
12 good, some days are bad.

13 Q. What was she suffering from?

14 A. Exactly, I don't know. I thought it was cancer.  
15 That's what I would think. That's what run through my  
16 mind, it had to have been cancer. That's the only thing  
17 I see that, you know, make you suffer like that.

18 Q. Could she drive?

19 A. Huh?

20 Q. Could Ms. Thornton drive?

21 A. She -- I don't think she could drive. No, no.  
22 She never would drive.

23 Q. Did she pretty much stay on the property?

24 A. Yes. She -- she was living there.

25 Q. I know. Did she pretty much stay on the

1 property?

2 A. Yeah, she stayed there.

3 Q. Did she go around town?

4 (Interruption.)

5 A. Did she what now?

6 Q. Did she go around town? Was she active?

7 A. Yeah. I guess when she gets the bus or somebody  
8 to take her somewhere, she'd probably -- well, after she  
9 was sick was she active?

10 Q. Yes.

11 A. Oh, she couldn't do nothing too much. But she  
12 could go around a little bit, you know, when she feeling  
13 good maybe.

14 MS. VIOLA PRINGLE: Why don't you ask me  
15 about my mother?

16 (Off-the-record discussion.)

17 A. Because I don't know really. Probably she don't  
18 like nobody to ask about her mother because her mother  
19 deceased and, you know, she still got the grieving about  
20 her mother. That's what I guess.

21 Q. Besides being up in years, does your mom suffer  
22 from any health conditions?

23 A. Oh, she got diabetic -- my mother?

24 Q. Yes, sir.

25 A. Oh, she suffer from a whole bunch of stuff.

Transcript of the Testimony of Robert Pringle

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1 Diabetic. Got to take medicine every day. Got to take  
2 insulin and all that other stuff. Then she, you know,  
3 get the -- you know, well, I never was a diabetic. But  
4 she tell me all kind of symptoms she be having.

5 Q. When was the last time your mother was at the  
6 property?

7 A. Well, she been to a funeral the other day. She  
8 came -- yeah, she been out there. She stopped by after  
9 the funeral when one of my cousin died. You know, that.  
10 And she been to the funeral. That's the last Saturday,  
11 my niece bring her over.

12 MR. ALTMAN: Thank you.

13 (The deposition was concluded at 11:50 a.m.)  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 STATE OF SOUTH CAROLINA )  
2 COUNTY OF CHARLESTON )

3  
4 I, J. Lynn Clark, Registered Professional Reporter  
5 and Notary Public for the State of South Carolina at  
6 Large, do hereby certify that the witness in the  
7 foregoing deposition was by me duly sworn to testify to  
8 the truth, the whole truth and nothing but the truth in  
9 the within-entitled cause; that said deposition was  
10 taken at the time and location therein stated; that the  
11 testimony of the witness and all objections made at the  
12 time of the examination were recorded stenographically  
13 by me and were thereafter transcribed by computer-aided  
14 transcription; that the foregoing is a full, complete  
15 and true record of the testimony of the witness and of  
16 all objections made at the time of the examination; and  
17 that the witness was given an opportunity to read and  
18 correct said deposition and to subscribe the same.

19 Should the signature of the witness not be affixed to  
20 the deposition, the witness shall not have availed  
21 himself of the opportunity to sign or the signature has  
22 been waived.

23 I further certify that I am neither related to nor  
24 counsel for any party to the cause pending or interested  
25 in the events thereof.

26 Witness my hand, I have hereunto affixed my official  
27 seal this 8th day of April, 2006, at Charleston,  
28 Charleston County, South Carolina.

29  
30 J. Lynn Clark  
31 RPR, CP-CM, CSR  
32 My Commission expires  
33 October 30, 2006  
34  
35

IN THE PROBATE COURT  
FOR THE STATE OF SOUTH CAROLINA  
CHARLESTON COUNTY

DEPOSITION OF CEPHUS THORNTON

EVELINA BROWN MOSES, THOMAS P. BROWN, JR., and DAVID L.  
MICHEL as Guardian Ad Litem for REBECCA PATRICIA BROWN,

Petitioner,

vs.

CASE NO. 99-ES-10-689-2

ESTATE OF LUCINDA PRINGLE, EMMA SMALLS, MARY P. SMITH,  
ESTATE OF ANNABELLE THORNTON, ESTATE OF JANINE GOURDINE,  
ODESSA GRADDICK, ARTHUR EUGENE GRADDICK, JR., VIOLA  
PRINGLE, MAEZELL MITCHELL, CEPHUS THORNTON, and any  
other Persons and entities claiming any interest in the  
Estate of LUCINDA PRINGLE,

Respondents.

DEPONENT: CEPHUS THORNTON

DATE: March 28, 2006

TIME: 11:18 AM

LOCATION: DERFNER ALTMAN & WILBORN  
40 Calhoun Street, Suite 410  
Charleston, South Carolina

REPORTED BY: J. LYNN CLARK, CSR(Iowa) RPR-CP  
NCRA REGISTERED MERIT REPORTER  
CLARK & ASSOCIATES, INC.  
P.O. Box 73129  
Charleston, SC 29415  
843-762-6294  
WWW.CLARK-ASSOCIATES.COM  
Lynn@clark-associates.com

Clark & Associates, Inc.  
843.762.6294

COPY

Transcript of the Testimony of Cephus Thornton

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APPEARANCES

ON BEHALF OF THE PETITIONERS:

DERFNER ALTMAN & WILBORN  
BY: JONATHAN ALTMAN  
40 Calhoun Street, Suite 410  
Charleston, SC 29403  
SLOTCHIVER & SLOTCHIVER  
BY: STEVEN M. SLOTCHIVER  
44 State Street  
Charleston, SC 29401

ON BEHALF OF THE RESPONDENTS:

STEINBERG LAW FIRM  
BY: CHARLES GOLDBERG  
61 Broad Street  
Charleston, SC 29401

EDWARD P. GUERARD, JR.  
One Carriage Lane, Suite H  
Charleston, SC 29407

ALSO PRESENT: MAEZELL MITCHELL  
VIOLA PRINGLE

CEPHUS THORNTON,

having been first duly sworn, was examined and testified  
as follows:

EXAMINATION

BY MR. ALTMAN:

A. Nothing but the truth, yes. And everything is no  
because I don't know nothing.

Q. Then we're going to make this very, very quick.

A. We are.

(Off-the-record discussion.)

Q. State your full name for the record.

A. Cephus Thornton.

Q. Where do you live, Mr. Thornton?

A. On Dorchester Road.

Q. How long have you lived there?

A. For about a year-and-a-half now.

Q. Where did you live prior to that?

A. In Mount Pleasant.

Q. Where in Mount Pleasant?

A. On Old Georgetown Road.

Q. Did you reside on the property that's the subject  
of this action?

A. Every now and then I would stop by.

Q. Did you ever stay there?

A. Well, for a couple of months. That's about it.

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Page 5

INDEX

Page

EXAMINATION

By Mr. Altman

Certificate of Reporter

EXHIBITS

Page

Q. When was the last time you stayed there for a  
couple of months?

A. Oh, man. Great Lord. A long time.

Q. Help me. Be a little more specific.

Approximately when was that?

A. About five or six years.

Q. When you stayed there, where did you stay?

A. I stayed with my mother.

Q. In that house?

A. Yeah.

Q. My understanding is there are a number of houses.

So I'm just asking you at which house did you stay.

A. With my mother.

Q. Did you have a room in your mother's house?

A. Uh-huh.

Q. You kept a room there?

A. Uh-huh.

Q. Yes or no, please.

A. Yes.

Q. Give me your date of birth, Mr. Thornton.

A. 7-29-50.

Q. Your Social?

A. 217-92-7755.

Q. How far did you go in school?

A. Finish.

2 (Pages 2 to 5)

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1 Q. Where did you graduate from?  
 2 A. Laing High.  
 3 Q. What do you do for a living?  
 4 A. Fork truck operator.  
 5 Q. Where do you work?  
 6 A. I'm doing roofing work now.  
 7 Q. Who do you work for?  
 8 A. Richard Baylor. Baylor Roofing Company.  
 9 Q. How long have you worked for your current  
 10 employer?  
 11 A. Huh?  
 12 Q. How long have you worked for your current  
 13 employer?  
 14 A. Oh, about 10 years.  
 15 Q. Are you married?  
 16 A. Yes, I am.  
 17 Q. How many children do you have?  
 18 A. Two.  
 19 Q. Have you ever been involved in a legal case  
 20 before?  
 21 A. No.  
 22 Q. Ever hired a lawyer before?  
 23 A. Yeah.  
 24 Q. Tell me --  
 25 A. That's personal.

1 Q. I'm sorry. I get to ask you whatever I want. I  
 2 don't make the rules, but that's what applies here.  
 3 A. Well, but that's personal to me.  
 4 Q. I'm sorry. You've got to share it.  
 5 A. I was incarcerated. That's why I had to get a  
 6 lawyer.  
 7 Q. Tell me what you were incarcerated for.  
 8 A. Stealing.  
 9 Q. What were you -- did you plead or were you  
 10 convicted?  
 11 A. Uh-huh.  
 12 Q. Yes or no.  
 13 A. Yes.  
 14 Q. Did you plead guilty to something or were you  
 15 convicted?  
 16 A. Yes, I pled guilty to it.  
 17 Q. What did you plead guilty to?  
 18 A. Caught stealing a pack of cigarettes.  
 19 Q. How long were you incarcerated?  
 20 A. Oh, about six months. That's all.  
 21 Q. Any other convictions?  
 22 A. No.  
 23 Q. How long ago were you incarcerated?  
 24 A. Oh, that was years ago.  
 25 Q. More than 10 years ago?

1 A. I can't remember. I can't remember how long.  
 2 Q. Is there anything else that might show up if we  
 3 check your records?  
 4 A. Anything you want to do, check it.  
 5 Q. Is there anything else that we may find?  
 6 A. Check it.  
 7 Q. No. I'm asking you. Is there anything else on  
 8 your record that we're going to discover when we check  
 9 it?  
 10 A. What's this got to do with this case here? My  
 11 record got to do with this case?  
 12 Q. Let me explain to you the role here. I get to  
 13 ask the questions. You can ask me whatever you want  
 14 after this is over and I'll be happy to spend as much  
 15 time with you as you want. Your role here is to answer  
 16 the questions to the best of your ability.  
 17 A. But I thought this is supposed to be about this  
 18 here, not my personal life.  
 19 MR. GUERARD: See, he's entitled to ask.  
 20 MR. GOLDBERG: Just go ahead.  
 21 MR. GUERARD: He's entitled to ask the  
 22 question.  
 23 MR. GOLDBERG: Go ahead. How long ago did  
 24 this happen?  
 25 THE WITNESS: Oh, about 10 years ago.

1 Q. Where were you incarcerated?  
 2 A. Right in the Charleston County jail.  
 3 Q. In the last 15, 16 years, who has been living on  
 4 the family property? Who has lived there for any period  
 5 of time?  
 6 A. My mother and the Washingtons.  
 7 Q. Your mother. The Washingtons.  
 8 A. Uh-huh.  
 9 Q. Your sister?  
 10 A. Well, she's -- yeah, Viola.  
 11 Q. Who else?  
 12 A. That's it. And Ms. Smalls.  
 13 Q. And yourself.  
 14 A. I told you I lived there.  
 15 Q. Were you living on the property when your  
 16 grandmother passed away in 1989?  
 17 A. No.  
 18 Q. Were you living on the property in 2004 when your  
 19 mother passed away?  
 20 A. Yes.  
 21 Q. Do you still have a room in her house?  
 22 A. Yeah.  
 23 Q. When was the last time you stayed there?  
 24 A. Shoot, I can't tell you.  
 25 Q. Give me your best estimate, Mr. Thornton.

# Transcript of the Testimony of Cephus Thornton

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1 A. About a year-and-a-half, I think, since I move up  
2 on Dorchester Road.  
3 Q. Let's go back to 1989 when your grandmother  
4 passed away. Were you aware that your grandmother had a  
5 will when she died?  
6 A. I don't know nothing about no will.  
7 Q. When did you become aware that she had a will?  
8 A. I do not know nothing about no will.  
9 Q. As we sit here today, you know that there's a  
10 document entitled Last Will and Testament of Lucinda  
11 Pringle. Yes or no?  
12 A. Repeat that.  
13 Q. Do you know that your grandmother had a will as  
14 we sit here today?  
15 A. No. I don't know nothing about no will.  
16 Q. Have you ever seen a document --  
17 A. No.  
18 Q. Let me finish my question, sir. Have you ever  
19 seen a document entitled Last Will and Testament of  
20 Lucinda Pringle?  
21 A. No.  
22 Q. Have you ever discussed the existence of your  
23 grandmother's will with any family member?  
24 A. No.  
25 Q. Have you ever discussed any matter relative to

1 Ms. Gourline had been appointed before her death to  
2 serve as personal representative?  
3 A. No.  
4 Q. Did you have any knowledge that deeds had been  
5 prepared relative to the property?  
6 A. No.  
7 Q. Do you know Diane Williams?  
8 A. I've heard of her.  
9 Q. Where have you heard of her?  
10 A. Where I hang out at.  
11 Q. Where do you hang out at that you heard of Diane  
12 Williams?  
13 A. Hole in the Wall.  
14 Q. What is Hole in the Wall?  
15 A. That's a little place where we sit down and drink  
16 a little few beers and whatnot.  
17 Q. Where is Hole in the Wall?  
18 A. It's in Mount Pleasant.  
19 Q. Does Ms. Williams frequent Hole in the Wall?  
20 A. No, huh-uh.  
21 Q. Well, tell me her association with Hole in the  
22 Wall.  
23 A. No. She -- that's where I seen her pass through,  
24 put it that way.  
25 Q. Is that a place that you frequent?

Page 11

Page 13

1 this case with anybody other than your lawyers?  
2 A. No.  
3 Q. Let me finish, sir.  
4 A. You aggravate me.  
5 Q. It's your testimony today you have never  
6 discussed any aspect of this case with anybody.  
7 A. No.  
8 Q. Never. Do you have any knowledge of your  
9 mother's serving as personal representative of your  
10 grandmother's estate?  
11 A. I do not have any knowledge of it, no.  
12 Q. Were you aware --  
13 A. No.  
14 Q. Let me finish. Every time you don't let me  
15 finish, it just delays this. So if you want to get it  
16 over with, just let me finish my question. And if the  
17 answer is no, you can put it on the record.  
18 Did you have any knowledge that your mother was  
19 appointed personal representative of the estate of your  
20 grandmother?  
21 A. No.  
22 Q. Did you have any knowledge that your sister Viola  
23 Pringle was helping your mother in that capacity?  
24 A. No.  
25 Q. Did you have any knowledge that your aunt

1 A. Every now and then.  
2 Q. And on one of those occasions, you saw her pass  
3 through?  
4 A. Yeah, pass through.  
5 Q. And you recognized her?  
6 A. Yeah.  
7 Q. Where do you recognize her from?  
8 A. Man, I ain't know. I can't remember everything.  
9 Q. How long have you known her?  
10 A. I don't know her personally.  
11 Q. But you recognized her.  
12 A. Uh-huh.  
13 Q. Where did you recognize her from?  
14 A. High school.  
15 Q. You went to high school with her?  
16 A. No. But I seen her -- when I was getting out of  
17 high school, I seen her.  
18 Q. When you lived on the property, did you ever  
19 contribute any money toward taxes?  
20 A. Taxes?  
21 Q. Yes, sir. Property taxes.  
22 A. I help my sister.  
23 Q. How did you help your sister?  
24 A. Give her some -- give her some money.  
25 Q. So it's your testimony that relative to property

4 (Pages 10 to 13)

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# Transcript of the Testimony of Cephus Thornton

Page 14

1 taxes, you would give money to Viola Pringle?  
 2 A. Yeah.  
 3 Q. Would Ms. Pringle pay the taxes on the property?  
 4 A. Let me see now. Let me see. Yeah, I think so.  
 5 She gave it to Ms. Washington and them.  
 6 Q. You ever have any discussions with the Washington  
 7 family regarding the property?  
 8 A. No.  
 9 Q. You ever have any discussion with the Washington  
 10 family relative to this lawsuit?  
 11 A. No.  
 12 Q. When was the last time you were at the property?  
 13 A. This morning.  
 14 Q. What were you doing there this morning?  
 15 A. Came over there to ride with my sister over here.  
 16 Q. Before this morning, when was the last time you  
 17 were at the property?  
 18 A. Last week.  
 19 Q. What were you doing at the property last week?  
 20 A. Visiting my sister.  
 21 Q. When was the last time you spent the night at the  
 22 property?  
 23 A. Oh, shoot, a good while, man. I ain't know.  
 24 Q. Give me the best of your -- give me an estimate  
 25 to the best of your ability.

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1 A. I can't recollect right now.  
 2 Q. More than a year?  
 3 A. Yeah.  
 4 Q. You're certain?  
 5 A. Uh-hum.  
 6 Q. You haven't spent the night there in more than a  
 7 year? Am I correct that your mother's estate has not  
 8 been probated?  
 9 A. My mother estate?  
 10 Q. Yes.  
 11 A. My mother is deceased. How can she have an  
 12 estate?  
 13 Q. Her estate, there have been no probate papers  
 14 filed relative to your mom?  
 15 A. I don't know nothing about those things there,  
 16 sir.  
 17 Q. Have you had any discussion with your sisters  
 18 about your mother's estate?  
 19 A. No.  
 20 Q. Or your mother's affairs?  
 21 A. No.  
 22 Q. Have you had any discussion with anybody  
 23 regarding who gets your mother's house?  
 24 A. No.  
 25 Q. What is your expectation as to your mother's

Page 16

1 house? Who's going to get it?  
 2 A. My sister.  
 3 Q. Why is that?  
 4 A. Because she deserve it.  
 5 Q. Did your mother leave a will or any instructions?  
 6 A. No.  
 7 Q. I just want to be clear with you. You believe  
 8 that your sister should get your mother's house because  
 9 she deserves it.  
 10 A. Yes.  
 11 (A recess was taken.)  
 12 MR. ALTMAN: We're done with Mr. Thornton.  
 13 (The deposition was concluded at 11:25 a.m.)  
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 25

Page 17

1 STATE OF SOUTH CAROLINA )  
 2 )  
 3 COUNTY OF CHARLESTON )  
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 19  
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 23 been waived.  
 24 I further certify that I am neither related to nor  
 25 counsel for any party to the cause pending or interested  
 in the events thereof.  
 Witness my hand, I have hereunto affixed my official  
 seal this 8th day of April, 2006, at Charleston,  
 Charleston County, South Carolina.  
 J. Lynn Clark  
 RPR, L.P.M., CSR  
 My Commission expires  
 October 10, 2006

5 (Pages 11 to 17)

Clark & Associates, Inc.  
 843.762.6294

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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Transcript of the Testimony of Cephus Thornton

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Clark & Associates, Inc.  
843.762.6294

STATE OF SOUTH CAROLINA ) IN THE PROBATE COURT  
COUNTY OF CHARLESTON ) : NINTH JUDICIAL CIRCUIT  
Case No. 99-ES-10-689-2

EVELINA BROWN MOSES, THOMAS P.  
BROWN, JR. and DAVID L. MICHEL  
as Guardian ad Litem for  
REBECCA PATRICIA BROWN,

Petitioners,

-vs-

ESTATE OF LUCINDA PRINGLE,  
EMMA SMALLS, MARY P. SMITH,  
ESTATE OF ANNEBELLE THORNTON,  
ESTATE OF JANINE GOURDINE,  
ODESSA GRADDICK, ARTHUR  
EUGENE GRADDICK, JR., VIOLA  
PRINGLE, MAEZELL MITCHELL,  
CEPHUS THORNTON, and any other  
Persons and entities claiming any  
interest in the Estate of  
LUCINDA PRINGLE,

Respondents.

