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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY COURT OF COMMON PLEAS

Court of Common Pleas

Jennifer B. McCoy, Circuit Judge

Irvin G. Condon, Probate Judge

Tamara C. Curry, Associate Probate Judge

Appellate Case No. 2021-001152

Court of Common Pleas Case No. 2020-CP-10-04036

Probate Court Case No. 2017-ES-10-01946

IN THE ESTATE OF ROY E. MEVERS, JR.,

SOUTH CAROLINA ATTORNEY GENERAL,
Respondent,

versus

MINNIE LEE NEWMAN-MEVERS,
Appellant,

versus

J. JAMES DUGGAN, as Special Administrator of the Estate of Roy E. Mevers, Jr.,
Respondent.

**RECORD ON APPEAL
(VOLUME I OF II)**

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CAROLINA ATTORNEY GENERAL

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STATE OF SOUTH CAROLINA

COUNTY OF: CHARLESTON

IN THE MATTER OF:

ROY E. MEVERS, JR.

(Decedent)

MINNIE LEE NEWMAN MEVERS

(Personal Representative)

IN THE PROBATE COURT

ORDER CLOSING ESTATE

CASE NUMBER: 2017ES1001946

Upon consideration of the Application for Settlement, it appears to the Court that the allegations in the Application are true. All required notices have been given/waived. The asset(s) has/have been administered according to the laws of South Carolina.

The final closing documents have been considered and/or waived.

Personal Representative(s) in the above estate appear(s) to have completed the administration, and the appointment is hereby terminated.

It is appropriate that the sureties on the bond, if any, in this estate be released. If applicable, the security instrument recorded in the Office of the Clerk of Court (or ROD) in Book N/A, at Page N/A, shall be and is hereby released, and cancellation of said instrument is authorized.

Therefore, the estate is closed.

IT IS SO ORDERED.

Executed this 31st day of December, 2018.



IRVIN G. CONDON, PROBATE JUDGE

TAMARA C. CURRY, ASSOCIATE JUDGE

LENNA S. KIRCHNER, ASSOCIATE JUDGE

PETER A. KOUTEN, ASSOCIATE JUDGE

Attest: A True Copy

Clerk Probate Court

Charleston County, South Carolina

dist: SLC
For 10/9
rest: 3/13/2020

For the reasons set forth below, the Court **GRANTS** the requests and issues this temporary restraining order.

The Attorney General, in his *parens patriae* capacity to protect the public interest under the powers granted to him under the constitution, statutory and common laws of the State of South Carolina, is a proper party to file this action and to seek the relief requested herein. Concerning charitable trusts, the Attorney General has the statutory and common law duty to represent the interests of the unspecified charitable beneficiaries and the interests of the public at large. The Attorney General is mandated by S.C. Code Ann. § 1-7-130 to “enforce the due application of funds given or appropriated to public charities within the state and prevent breaches of trust in the administration thereof....”; *Furman Univ. v. McLeod*, 238 S.C. 475, 482, 120 S.E.2d 865, 868 (1961) (“It is also the general law that in the matter of administering or enforcing charitable trusts, the Attorney General is the proper party to protect the interest of the members of the public at

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large, as distinct from those having 'immediate or peculiar interests.' *Watson v. Wall*, 229 S.C. 500, 93 S.E.2d 918 (1956), establishes that the Attorney General can intervene in an action and participate to protect charitable devices even where a trust has not yet been established or there is a question as to the existence of the trust. As such, this Court finds that the Attorney General is an interested party as defined by S.C. Code Ann. § 62-1-201(23), has standing to seek this relief and this matter is properly before the Court.

FACTUAL BACKGROUND AND LEGAL AUTHORITIES

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2019
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This action relates to a bequest made by Mr. Mevers in his Last Will and Testament and two codicils amending his Last Will and Testament (collectively "the Will"). The Will was executed on November 16, 2015. Codicils were executed on April 12, 2017 ("First Codicil") and on August 4, 2017 ("Second Codicil"). On July 23, 2004, Mr. Mevers executed and filed with the Secretary of State, for the State of South Carolina, Articles of Incorporation for a Nonprofit Corporation named The Sonny Mevers Foundation ("Foundation") in accordance with S.C. Code Ann. § 33-31-202. The stated purpose of the Foundation is to "receive and maintain a fund or funds of real or personal property, or both, and, subject to the restrictions and limitations hereinafter set forth, to use and apply the whole or any part of the income therefrom and the principal thereof exclusively for charitable, religious, scientific, testing for public safety, literary, or educational purposes either directly or by contributions to organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code and its Regulations as they now exist or as they may hereafter be amended."

On July 21, 2005 the Internal Revenue Service ("IRS") issued a letter approving the tax exempt status of the Foundation under section 501(c) (3) of the Internal Revenue Code with an effective date of June 23, 2004. The Foundation was also "qualified to receive tax deductible

bequests, devises, transfers or gifts under section 2055...of the Code.” Since its inception, the Foundation has made donations to numerous charities in the Charleston area, which is consistent with Mr. Mevers’s reputation of generosity throughout the community. Donations of twenty five thousand dollars (\$25,000.00) or more were made in multiple years along with numerous other donations to a variety of charities. Mr. Mevers made periodic contributions to the Foundation over the years to allow these donations and charitable gifts to take place.

The Will contained a residuary clause found in Article XII. This clause provided:

I give devise and bequeath my entire residuary estate, being all real and personal property, wherever situated, in which I may have any interest at the time of my death, not otherwise effectively disposed of, to **THE ‘SONNY MEVERS’ FOUNDATION**, if it is in existence at the time of my death and on the condition that it is an organization that is charitable within the meaning of Section 2055 of the Internal Revenue Code, as amended, and on the further condition that this gift is permitted as a charitable deduction from my Estate for Federal Estate Tax purposes, absolutely and in fee simple, forever.

By way of the First Codicil, Article XII of the Will was amended to add the following sentence at its conclusion: “Otherwise, I give, devise and bequeath my said entire residuary estate to my Spouse, MINNIE LEE NEWMAN MEVERS, absolutely and in fee simple, forever, on the condition that she shall survive me.”

The Articles of Incorporation of the Foundation vested Mr. Mevers or his nominee to appoint the members of the Foundation’s Board of Directors. Mr. Mevers’s Will nominated his “friend” Minnie Lee Newman as his successor with the right to appoint further successors to the Board of the Foundation.

Mr. Mevers passed away on November 03, 2017. Minnie Lee Newman Mevers, who had married Mr. Mevers in September 2016, thereafter replaced Mr. Mevers as President of the Board

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of the Foundation. She also petitioned the Court for appointment as Personal Representative and was named the Personal Representative of the Estate. The Attorney General asserts at the time of Mr. Mevers's death, the residuary clause of the Will leaving the remainder of the Estate to the Foundation devolved to the Foundation. S.C. Code Ann. § 62-3-101("Upon the death of a person, his real property devolves to the persons to whom it is left by his last will..."); S.C. Code Ann. § 62-2-602 ("a will is construed to pass all property which the testator owns at the testator's death..."). Specifically the Attorney General asserts that on the date of Mr. Mevers' death, the Foundation was in existence. It was recognized as a charitable organization within the meaning of Section 2055 of the Internal Revenue Code, as amended. Finally, the gift to the Foundation by way of the residuary clause of the Will was permitted as a charitable deduction from Mr. Mevers's estate for federal estate tax purposes. As such, the Attorney General takes the position the Foundation was entitled to the residuary of the Estate and the funds and assets were impressed with a charitable trust.

The Attorney General further states S.C. Code Ann. § 62-3-709 mandated that Minnie Lee Newman Mevers, as Personal Representative, "take all steps reasonably necessary for the management, protection and preservation of the estate in [her] possession" and that she failed to do so. Specifically, the verified Petition, Application and Motion filed with this Court set forth Minnie Lee Newman Mevers did not preserve or protect the Estate so she could improperly assert her entitlement to the residuary clause of the Will, enriching herself at the expense of the non-profit charitable foundation.