DEPOSITION OF:

MARY P. SMITH

Given before G. Michael Alexander, Notary  
Public and Registered Professional Reporter, at the law  
offices of the Steinberg Law Firm, 61 Broad Street,  
Charleston, South Carolina, on Thursday, June 15, 2006,  
commencing at 10:02 o'clock, a.m.

RAY SWARTZ & ASSOCIATES OF SOUTH CAROLINA  
Professional Court Reporters

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# A P P E A R A N C E S

For the Petitioners: Johathan Altman  
Stephen Slotchiver  
Attorneys at Law  
40 Calhoun Street, Suite 410  
Charleston, SC 29401

For the Respondents: STEINBERG LAW FIRM  
By: Charles Goldberg  
Attorney at Law  
61 Broad Street  
Charleston, SC 29401

Edward P. Guerard, Jr.  
Attorney at Law  
1 Carriage Lane  
Charleston, SC 29407

Also Present: Emma Smalls  
Robert Pringle  
Maezell Mitchell  
Thomas Brown  
Evelina Moses

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### Respondents':

(No exhibits were proffered.)

RAY SWARTZ & ASSOCIATES

Charleston (843) 555-2023 1 800-822-8711 FAX (843) 555-2024

1 It was stipulated by and between counsel  
2 for the parties that the deponent was explained  
3 her right to read and sign the deposition and  
4 did waive that right.

5 (MARY P. SMITH), having been duly sworn,  
6 testified as follows:)

7 DIRECT EXAMINATION BY MR. ALTMAN:

8 Q Ms. Smith, good morning.

9 A Good morning.

10 Q How are you this morning?

11 A Well, I'm here. That's all, thank God.

12 Q My name is Jonathan Altman. I'm an attorney.  
13 I'm going to ask you a number of questions this morning  
14 involving your mother's estate. To my right is Steve  
15 Slotchiver, who represents with me Evelina Brown Moses,  
16 Thomas Brown, Jr., and Rebecca Patricia Brown.

17 Now, is there any reason today why you  
18 shouldn't be able to testify honestly? Are you under any  
19 medication?

20 A Oh, yes. I'm a diabetic.

21 Q Tell me what medication you're on.

22 A Oh, I leave them all home.

23 Q Do you believe that any of the medication that  
24 you're on would prevent you from testifying honestly and  
25 completely today?

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1 A No, I don't think so.

2 Q Okay. I'm going to ask you a number of  
3 questions this morning. If you don't understand anything  
4 that I ask you, I want you to stop me and say  
5 "Mr. Altman, John, I don't understand your question.  
6 Rephrase it. I don't know what you're asking." Because  
7 this gentleman to my left and to your right is going to  
8 try and take down your testimony, so it's important that  
9 he hear you clearly, and that you understand the  
10 questions that I ask, because you're under oath this  
11 morning. Is that fair?

12 A Uh-huh.

13 Q Just stop me if you don't understand.

14 A Uh-huh.

15 Q And if you would speak clearly, so he can get a  
16 clean record of your testimony, I would appreciate it.

17 Give me your full legal name, Ms. Smith.

18 A My name is Mary P. Smith.

19 Q Where do you live?

20 A Uh, I live 711 Long Street, Summerville.

21 Q Ms. Smith, the way a deposition works, it's  
22 fine if you don't know the answer to a question that I  
23 ask you, there's nothing wrong with it. But there are  
24 folks in this room or your attorneys can't answer  
25 anything for you. So if you don't know, it's fine, just

1 tell me you don't know. It's not a test and nobody is  
2 grading your deposition score this morning.

3 A I know. 711 Long Street, Summerville.

4 Q How long have you lived at 711 Long Street?

5 A About a year and a half.

6 Q Before that where did you live?

7 A Washington D.C.

8 Q How long did you live in Washington?

9 A Since 1941.

10 Q Over 60 years.

11 A Uh-huh.

12 Q It's my understanding that you were born in  
13 this area.

14 A I was born in Mt. Pleasant, South Carolina.

15 Q And how old were you when you left?

16 A Seventeen.

17 Q Let me finish the question, and then I'm going  
18 to give you every chance to answer.

19 You were 17 when you left Mt. Pleasant to go to  
20 Washington. Why did you leave the Lowcountry?

21 A Uh, because I wanted to go away. I asked my  
22 mother can I go, she said yes.

23 Q And you found work and you lived your life and  
24 raised your family in Washington?

25 A Uh-huh.

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1 Q Am I correct that your mother was Lucinda  
2 Pringle?

3 A Uh-huh.

4 Q How many brothers and sisters do you have?

5 A I don't know. My mother didn't have any boys  
6 at all, she had five girls.

7 Q How many girls?

8 A Five.

9 Q Including you?

10 A Uh-huh.

11 Q Evelina Brown, Emma Smalls, Janine Gourdine,  
12 Annebelle Thornton, those are your four sisters.

13 A Uh-huh.

14 Q I want to ask you a couple of questions about  
15 your sister Evelina. Did Evelina suffer from any health  
16 or medical conditions?

17 A Well, I wasn't here, I don't know.

18 MR. GUERARD: Ms. Smith, it will help the  
19 court reporter tremendously, we all are in the  
20 habit of saying uh-huh and ut-huh, but if you  
21 could say yes or no, then he can make sure he  
22 gets it. Because sometimes uh-huhs and ut-huhs  
23 sound alike. Ut-huhs and uh-huhs are difficult  
24 for the court reporter to transcribe.

25 THE WITNESS: Uh-huh.

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Q Nods and uh-huhs are difficult for the court reporter to transcribe, so yes or no.

A Uh-huh. There I go. Yeah.

Q We all do it. We all do it.

Ms. Smith, we were talking about your sister Evelina Brown. Was she younger or older than you?

A My oldest sister.

Q She was the oldest of all the sisters.

A Uh-huh.

Q Was she in good health during her life?

A I don't know, because I leave here when I was 17, but I know she was sick.

Q You knew she was sick.

A Uh-huh.

Q Was she able to function?

A Well, I don't know. I wasn't here.

Q Was she able to care for her children?

A I don't know, because I wasn't here.

Q Okay. How often, after you moved to Washington, how often did you visit?

A Uh, say maybe sometime once a year, twice a year.

Q During those visits did you see your sister Evelina?

A Oh, yes.

1 Q How was she doing?

2 A Well, I guess not too good, I guess. I don't  
3 know.

4 Q How did she appear when you saw her?

5 A Pretty good.

6 Q Did she require help in caring for herself?

7 Did people have to help her?

8 A My mother did.

9 Q What sort of things did your mother do --

10 A Oh, I don't know. I wasn't here.

11 Q Let me finish the question. I know you weren't  
12 here.

13 A I'm sorry.

14 Q But let me finish. Did your mother take care  
15 of Evelina's children?

16 A As far as I know of.

17 Q Did she raise them?

18 A I believe so.

19 Q Did they live in her house?

20 A Uh-huh.

21 Q She raised those kids?

22 A Well, I told you, I leave here when I was 17.

23 I don't know what my mother did, because I wasn't there.

24 Q Let's go back then. To the best of your  
25 knowledge did your mother raise Evelina's three kids?

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1 A I believe so.

2 Q And they resided in her house, your mother's  
3 house.

4 A Uh-huh.

5 Q Ms. Smith, did you have any conversations with  
6 your mother regarding a will or the preparation of a  
7 will?

8 A No, no. No.

9 Q When did you become aware that your mother had  
10 executed a will?

11 A When Eva May brought to us court and I got a  
12 letter from somebody.

13 Q Was that the first time?

14 A Uh-huh.

15 Q Yes?

16 A I'm sorry. Yes.

17 Q Do you have any recollection of a will being  
18 found after your mother had passed away?

19 A Uh, no, ut-huh.

20 Q Do you have any recollection of anybody going  
21 through your mother's things in the days after her  
22 funeral?

23 A Not as I know of, ut-huh.

24 Q Do you have any knowledge of the probating of  
25 your mother's estate? Was there any discussion amongst

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1 your siblings about filing papers with the court  
2 regarding your mother's estate?

3 A No.

4 Q Do you have any knowledge of Janine Gourdine  
5 being appointed personal representative of your mother's  
6 estate?

7 A Say that again.

8 Q At some point your mother's estate went through  
9 what we call probate, and papers were filed with the  
10 probate court. Do you remember that?

11 A No, I don't remember that.

12 Q Did you have any discussion as to who should  
13 serve as personal representatiave of your mother's  
14 estate?

15 A No.

16 Q Would it surprise you that Janine Gourdine,  
17 your sister, was appointed personal representative of  
18 your mother's estate?

19 A Well, see, I don't know, because I don't know  
20 nothing about them things you're asking me.

21 Q That's fine. And you may not know about  
22 everything that I ask you, and "I don't know" is a fine  
23 answer.

24 A I answer what I know.

25 Q That's all I can ask of you.

1 A Uh-huh.

2 Q So my question to you was do you have any  
3 knowledge of the opening of your mother's estate?

4 A No.

5 Q Do you have any knowledge of the filing of  
6 papers in any court regarding --

7 A No.

8 Q -- the estate?

9 A No.

10 Q Is that no?

11 A Ut-huh. No.

12 Q Okay. Do you have any knowledge of a deed  
13 being prepared relative to your mother's property?

14 A A deed? What's that mean?

15 Q A deed is a document that can transfer or  
16 convey ownership of land.

17 A Oh, no, I ain't know nothing about it, ut-huh.

18 Q Did anybody --

19 A I don't know nothing about nothing until I get  
20 a letter that Eva May send me to come to court. That's  
21 all I know. I don't know nothing.

22 Q Let's go back. Your mother died in 1989.

23 A Uh-huh.

24 Q Is that yes or no?

25 A Yeah, I guess. I know she died. I don't

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1 remember the year.

2 Q I'll tell you she died on October 11th, 1989.

3 A Uh-huh.

4 Q Did you come down for the funeral?

5 A Oh, yes. That's my mom.

6 Q Do you recall how long you stayed after the  
7 funeral?

8 A No. But I didn't stay long, because my sister  
9 back and forth, and I had little children, I had to go  
10 back home.

11 Q Do you recall, was the entire family present  
12 for the funeral?

13 A Oh, I don't know. I guess they was. I don't  
14 know who was there.

15 Q Do you recall seeing Thomas Brown at the  
16 funeral?

17 A Well, I guess my mother raised them, been so  
18 long, I don't remember who was there. That's a death,  
19 you know. When you at death, you don't look to see who  
20 is there.

21 Q I thought you may have some recollection. If  
22 you don't, that's fine. If the answer is, "I don't  
23 recall," that's a perfectly acceptable answer.

24 A I ain't saying they wasn't, but I ain't paying  
25 no attention.

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1 Q Okay. We were talking about some documents  
2 that were filed with the Charleston County probate court  
3 sometime in the late 1990s. Do you have any knowledge or  
4 any recollection of any of those documents?

5 A No, ut-huh.

6 Q Do you recall speaking with Emma Smalls, your  
7 sister, regarding the filing of those documents?

8 A No.

9 Q Do you recall having any conversation with  
10 Annebelle Thornton regarding the filing of those  
11 documents?

12 A No.

13 Q Do you recall speaking with your sister Janine  
14 Gourdine regarding the filing of those documents?

15 A No.

16 Q Do you ever recall speaking to any of your  
17 family members about your mother's land --

18 A No.

19 Q -- and who was going to get it?

20 A No. Ut-huh, no.

21 Q Okay. Ms. Smith, I'm going to show you a  
22 couple of documents that appear to have your signature.  
23 If you will bear with me one second.

24 A Uh-huh.

25 Q The first is a document that appears to be

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1 dated April 19, 1999. It's called, I'll show it to you  
2 and ask you to take a look at that.

3 A What you want me to look at?

4 Q I want you to look at the document, take your  
5 time to read it, and then look at the signature on the  
6 document. Let me know when you're done.

7 A (Witness did as directed.) Yes, uh-huh.

8 Q Does that appear to be your signature?

9 A That don't look like my handwriting, ut-huh.

10 Q Okay. So as you sit here today, is it your  
11 testimony that you do not believe that that signature is  
12 yours?

13 A It don't look like mine, not to me. That look  
14 like M-a-y.

15 MR. ALTMAN: Okay. If we could mark that,  
16 I suppose, as Petitioner's 1.

17 (RENUNCIATION OF RIGHT TO ADMINISTRATION  
18 DATED 4/19/99 MARKED PETITIONERS' EXHIBIT 1 FOR  
19 I.D.)

20 Q Ms. Smith, I'm going to hand your attorney  
21 another document. Ms. Smith, when you lived in  
22 Washington, do you recall what your address was?

23 A Well, I lived in different places. I used to  
24 live on 22nd Street, I lived on 19th Street, I lived on  
25 Bounkster Avenue, I lived on Ann Street. That's all I

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1 can remember.

2 Q Do you recall living at 601 L Street --

3 A Uh-huh.

4 Q -- Southeast. --

5 A Uh-huh.

6 Q -- No. 7267

7 A Uh-huh.

8 Q Do you recall your telephone number in  
9 Washington being 202-547-59267

10 A Now, that was a long time. I don't remember.

11 Q Okay. Is it possible that you signed that  
12 document and just don't remember?

13 A That don't look like my handwriting.

14 Q All right. I'm going to show you another  
15 document.

16 MR. ALTMAN: If we could mark that as  
17 Petitioners' 2.

18 (RENUNCIATION OF RIGHT TO ADMINISTRATION  
19 DATED 3/19/01 MARKED PETITIONERS' EXHIBIT 2 FOR  
20 I.D.)

21 THE WITNESS: This was signed 1999?

22 Q Yes, ma'am. That's the date on the document.

23 A Oh. Uh-huh. Ut-huh. I don't remember signing  
24 nothing, no.

25 Q Ms. Smith, I'm going to show you another

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1 document and ask you to take a moment and review it.

2 A I know this is not my handwriting here, ut-huh.  
3 Up on the top there, that looks more like mine  
4 (pointing). That don't look like mine.

5 MR. GUERARD: The one he's got  
6 highlighted here with the yellow, that's the  
7 one he's concerned with. Somebody printed this  
8 (pointing), but does that look like your  
9 signature right there?

10 THE WITNESS: Well, it says May, my name  
11 is Mary, it says May, M-a-y, my name is Mary,  
12 M-a-y, May.

13 MR. GUERARD: It kind of runs together.  
14 It's hard to say.

15 THE WITNESS: That's not Mary, that's May,  
16 M-a-y.

17 Q Ms. Smith, I'm going to give you a blank sheet  
18 of paper, and I'm going to ask you to write your name or  
19 your signature on it.

20 A (Witness did as directed.) I'm shaking now,  
21 so ...

22 Q My partner to my right has asked me to ask you  
23 to sign a couple of different times on the paper. So if  
24 you could just sign your name twice more.

25 A Why? Can I ask the question?

1 Q Because we've got two signatures on these  
2 documents, I don't usually answer questions in  
3 depositions, but out of deference to you I'm going to  
4 answer this one.

5 A Well, you ask me questions.

6 Q We've got two signatures on these documents  
7 that both purport to be yours.

8 A Uh-huh.

9 Q And you have just testified that you don't  
10 believe that they are.

11 A Ut-huh, no. That one kind of looks like mine,  
12 but that's M-a-y.

13 Q So we're trying to compare what we know your  
14 signature looks like to what these signatures are on  
15 these pages.

16 A What you want me to write on here?

17 Q Just your name.

18 MR. GUERARD: Just sign it again.

19 THE WITNESS: (Witness did as directed.)  
20 I'm shaking.

21 MR. GUERARD: That's okay. Do it one more  
22 time. You're doing fine.

23 MR. ALTMAN: You're doing great. I  
24 promise we'll have you out of here by tomorrow.

25 THE WITNESS: Tomorrow?

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1 MR. GUERARD: Do you want to get that  
2 marked?

3 MR. ALTMAN: Yes.

4 (SIGNATURES MARKED PETITIONERS' EXHIBIT 3  
5 FOR I.D.)

6 Q Ms. Smith, I'm going to tell you that a whole  
7 lot of documents were filed in the Charleston County  
8 probate court as to your mother's estate.

9 A Uh-huh.

10 Q And I want to be clear with you, and I want you  
11 to be clear with me. Is it your testimony today that you  
12 had no knowledge of any filings with the Charleston  
13 County probate court?

14 A Ut-huh.

15 Q Yes or no?

16 A No.

17 Q Is it your testimony today that you received no  
18 papers or no documents in the mail --

19 A No.

20 Q Let me finish.

21 A One thing I received. Can I say that? When  
22 she had me to come to court, they sent the papers for me  
23 to come to court.

24 Q Before you had to come to court in this action,  
25 did you ever receive any legal paper --

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1 A No.

2 Q Let me finish, please. Did you ever receive  
3 any legal papers from Janine, from Annebelle, from Emma,  
4 regarding any matter involving your mother's estate?

5 A No.

6 Q And if there was activity regarding your  
7 mother's estate you didn't know about it.

8 A No.

9 Q And that's your testimony today.

10 A Yes.

11 Q You weren't involved in any discussions  
12 regarding your mother's estate?

13 A That's right. No, I didn't.

14 Q And had no knowledge of it.

15 A No.

16 Q Ms. Smith --

17 A Uh-huh.

18 Q -- could your mother read and write?

19 A No.

20 Q Did she sign with an X?

21 A Yes.

22 Q I have a couple of more questions for you. Do  
23 you know whether your sister Janine Gourdine had two  
24 children or one child?

25 A She didn't have but one child. One, I think.

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1 Arthur.

2 Q Was Arthur Graddick her only child?

3 A Uh-huh.

4 Q Do you recall when Arthur died?

5 A Oh, no.

6 Q Did he die before Janine or after?

7 A Before who?

8 Q Before his mother?

9 A Oh. Yeah, he died before Janine did.

10 Q Did he die a long time ago?

11 A To me it was. I don't know.

12 Q I know you've probably answered this already.

13 When did you move back from Washington?

14 A Oh, about a year and a half ago.

15 Q Between the time that your mother passed away  
16 in 1989, and a year and a half ago, approximately how  
17 many times did you come home?

18 A Oh, I don't know.

19 Q Would you come home every year?

20 A Oh, not every year, but most every year,  
21 uh-huh.

22 Q Since you went to court on this matter, have  
23 you had any discussions with anybody regarding this case?

24 A Say that again.

25 Q Who have you talked to about this case?

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1 A I ain't talked to nobody.

2 Q You haven't talked to your children about it?

3 A Ut-huh. Oh, yeah, my daughter, because they  
4 have to know what I gotta do. That's my son right over  
5 there.

6 Q What did you talk to your kids about?

7 A I just told them they have to know what I have  
8 to do.

9 Q Did you talk to Emma about this?

10 A No.

11 Q Did you ask anybody about this will?

12 A No.

13 Q Okay. Have you seen the will?

14 A No.

15 Q Ms. Smith, do you know John Smalls?

16 A John Smalls?

17 Q Yes, ma'am.

18 A Yeah.

19 Q Who is John Smalls?

20 A That's my sister son.

21 Q Is that Emma's son?

22 A Yeah. That's one of my favorite boys.

23 Q Okay. Has John always lived in this area?

24 A What area?

25 Q Mt. Pleasant, Charleston, North Charleston.

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1 A He used to live in New York, I think.

2 Q Do you have a lot of family up in New York?

3 A No.

4 Q Well, I know that my clients lived in New York  
5 for awhile, and if John did, were there other family  
6 members living in New York or up north?