Minnie Lee Newman Mevers owed the Estate and the Foundation the same fiduciary and legal duties a trustee would owe a trust. It is alleged in her capacity as a secondary beneficiary of the residuary of the Estate, she placed her interest above those of the Foundation. She never sought

the appointment of an independent personal representative or special administrator by this Court to remove herself from any potential conflict. Instead, she unilaterally decided with no permission or guidance from this Court or notice to this Court or the Attorney General that she was entitled to over Nineteen Million dollars (\$19,000,000.00) as the secondary beneficiary of the residuary clause.

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Mr. Mevers' obituary stated "[i]n Lieu (*sic*) of flowers, **donations may be made to the Sonny Mevers Foundation**, Crescom Bank, Attn. Holly Edwards, 288 Meeting Street, Charleston SC 29401." (emphasis added). It further stated his funeral was held on November 11, 2017. Two days after his funeral, on November 13, 2017, Minnie Lee Newman Mevers filed this case by way of an Application for Informal Probate of Mr. Mevers' estate. She was appointed as Personal Representative of the Estate. Court records establish in the Application for Informal Probate, Minnie Lee Newman Mevers specifically listed that she was Mr. Mevers' wife and that she was left a bequest of "\$350,000 and all personal and household effects." She went on to list other bequests made under the Will, specifically noting the "**SONNY MEVERS FOUNDATION...CHARITY-All of the Rest and Residue of the Estate.**" These statements were verified by Minnie Lee Newman Mevers under oath.

The IRS issued an Auto-Revocation for the Foundation's non-profit status with a stated revocation date of November 15, 2017 and a Revocation Posting date of March 12, 2018. This action was taken by the IRS based on the Foundation's failure to file Forms 990-PF with the IRS for a three year period. The Attorney General alleges this was an administrative suspension and the Foundation's tax-exempt status was eligible to be restored retroactively at all times relevant. By taking no action, Minnie Lee Newman Mevers established a scenario where she took under the residuary clause of the Will as its secondary beneficiary, allowing her to take possession of over

nineteen million dollars (\$19,000,000.00) which according to his Will, Mr. Mevers had specifically provided should pass to the Foundation.

A telephone meeting of the Foundation's Board of Directors was held and Minnie Lee Newman Mevers and the Board of Directors voted to dissolve the Foundation. The telephone vote of the Board took place on January 23, 2018 and Articles of Dissolution for a Nonprofit Corporation were filed with the Secretary of State were filed January 24, 2018. S.C. Code Ann. § 33-31-1403(a) provides in relevant part that a nonprofit organization "shall give the Attorney General written notice that it intends to dissolve at or before the time it delivers articles of dissolution to the Secretary of State. The notice shall include a copy or summary of the plan of dissolution." No such written or other notice was provided by Minnie Lee Newman Mevers or the Foundation to the Attorney General as mandated by the statute. Likewise, this Court was not apprised of the actions being taken by Minnie Lee Newman Mevers against assets which she indicated in her original probate filing under oath belonged to the Foundation. Had she done so, this Court would have required the Attorney General's involvement in the matter and at a minimum requested his position on such action as well as her failure to provide his office the required statutory notice.

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In the Proposal for Distribution of the Estate dated November 15, 2018 and filed with this Court on November 18, 2018, the Foundation was no longer listed as receiving the residuary distribution as it was in the Application for Informal Probate. Rather, Minnie Lee Newman Mevers was listed as receiving the residuary distribution. The Proposal for Distribution contained no reference to the Foundation or its entitlement to assets under the residuary clause. The funds in the residuary were distributed to Minnie Lee Newman Mevers, not the Foundation. The Attorney General did not receive the mandated statutory notice relating to dissolving a non-profit

foundation. Without notice as to the vested charitable interest, the Attorney General was not able to intervene and appear to protect the interest of the public at large as opposed to the immediate and pecuniary interest of Minnie Lee Newman Mevers.

Upon receiving the funds, public records establish Minnie Lee Newman Mevers began selling and transferring assets which she received by virtue of the residuary clause of the Will and which the Attorney General alleges legally belong to the Foundation. It is further stated, upon information and belief, she is further utilizing these assets for her own personal use and benefit.