7 A Ut-huh.

8 Q Is that a yes or no?

9 A Yes. No.

10 Q You have to pick one.

11 A No.

12 MR. ALTMAN: I think that's all we  
13 have. You did great. You're done.

14 THE WITNESS: I did great?

15 MR. ALTMAN: You did fine.

16 THE WITNESS: Now, tell me what you did to  
17 me.

18 MR. ALTMAN: You have to talk to your  
19 lawyers about that.

20 MR. GUERARD: Where are the exhibits?

21 MR. SLOCHIVER: Right here.

22 THE WITNESS: Oh, Lord have mercy.

23 CROSS-EXAMINATION BY MR. GUERARD:

24 Q I want to ask you about this Exhibit No. 2 that  
25 he was asking whether this was your signature or not.

1 A Uh-huh.

2 Q Here on the bottom it says that you personally  
3 appeared before and produced an I.D. to prove that you  
4 were the same Mary P. Smith as the person who signed.  
5 And this was by Joceyline F. Jaundu, notary public for  
6 the District of Columbia.

7 A Uh-huh.

8 Q March 19, and this was in 2001. Could that be  
9 your signature but you just don't recall it or do you --

10 A My name is, that's M-a-y, isn't it? You can  
11 see, too. That's May, my name is Mary, M-a-r-y.

12 Q Right. Well, there's a squiggly right there  
13 before the y.

14 A Uh-huh.

15 Q I understand that your name is Mary.

16 A Uh-huh.

17 Q But you don't have any personal recollection of  
18 going to a notary?

19 A Oh, no, no, no. Ut-huh, no.

20 Q Okay.

21 A No, I never been to no notary. What would I go  
22 to a notary for? Who's a notary?

23 Q It's a person who can witness your signature.

24 A Oh, it is?

25 MR. GUERARD: That's okay. Thank you.

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1 MR. ALTMAN: We're done.

2 MR. GUERARD: No further questions.

3 MR. SLOTCHIVER: No questions. Thank you  
4 very much.

5 MR. ALTMAN: Thank you, Ms. Smith.

6 (The deposition went off the record for a brief  
7 period.)

8 (The deposition concluded at 10:28 a.m.)

9 \* \* \*

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CHALLENGER (843) 556-2923 1 800-922-8711 FAX (843) 556-2923

1 STATE OF SOUTH CAROLINA )

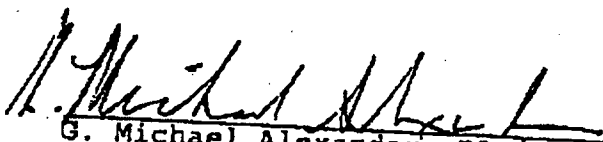
2 COUNTY OF CHARLESTON )

C-E-R-T-I-F-I-C-A-T-E

3  
4 I, G. Michael Alexander, Registered  
5 Professional Reporter and Notary Public, certify that I  
6 did have MARY P. SMITH to appear before me at 10:02  
7 a.m. on the 15th day of June, 2006, at the law offices of  
8 the Steinberg Law Firm, 61 Broad Street, Charleston,  
9 South Carolina; that the witness was duly sworn and  
10 cautioned to tell the truth, the whole truth, and nothing  
11 but the truth; that the foregoing pages constitute a true  
12 and accurate transcript of her testimony, given at that  
13 time and place.

14 I further certify that I am not of counsel  
15 or kin to any of the parties to this cause of action, nor  
16 am I interested in any manner in its outcome.

17 IN WITNESS WHEREOF I have hereunto set my  
18 hand and seal this 28th day of June, 2006.  
19  
20  
21

22   
23 G. Michael Alexander, RPR/CSR  
24 Notary Public for South Carolina  
25 My Commission Expires May 24, 2016

RAY SWARTZ & ASSOCIATES  
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STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

IN THE PROBATE COURT

IN THE MATTER OF

CASE NUMBER:

FILED  
MAY - 5 4 11:55  
PROBATE COURT  
CHARLESTON COUNTY

RENUNCIATION OF RIGHT TO ADMINISTRATION

The undersigned hereby renounces his/her right to serve as Personal Representative of the above estate and relinquishes any statutory right except as indicated below:

1. I hereby exercise my right to nominate a Personal Representative.  
The name and address of the proposed nominated Personal Representative is:

2. I hereby waive my right to nominate another Personal Representative.

Executed this 19<sup>th</sup> day of April, 19 99

Witnessed by:

[Signature]

exp 5-31-2000

Signature:

May P Smith

Name:

May P. Smith

Address:

601 1/2 Street SE #726  
Washington, DC 20003

Phone: (O)

111A

(H)

202-547-5926

FORM #302C (1/91)  
62-J-203  
3287

RECEIVED  
1-MAY-1999  
4-15-1999

STATE OF SOUTH CAROLINA  
COUNTY OF Charleston

PROBATE COURT

IN THE MATTER OF Juanita Pingleton

CASE NUMBER 99ES10-00689

### RENUNCIATION OF RIGHT TO ADMINISTRATION

The undersigned hereby renounces his/her right to serve as Personal Representative of the above estate and relinquishes any statutory right except as indicated below:

X

1. I hereby exercise my right to nominate a Personal Representative.  
The name and address of the proposed nominated Personal Representative is:

ANNABELL THORNTON  
2517 OLD Georgetown RD  
MT. Pleasant, S.C. 29466

2. I hereby waive my right to nominate another Personal Representative.

Executed this 19 day of March, 2001.

Witnessed by:

[Signature]

Signature: Mary P. Smith

Name: Mary P. Smith

Address: 601 J St SE #726  
WASHINGTON, DC 20003

Telephone ( ): \_\_\_\_\_

(H): 202-547-5926

appeared before me and produced ID to prove  
name Mary P. Smith.

Jocelyn J. Jaundoo

JOCELYNE F. JAUNDOO  
NOTARY PUBLIC, DISTRICT OF COLUMBIA  
MY COMMISSION EXPIRES: JUNE 14, 2004

Subscribed or sworn before me on  
the 19th of March in 2001  
the District of Columbia.

[Signature]  
2-M. Smith



1) Mary J. Smith

Mary P. Smith

Mary J. Smith

1)  
**PETITIONERS  
EXHIBIT**

B-M Smith  
6-15-04

THE BELOW CREDITORS NOTICE MUST BE PUBLISHED ONCE A WEEK FOR THREE CONSECUTIVE WEEKS IN A NEWSPAPER OF GENERAL CIRCULATION IN CHARLESTON COUNTY. AFTER PUBLICATION, OBTAIN FROM THE NEWSPAPER AN AFFIDAVIT OF PUBLICATION, AND FORWARD SUCH AFFIDAVIT TO THIS PROBATE COURT. THIS PUBLICATION AND AFFIDAVIT ARE REQUIRED BY SOUTH CAROLINA STATUTE.

99 MAY 11 1999  
PROBATE COURT  
CHARLESTON COUNTY

(PUBLISH ONLY THE TEXT BELOW THIS LINE)

---

**NOTICE TO CREDITORS OF ESTATE**

**ESTATE OF: LUCINDA PRINGLE**

**PROBATE FILE #: 1999 ES10-689**

**DATE OF DEATH: OCTOBER 11, 1989**

ALL PERSONS HAVING CLAIMS AGAINST THE ABOVE ESTATE ARE REQUIRED TO DELIVER OR MAIL THEIR CLAIMS TO THE PERSONAL REPRESENTATIVES INDICATED BELOW AND ALSO FILE SUBJECT CLAIMS ON FORM #371PC WITH THE PROBATE COURT OF CHARLESTON COUNTY, 2144 MELBOURNE AVENUE, N. CHARLESTON, S.C. 29405, BEFORE THE EXPIRATION OF 8 MONTHS AFTER THE DATE OF THE FIRST PUBLICATION OF THIS NOTICE TO CREDITORS, OR ELSE THEREAFTER SUCH CLAIMS SHALL BE AND ARE FOREVER BARRED.

**PERSONAL REPRESENTATIVE: JANNIE GOURDINE**

**ADDRESS: 2517 OLD GEORGETOWN ROAD, MT. PLEASANT, SC 29464**

**ATTORNEY:**

**ADDRESS :**

STATE OF SOUTH CAROLINA

IN THE PROBATE COURT

COUNTY OF CHARLESTON

IN THE MATTER OF: LUCINDA PRINGLE

CASE NUMBER: 1999-ES-10- 689

### FIDUCIARY LETTERS

☒ PERSONAL REPRESENTATIVE

☐ GUARDIANSHIP

☐ CONSERVATORSHIP

☐ TRUSTEESHIP

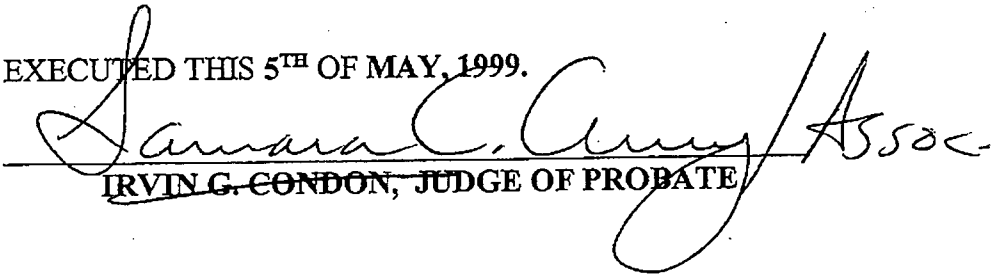
☐ \_\_\_\_\_

ON THE 5<sup>TH</sup> DAY OF MAY, 1999, JANNIE GOURDINE, WAS/WERE APPOINTED AND QUALIFIED AS FIDUCIARY(IES) OF THE ABOVE MATTER BY THIS COURT, WITH ALL THE AUTHORITY GRANTED TO A FIDUCIARY BY LAW.

NOW, THEREFORE, LETTERS ARE ISSUED AS EVIDENCE OF SUCH APPOINTMENT, QUALIFICATION, AND AUTHORITY OF THE ABOVE FIDUCIARY(IES) TO DO AND TO PERFORM ALL ACTS WHICH MAY BE AUTHORIZED BY LAW.

RESTRICTIONS: NONE

EXECUTED THIS 5<sup>TH</sup> OF MAY, 1999.

  
IRVING G. CONDON, JUDGE OF PROBATE

STATE OF SOUTH CAROLINA  
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL  
BUREAU OF VITAL RECORDS  
COUNTY OF CHARLESTON

99 MAY -5 AM 10:31

CHARLESTON COUNTY

96 006212

TYPE/PRINT  
6 IN  
PERMANENT  
BLACK INK  
FOR  
INSTRUCTIONS  
SEE  
OTHER SIDE  
AND HANDBOOK

| STATE BIRTH NUMBER                                                                                                                                                                                                                                                      |  | STATE OF SOUTH CAROLINA<br>DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL<br>CERTIFICATE OF DEATH                                                                            |  |                                                                                                            |  | STATE FILE NUMBER                                                 |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------------------------------------------------------------------------|--|-------------------------------------------------------------------|--|
| DECEDENT'S NAME<br>Elizabeth Betty Washington                                                                                                                                                                                                                           |  | AGE - Last Birthday (Year)<br>93                                                                                                                                             |  | DATE OF BIRTH (Mo., Day, Year)<br>10-22-1902                                                               |  | DATE OF DEATH (Month, Day, Year)<br>Mar 13, 1996                  |  |
| SOCIAL SECURITY NUMBER<br>248-32-2459                                                                                                                                                                                                                                   |  | PLACE OF DEATH (Check only one; see instructions on other side)<br>HOSPITAL <input checked="" type="checkbox"/> HOME <input type="checkbox"/> OTHER <input type="checkbox"/> |  | CITY, TOWN, OR LOCATION OF DEATH<br>Mt. Pleasant                                                           |  | COUNTY OF DEATH<br>Charleston                                     |  |
| FACILITY NAME (if not institution, give street and number)<br>East Cooper Regional Medical Cnt                                                                                                                                                                          |  | CITY, TOWN, OR LOCATION OF DEATH<br>Mt. Pleasant                                                                                                                             |  | COUNTY OF DEATH<br>Charleston                                                                              |  |                                                                   |  |
| MARRITAL STATUS (Married, Single, Widowed, Divorced, Separated)<br>widowed                                                                                                                                                                                              |  | DECEASED'S USUAL OCCUPATION (Give kind of work done during most of working life. Do not use retired)<br>Homemaker                                                            |  | IND OF BUSINESS/INDUSTRY<br>no                                                                             |  |                                                                   |  |
| RESIDENCE - STATE<br>SC                                                                                                                                                                                                                                                 |  | CITY, TOWN, OR LOCATION<br>Charleston                                                                                                                                        |  | STREET AND NUMBER<br>2515 Old Georgetown Rd.                                                               |  | PHONE CITY (Area Code)<br>no                                      |  |
| ZIP CODE<br>29464                                                                                                                                                                                                                                                       |  | WAS DECEASED A NATURAL DEATH? (Specify Yes or No - If Yes, specify Cause)<br>Yes                                                                                             |  | RACE - American Indian, Black, White, etc. (Specify)<br>Black                                              |  | DECEASED'S EDUCATION (Specify only highest grade completed)<br>05 |  |
| FATHER'S NAME<br>John Graddick                                                                                                                                                                                                                                          |  | MOTHER'S NAME<br>Emma Drayton                                                                                                                                                |  |                                                                                                            |  |                                                                   |  |
| INFORMANT'S NAME (Type/print)<br>Alma Washington                                                                                                                                                                                                                        |  | MAILING ADDRESS (Street and Number or Rural Route Number, City or Town, State, Zip Code)<br>2513 Old Georgetown Rd. Mt. Pleasant, SC 29464                                   |  |                                                                                                            |  |                                                                   |  |
| METHOD OF DISPOSITION<br><input checked="" type="checkbox"/> Burial <input type="checkbox"/> Cremation <input type="checkbox"/> Removal from State                                                                                                                      |  | PLACE OF DISPOSITION (Place of cemetery, crematory, or other place)<br>Gr. Goodwill A.M.E.                                                                                   |  | LOCATION - City or Town, State<br>Mt. Pleasant, SC                                                         |  |                                                                   |  |
| FUNERAL HOME (Check on person acting as such)<br>Gr. Goodwill A.M.E.                                                                                                                                                                                                    |  | FUNERAL HOME LICENSE NO.<br>1276                                                                                                                                             |  | NAME AND ADDRESS OF FACILITY<br>JOHNSON-HALLS FUNERAL HOME<br>440 Venning Street<br>Mt. Pleasant, SC 29464 |  | LICENSE NUMBER (if facility)<br>257                               |  |
| EMBALMER (Check on person acting as such)<br>Gr. Goodwill A.M.E.                                                                                                                                                                                                        |  | EMBALMER LICENSE NO.<br>1206                                                                                                                                                 |  |                                                                                                            |  |                                                                   |  |
| Complete items 23a-c only when certifying physician is not available at time of death to certify cause of death.                                                                                                                                                        |  | To the best of my knowledge, death occurred at the time, date, and place stated.                                                                                             |  | LICENSE NUMBER<br>726                                                                                      |  | DATE SIGNED (Month, Day, Year)<br>726                             |  |
| TIME OF DEATH<br>9:05 A                                                                                                                                                                                                                                                 |  | DATE PROCLAIMED DEAD (Month, Day, Year)<br>03-13-96                                                                                                                          |  | WAS CASE REFERRED TO MEDICAL EXAMINER/CONSENTED (Yes or No)<br>NO                                          |  |                                                                   |  |
| 27. PART I. Enter the disease, injury, or complication that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock, or heart failure. Use only one disease or condition.                                                        |  | Pneumonia                                                                                                                                                                    |  | Approximate Interval Between Onset and Death<br>2 weeks                                                    |  |                                                                   |  |
| IMMEDIATE CAUSE (What caused death?)                                                                                                                                                                                                                                    |  | DUE TO (OR AS A CONSEQUENCE OF)<br>DHEC 627 6-10-96 nl per Dr. Fairey                                                                                                        |  |                                                                                                            |  |                                                                   |  |
| DUE TO (OR AS A CONSEQUENCE OF)                                                                                                                                                                                                                                         |  |                                                                                                                                                                              |  |                                                                                                            |  |                                                                   |  |
| DUE TO (OR AS A CONSEQUENCE OF)                                                                                                                                                                                                                                         |  |                                                                                                                                                                              |  |                                                                                                            |  |                                                                   |  |
| PART II. Other significant conditions contributing to death but not resulting in the underlying cause given in Part I.                                                                                                                                                  |  | Autopsy (Yes or No)<br>No                                                                                                                                                    |  | IF YES, WERE AUTOPSY FINDINGS CONSIDERED IN DETERMINING CAUSE OF DEATH? (Yes or No)<br>No                  |  |                                                                   |  |
| 28. MANNER OF DEATH<br><input checked="" type="checkbox"/> Natural <input type="checkbox"/> Pending Investigation <input type="checkbox"/> Accident <input type="checkbox"/> Suicide <input type="checkbox"/> Homicide <input type="checkbox"/> Could not be determined |  | DATE OF INJURY (Month, Day, Year)<br>3/13/96                                                                                                                                 |  | TIME OF INJURY<br>no                                                                                       |  | INJURY AT WORK? (Yes or No)<br>no                                 |  |
| PLACE OF INJURY - Home, Farm, Street, Factory, Office, etc. (Specify)<br>no                                                                                                                                                                                             |  | LOCATION (Street and Number or Rural Route Number, City or Town, State)<br>no                                                                                                |  |                                                                                                            |  |                                                                   |  |
| CERTIFIER (Check only one)<br><input checked="" type="checkbox"/> PHYSICIAN (Physician certifying cause of death) <input type="checkbox"/> MEDICAL EXAMINER <input type="checkbox"/> CORONER                                                                            |  | NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER<br>no                                                                                                                    |  |                                                                                                            |  |                                                                   |  |
| SIGNATURE AND TITLE OF CERTIFIER<br>Dr. F.S. Fairey, Jr.                                                                                                                                                                                                                |  | LICENSE NUMBER<br>SC 6394                                                                                                                                                    |  | DATE SIGNED (Month, Day, Year)<br>3/13/96                                                                  |  |                                                                   |  |
| NAME AND ADDRESS OF PERSON WHO SIGNED IN 23a.<br>DR. F.S. FAIREY, JR., 913 BOWMAN RD., MT. PLEASANT, SC                                                                                                                                                                 |  |                                                                                                                                                                              |  |                                                                                                            |  |                                                                   |  |
| SIGNATURE<br>Kathleen P. Roberts                                                                                                                                                                                                                                        |  |                                                                                                                                                                              |  | DATE FILED (Month, Day, Year)<br>MAR 18, 1996                                                              |  |                                                                   |  |

Elizabeth Washington  
9/14  
961  
39/10  
136  
136  
304

DHEC 670  
Rev. 1990

STATE OF SOUTH CAROLINA

IN THE PROBATE COURT

COUNTY OF CHARLESTON

IN THE MATTER OF : LUCINDA PRINGLE

CASE NO. 1999-ES-10-689

## CERTIFICATE OF APPOINTMENT

JANNIE GOURDINE

is/are the duly qualified

☒ PERSONAL REPRESENTATIVE  
☐ GUARDIAN  
☐ CONSERVATOR  
☐ TRUSTEE(S)  
☐ SPECIAL ADMINISTRATOR

IN THE ABOVE MATTER AND THAT THIS APPOINTMENT, HAVING BEEN EXECUTED ON THE 5<sup>TH</sup> DAY OF MAY, 1999, IS NOW IN FULL FORCE AND EFFECT, INCLUDING AUTHORIZATION TO RECEIVE ALL MONIES, INCOME, PRINCIPAL, INTEREST & DIVIDENDS OF AND BELONGING TO SAID ESTATE.