As the personal representative of the Estate and as President of the Foundation, Minnie Lee Newman Mevers had an obligation to protect the non-profit foundation named as the residuary of Mr. Mevers' Will. This Court finds sufficient verified allegations in this Motion for a Temporary Restraining Order and the Verified Application and Petition which indicate Minnie Lee Newman Mevers may have taken actions inconsistent with the law, her fiduciary duties, and contrary to the vested interest of the non-profit foundation so as to circumvent the contents of the residuary clause for her own personal use and benefit.

The facts set forth in the Verified Petition and Application show that the Foundation and the Attorney General will likely succeed on the merits of this litigation. There are verified facts and allegations that Minnie Lee Newman Mevers breached her legal and fiduciary duties in taking possession of assets belonging to the Foundation. It is alleged she did so in a conscious effort to render the residuary clause of Mr. Mevers's Will meaningless, and thereby thwart his testamentary intent, so that she, rather than the non-profit charitable foundation, would receive in excess of Nineteen Million and 00/100 (\$19,000,000.00) Dollars.

There is no adequate remedy at law available if Minnie Lee Newman Mevers is allowed to continue to use Foundation assets to fund her lifestyle, travel, expenses, and gifts to others. Failing

to issue a temporary restraining order against Minnie Lee Newman Mevers's use of the assets, to include any proceeds thereof, will irreparably harm the Foundation and the public interest it is meant to serve, each use of the assets by Minnie Lee Newman Mevers unduly diminishing the Foundation's chances of ever fully recovering that which she has purportedly taken from it.

A Special Administrator may be appointed informally by the Court to protect the Estate of the Decedent and to take appropriate actions involving Estate assets. S.C. Code Ann. § 62-3-614. A Special Administrator appointed by the Court in an informal proceeding has the duty to collect and manage, preserve, and account for the assets of the Estate. S.C. Code Ann. § 62-3-616. The Special Administrator has the power of a Personal Representative necessary to perform his duties.

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Id. Pursuant to S.C. Code Ann. § 62-3-614, J. James Duggan, Esq. shall be appointed as Special Administrator of the Estate of Roy E. Mevers, Jr.

Therefore, based upon the foregoing, it is hereby

ORDERED, ADJUDGED, AND DECREED that, pursuant to Rule 65 of the South Carolina Rules for Civil Procedure, Minnie Lee Newman Mevers is hereby restrained from using, disposing of, transferring, selling, gifting, mortgaging, or taking any other action of any kind that would encumber, sell, or impact the ownership of, the value of, or the ability of the Foundation to recover the full value of any/all assets (or the proceeds thereof) distributed to her under the residuary clause of Mr. Mevers's will and, to that end, requiring that she retain complete control over all monies, stocks, securities, and/or anything else of value already received from any sale, transfer, or other disposition of such assets for the duration of this temporary restraining order, or as may otherwise be ordered by this Court; it is further

ORDERED, ADJUDGED, AND DECREED that, pursuant to S.C. Code Ann. § 62-3-614, J. James Duggan, Esq. is hereby appointed as Special Administrator of the Estate of Roy E.

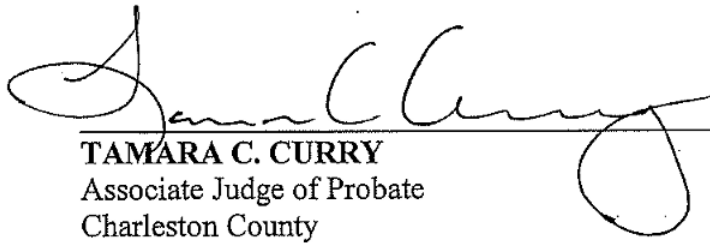
Mevers, Jr. in order to take any appropriate actions involving assets of the Estate of Roy E. Mevers, Jr.; it is further

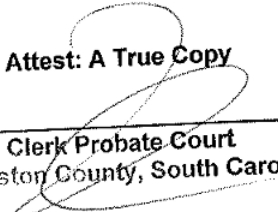
ORDERED, ADJUDGED, AND DECREED that a hearing on the matter shall be held on March 23, 2020 at 11:00 AM at 84 Broad Street, Second Floor, Charleston, South Carolina 29401; it is further

ORDERED, ADJUDGED, AND DECREED that this Order shall be subject to further Orders of this Court as may become necessary.