RESTRICTIONS: NONE

Executed this 5<sup>TH</sup> day of MAY, 1999.

---

IRVIN G. CONDON  
JUDGE OF PROBATE  
BY ESTATE CLERK

Do not accept a copy of this certificate without  
the raised seal of the Probate Court.

Form # 111PC (7-87)

SCPC 1-305, 3-103, 5-304, 5-43141, 7-31401

Form #370PC - 7/37:SCPC 6314-3-704, 6314-3-801, 6314-3-804:WP31109c)

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

IN THE PROBATE COURT

IN THE MATTER OF

CASE NUMBER:

RENUNCIATION OF RIGHT TO ADMINISTRATION

The undersigned hereby renounces his/her right to serve as Personal Representative of the above estate and relinquishes any statutory right except as indicated below:

1. I hereby exercise my right to nominate a Personal Representative.  
The name and address of the proposed nominated Personal Representative is:

2. I hereby waive my right to nominate another Personal Representative.

Executed this 19<sup>th</sup> day of April, 19 99

Witnessed by:

Signature:

Name:

Address:

Phone: (O)

(H)

FORM #302C (1/91)  
62-3-203  
3287

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

IN THE PROBATE COURT

IN THE MATTER OF

*Lucinda Pungle*

CASE NUMBER

*1999ES10 689*

RENUNCIATION OF RIGHT TO ADMINISTRATION

The undersigned hereby renounces his/her right to serve as Personal Representative of the above estate and relinquishes any statutory right except as indicated below:

1. I hereby exercise my right to nominate a Personal Representative.  
The name and address of the proposed nominated Personal Representative

*is Jannine R. Gaudine  
2517 Old Georgetown Rd.  
Mt. Pleasant, S.C. 29466*

2. I hereby waive my right to nominate another Personal Representative.

Executed this 21<sup>st</sup> day of April, 1999

Witnessed by:

*Maureen B. Heywood*  
Neighborhood Legal  
Assistance Program

Signature:

*Annabell Thornton*

Name:

*Annabell Thornton*

Address:

*2517 Old Georgetown Rd.  
Mt. Pleasant, S.C. 29466*

Phone: (O)

*(843) 884-3512*

(H)

FORM #302C (1/91)

62-3-203

3287

SWORN to before me this

*April* day of *21*, 1999

*Carlisle N. Sanders*  
NOTARY PUBLIC FOR SOUTH CAROLINA

My commission expires December 31, 2001

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

IN THE PROBATE COURT

IN THE MATTER OF

CASE NUMBER:

*Lucinda Pringle*  
*999 ES 10 684*

**RENUNCIATION OF RIGHT TO ADMINISTRATION**

The undersigned hereby renounces his/her right to serve as Personal Representative of the above estate and relinquishes any statutory right except as indicated below:

- ✓  
1. I hereby exercise my right to nominate a Personal Representative.  
The name and address of the proposed nominated Personal Representative is:

2. I hereby ~~wave~~ *884-2568* my right to nominate another Person... Representative.

Executed this 6<sup>th</sup> day of April, 19 99.

Witnessed by:

Juanita Bess

Signature: *Emma Smal*

NOTARY PUBLIC FOR SOUTH CAROLINA  
My commission expires December 7, 2008

Name:

Address:

2519 Old Georgetown Rd.  
MT. Pleasant, S.C. 29464

Phone: (O) \_\_\_\_\_

(H) 884-2568

FORM #302C (1/91)  
62-3-203  
3287



# AFFIDAVIT OF PUBLICATION

FILED

☒ MOULTRIE NEWS

☐ CATALYST

☐ AIRLIFT DISPATCH

☐ THE JOURNAL

99 JUL 19 AM 10:50

PROBATE COURT  
CHARLESTON COUNTY

PROBATE COURT  
CHARLESTON COUNTY

State of South Carolina }  
County of Charleston }

Personally appeared before me

Peggy Carreman  
the undersigned advertising Clerk of the above indicated newspaper(s), published in the City of Charleston, County and State aforesaid, who, being duly sworn, says that the advertisement of

(copy attached)

appeared in the issues of said newspaper(s) on the following day(s): 05-19-99, 05-26-99, 06-02-99

Subscribed and sworn to

before me this 15<sup>th</sup> day

of July A.D. 19 99

Advertising Clerk

NOTARY PUBLIC S.C.

Commission Expires June 16, 2004

Estate of: ETHEL MAY TERJESEN  
Probate File # 99ES10-0545  
Date of Death: APRIL 9, 1999  
Personal Representative:  
LYNDA BIEL  
Address: 1718 ATLANTIC AVE., SULLIVANS ISLAND, S.C. 29482

Estate of: ADIENE G. TINDAL  
Probate file# 99ES10-0673  
Date of Death: APRIL 24, 1999  
Special Administrator:  
WILLIAM J. TINDAL, JR.  
Address: 823 JORDAN ST., CHARLESTON, S.C. 29412  
Attorney: FREDERICK H. BROWN, ESQUIRE  
Address: 350 FOLLY ROAD, CHARLESTON, S.C. 29412

Estate of: JAMES GADSON  
Probate File # 99ES10-0676  
Date of Death: JANUARY 6, 1999  
Personal Representative:  
BESSIE M. ALSTON  
Address: 360 EGYPT RD., MT. PLEASANT, S.C. 26464

Estate of: ELIZABETH BETTY WASHINGTON  
Probate File # 99ES10-0684  
Date of Death: MARCH 13, 1996  
Personal Representative:  
ROSALIE COAXUM  
Address: 2626 LINNEN LANE, MT. PLEASANT, S.C. 29466

Estate of: LUCINDA PRINGLE  
Probate File # 99ES10-0689  
Date of Death: OCTOBER 11, 1989  
Personal Representative:  
JANNIE GOUDINE  
Address: 2517 OLD GEORGETOWN RD., MT. PLEASANT, S.C. 29464

Estate of: ELIZABETH G. WILSON  
Probate File # 99ES10-0696  
Date of Death: FEBRUARY 6, 1999  
Personal Representative:  
WILLIAM W. SEABROOK  
Address: 759 MUIRHEAD RD., MT. PLEASANT, S.C. 29464

Estate of: KARL HEINS  
Probate File # 99ES10-0725  
Date of Death: APRIL 26, 1999  
Personal Representative:  
HARRIET GOEHRING  
Address: 10601 SMETANA RD., APT. 311, MINNETANKA, MN 55343  
Attorney: S. THOMAS WORLEY, JR., ESQUIRE  
Address: 207 SIMMONS ST., MT. PLEASANT, S.C. 29464

Estate of: ELEANOR M. PFAEHLER  
Probate File # 99ES10-0718  
Date of Death: MAY 8, 1999  
Personal Representative:  
WILLIAM O. PFAEHLER, JR.  
Address: 353 MARTELLO DR., CHARLESTON, S.C. 29412

Estate of: ROBERT J. SPILLAR  
Probate File # 99ES10-0717  
Date of Death: APRIL 22, 1999  
Personal Representative:  
MAE SPILLAR  
Address: 284 MOLASSES LANE, MT. PLEASANT, S.C. 29464

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

PROBATE COURT

IN THE MATTER OF:

CASE NUMBER: 1999-ES-10-689

PROOF OF DELIVERY

On the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, I mailed or delivered a copy of  
"INFORMATION TO HEIRS AND DEVISEES", a copy of which is attached hereto and  
incorporated herein, by the following method (check appropriate box):

- ☐ personal delivery  
☐ ordinary first class mail  
☒ certified mail  
☐ registered mail

to each of the following persons at the addresses shown:

| NAME                                                  | ADDRESS                                        |
|-------------------------------------------------------|------------------------------------------------|
| <u>Thomas Brown Jr</u>                                | <u>6201 Industrial Loop Lot #261</u>           |
| <u>AnnaBell Thornton</u>                              | <u>Shreeport, La 71129</u>                     |
| <u>Evelina Brown</u>                                  | <u>2517 Old Georgetown Rd. Mt. Pleasant S.</u> |
| <u>Emma Small</u>                                     | <u>934 East 181 Street Apt. 5C</u>             |
| <u>MARY P. Smith</u>                                  | <u>Bronx, NY 10460</u>                         |
| SWORN to before me this <u>12<sup>th</sup></u> day of | <u>2519 Old Georgetown Rd. Mt. Pleasant</u>    |
| <u>May</u> , 19 <u>99</u>                             | <u>6014 St. SE #726 20023</u>                  |
| <u>Queta W. Kiele</u>                                 | <u>Washington DC</u>                           |
| Notary Public for South Carolina                      | Signature: <u>Jannie Gourline</u>              |
| My Commission Expires: <u>SEP 18, 2001</u>            | Name: <u>Jannie Gourline</u>                   |
|                                                       | Address: <u>2517 Old Georgetown Road</u>       |
|                                                       | <u>Mt. Pleasant, SC 29464</u>                  |
|                                                       | Telephone(O): _____                            |
|                                                       | (H): <u>(843) 881-6037</u>                     |

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone(O): \_\_\_\_\_  
(H): \_\_\_\_\_

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

PROBATE COURT

IN THE MATTER OF Lucinda Pringle

CASE NUMBER 1999-ES-10-689

INVENTORY AND APPRAISEMENT

☒ ORIGINAL

☐ SUPPLEMENTAL # \_\_\_\_\_

Personal Representative(s): Jannie Gourdine 2517 Old Georgetown Road  
Mt. Pleasant, SC 29464

Decedent's Social Security Number: 248-07-3930 Was there a will? ☒ YES ☐ NO

Decedent's Date of Death: 10-11-89 Domicile at death: Charleston, SC  
(county) (state)

The undersigned, being sworn, states: That the following schedules contain a complete and accurate inventory and appraisal of all real and personal property of this estate so far as the undersigned is informed; that he/she has estimated and/or appraised all listed property at its fair market value, according to the best of his/her knowledge and ability.

SWORN to before me this 17 day of August, 1999.

S. Helen Strasberg  
Notary Public for South Carolina

My Commission Expires: 8-4-09

Signature: Jannie P. Gourdine  
Name: Jannie Gourdine

Address: 2517 Old Georgetown Road  
Mt. Pleasant, SC 29464

Telephone (O): \_\_\_\_\_  
(H): (843) 881-6037

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone (O): \_\_\_\_\_  
(H): \_\_\_\_\_

Attorney: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

For estates of decedents, the gross fair market valuation of all assets, regardless of situs, should be given as of the date of death. List all out-of-state assets on appropriate schedules. A Supplemental Inventory should be utilized for correcting, adjusting or adding to an original inventory. A qualified and disinterested appraiser may be employed to ascertain the value of any asset, the value of which may be subject to reasonable doubt. If an appraiser is employed, his/her name and address should be indicated with the item or items he/she appraised.

Within ninety (90) days following appointment, a copy of the inventory and appraisal shall be sent to each interested person who requests it, and the original inventory filed with the Probate Court.

RECAPITULATION

|                                                                       | Out-of-state      | In-state          |
|-----------------------------------------------------------------------|-------------------|-------------------|
| Schedule A - Real Estate                                              | \$ <u>N/A</u>     | \$ <u>100,000</u> |
| Schedule B - Stocks and Bonds                                         |                   |                   |
| Schedule C - Mortgages, Notes and Cash                                |                   |                   |
| Schedule D - Insurance on Decedent's Life: Part 1 - Payable to Estate |                   |                   |
| Part 2 - Payable to Beneficiary                                       |                   |                   |
| Schedule E - Jointly Owned Property                                   |                   |                   |
| Schedule F - Other Miscellaneous                                      |                   |                   |
| Schedule G - Transfers during Decedent's life                         |                   |                   |
| Schedule H - Powers of Appointment                                    |                   |                   |
| Schedule I - Annuities                                                |                   |                   |
| TOTAL GROSS VALUE                                                     | \$ <u>100,000</u> |                   |
| ENCUMBRANCES                                                          | \$ <u>100,000</u> |                   |
| TOTAL NET WORTH                                                       |                   |                   |

NOTE: WHEN COMPLETING THE FOLLOWING SCHEDULES, PLEASE REMEMBER TO LIST ALL ASSETS, REGARDLESS OF SITUS. ALL OUT-OF-STATE ASSETS MUST BE DISCLOSED.

**SCHEDULE A — Real Estate** (All interest in real property except those held with right of survivorship) (If none, so state.) (For jointly owned property with right of survivorship, see schedule E)

| Item No.         | Description                                        | Tax Assessor's Fair Market Value for year of Decedent's Death | Appraised Value | Appraised Value of Decedent's Interest |
|------------------|----------------------------------------------------|---------------------------------------------------------------|-----------------|----------------------------------------|
| TMS 578 0000 026 | 2517 Old Georgetown Rd.<br>Mt Pleasant, S.C. 29466 | N/A                                                           |                 |                                        |

**TOTAL SCHEDULE A**  
(also enter under recapitulation, page 1)

\$ 100.000

**SCHEDULE B - Stocks and Bonds** (If none, so state.) (For jointly owned property with right of survivorship, see schedule E)

| Item No. | Description | Face Value | Appraised Value |
|----------|-------------|------------|-----------------|
|----------|-------------|------------|-----------------|

N/A

**TOTAL SCHEDULE B**  
(also enter under recapitulation, page 1)

\$ \_\_\_\_\_

**SCHEDULE C - Mortgages, Notes and Cash** (If none, so state.) (For jointly owned property with right of survivorship, see schedule E)

| Item No. | Description | Value |
|----------|-------------|-------|
|----------|-------------|-------|

N/A

**TOTAL SCHEDULE C**  
(also enter under recapitulation, page 1)

\$ \_\_\_\_\_

(If more space is required, insert tax schedules or additional sheets of same size.)

**SCHEDULE D - Insurance** (If none, so state.)**Part 1 - Life Insurance Payable to the Estate**

| Item No. | Description | Value |
|----------|-------------|-------|
|----------|-------------|-------|

N/A

**TOTAL PART 1**

(also enter under recapitulation, page 1)

\$ \_\_\_\_\_

**Part 2 - Life Insurance Payable to Beneficiaries**

| Item No. | Description | Beneficiary | Value |
|----------|-------------|-------------|-------|
|----------|-------------|-------------|-------|

N/A

**TOTAL PART 2**

(also enter under recapitulation, page 1)

\$ \_\_\_\_\_

**SCHEDULE E - Jointly owned Property** (with right of survivorship) (If none, so state.)

**NOTE:** You must complete Schedule E if the decedent owned any property jointly with right of survivorship at the time of death, whether or not the decedent's interest is includible in the gross estate.

**Percentage includible:**

- 1 - Joint interest held by decedent and spouse — the amount included is one-half (50%) of the value in all cases.  
2 - Other joint interest — Generally you must include the full value of the jointly owned property in the gross estate. However, the full value should not be included if you can show that a part of the property originally belonged to the other tenant(s). The amount included is the amount of the decedent's contribution to the joint account(s).

| Item No. | Description | Joint Owner(s) | Percentage Includible | Appraised Value of Decedent's Interest |
|----------|-------------|----------------|-----------------------|----------------------------------------|
|----------|-------------|----------------|-----------------------|----------------------------------------|

N/A

**TOTAL SCHEDULE E**

(also enter under recapitulation, page 1)

\$ \_\_\_\_\_

(If more space is required, insert tax schedules or additional sheets of same size.)

**SCHEDULE F - Miscellaneous Personal Property** - (tangible personal property, employment bonus or award, interest in a partnership or unincorporated business, articles or collections having either artistic or intrinsic value, etc.) (If none, so state.) (For jointly owned property with right of survivorship, see schedule E.)

| Item No. | Description | Value |
|----------|-------------|-------|
|----------|-------------|-------|

N/A

**TOTAL SCHEDULE F**  
(also enter under recapitulation, page 1)

\$ \_\_\_\_\_

**SCHEDULE G - Transfers During Decedent's Life** - Transfers intended to take effect at death. United States Government Bonds "Payable on Death", Trust created by Decedent in which income for life was retained, life insurance transfers, Lifetime transfers of real property in which Decedent retains a life estate or other incidents of ownership. (If none, so state.)

| Item No. | Description | Value |
|----------|-------------|-------|
|----------|-------------|-------|

N/A

**TOTAL SCHEDULE G**  
(also enter under recapitulation, page 1)

\$ \_\_\_\_\_

(If more space is required, insert tax schedules or additional sheets of same size.)

**SCHEDULE H - Powers of Appointment -** Property over which Decedent possessed a Power of Appointment both real and personal, whether Testamentary or otherwise. (If none, so state)

None

| Item No. | Description | Value |
|----------|-------------|-------|
|----------|-------------|-------|

N/A

**TOTAL SCHEDULE H**  
(also enter under recapitulation, page 1)

\$ \_\_\_\_\_

**SCHEDULE I - Annuities** (If none, so state) (IRA's, Keogh's, etc.)

| Item No. | Description | Value |
|----------|-------------|-------|
|----------|-------------|-------|

N/A

**TOTAL SCHEDULE I**  
(also enter under recapitulation, page 1)

\$ \_\_\_\_\_

(If more space is required, insert tax schedules or additional sheets of same size)

**ENCUMBRANCES** (e.g., mortgages, liens, judgements, etc., but not general debts of the estate) - List 3, all assets encumbered

| Item No. | Schedule & Item Number<br>Encumbered Thereby | Description & Amount. |
|----------|----------------------------------------------|-----------------------|
|----------|----------------------------------------------|-----------------------|

N/A

**TOTAL ENCUMBRANCES**  
(also enter under recapitulation, page 1)

\$ \_\_\_\_\_

**MANIFESTLY NON-TAXABLE**

(To be executed by the Probate Court Judge in those cases where it appears that the estate is not REPORTABLE to the South Carolina Tax Commission under the provisions of the Estate Tax Laws of the State of South Carolina, i.e., the total gross value is indicated to be less than prescribed limits.)

It appears from the foregoing record of the above captioned estate on file in the Probate Court of this County, such estate is not reportable to the South Carolina Tax Commission.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

\_\_\_\_\_  
Probate Court Judge

(If more space is required, insert tax schedules or additional sheets of same size.)



STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

IN THE PROBATE COURT

IN RE: THE ESTATE OF

LUCINDA PRINGLE

CASE NO: 1999-ES-10-0689

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN TO:

JANNIE GOURDINE, PERSONAL REPRESENTATIVE  
132 PINE GROVE DRIVE  
CHARLESTON, S.C. 29420

DATE OF HEARING: WEDNESDAY, AUGUST 16, 2000  
TIME: 4:00 P.M.  
PLACE: Probate Court, Room #226  
Charleston County Judicial Building  
2144 Melbourne Avenue  
Charleston, South Carolina 29405

DESCRIPTION/SUBJECT MATTER:

Rule to Show Cause why the above mentioned estate has not been handled in a timely manner. You are responsible for the court costs created by this hearing.

Executed at Charleston, South Carolina

This 11 day of July, 2000.

Signature: Irvin G. Condon

Name: IRVIN G. CONDON, JUDGE OF PROBATE

Address: CHARLESTON COUNTY TEMPORARY JUDICIAL CENTER  
2144 MELBOURNE AVENUE, ROOM 226  
CHARLESTON, SOUTH CAROLINA 29405

Telephone: (843) 740-5890

STATE OF SOUTH CAROLINA

IN THE PROBATE COURT

COUNTY OF CHARLESTON

IN THE MATTER OF: LUCINDA PRINGLE

CASE NUMBER: 1999ES10-00689(2)

### FIDUCIARY LETTERS

☒ PERSONAL REPRESENTATIVE

☐ GUARDIANSHIP

☐ CONSERVATORSHIP

☐ TRUSTEESHIP

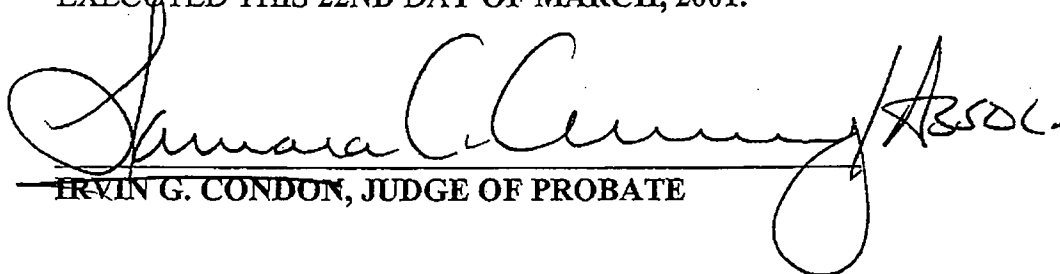
☐ \_\_\_\_\_

ON THE 22ND DAY OF MARCH, 2001, ANNABELL THORNTON WAS/WERE APPOINTED AND QUALIFIED AS FIDUCIARY(IES) OF THE ABOVE MATTER BY THIS COURT, WITH ALL THE AUTHORITY GRANTED TO A FIDUCIARY BY LAW.

NOW, THEREFORE, LETTERS ARE ISSUED AS EVIDENCE OF SUCH APPOINTMENT, QUALIFICATION, AND AUTHORITY OF THE ABOVE FIDUCIARY(IES) TO DO AND TO PERFORM ALL ACTS WHICH MAY BE AUTHORIZED BY LAW.

RESTRICTIONS: NONE

EXECUTED THIS 22ND DAY OF MARCH, 2001.

  
\_\_\_\_\_  
IRVIN G. CONDON, JUDGE OF PROBATE

CHARLESTON COUNTY PROBATE COURT

RECEIPT# 064642

2144 MELBOURNE AVE

NORTH CHARLESTON, SOUTH CAROLINA 29405

PHONE (843)740-5890

| DATE       | RECEIPT NO. | AMOUNT | PAID BY |
|------------|-------------|--------|---------|
| 03/22/2001 | 064642      | 22.50  | CASH    |

Received From: VIOLA PRINGLE

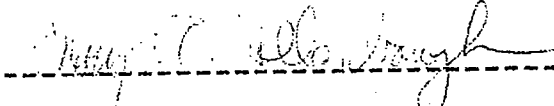
Case Number: 1999 ES 10 000689

Transaction ID: 189141

Case Name: PRINGLE, LUCINDA

Payment Code: 022 REOPEN/SUCCESSOR PR

RETAIN THIS RECEIPT FOR YOUR RECORDS

  
Deputy Clerk (PBTMAH /00)

FILED

STATE OF SOUTH CAROLINA  
COUNTY OF Charleston  
IN THE MATTER OF Juanita Pringle  
CASE NUMBER 99ES10-00689

PROBATE COURT

RENUNCIATION OF RIGHT TO ADMINISTRATION

The undersigned hereby renounces his/her right to serve as Personal Representative of the above estate and relinquishes any statutory right expect as indicated below:

X

1. I hereby exercise my right to nominate a Personal Representative.  
The name and address of the proposed nominated Personal Representative is:  
Annabell Thornton  
2517 OLD Georgetown RD  
MT. Pleasant, S.C. 29466

2. I hereby waive my right to nominate another Personal Representative.

Executed this 19 day of March, 2001.

Witnessed by:

[Signature]

Signature: Mary P. Smith

Name: Mary P. Smith  
Address: 601 J.W. Street, SE #726  
Washington, DC 20003  
Telephone (O): \_\_\_\_\_  
(H): 202-547-5926

appeared before me and produced ID to prove  
same Mary P. Smith.

JOCELYNE JAUNDRO

JOCELYNE F. JAUNDRO  
NOTARY PUBLIC, DISTRICT OF COLUMBIA  
MY COMMISSION EXPIRES: JUNE 14, 2004

deceased  
child

$\frac{1}{5}$  int.  
between  
her  
children

JANNIE

$\frac{1}{5}$

int. to  
her estate

$\frac{1}{5}$

int. to  
surviving  
daughter

$\frac{1}{5}$

int. to  
surviving  
daughters

$\frac{1}{5}$

int. to  
surviving  
daughter

Estate of  
Lucinda Pringle

STATE OF SOUTH CAROLINA  
COUNTY OF Charleston

FILED

MAR 22 11:11

PROBATE COURT

IN THE MATTER OF

Lucinda Pringle  
FIDUCIARY OF THE ESTATE OF  
PRINGLE COUNTY

CASE NUMBER

99ES10-00689

### RENUNCIATION OF RIGHT TO ADMINISTRATION

The undersigned hereby renounces his/her right to serve as Personal Representative of the above estate and relinquishes any statutory right expect as indicated below:

X

1. I hereby exercise my right to nominate a Personal Representative.  
The name and address of the proposed nominated Personal Representative is:

ANNA BELL THORNTON  
2517 OLD GEORGETOWN RD.  
MT. PLEASANT, SC 29464

2. I hereby waive my right to nominate another Personal Representative.

Executed this 13<sup>th</sup> day of MARCH, 20 01.

Witnessed by:

Robert K. Dailey

Signature:

Emma Smalls

EMMA SMALLS

Name:

2519 OLD GEORGETOWN RD.

Address:

MT. PLEASANT, SC 29464

Telephone (O):

(H):

843-884-2568

STATE OF SOUTH CAROLINA  
COUNTY OF Charleston

PROBATE COURT

IN THE MATTER OF Juanda Pringle

CASE NUMBER

MAR 22 11 21

APPLICATION/PETITION FOR SUCCESSOR PERSONAL REPRESENTATIVE  
[ ] INFORMAL [ ] FORMAL

Applicant/Petitioner: Annabell Thornton

The previous/original application/petition is adopted, except as noted on the attachment.

The name(s) and address(es) of the most recent duly qualified and acting Personal Representative(s) for this estate is/was: JAMIE Goudine

If not previously filed with the Court, a copy of the above Personal Representative's death certificate, resignation or termination of appointment is attached.

The name(s) and address(es) of the proposed successor Personal Representative(s)

Annabell Thornton  
2512 Old Georgetown Rd.  
Mount Pleasant SC 29464

Priority for this appointment is:

- [ ] named as Primary Personal Representative in will or nominee of Primary Personal Representative  
[ ] named as Alternate Personal Representative in will or nominee of Alternate Personal Representative  
[ ] 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  
☒ Other (describe): Sister of Jamie Goudine  
[ ] nominee of any of the above

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 March, 2001.

Dane Williams

**DIANE WILLIAMS**

NOTARY PUBLIC, SOUTH CAROLINA

My Commission Expires: 1-31-10

Signature: Annabell Thornton

Name: Annabell Thornton

Address: 2512 Old Georgetown Rd  
Mount Pleasant SC 29464

Telephone (O):

(H): (843) 884-3532

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone (O): \_\_\_\_\_

(H): \_\_\_\_\_

**ORDER FOR HEARING**

IT IS SO ORDERED that a hearing on this matter be set for:

DATE:

TIME:

PLACE:

Pursuant to Section 62-1-401, the petitioner is ordered to give notice of this hearing to all interested persons at least twenty (20) days prior to the hearing.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
IRVIN G. CONDON, Probate Court Judge

**ORDER OF APPOINTMENT**

IT IS HEREBY ORDERED that the above application / petition for successor Personal Representative(s) be  
☐ GRANTED ☐ DENIED:

Executed this 22<sup>nd</sup> day of March, 2009

Irvin G. Condon  
IRVIN G. CONDON, Probate Court Judge

**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.

Signature: Annabell Thornton  
Name: Annabell Thornton  
Address: 2517 Old Georgetown Rd  
Mt. Pleasant S.C. 29466  
Telephone (O): \_\_\_\_\_  
(H): (843) 884-3532

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone (O): \_\_\_\_\_  
(H): \_\_\_\_\_

Attorney: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_



CHARLESTON COUNTY

STATE OF SOUTH CAROLINA  
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL  
CERTIFICATE OF DEATH

|                                                                                                                                                                                                              |                                                                             |                                                                                          |  |                                                                                               |  |                                                             |                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------|--|-------------------------------------------------------------|-------------------------------------------------|
| STATE BIRTH NUMBER                                                                                                                                                                                           |                                                                             | Male                                                                                     |  | Last                                                                                          |  | SEX                                                         | DATE OF DEATH (Month, Day, Year)                |
| 1. Jannie                                                                                                                                                                                                    |                                                                             | Pringle                                                                                  |  | Gourdine                                                                                      |  | female                                                      | Nov. 2, 1999                                    |
| SOCIAL SECURITY NUMBER                                                                                                                                                                                       | AGE - Last Birthday (Years)                                                 | UNDER 1 YEAR                                                                             |  | UNDER 1 DAY                                                                                   |  | DATE OF BIRTH (Mo., Day, Year)                              | BIRTHPLACE (City, and State or Foreign Country) |
| 247-83-8507                                                                                                                                                                                                  | 74                                                                          |                                                                                          |  |                                                                                               |  | 8-13-1925                                                   | Mt. Pleasant, SC                                |
| WAS DECEDENT EVER IN U.S. ARMY FORCES? (Yes or No)                                                                                                                                                           |                                                                             | HOSPITAL                                                                                 |  | OTHER                                                                                         |  | PLACE OF DEATH (Check only one and subdivide on other side) |                                                 |
| no                                                                                                                                                                                                           |                                                                             | X Hospital                                                                               |  |                                                                                               |  |                                                             |                                                 |
| FACILITY NAME (If not residential, give street and number)                                                                                                                                                   |                                                                             | CITY, TOWN, OR LOCATION OF DEATH                                                         |  | COUNTY OF DEATH                                                                               |  |                                                             |                                                 |
|                                                                                                                                                                                                              |                                                                             | Charleston                                                                               |  | Charleston                                                                                    |  |                                                             |                                                 |
| 2. Roper                                                                                                                                                                                                     |                                                                             | SURVIVING SPOUSE (If wife, give maiden name)                                             |  | DECEDENT'S USUAL OCCUPATION (Give kind of work done during week of death. Do not use retired) |  | KIND OF BUSINESS/INDUSTRY                                   |                                                 |
| widowed                                                                                                                                                                                                      |                                                                             |                                                                                          |  | Homemaker                                                                                     |  |                                                             |                                                 |
| RESIDENCE - STATE                                                                                                                                                                                            | COUNTY                                                                      | CITY, TOWN, OR LOCATION                                                                  |  | STREET AND NUMBER                                                                             |  | INSIDE CITY LIMITS (Yes or No)                              |                                                 |
| SC                                                                                                                                                                                                           | Charleston                                                                  | Mt. Pleasant                                                                             |  | 1172 Hwy 41                                                                                   |  | no                                                          |                                                 |
| ZIP CODE                                                                                                                                                                                                     | Was Decedent of Hispanic Origin? (Specify Yes or No - If yes, specify race) | RACE - American Indian, Black, White, etc. (Specify)                                     |  | DECEDENT'S EDUCATION (Specify only highest grade completed)                                   |  | College (1-4 or 5-)                                         |                                                 |
| 29464                                                                                                                                                                                                        | Yes                                                                         | Black                                                                                    |  | 10                                                                                            |  |                                                             |                                                 |
| FATHER'S NAME - First                                                                                                                                                                                        | Male                                                                        | Last                                                                                     |  | MOTHER'S NAME - First                                                                         |  | Male                                                        |                                                 |
| Alex                                                                                                                                                                                                         | Pringle                                                                     | Lucinda                                                                                  |  | Graddick                                                                                      |  |                                                             |                                                 |
| INFORMANT'S NAME (Type Print)                                                                                                                                                                                |                                                                             | MAILING ADDRESS (Street and Number or Rural Route Number, City or Town, State, Zip Code) |  |                                                                                               |  |                                                             |                                                 |
| Anna Bell P. Thornton                                                                                                                                                                                        |                                                                             | 2517 Old Georgetown Rd. Mt. Pleasant, SC 29464                                           |  |                                                                                               |  |                                                             |                                                 |
| METHOD OF DISPOSITION                                                                                                                                                                                        |                                                                             | PLACE OF DISPOSITION (Place of autopsy, crematory, or other place)                       |  | LOCATION - (City or Town, State)                                                              |  |                                                             |                                                 |
| X Burial                                                                                                                                                                                                     |                                                                             | Gr. Goodwill A.M.E. Church                                                               |  | Mt. Pleasant, SC                                                                              |  |                                                             |                                                 |
| FUNERAL DIRECTION OR PERSON TO WHOM AS SUCH (Signature)                                                                                                                                                      |                                                                             | FUNERAL OR LICENSE NO.                                                                   |  | NAME AND ADDRESS OF FACILITY                                                                  |  | LICENSE NUMBER (if any)                                     |                                                 |
| A. J. Jones                                                                                                                                                                                                  |                                                                             | 1276                                                                                     |  | JOHNSON-HALLS FUNERAL HOME                                                                    |  | 257                                                         |                                                 |
| EMBALMER (Signature)                                                                                                                                                                                         |                                                                             | EMBALMER LICENSE NO.                                                                     |  | 440 Vanning Street                                                                            |  |                                                             |                                                 |
| A. J. Jones                                                                                                                                                                                                  |                                                                             | 1206                                                                                     |  | Mt. Pleasant, SC 29464                                                                        |  |                                                             |                                                 |
| Complete cause of death (personally examining physician is not available at time of death to verify cause of death)                                                                                          |                                                                             | To the best of my knowledge, each entered at the time, date, and place stated.           |  | LICENSE NUMBER                                                                                |  | DATE SIGNED (Month, Day, Year)                              |                                                 |
| TIME OF DEATH                                                                                                                                                                                                |                                                                             | DATE PROMULGATED (Month, Day, Year)                                                      |  | WAS CASE REFERRED TO MEDICAL EXAMINER/CONSENT? (Yes or No)                                    |  |                                                             |                                                 |
| 11:10 AM                                                                                                                                                                                                     |                                                                             | 11-2-99                                                                                  |  | No                                                                                            |  |                                                             |                                                 |
| 3. PART I. Enter the immediate, remote, and contributing causes of death. Do not enter the mode of death, such as accident or respiratory arrest, shock, or heart failure. List only one cause on each line. |                                                                             | Aggravating Injuries (Specify)                                                           |  |                                                                                               |  |                                                             |                                                 |
| IMMEDIATE CAUSE (Final)                                                                                                                                                                                      |                                                                             | 10 yrs                                                                                   |  |                                                                                               |  |                                                             |                                                 |
| Congestive heart failure                                                                                                                                                                                     |                                                                             | 10 yrs                                                                                   |  |                                                                                               |  |                                                             |                                                 |
| DUE TO (FOR AN IMMEDIATE CAUSE OF)                                                                                                                                                                           |                                                                             |                                                                                          |  |                                                                                               |  |                                                             |                                                 |
| Pulmonary embolism                                                                                                                                                                                           |                                                                             |                                                                                          |  |                                                                                               |  |                                                             |                                                 |
| DUE TO (FOR AN IMMEDIATE CAUSE OF)                                                                                                                                                                           |                                                                             |                                                                                          |  |                                                                                               |  |                                                             |                                                 |
| PART II. Other significant conditions contributing to death but not resulting in the underlying cause given in Part I.                                                                                       |                                                                             | AUTOPSY (Yes or No)                                                                      |  | IF YES, WERE AUTOPSY FINDINGS CONSIDERED IN DETERMINING CAUSE OF DEATH? (Yes or No)           |  |                                                             |                                                 |
|                                                                                                                                                                                                              |                                                                             | No                                                                                       |  |                                                                                               |  |                                                             |                                                 |
| 4. NUMBER OF DEATH                                                                                                                                                                                           |                                                                             | DATE OF BIRTH (Month, Day, Year)                                                         |  | TIME OF BIRTH                                                                                 |  | BIRTH AT WORK (Yes or No)                                   |                                                 |
| 1                                                                                                                                                                                                            |                                                                             |                                                                                          |  |                                                                                               |  |                                                             |                                                 |
| 5. PLACE OF BIRTH - (Street, Farm, Street, Factory, Office, etc.) (Specify)                                                                                                                                  |                                                                             | LOCATION (Street and Number or Rural Route Number, City or Town, State)                  |  |                                                                                               |  |                                                             |                                                 |
|                                                                                                                                                                                                              |                                                                             |                                                                                          |  |                                                                                               |  |                                                             |                                                 |
| 6. CERTIFYING PHYSICIAN (Physician certifying cause of death)                                                                                                                                                |                                                                             | MEDICAL EXAMINER                                                                         |  | NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER                                           |  |                                                             |                                                 |
| X CERTIFYING PHYSICIAN                                                                                                                                                                                       |                                                                             |                                                                                          |  |                                                                                               |  |                                                             |                                                 |
| SIGNATURE AND TITLE OF CERTIFIER (To be filled in by physician, each entered at the time, date, and place, and not to be changed and not to be altered)                                                      |                                                                             | LICENSE NUMBER                                                                           |  | DATE SIGNED (Month, Day, Year)                                                                |  |                                                             |                                                 |
| Robert T. Wall                                                                                                                                                                                               |                                                                             | 10942                                                                                    |  | 11-2-99                                                                                       |  |                                                             |                                                 |
| IMMEDIATE ADDRESS OF PERSON WHO SHOULD BE NOTIFIED (If any)                                                                                                                                                  |                                                                             | ST. Charleston SC 29403                                                                  |  |                                                                                               |  |                                                             |                                                 |
| 24. REGISTRAR'S SIGNATURE                                                                                                                                                                                    |                                                                             | NOV 05, 1999                                                                             |  |                                                                                               |  |                                                             |                                                 |
| Lillian J. Hester                                                                                                                                                                                            |                                                                             |                                                                                          |  |                                                                                               |  |                                                             |                                                 |

BK

U369PG558

FILED PROBATE CT CHASN CO

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

FILED

APR 17 11:36

2001 APR 20 AM 11:36  
PROBATE COURT

IN THE MATTER OF LUCINDA PRINGLE PROBATE COURT  
CHARLESTON COUNTY

CASE NUMBER 1999ES10-00689(2)

## DEED OF DISTRIBUTION

WHEREAS, the decedent died on the 11 day of OCTOBER 1989 ~~XX~~ and,

WHEREAS, the Estate of the decedent is being administered in the Probate Court of Charleston County, South Carolina in File # 1999ES10-00689(2) and,

WHEREAS, the grantee herein is either a beneficiary or heir at law, as appropriate, of the decedent; and,

WHEREAS, the undersigned Personal Representative is the duly appointed and qualified fiduciary in this matter; and,

NOW, THEREFORE, in accordance with the laws of the State of South Carolina, the Personal Representative has granted bargained, sold and released, and by these Presents does grant, bargain, sell and release to:

ANNABELL THORNTON 1/5

EMMA SMALLS 1/5

MARY P. SMITH 1/5

REBECCA BROWN, THOMAS BROWN, JR., EVELINA BROWN MOSES 1/5

*Estate of Janie Gourdin 1/5*

the following property:

2517 OLD GEORGETOWN ROAD  
MT. PLEASANT, SC 29466

TMS #578 00 00 026



Assigns, ALL that piece, or parcel of land, situate, in Christ Church Parish, Charleston County, State aforesaid, and containing ten and one-half (10½) acres, more or less, said parcel known as Lot No. 5 on a plat of Boone Hall and Sea Shore tracts, which said plat is recorded in the R.M.C. Office for Charleston County in Plat Book B, page 46, and dated the 28th day of November, 1873.

BEING the same property conveyed to September Drayton by J. H. Horlbeck and John S. Horlbeck, by Deed dated January 1, 1881, and recorded in the R.M.C. Office for Charleston County in Book K-19, page 3.