IT IS SO ORDERED THIS 19th DAY OF MARCH, 2020 AT 4:30 PM IN CHAMBERS IN CHARLESTON, SOUTH CAROLINA.

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3/13/2020


TAMARA C. CURRY
Associate Judge of Probate
Charleston County

Attest: A True Copy

Clerk Probate Court
Charleston County, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

IN THE MATTER OF:
ROY E. MEVERS JR.
(Decedent)

) IN THE PROBATE COURT
)
) **FIDUCIARY LETTERS**
)
) CASE NUMBER: 2017ES1001946
)
)

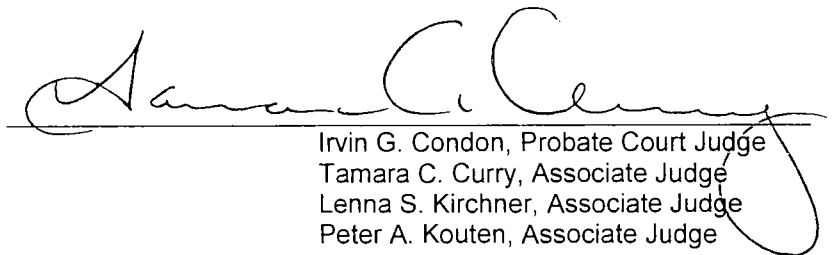
PERSONAL REPRESENTATIVE
SUCCESSOR PERSONAL REPRESENTATIVE
X SPECIAL ADMINISTRATOR

On the 13th day of March, 2020, J. JAMES DUGGAN, ESQ. 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 13th day of March, 2020.


Irvin G. Condon, Probate Court Judge
Tamara C. Curry, Associate Judge
Lenna S. Kirchner, Associate Judge
Peter A. Kouten, Associate Judge

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE PROBATE COURT

IN RE: THE ESTATE OF)

ROY E. MEVERS, JR.)

CASE NO: 2017-ES-10-01946)

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN TO:

ALAN WILSON, ESQUIRE, ATTORNEY GENERAL, PETITIONER
POST OFFICE BOX 11549
COLUMBIA, SC 29211

C. MICHAEL BRANHAM, ESQUIRE, ATTORNEY FOR PETITIONER
25 CALHOUN STREET, SUITE 400
CHARLESTON, SC 29401

STEPHEN L. BROWN, ESQUIRE, ATTORNEY FOR PETITIONER
25 CALHOUN STREET, SUITE 400
CHARLESTON, SC 29401

J. JAMES DUGGAN, ESQUIRE, SPECIAL ADMINISTRATOR
44 MARKFIELD DRIVE, SUITE E
CHARLESTON, SC 29407

DATE OF HEARING: MARCH 23, 2020
TIME: 11:00 A.M.
PLACE: Probate Court
Historic Courthouse
84 Broad Street
Charleston, South Carolina 29401

DESCRIPTION/SUBJECT MATTER:

PER TEMPORARY RESTRAINING ORDER DATED MARCH 13, 2020
You are responsible for the court costs created by this hearing.

Executed at Charleston, South Carolina

This 13TH day of March, 2020.

Signature: 

Name: TAMARA C. CURRY, ASSOCIATE JUDGE OF PROBATE

Address: HISTORIC COURTHOUSE
84 BROAD STREET - 3RD FLOOR
CHARLESTON, SOUTH CAROLINA 29401
Telephone: (843) 958-5030

STATE OF SOUTH CAROLINA	)	IN THE PROBATE COURT
	)	
COUNTY OF CHARLESTON	)	CASE NO.: 2017-ES-10-1946
	)	
IN THE MATTER OF: THE ESTATE OF	)	
ROY E. MEVERS, JR.	)	
	)	
SOUTH CAROLINA ATTORNEY	)	
GENERAL,	)	
	)	ORDER GRANTING TEMPORARY
	)	INJUNCTION
Petitioner,	)	
	)	
v.	)	
	)	
MINNIE LEE NEWMAN MEVERS,	)	
	)	
Respondent.	)	