EXEMPT FROM PAYMENT OF  
SALES TAX UNDER SECTION 12-1-10

Page 1 of 1

TOGETHER with all and singular, Rights, Members, Hereditaments and Appurtenances to the said Premises/Property belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises/Property unto the said ANNABELL THORNTON 1/5, EMMA SMALLS 1/5, MARY P. SMITH 1/5, (REBECCA BROWN, THOMAS BROWN, JR., EVELINA BROWN MOSES 1/5), (Estate of Jennie Gordiner 1/5)

IN WITNESS WHEREOF, the undersigned, as Personal Representative of the estate of the decedent, has executed this Deed, this 6 day of APRIL 2001.

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF

Estate Of: LUCINDA PRINGLE

by Signature: [Signature]

Witness: [Signature]

Witness: [Signature]

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

PROBATE

PERSONALLY appeared before me DIANE WILLIAMS

and made oath that he/she saw the within named Personal Representative(s) sign, seal, and as their act and deed, deliver the within written Deed, and that he/she with Phillip S. Hair witnessed the execution thereof.

SWORN to before me this 17<sup>th</sup> day of

April, 2001

Witness Signature:

[Signature]

[Signature]

Notary Public for South Carolina

My Commission Expires: 06 09 09

BELOW, PLEASE SPECIFY THE EXACT NAME AND ADDRESS  
OF THE PERSON(S) TO WHOM TAX BILL SHALL BE SENT.

Name: ANNABELL THORNTON  
Address: 2517 OLD GEORGETOWN RD.  
City: MT. PLEASANT  
State: SOUTH CAROLINA  
Zip Code: 29466

## TITLE HAS NOT BEEN EXAMINED

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF CHARLESTON )

## PROBATE COURT'S AFFIDAVIT

IN RE: Estate of LUCINDA PRINGLE, deceased

CASE NUMBER: 1999ES10-00689(2)

I MARY A. HOLLENBAUGH, Estate Clerk being duly sworn, certifies that  
 (s)he has examined the Deed of Distribution for the Personal Representative in the Estate of  
LUCINDA PRINGLE, deceased, and that the grantee(s) therein are correct and  
 conform to the estate file for the above named decedent.

Signed:

Mary A. Hollenbaugh  
 Deputy Clerk  
Mary A. Hollenbaugh  
 (Print or type name)

Sworn to and subscribed

before me this 17<sup>th</sup> day of

April, 2000

Debra Hobart

Notary Public for South Carolina

My Commission Expires: 5-21-06

\*\*\*NOTE\*\*\* PLEASE RETURN THIS FORM WITH DOCUMENTS TO BE RECORDED

**CHARLIE LYBRAND**

FILED PROBATE CT CHARL CO

CHARLESTON COUNTY  
REGISTER MESNE CONVEYANCE

2001 APR 20 AM 11:36

COUNTY OFFICE BUILDING  
P.O. BOX 726  
CHARLESTON, SC 29402-0726  
843-958-4800

DOCUMENTS BEING RETURNED TO:

Probate Court

Please make note of the following enclosures:

☒ CASH 10.00 CHECK ☒ DEED ☐ MORTGAGE ☐ PLAT ☐ SATISFACTION  
☐ POWER OF ATTORNEY ☐ ASSIGNMENT ☐ RELEASE ☐ OTHER

IN REFERENCE TO:

Bringle / Est

Items being rejected for the following reasons:

- ☐ Must have original Document
- ☐ Need signature of witness or witnesses
- ☐ Insert Book Letter in front of Reference Number - ( Ex: T145 - 123)
- ☐ Complete South Carolina Probate or Acknowledgment
- ☐ Complete Satisfaction
- ☐ Need signature of Notary Public
- ☐ Insert Book and Page Reference Number
- ☐ Affidavit is required
- ☐ Plat must be approved by the proper governmental jurisdiction
- ☒ Need a complete Legal Description
- ☐ Complete the Derivation Clause
- ☐ Need the amount of assumption and the Book and Page of the Mortgage
- ☐ Your check is \$\_\_\_\_\_ short - over
- ☐ Document cannot be filed in the Charleston County RMC Office
- ☐ Please sign your check
- ☐ No check sent for recording
- ☐ Please date the Document
- ☐ Other

Corrected  
version  
sent back  
4/24/01

Remarks or instructions:

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

PROBATE COURT

IN THE MATTER OF LUCINDA PRINGLE  
CASE NUMBER 1999ES10-00689(2)

DEED OF DISTRIBUTION

WHEREAS, the decedent died on the 11 day of OCTOBER 1989 ~~XX~~ and,

WHEREAS, the Estate of the decedent is being administered in the Probate Court of Charleston County, South Carolina in File # 1999ES10-00689(2) and,

WHEREAS, the grantee herein is either a beneficiary or heir at law, as appropriate, of the decedent; and,

WHEREAS, the undersigned Personal Representative is the duly appointed and qualified fiduciary in this matter; and,

NOW, THEREFORE, in accordance with the laws of the State of South Carolina, the Personal Representative has granted bargained, sold and released, and by these Presents does grant, bargain, sell and release to:

ANNABELL THORNTON 1/5  
EMMA SMALLS 1/5  
MARY P. SMITH 1/5  
REBECCA BROWN, THOMAS BROWN, JR., EVELINA BROWN MOSES 1/5  
*Estate of Sannie Gourdine 1/5*

the following property:

2517 OLD GEORGETOWN ROAD  
MT. PLEASANT, SC 29466

TMS #578 00 00 026

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

AFFIDAVIT

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit and I understand such information.
2. The property is being transferred BY ESTATE OF LUCINDA PRINGLE TO ANNABELL THORNTON, EMMA SMALLS, MARY P. SMITH, REBECCA BROWN, THOMAS BROWN JR., EVELINA BROWN MOSES, Estate of Jennie Goudin ON 6 APRIL 2001.
3. Check one of the following: The DEED is
  - (a) ☐ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
  - (b) ☐ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as distribution to a trust beneficiary.
  - (c) ☒ EXEMPT from the deed recording fee because (exemption # 1) (Explanation, if required.) TRANSFERRING REALTY TO Legal Heirs  
(If exempt, please skip items 4 - 6, and go to item 7 on this Affidavit.)
4. Check one of the following if either item 3(a) or 3(b) above has been checked.
  - (a) ☐ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$ \_\_\_\_\_ dollars.
  - (b) ☐ The fee is computed on the fair market value of the realty which is \$ \_\_\_\_\_ dollars.
  - (c) ☐ The fee is computed on the fair market value of the realty as established for property tax purposes which is \$ \_\_\_\_\_ dollars.
5. Check ☐ YES or ☐ NO to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If YES the amount of the outstanding balance of this lien or encumbrance is \$ \_\_\_\_\_ dollars.
6. The DEED Recording is compute as follows:
  - (a) \_\_\_\_\_ the amount listed in item 4 above.
  - (b) \_\_\_\_\_ the amount listed in item 5 above (if no amount place zero (0)).
  - (c) \_\_\_\_\_ Subtract line 6(b) from line 6(a) and place the result (sum).
7. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: PERSONAL REPRESENTATIVE
8. I understand that a person required to furnish this affidavit who wilfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than One Thousand and no/100ths (\$1,000.00) Dollars or imprisoned not more than one year or both.

SWORN to before me this 17<sup>th</sup> day of April, 2001.

Myrtle H Jackson  
Notary Public for South Carolina  
My Commission Expires: 06-09-09

Annabell Thornton  
Grantor, Grantee, or Legal Representative  
connected with this transaction

ANNABELL THORNTON

Print or Type Name Here

Probate Court

BK U369PG562

Recording Fee 10.00

State Fee EXEMPT

County Fee EXEMPT

Postage           

TOTAL 10.00  
CA

FILED

U369-558

2001 APR 25 PM 4:46

CHARLIE LYBRAND  
REGISTER  
CHARLESTON COUNTY SC

TMS VERIFIED

BAC LMG  
DTD 4-30-01

RECEIVED FROM RMC

APR 30 2001

PEGGY A. MOSELEY  
CHARLESTON COUNTY AUDITOR



IN THE MATTER OF

LUCINDA PRINGLE

CASE NUMBER

1999-ES-10-689(2)

ACCOUNTING

CHARLESTON COUNTY

[ ] INTERIM #

The undersigned Personal Representative(s) submits this accounting which, covers the period from  
3-22-01, 20 through 5-25-01, 20.

This documentation on the reverse side of this form sets forth a complete accounting for the period specified, which is summarized as follows:

|                    |        |
|--------------------|--------|
| BEGINNING Balance: | \$0.00 |
| PLUS Receipts:     | + 0.00 |
| Subtotal:          | 0.00   |
| LESS Disbursements | - 0.00 |
| ENDING Balance     | \$0.00 |

The Personal Representative declares that this account has been examined and that its contents represent a correct statement of all receipts and disbursements and are true to the best knowledge and belief of the Personal Representative(s).

SWORN to before me this 25th day of

May, 2001.

Mary C. Hollenbaugh

Notary Public for South Carolina

My Commission Expires: 8-3-2009

Signature: Annabell Thornton

Name: ANNABELL THORNTON

Address: 1517 OLD GEORGETOWN RD.

MT. PLEASANT, SC 29466

Telephone (O):

(H): 884-3532

Signature:

Name:

Address:

Telephone (O):

(H):

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

PROBATE COURT

IN THE MATTER OF LUCINDA PRINGLE

CASE NUMBER 1999-ES-10-689(2)

FILED  
MAY 25 PM 3:11  
PROBATE COURT  
CHARLESTON COUNTY

### NOTICE OF RIGHT TO DEMAND HEARING

As an interested person in the above estate, you are hereby notified that the documents necessary to close this estate have been or are now being provided to you. These documents are the full Accounting for this estate, the Proposal for Distribution, and the Petition for Settlement. The Personal Representative is required to file with the Court proof that these documents and this Notice have been sent to you.

From the date this proof is filed with the Court, **YOU HAVE THIRTY (30) DAYS TO DEMAND IN WRITING A HEARING**, concerning any matter included in these closing documents.

If you do not file **WITH THE COURT** written demand for hearing within this time period, the Court may enter such orders on such conditions as may be requested and as the Court deems appropriate.

If you do file a written demand for hearing within this time period, a hearing date will be set and Notice of Hearing will be sent to you.

The address of the Court is:

Executed this 25<sup>th</sup> Day of May, 20 01

Signature: Annabell Thornton

Name: ANNABELL THORNTON

Address: 1517 OLD GEORGETOWN RD.

MT. PLEASANT, SC 29466

Telephone (O):

(H): 884-3532

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone (O): \_\_\_\_\_

(H): \_\_\_\_\_

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

PROBATE COURT

IN THE MATTER OF LUCINDA PRINGLE

CASE NUMBER 1999-ES-10-689(2)

PROOF OF DELIVERY

On the 5/25/01 day of \_\_\_\_\_, 20\_\_\_\_, I mailed or delivered a copy of  
"FINAL ACCOUNTING, PROPOSAL FOR DISTRIBUTION, PETITION FOR SETTLEMENT AND  
NOTICE OF RIGHT TO DEMAND HEARING", a copy of which is attached hereto and incorporated  
herein, by the following method (check the appropriate box):

- ☐ personal delivery  
☒ ordinary first class mail  
☐ certified mail  
☐ registered mail

to each of the following persons at the addresses shown:

| NAME                         | ADDRESS                                                   |
|------------------------------|-----------------------------------------------------------|
| EMMA SMALLS                  | 2519 OLD GEORGETOWN RD., MT. PLEASANT, SC 29464           |
| REBECCA BROWN                | 2517 OLD GEORGETOWN RD., MT. PLEASANT, SC 29466           |
| EVELINA BROWN MOSES          | 105 EUCALYPPUS COURT SUMMERVILLE, SC 29483                |
| THOMAS BROWN, JR.            | 6201 INDUSTRIAL LOOP LOT 261, SHREVEPORT, LA. 71129       |
| MARY P. SMITH                | 601 L STREET S.E. #736, WASHINGTON, DC 20003              |
| ANNABELL THORNTON            | 2517 OLD GEORGETOWN RD., MT. PLEASANT, SC 29466           |
| ESTATE OF JANNIE P. GOURDINE | (ARTHUR EUGENE GRADDICK, JR.) 1172 HWY 41 MT. PLEASANT SC |

SWORN to before me this 25th day of  
May, 2001,

[Signature]

Notary Public for South Carolina.

My Commission Expires: 8-3-2009

Signature: [Signature]

Name: ANNABELL THORNTON

Address: 1517 OLD GEORGETOWN RD.  
MT. PLEASANT, SC 29466

Telephone(O): 884-3532

Telephone(H): \_\_\_\_\_

IN THE MATTER OF LUCINDA PRINGLE

CASE NUMBER: 1999-ES-10-689(2)

FILED  
MAY 25 10 04  
CLERK OF COURT  
CHARLESTON COUNTY

PROPOSAL FOR DISTRIBUTION

Proposal Representative(s): ANNABELL THORNTON

| Name and Address of Distributtee                                                                      | Amount of Item |
|-------------------------------------------------------------------------------------------------------|----------------|
| EMMA SMALLS<br>2519 OLD GEORGETOWN RD<br>MT. PLEASANT, SC 29464                                       | 1/5            |
| MARY P. SMITH<br>601 L ST. S.E., #736<br>WASHINGTON, DC 20003                                         | 1/5            |
| ANNABELL THORNTON<br>2517 OLD GEORGETOWN RD<br>MT. PLEASANT, SC 29466                                 | 1/5            |
| REBECCA BROWN<br>2517 OLD GEORGETOWN RD<br>MT. PLEASANT, SC 29466                                     |                |
| THOMAS BROWN, JR.<br>6201 INDUSTRIAL LOOP LOT 261<br>SHREVEPORT, LA 71129                             | 1/5            |
| EVELINA BROWN MOSES<br>105 EUCALYPPUS COURT<br>SUMMERVILLE, SC 29483                                  |                |
| ESTATE OF JANNIE P. GOURDINE<br>(ARTHUR EUGENE GRADDICK)<br>1172 HIGHWAY 41<br>MT. PLEASANT, SC 29464 | 1/5            |

Executed this 25th day of May, 2001.

Signature: *Annabelle Thornton*  
Name: ANNABELL THORNTON  
Address: 1517 OLD GEORGETOWN RD.  
MT. PLEASANT, SC 29466  
Telephone (O) 834-1532  
(H) \_\_\_\_\_

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone (O): \_\_\_\_\_  
(H): \_\_\_\_\_

## IN THE MATTER OF

LUCINDA PRINGLE

CASE NUMBER

1999-ES-10-689(2)

## PETITION FOR SETTLEMENT

1. The undersigned as the Personal Representative(s) has/have collected and managed the assets of the estate; has/have paid all lawful claims against the estate has/have distributed assets or propose(s) to distribute as designated on the Proposal for Distribution; and has/have performed all other required acts pertaining to estate of decedent.
2. The Personal Representative(s) has/have filed:  
☐ Proof of Publication.  
☐ an Inventory.  
☒ a Proposal for Distribution  
☐ a Final Accounting  
☐ all required returns (including final income tax return, fiduciary income tax return, estate tax return). If not please explain.
3. The time period for submission of claims has expired.
4. I request that the Court issue Orders as appropriate together with such other Orders as the law may require and as the Court may deem applicable and proper.
5. I request that the Court: (check all that apply)  
☐ A. Consider and approve an accounting and the proposal for distribution.  
☒ B. Approve the distribution previously made and authorize the Personal Representative(s) to transfer title to the assets and distribute them to the distributees in the amount and manner set forth in the Proposal for Distribution (Form #410PC).  
☐ C. Find that the decedent died testate and make a determination of testacy status and beneficiaries of the decedent.  
☒ D. Find that the decedent died intestate and make a determination of the heirs at law of the decedent.  
☐ E. Discharge, or set forth the conditions of the termination of the appointment of the Personal Representative, and the release of the Personal Representative's bond, if any.  
☐ F. Other.
6. Notice of Right to Demand Hearing and copies of the final accounting, the Proposal for Distribution, and this petition have been/are being sent to all interested persons as required by law.

Executed this 25th day of May, 2001SWORN to before me this 25th day of May, 2001.

Notary Public for South Carolina

My Commission Expires: 5-3-2007Signature: Annabell ThorntonName: ANNABELL THORNTONAddress: 1517 OLD GEORGETOWN RD.Telephone (O): MT. PLEASANT, SC 29466(H): 884-3532

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

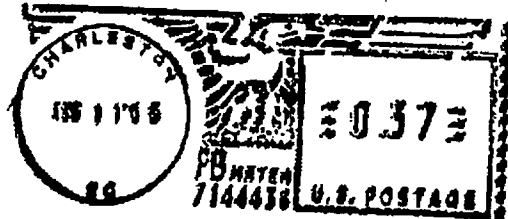
Address: \_\_\_\_\_

Telephone (O): \_\_\_\_\_

(H): \_\_\_\_\_

CONDON  
OF PROBATE  
AD STREET  
COURTHOUSE  
ON, SC 29401

RETURN SERVICE  
REQUESTED



*forwarded 8-23-05*  
*attested*

MR. Thomas Brown, JR.  
6201 Industrial Loop, Lot 261  
Shreveport LA

BROWN01 711293032 1205 06 08/11/05  
RETURN TO SENDER  
BROWN WILLIAM EARL  
6201 BERT KOUNS INDUSTRIAL LOOP  
SHREVEPORT LA 71129-5036

711293032-144-0000



IRVIN G. CONDON  
JUDGE OF PROBATE  
84 BROAD STREET  
HISTORIC COURTHOUSE  
CHARLESTON, SC 29401

FILED

05 SEP -2 AM 11:53

PROBATE CLERK  
CHARLESTON COURTHOUSE

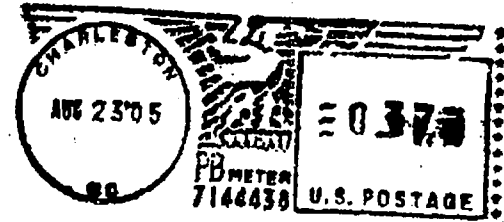
RETURN SERVICE  
REQUESTED



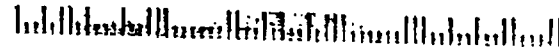
REASON CARRIED

- ☐ Unclaimed
- ☐ Attempted - Not Known
- ☐ Insufficient Address
- ☐ No Such Street
- ☐ No Such Office in State
- ☐ Do Not Remail This Envelope
- ☐ Refused
- ☐ No Such Number

Mr. Thomas Brown, Jr.  
6201 Bert Kouns Industrial Loop  
Shreveport LA 71129-5056



29401-2201-AA 0003  
71129-5056-33 0023

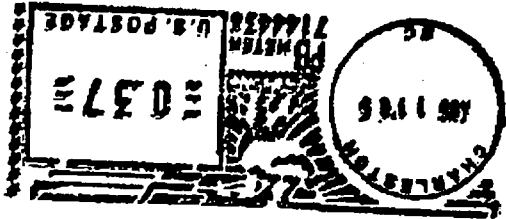


2005 AUG 23 AM 11:18

FILED PROBATE CT CHASN CO

IRVIN G. CONDON  
JUDGE OF PROBATE  
84 BROAD STREET  
HISTORIC COURTHOUSE  
CHARLESTON, SC 29401

RETURN SERVICE  
REQUESTED

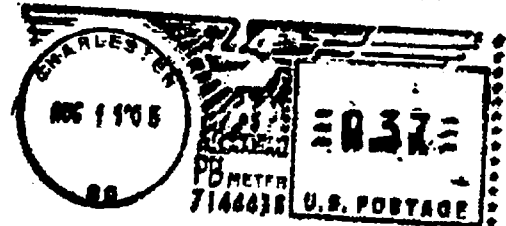


*Shreveport LA*  
*6201 Industrial Loop, Bt 261*  
*Mr. Thomas Brown, Jr.*

SHREVEPORT LA 71129-5056  
6201 INDUSTRIAL LOOP  
BROWN, WILLIAM ERNIST  
RETURN TO SENDER  
211295032 1805 08 03/17/05

IRVIN G. CONDON  
JUDGE OF PROBATE  
84 BROAD STREET  
HISTORIC COURTHOUSE  
CHARLESTON, SC 29401

RETURN SERVICE  
REQUESTED



*Ms. Mary P. Smith*  
*601 L Street S.E. #736*  
*Washington*

2005 AUG 19 PM 12:48  
FILED PROBATE CT CHASN CO

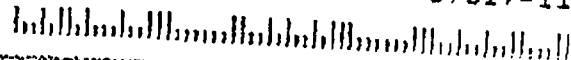
RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD

20003+6433-B5 1011

2940172201

BC: 29401220184

\*0734-07617-11-35





STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

IN THE PROBATE COURT

IN THE MATTER OF: LUCINDA PRINGLE

CASE NO. 1999ES10-689(2)

## **CERTIFICATE OF DISCHARGE**

This is to certify that

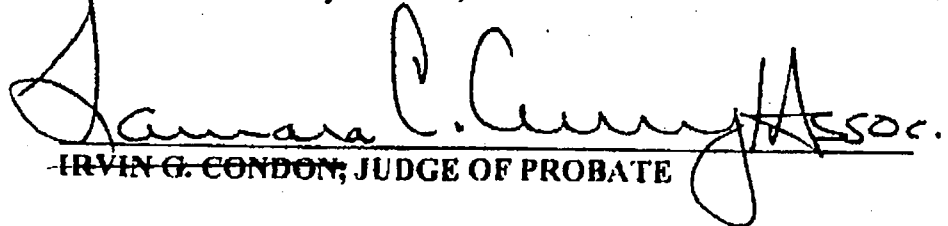
**ANNABELL THORNTON**

appear(s) to have fully administered the above-referenced matter, having filed the receipts and other necessary proof that all Orders Closing the Estate have been complied with.

### **IT IS HEREBY ORDERED**

that the above fiduciary(ies) is/are released and discharged from his/her/their trust and office, and he/she/they and his/her/their surety is/are released and discharged from liability upon his/her/their bond.

Effective this 26<sup>th</sup> day of JUNE, 2001

  
**IRVIN G. CONDON, JUDGE OF PROBATE**

FILED  
05 AUG -4 PM 1:11  
PROBATE COURT  
CHARLESTON COUNTY

TYPE/PRINT  
IN  
PERMANENT  
BLACK INK  
FOR  
DISTINCTION  
306  
OTHER SIDE  
AND HANDSCREW

7

081

10

914

914

961

39

10

0

306  
CH 878

STATE BIRTH NUMBER

STATE OF SOUTH CAROLINA  
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL  
CERTIFICATE OF DEATH

89 020974  
STATE FILE NUMBER

|                                                                                                                                                                                                                                                                  |  |                                                                                                                                  |  |                                                                                                                          |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------------------------|--|--------------------------------------------------------------------------------------------------------------------------|--|
| 1. DECEDENT'S NAME<br><b>LUCINDA PRINGLE</b>                                                                                                                                                                                                                     |  | 2. SEX<br><b>FEMALE</b>                                                                                                          |  | 3. DATE OF DEATH (Month, Day, Year)<br><b>10-11-89</b>                                                                   |  |
| 4. SOCIAL SECURITY NUMBER<br><b>448-07-3930</b>                                                                                                                                                                                                                  |  | 5a. AGE - Last Birthday (Year)<br><b>81</b>                                                                                      |  | 5b. LOCAL DAY<br>Months Days Hours                                                                                       |  |
| 6. WAS DECEDENT EVER IN U.S. ARMED FORCES?<br>(Yes or No) <b>NO</b>                                                                                                                                                                                              |  | 7. BIRTHPLACE (City and State or Country)<br><b>MT. PLEASANT, SC.</b>                                                            |  |                                                                                                                          |  |
| 8. PLACE OF DEATH (Specify street and number)<br><b>1514 OLD GEORGETOWN RD.</b>                                                                                                                                                                                  |  | 9. CITY, TOWN OR LOCATION OF DEATH<br><b>MT. PLEASANT</b>                                                                        |  | 10. COUNTY OF DEATH<br><b>CHARLESTON</b>                                                                                 |  |
| 11. MANNER, NEVER MARRIED, WIDOWED, DIVORCED, REMARRIED<br><b>WIDOWED</b>                                                                                                                                                                                        |  | 12. SURVIVING SPOUSE (If not, give maiden name)<br><b>HOUSE WIFE</b>                                                             |  | 13. USUAL OCCUPATION (Also kind of work done during most of working life. Do not leave blank)                            |  |
| 14a. RESIDENCE - STATE<br><b>SC</b>                                                                                                                                                                                                                              |  | 14b. CITY, TOWN OR LOCATION<br><b>MT. PLEASANT</b>                                                                               |  | 14c. STREET AND NUMBER<br><b>2517 OLD GEORGETOWN RD.</b>                                                                 |  |
| 15a. HOME CITY<br><b>NO</b>                                                                                                                                                                                                                                      |  | 15b. ZIP CODE<br><b>29465</b>                                                                                                    |  | 16. WAS DECEDENT OF HISPANIC ORIGIN?<br>Specify Yes or No - If yes, specify Cuban, Mexican, Puerto Rican, etc. <b>NO</b> |  |
| 17. FATHER'S NAME<br><b>PENNY GAADICK</b>                                                                                                                                                                                                                        |  | 18. MOTHER'S NAME<br><b>EMMA DRAUTON</b>                                                                                         |  | 19. RACE - American Indian, Black, White, etc. (Specify)<br><b>Black</b>                                                 |  |
| 20. METHOD OF DISPOSITION<br><input checked="" type="checkbox"/> Burial <input type="checkbox"/> Cremation <input type="checkbox"/> Removal from State <input type="checkbox"/> Other (Specify)                                                                  |  | 21. PLACE OF DISPOSITION (Name of cemetery, funeral home, etc.)<br><b>OLIVE BRANCH MEMORIAL CEMETERY</b>                         |  | 22. LOCATION - City, Town, State<br><b>MT. PLEASANT, SC.</b>                                                             |  |
| 23. SIGNATURE OF FUNERAL SERVICE LICENSEE OR PERSON ACTING AS SUCH<br><b>Marquette Johnson</b>                                                                                                                                                                   |  | 24. NAME AND ADDRESS OF FACILITY<br><b>HOVENING ST. MT. PLEASANT, SC.</b>                                                        |  | 25. LICENSE NUMBER (If facility)<br><b>257</b>                                                                           |  |
| 26. Complete Part 26a only when certifying physician is not available at time of death or cause of death is not known                                                                                                                                            |  | 27a. To the best of my knowledge, death occurred at the time, date, and place stated.<br>Signature and Title<br><b>A. G. ...</b> |  | 27b. LICENSE NUMBER<br><b>2750</b>                                                                                       |  |
| 28. TIME OF DEATH<br><b>Early A.M.</b>                                                                                                                                                                                                                           |  | 29. DATE PRONOUNCED DEAD (Month, Day, Year)<br><b>OCT 11 1989</b>                                                                |  | 30. WAS CASE REFERRED TO MEDICAL EXAMINER/COMMITTEE?<br>(Yes or No) <b>Yes</b>                                           |  |
| 31. PART 1. Enter the disease, injuries, or complications that caused the death. Do not enter the results of dying, such as cardiac or respiratory arrest, shock, or heart failure. List only one cause on each line.<br><b>Local mass - stroke - unknown</b>    |  | 32. DUE TO (OR AS A CONSEQUENCE OF)                                                                                              |  | Approximate Interval Between Onset and Death                                                                             |  |
| 33. Immediately list conditions, if any, leading to immediate death. (Even UNDERLYING CAUSE if known as injury and involved events resulting in death LAST)                                                                                                      |  | 34. DUE TO (OR AS A CONSEQUENCE OF)                                                                                              |  |                                                                                                                          |  |
| 35. PART 2. OTHER FACTORS contributing to death but not resulting in the underlying cause given in Part 1.<br><b>Underlying cause - renal insufficiency</b>                                                                                                      |  | 36. AUTOPSY (Yes or No) <b>NO</b>                                                                                                |  | 37. WERE AUTOPSY FINDINGS CONSIDERED IN DETERMINING CAUSE OF DEATH?<br>(Yes or No)                                       |  |
| 38. MANNER OF DEATH<br><input checked="" type="checkbox"/> Natural <input type="checkbox"/> Pending Investigation <input type="checkbox"/> Suspect <input type="checkbox"/> Suicide <input type="checkbox"/> Homicide                                            |  | 39. DATE OF INJURY (Month, Day, Year)                                                                                            |  | 40. TIME OF INJURY                                                                                                       |  |
| 41. PLACE OF INJURY - At home, farm, street, factory, office, building, etc. (Specify)                                                                                                                                                                           |  | 42. LOCATION (Street and Number or Rural Route Number, City or Town, State)                                                      |  | 43. DESCRIBE HOW INJURY OCCURRED                                                                                         |  |
| 44. CERTIFY (Check only one)<br><input checked="" type="checkbox"/> CERTIFYING PHYSICIAN (Physician certifying cause of death) <input type="checkbox"/> PRONOUNCING AND CERTIFYING PHYSICIAN (Physician both pronouncing death and certifying to cause of death) |  | 45. SIGNATURE AND TITLE OF CERTIFIER<br><b>P. J. ...</b>                                                                         |  | 46. LICENSE NUMBER<br><b>2750</b>                                                                                        |  |
| 47. NAME AND ADDRESS OF PERSON WHO SIGNED IN 45 (Type/print)<br><b>U.A. Papadopoulos MD</b>                                                                                                                                                                      |  | 48. NAME OF ATTENDING PHYSICIAN OR OTHER THAN CERTIFIER<br>(Type/print)<br><b>U.A. Papadopoulos MD</b>                           |  | 49. DATE SIGNED (Month, Day, Year)<br><b>10/16/89</b>                                                                    |  |
| 50. RECORDING SIGNATURE<br><b>P. R. Baker</b>                                                                                                                                                                                                                    |  | 51. DATE RECORDED (Month, Day, Year)<br><b>10/17/89</b>                                                                          |  |                                                                                                                          |  |

# Last Will and Testament

I, LUCINDA PRINGLE

of Christ Church Parish, (County Of Charleston), being of sound and disposing mind and memory and desiring to make such disposition of my worldly estate as I deem best, **DO HEREBY MAKE, PUBLISH AND DECLARE THIS TO BE MY LAST WILL AND TESTAMENT**, hereby revoking any and all former wills and codicils whatever by me made.

First: I direct that all my just debts and funeral expenses be paid out of my estate as soon after my decease as conveniently may be and to that end charge my whole estate, real and personal, with the same.

Second: I give, devise and bequeath to Thomas Brown, Patrica Brown, Evelina Brown and Emma R. Simalls my personal belongings and my homes

## ITEM 3

I give, devise and bequeath all my right, title and interest in and to that certain property.

## ITEM 4

I nominate, Constitute and appoint my belove Grand Childerns, Thomas Brown Patrica Brown and Evelina Brown, Co-Executrices to serve without bond of this my LAST WILL AND TESTAMENT. I authorize and empower my Executrices to hold and retain as investm of my Estate all investments, securities, and other property, real and personal, which shall at time of my death be included in my estate, to sell and dispose of, for the purpose of paying my debts or for any other purpose whatsoever, any or all of such property, either at public or private sale, for such prices and on such terms as my Executrices shall deem proper, and to make, execute and deliver all assignment transfers, and other legal instruments where necessary or Convenient for the passing of the title and ownership thereto, without any liability on the purchaser to see to the application money.

I nominate and appoint Thomas Brown, Patricia Brown, Estelina Brown and  
Anna P. Smalls  
to be the executors of this my Last Will and Testament

IN WITNESS WHEREOF, I have hereunto set my hand and seal to this my Last Will and Testa-  
ment at Mt. Pleasant, S.C.  
this 30 day of July, in the year of our  
Lord One Thousand Nine Hundred and 88

Witnessed by marks (SEAL)  
Signed, sealed, published and declared by the said Lucinda Springer

as and for her last will and testament in the presence of us,  
who in the presence, at her request and in the presence of one another, all present together,  
have hereunto subscribed our names as witnesses.

Wm. M. Smith  
Wm. H. Scott  
Maria S. Brown

DIRECTIONS—Will must be in writing, signed at the end thereof by the party making the same, or if unable to do so, by some other person in his presence and by his express directions and attested by at least two witnesses (in some states three) in the testator's presence who saw him subscribe and acknowledge it as his will. The testator and witnesses must execute Will in the presence of each other. In South Carolina Wills must be attested by at least three (3) witnesses.

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )

**GRANT OF PERPETUAL  
EASEMENT**

Whereas the COMMISSIONERS OF PUBLIC WORKS OF THE TOWN OF MOUNT PLEASANT, SOUTH CAROLINA, (hereinafter called the Commission) is a body politic and corporate under the laws of the State of South Carolina and requires the easements hereinafter described and granted in connection with the construction of water distribution and sewage collection, treatment and disposal facilities; and

Whereas HEIRS OF ELIZABETH G. WASHINGTON and HEIRS OF LUCINDA PRINGLE, (hereinafter called the Grantors) is minded to grant such easement to the Commission for the consideration and upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS that the Grantors, in consideration of the sum of ~~\$5,000.00~~ <sup>\$5,000.00</sup> to them in hand paid for the perpetual easement granted hereunder, at and before the sealing and delivery of these presents, by the Commission, the receipt whereof is hereby acknowledged, has granted, bargained, sold and released and by these presents does grant, bargain, sell and release unto the Commission, its successors and assigns forever, the following easement:

1. An exclusive perpetual easement for the construction, location, installation, operation, maintenance, repair and replacement of one or more underground sewer lines and/or one or more underground water lines over, under and upon the following described property:

ALL that strip of land located in the Town of Mount Pleasant, County of Charleston, State of South Carolina, designated as Parcel 1616 and described as follows: A thirty feet wide general utility easement lying adjacent to and parallel with, and to the southeast of the northwestern boundary of Grantor's property, which is also the southeastern boundary of the right of way of Old Georgetown Road (S-1808).

Said strip of land contains 10,575.40 square feet and is more fully shown on a plat prepared by G.

Robert George & Associates, Inc. entitled "PLAT OF GENERAL EASEMENTS TO BE ACQUIRED BY THE COMMISSIONERS OF PUBLIC WORKS OF THE TOWN OF MOUNT PLEASANT, SOUTH CAROLINA (MPW) LOCATED IN THE TOWN OF MOUNT PLEASANT AND CHARLESTON COUNTY, SOUTH CAROLINA", dated August 14, 2000, revised October 25, 2000, a copy of which is recorded in the RMC Office for Charleston County in Plat Book EE, Page 694 and which is made a part hereof and incorporated herein by reference.

TMS#: 578-00-00-026

TOGETHER with the right of ingress thereto and egress therefrom over and upon the remaining property of the Grantors.

IT IS UNDERSTOOD AND AGREED that the easement above described is granted and accepted upon the following terms and conditions, to wit:

(a) The Grantors will make no use of the area occupied by said easement which is inconsistent with the uses and the purposes for which the easement has been granted, and without limiting the generality of this provision, the Grantors agree that no permanent structures such as buildings, sheds and other structures shall be placed upon the easement area. In addition, the Grantors will not grant additional easements over, under, or upon the easement area without the prior written consent of the Commission and will not alter or modify the finished contours or physical makeup of the easement area, either by the placement or removal of materials, without the prior written consent of the Commission.

(b) The Commission agrees that upon completion of construction, the surface of the easement area will, to the extent practicable, be restored to its condition prior to construction, and further that, in the event that it becomes necessary in the future to disturb the surface in order to effect maintenance, repair or replacement, it will promptly restore the surface, to the extent practicable, including leveling the surface and reseeding the grass; but nothing herein contained shall be construed to require the Commission to replace any shrubbery or trees.

TO HAVE AND TO HOLD, all and singular, the easement rights and privileges above described unto the COMMISSIONERS OF PUBLIC WORKS OF THE TOWN OF MOUNT PLEASANT, SOUTH CAROLINA, its successors and assigns.

And the Grantors do hereby bind themselves and their successors, heirs, administrators and executors to warrant and forever defend all and singular the said premises unto the said COMMISSIONERS OF PUBLIC WORKS OF THE TOWN OF MOUNT PLEASANT, SOUTH CAROLINA, its successors and assigns against him and his successors, heirs, administrators and executors and against every person whosoever lawfully claiming or to claim the same or any part thereof.

IN WITNESS WHEREOF, the Grantors have hereunto set their Hands and Seals, this 21<sup>st</sup> day of September, 2001.

BN Y383PG487

WITNESS

[Signature]  
SA Spann

[Signature]  
Alma M. Washington, an Heir of  
Elizabeth G. Washington

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

PERSONALLY appeared before me the undersigned witness and made oath that (s)he saw the within named Alma M. Washington, an Heir of Elizabeth G. Washington, sign, seal and, as her act and deed, deliver the within written instrument; and that (s)he with the other witness witnessed the execution and delivery thereof.

[Signature]

SWORN to before me this

21<sup>st</sup> day of September, 2001

[Signature] (SEAL)  
Notary Public for South Carolina

My commission expires: NOTARY PUBLIC FOR SOUTH CAROLINA  
My commission expires November 27, 2008



WITNESS:

L. R. R. W.  
SA Spans

Ethel Wright  
Ethel Wright, an Heir of  
Elizabeth G. Washington

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

PERSONALLY appeared before me the undersigned witness and made oath that (s)he saw the within named Ethel Wright, an Heir of Elizabeth G. Washington, sign, seal and, as her act and deed, deliver the within written instrument; and that (s)he with the other witness witnessed the execution and delivery thereof.

L. R. R. W.

SWORN to before me this

21<sup>st</sup> day of September, 2001

[Signature] (SEAL)

Notary Public for South Carolina

My commission expires November 27, 2006

✓

WITNESS:

L. RussSA SpannIsaac WashingtonIsaac Washington, an Heir of  
Elizabeth G. Washington

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

PERSONALLY appeared before me the undersigned witness and made oath that (s)he saw the within named Isaac Washington, an Heir of Elizabeth G. Washington, sign, seal and, as his act and deed, deliver the within written instrument; and that (s)he with the other witness witnessed the execution and delivery thereof.

L. Russ

SWORN to before me this

2<sup>nd</sup> day of September, 2001H. W. Allen (SEAL)

Notary Public for South Carolina

My commission expires: \_\_\_\_\_

NOTARY PUBLIC FOR THE STATE OF SOUTH CAROLINA  
My commission expires 10/1/2005

WITNESS:

L. L. Lunn

SA Spann

BK Y383PG490

David Washington

David Washington, an Heir of  
Elizabeth G. Washington

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

PERSONALLY appeared before me the undersigned witness and made oath that (s)he saw the within named David Washington, an Heir of Elizabeth G. Washington, sign, seal and, as his act and deed, deliver the within written instrument; and that (s)he with the other witness witnessed the execution and delivery thereof.

L. L. Lunn

SWORN to before me this

21<sup>st</sup> day of September, 2001

Yvonne D. [Signature] (SEAL)

Notary Public for South Carolina

NOTARY PUBLIC FOR SOUTH CAROLINA

My commission expires: 11/1/2003

V

AK Y383PG491

WITNESS:

[Signature]

SA Spann

Rosalee Coaxum

Rosalee Coaxum, an Heir of  
Elizabeth G. Washington

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

PERSONALLY appeared before me the undersigned witness and made oath that (s)he saw the within named Rosalee Coaxum, an Heir of Elizabeth G. Washington, sign, seal and, as her act and deed, deliver the within written instrument; and that (s)he with the other witness witnessed the execution and delivery thereof.

[Signature]

SWORN to before me this

21<sup>st</sup> day of September, 2001

[Signature] (SEAL)

Notary Public for South Carolina

NOTARY PUBLIC FOR SOUTH CAROLINA

My commission expires November 27, 2006

My commission expires: \_\_\_\_\_

WITNESS:

L. R. R. R.  
B. A. Spann

Annabell Thornton  
Annabell Thornton, an Heir of  
Lucinda Pringle

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

PERSONALLY appeared before me the undersigned witness and made oath that (s)he saw the within named Annabell Thornton, an Heir of Lucinda Pringle, sign, seal and, as her act and deed, deliver the within written instrument; and that (s)he with the other witness witnessed the execution and delivery thereof.

L. R. R. R.

SWORN to before me this

21<sup>ST</sup> day of September, 2001

Quinn R. R. R. (SEAL)  
Notary Public for South Carolina

My commission expires: NOTARY PUBLIC FOR SOUTH CAROLINA  
My commission expires November 21, 2006

WITNESS:

L. L. Lunn

SA Spann

OK Y383PG494

Emma Smalls

Emma Smalls, an Heir of  
Lucinda Pringle

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

PERSONALLY appeared before me the undersigned witness and made oath that (s)he saw the within named Emma Smalls, an Heir of Lucinda Pringle, sign, seal and, as her act and deed, deliver the within written instrument; and that (s)he with the other witness witnessed the execution and delivery thereof.

L. L. Lunn

SWORN to before me this

21<sup>st</sup> day of September, 2001

Michael L. Lunn (SEAL)

Notary Public for South Carolina

NOTARY PUBLIC FOR SOUTH CAROLINA

My commission expires: November 21, 2004

WITNESS:

[Signature]  
S A Spann

BK Y383P0495

Mary P. Smith  
MARY P. SMITH, an Heir of  
Lucinda Pringle

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

PERSONALLY appeared before me the undersigned witness and made oath that (s)he saw  
the within named MARY P. Smith, an Heir of Lucinda Pringle  
sign, seal and, as her act and deed, deliver the within written instrument; and that (s)he with the other  
witness witnessed the execution and delivery thereof.

[Signature]

SWORN to before me this

21<sup>st</sup> day of September, 2001

[Signature] (SEAL)  
Notary Public for South Carolina

My commission expires: NOTARY PUBLIC FOR SOUTH CAROLINA  
my commission expires November 27, 2006

WITNESS:

[Signature]  
SG Spann

Leola Wright  
 Leola Wright, an Heir of  
 Elizabeth G. Washington

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

PERSONALLY appeared before me the undersigned witness and made oath that (s)he saw  
 the within named Leola Wright, an Heir of Elizabeth G. Washington  
 sign, seal and, as her act and deed, deliver the within written instrument; and that (s)he with the other  
 witness witnessed the execution and delivery thereof.

[Signature]

SWORN to before me this

21<sup>ST</sup> day of September, 2001

[Signature] (SEAL)  
 Notary Public for South Carolina

My commission expires: NOTARY PUBLIC FOR SOUTH CAROLINA  
My commission expires November 27, 2006



WITNESS:

[Signature]  
SG Spann

Thomas Brown Jr.  
 Thomas Brown Jr., an Heir of  
 Lucinda Pringle

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

PERSONALLY appeared before me the undersigned witness and made oath that (s)he saw the within named Thomas Brown Jr. an Heir of Lucinda Pringle sign, seal and, as her act and deed, deliver the within written instrument; and that (s)he with the other witness witnessed the execution and delivery thereof.

[Signature]

SWORN to before me this

21<sup>st</sup> day of September, 2001

[Signature] (SEAL)  
 Notary Public for South Carolina

My commission expires: NOTARY PUBLIC FOR SOUTH CAROLINA  
My commission expires November 27, 2006

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

2005 NOV 21 AM 10:54

IN THE PROBATE COURT

FILED PROBATE CT CHARSTON CO

IN RE: THE ESTATE OF

LUCINDA PRINGLE

CASE NO: 1999-ES-10-0689

### NOTICE OF HEARING

NOTICE IS HEREBY GIVEN TO:

STEPHEN M. SLOTCHIVER, ESQUIRE, PETITIONER  
44 STATE STREET  
CHARLESTON, S.C. 29401

PETITIONER OR PETITIONER'S COUNSEL SHALL CAUSE NOTICE (PURSUANT TO SCPC SECTION 62-1-401) TO BE GIVEN TO ALL INTERESTED PERSONS OR THEIR ATTORNEYS. AS THE PETITIONER YOU ARE RESPONSIBLE FOR OBTAINING A COURT REPORTER FOR THE HEARING THAT YOU HAVE REQUESTED. IF YOU NEED MORE THAN TWO HOURS ON YOUR CASE - YOU MUST NOTIFY THE CLERK OF COURT IMMEDIATELY.

DATE OF HEARING: DECEMBER 14, 2005  
TIME: 11:00 A.M.  
Probate Court  
Historic Courthouse  
84 Broad Street - 3<sup>rd</sup> Floor  
Charleston, South Carolina 29401

### DESCRIPTION/SUBJECT MATTER:

ON PETITIONER'S PETITION FOR APPOINTMENT OF SPECIAL ADMINISTRATOR AND RECOVERY OF IMPROPER DISTRIBUTION.

This 21 day of October, 2005.

Signature:

Irvin G. Condon

Name:

IRVIN G. CONDON, JUDGE OF PROBATE

Address:

84 BROAD STREET - THIRD FLOOR

CHARLESTON, SOUTH CAROLINA 29401

Telephone:

(843) 958-5030

STATE OF SOUTH CAROLINA  
COUNTY OF: CHARLESTON  
IN THE MATTER OF: LUCINDA PRINGLE

2005 NOV 21 AM 10:54  
IN THE PROBATE COURT  
FILED PROBATE CT CHASN CO  
PROOF OF DELIVERY  
CASE NUMBER: 1999-ES-10-0689

On the 16 day of November, 2005, I mailed or delivered the following document, Notice of Hearing

- ☒ A copy of which is attached hereto and incorporated herein, or  
☐ The original of which is on file with the court and incorporated herein,

Delivery was accomplished by the following method (check appropriate box):

- ☐ personal delivery  
☐ certified mail  
☒ ordinary first class mail  
☐ registered mail

to each of the following persons at the address shown:

| NAME         | ADDRESS |
|--------------|---------|
| SEE ATTACHED |         |
|              |         |
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|              |         |

SWORN to before me this 16 day of  
November, 2005

Shirley M. Warner  
Notary Public for South Carolina  
My Commission Expires: 2/5/2007

Signature: [Signature]  
Name: Stephen M. Slotchiver  
Address: 44 State Street  
Charleston, SC 29401  
Telephone (O): \_\_\_\_\_  
(H): 843-577-6531  
E-mail: \_\_\_\_\_

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone (O): \_\_\_\_\_  
(H): \_\_\_\_\_  
E-mail: \_\_\_\_\_

Evelina Brown Moses  
105 Eucalyptus Court  
Summerville, SC 29483

Thomas P. Brown, Jr.  
131 Ponderosa Avenue  
Ladson, SC 29456

David L. Michel, As Guardian Ad Litem  
For Rebecca Patricia Brown  
P.O. Box 360  
Charleston, SC 29402

Emma Smalls  
2517 Old Georgetown Road  
Mt. Pleasant, SC 29466

Mary P. Smith  
711 Long Street  
Summerville, SC

Estate Of Janine Gourdine  
Vanetra Watson, PR  
16372 14<sup>th</sup> Place  
Aurora, CO 80011

Arthur Eugene Graddick, III #250313  
Lieber Correctional Institute SA04  
P.O. Box 205  
Ridgeville, SC 29472

Viola Pringle  
2517 Old Georgetown Road  
Mt. Pleasant, SC 29466

Maezell Mitchell  
7795 Peppercorn Lane  
North Charleston, SC 29420

Cephus Thornton  
2517 Old Georgetown Road  
Mt. Pleasant, SC 29466

STATE OF SOUTH CAROLINA

IN THE PROBATE COURT

COUNTY OF CHARLESTON

IN THE MATTER OF: LUCINDA PRINGLE

CASE NUMBER: 1999ES10-00689(2)

### FIDUCIARY LETTERS

☐ PERSONAL REPRESENTATIVE

☐ GUARDIANSHIP

☐ CONSERVATORSHIP

☐ TRUSTEESHIP

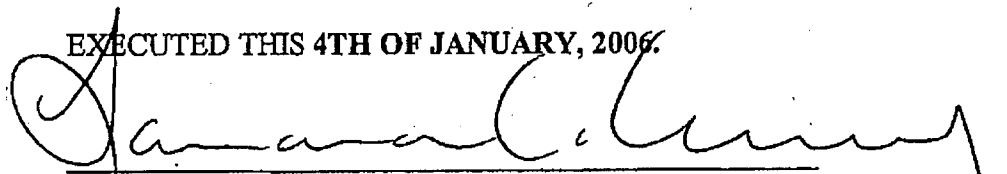
☒ SPECIAL ADMINISTRATOR

ON THE 4TH DAY OF JANUARY, 2006, SHIRRESE B. BROCKINGTON, ESQUIRE, WAS APPOINTED AND QUALIFIED AS FIDUCIARY(IES) OF THE ABOVE MATTER BY THIS COURT, WITH ALL THE AUTHORITY GRANTED TO A FIDUCIARY BY LAW.

NOW, THEREFORE, LETTERS ARE ISSUED AS EVIDENCE OF SUCH APPOINTMENT, QUALIFICATION, AND AUTHORITY OF THE ABOVE FIDUCIARY(IES) TO DO AND TO PERFORM ALL ACTS WHICH MAY BE AUTHORIZED BY LAW.

RESTRICTIONS: NONE

EXECUTED THIS 4TH OF JANUARY, 2006.



IRVIN G. CONDON, JUDGE OF PROBATE  
TAMARA C. CURRY, ASSOCIATE JUDGE OF PROBATE

FORM #140PC

STATE OF SOUTH CAROLINA

COUNTY OF: CHARLESTON

IN THE MATTER OF: LUCINDA PRINGLE

2006 JAN 19 PM 10:37

FILED PROBATE CT CHASN CO

IN THE PROBATE COURT

PROOF OF DELIVERY

CASE NUMBER: 1999-ES-10-0689

On the 10th day of January, 2006, I mailed or delivered the following document, Summons and Petition For Recovery Of Improper Distribution

- ☒ A copy of which is attached hereto and incorporated herein, or  
☐ The original of which is on file with the court and incorporated herein,

Delivery was accomplished by the following method (check appropriate box):

- ☐ personal delivery      ☐ ordinary first class mail  
☒ certified mail      ☐ registered mail

to each of the following persons at the address shown:

| NAME         | ADDRESS |
|--------------|---------|
| SEE ATTACHED |         |
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SWORN to before me this 17 day of  
January, 20 06

Shirley M. Warner  
Notary Public for South Carolina  
My Commission Expires: 2/5/2007

Signature: [Signature]  
Name: Stephen M. Slotchiver  
Address: 44 State Street  
Charleston, SC 29401

Telephone (O): \_\_\_\_\_  
(H): 843-577-6531  
E-mail: \_\_\_\_\_

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Telephone (O): \_\_\_\_\_  
(H): \_\_\_\_\_  
E-mail: \_\_\_\_\_

Emma Smalls  
2517 Old Georgetown Road  
Mt. Pleasant, SC 29466

Estate of Lucinda Pringle  
c/o Shirrese Brown Brockington, Esquire  
764 St. Andrews Boulevard  
Charleston, SC 29407

Mary P. Smith  
711 Long Street  
Summerville, SC

Estate Of Janine Gourdine  
Vanetra Watson, PR  
16372 14<sup>th</sup> Place  
Aurora, CO 80011

Viola Pringle  
2517 Old Georgetown Road  
Mt. Pleasant, SC 29466

Maezell Mitchell  
7795 Peppercorn Lane  
North Charleston, SC 29420

Cephus Thornton  
2517 Old Georgetown Road  
Mt. Pleasant, SC 29466

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )  
IN RE: THE ESTATE OF )  
LUNCINDA PRINGLE )  
CASE NO: 1999-ES-10-0689 )  
\_\_\_\_\_ )

IN THE PROBATE COURT

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN TO:

STEPHEN M. SLOCHIVER, ESQUIRE, PETITIONER  
44 STATE STREET  
CHARLESTON, S.C. 29401

PETITIONER OR PETITIONER'S COUNSEL SHALL CAUSE NOTICE (PURSUANT TO SCPC SECTION 62-1-401) TO BE GIVEN TO ALL INTERESTED PERSONS OR THEIR ATTORNEYS. AS THE PETITIONER YOU ARE RESPONSIBLE FOR OBTAINING A COURT REPORTER FOR THE HEARING THAT YOU HAVE REQUESTED. IF YOU NEED MORE THAN TWO HOURS ON YOUR CASE - YOU MUST NOTIFY THE CLERK OF COURT IMMEDIATELY.

DATE OF HEARING: JULY 11, 2007  
TIME: 10:00 A.M.  
Probate Court  
Historic Court House - Third Floor  
84 Broad Street  
Charleston, South Carolina 29401

DESCRIPTION/SUBJECT MATTER:

ON PETITIONER'S MOTION TO VACATE ORDER DATED JUNE 25, 2001.

This 4 day of May, 2007.

Signature: Irvin G. Condon  
Name: IRVIN G. CONDON, JUDGE OF PROBATE  
Address: 84 BROAD STREET - THIRD FLOOR  
CHARLESTON, SOUTH CAROLINA 29401  
Telephone: (843) 958-5030



STATE OF SOUTH CAROLINA

COUNTY OF: CHARLESTON

IN THE MATTER OF: LUCINDA PRINGLE

IN THE PROBATE COURT

PROOF OF DELIVERY

CASE NUMBER: 1999-ES-10-0689

On the 7th day of May, 2007, I mailed or delivered the following document, Notice of Hearing scheduled for July 11, 2007

- ☒ A copy of which is attached hereto and incorporated herein, or  
☐ The original of which is on file with the court and incorporated herein,

Delivery was accomplished by the following method (check appropriate box):

- ☐ personal delivery      ☒ ordinary first class mail  
☐ certified mail      ☐ registered mail

to each of the following persons at the address shown:

| NAME         | ADDRESS |
|--------------|---------|
| SEE ATTACHED |         |
|              |         |
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SWORN to before me this 7th day of  
May, 2007

Mamada E. E. E.  
Notary Public for South Carolina  
My Commission Expires: 11/17/2014

Signature: [Signature]

Name: Stephen M. Slotchiver

Address: 44 State Street  
Charleston, SC 29401

Telephone (O): \_\_\_\_\_

(H): 843-577-6531

E-mail: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone (O): \_\_\_\_\_

(H): \_\_\_\_\_

E-mail: \_\_\_\_\_

Emma Smalls  
c/o Charles S. Goldberg, Esquire  
61 Broad Street  
P.O. Box 9  
Charleston, SC 29401

Estate of Lucinda Pringle  
c/o Shirrese Brown Brockington, Esquire  
764 St. Andrews Boulevard  
Charleston, SC 29407

Mary P. Smith  
c/o Charles S. Goldberg, Esquire  
61 Broad Street  
P.O. Box 9  
Charleston, SC 29401

Estate of Janine Gourdine  
c/o Vanetra Watson, Former PR  
3004 South Viscay Circle  
Aurora, CO 80013

Arthur Eugene Graddick, III #250313  
c/o Charles S. Goldberg, Esquire  
61 Broad Street  
P.O. Box 9  
Charleston, SC 29401

Viola Pringle  
c/o Charles S. Goldberg, Esquire  
61 Broad Street  
P.O. Box 9  
Charleston, SC 29401

Maezell Mitchell  
c/o Charles S. Goldberg, Esquire  
61 Broad Street  
P.O. Box 9  
Charleston, SC 29401

Cephus Thornton  
c/o Charles S. Goldberg, Esquire  
61 Broad Street  
P.O. Box 9  
Charleston, SC 29401

Evelina Brown Moses  
105 Eucalyptus Court  
Summerville, SC 29483

Thomas P. Brown, Jr.  
131 Ponderosa Avenue  
Ladson, SC 29456

David L. Michel, As Guardian Ad Litem  
For Rebecca Patricia Brown  
P.O. Box 360  
Charleston, SC 29402

Vanetra Watson - *Eckey*  
3004 South Viscay Circle  
Aurora, CO 80013

IRVIN J SLOCHIVER ESQUIRE  
44 STATE ST ATTORNEY AT LAW  
Charleston SC 29401

Number of Copies: 1

## AFFIDAVIT OF PUBLICATION

# The Post and Courier

State of South Carolina

County of Charleston

Personally appeared before me the undersigned advertising Clerk of the above indicated newspaper published in the City of Charleston, County and State aforesaid, who, being duly sworn, says that the advertisement of

(Copy attached)

appeared in the issues of said newspaper on the following day(s):

05/12/2007, 05/19/2007, 05/26/2007

at a cost of \$ 325.14

Account# C0703290

Order# C221848Z

P.O. Number: pringle

Subscribed and sworn to before

me this 5th day

of June

A.D. 2007

Advertising Clerk

NOTARY PUBLIC, SC  
My Commission expires 10/10/13

State Of South Carolina  
County Of Charleston

IN RE: THE ESTATE OF  
LUCINDA PRINGLE  
CASE NO. 1999-ES-10-0689

IN THE PROBATE COURT  
NOTICE OF HEARING  
NOTICE IS HEREBY GIVEN  
TO:  
STEPHEN M.  
SLOCHIVER, ESQUIRE,  
PETITIONER  
44 STATE STREET  
CHARLESTON, SC 29401

PETITIONER OR PETITIONER'S COUNSEL SHALL CAUSE NOTICE (PURSUANT TO SCPC SECTION 62-1-4010 TO BE GIVEN TO ALL INTERESTED PERSONS OR THEIR ATTORNEYS. AS THE PETITIONER YOU ARE RESPONSIBLE FOR OBTAINING A COURT REPORTER FOR THE HEARING THAT YOU HAVE REQUESTED. IF YOU NEED MORE THAN TWO HOURS ON YOUR CASE YOU MUST NOTIFY THE CLERK OF COURT IMMEDIATELY.

DATE OF HEARING:  
JULY 11, 2007

TIME: 10:00 A.M.  
Probate Court  
Historic Court House -  
Third Floor  
84 Broad Street  
Charleston, SC 29402

DESCRIPTION/SUBJECT  
MATTER:  
ON PETITIONER'S MOTION  
OTHER VACATE ORDER  
DATED JUNE 25, 2007

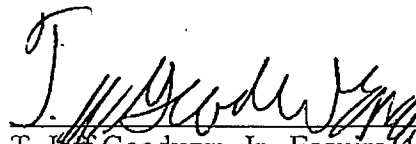
This 4th day of May, 2007.

IRVIN G. CONDON,  
JUDGE OF PROBATE  
84 BROAD STREET -  
THIRD FLOOR  
CHARLESTON, SC 29401  
(843) 958-5030

Certificate of Counsel

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

Respectfully submitted,



T. Jeff Goodwyn, Jr., Esquire  
Goodwyn Law Firm, LLC  
2519 Devine Street, Suite A  
Columbia, SC 29205  
(803) 251-4517  
(803) 251-4527 facsimile  
*Attorney for the Appellants*

October 12, 2018

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