Date of Hearing:	March 23, 2020
Presiding Judge:	Irvin G. Condon
Petitioner:	Alan M. Wilson, as Attorney General of the State of South Carolina
Petitioner's Attorneys:	W. Jeffrey Young, Esq. Robert D. Cook, Esq. C. Havird Jones, Esq. Mary Frances Jowers, Esq. Kristin Simons, Esq. C. Michael Branham, Esq. Stephen L. Brown, Esq.
Respondent:	Minnie Lee Newman Mevers
Respondent's Attorneys:	Daniel F. Blanchard, Esq. Elizabeth J. Palmer, Esq.
Court Reporter:	Mackenzie Allen

THIS MATTER comes before this Court pursuant to an *Ex Parte* Temporary Restraining Order issued by this Court on Friday, March 13, 2020. Pursuant to the Temporary Restraining Order, this Court held a hearing on the matter to determine if, after notice to all interested parties, the Temporary Restraining Order should be continued as a Temporary Injunction so as to preserve the status quo pending discovery as well as investigation by the Court appointed Special

Administrator, J. James Duggan, Esquire, of Duggan Law Firm. LCC. In addition, various other procedural matters were brought before the Court for consideration.

This matter was commenced by the filing of a verified Motion by Alan M. Wilson, Esquire, Attorney General for the State of South Carolina (hereafter the "Attorney General"), pursuant to Rule 65, SCRCP seeking a Temporary Restraining Order relating to all assets which were claimed and taken under the residuary clause of the Last Will and Testament and two codicils of Roy E. Mevers, Jr. (hereafter the "Will") by his spouse, Respondent Minnie Lee Newman Mevers. The Attorney General also filed a verified Petition and Application seeking other assorted relief. Following a careful review of the filings, this Court in accordance with Rule 65(b) SCRCP, set this matter for a hearing to determine whether the Temporary Restraining Order should continue as a Temporary Injunction.

Notice of this hearing was served on Respondent Minnie Lee Newman Mevers (hereafter the "Respondent") and her counsel, Daniel F. Blanchard, III, Esquire of Rosen Hagood, LLC. The Respondent and her counsel were present at the hearing. Also present at the hearing were Senior Assistant Deputy Attorney General C. Havird Jones, Jr., Esquire, as well as C. Michael Branham, Esquire and Stephen L. Brown, Esquire of YCRLAW, on behalf of the Attorney General of South Carolina. J. James Duggan, Esquire, who was appointed as Special Administrator by Order of this Court dated March 13, 2020, as well as H. Christopher Moss, Jessica M. Wentworth, Esquire, and Ryan Oberly, Esquire, were also present at the hearing.

On March 20, 2020, prior to the hearing, the Respondent filed and served a memorandum in opposition to the Motion along with sworn affidavits from H. Christopher Moss and Jessica M. Wentworth, Esquire. A summary of the Respondent's arguments made in opposition to the motion is as follows:

- a. The Respondent argues the Attorney General's filings fail to satisfy the requirements for an *Ex Parte* TRO under Rule of Civil Procedure 65(b), because her counsel had been engaged in active dialogue and exchange of information with the Attorney General concerning the subject matters raised in its Petition for several months before the action was filed, and no attempt had been made to contact her or her counsel about a hearing before the TRO was sought. The Respondent further asserts it did not clearly appear from specific facts shown by affidavit or by a verified complaint that immediate and irreparable injury, loss or damage will result to the applicant before notice can be served and a hearing had thereon.
- b. The Respondent argues the Attorney General's Motion merely requests a TRO, but does not move for a temporary injunction, preliminary injunction, or any relief beyond a TRO.
- c. The Respondent argues the express terms of the *Ex Parte* TRO provide it will expire in ten days (on March 23, 2020) and that no motion had been filed or served to extend the TRO beyond that date.
- d. The Respondent argues that she was not provided proper notice of any motion to extend the TRO or to convert it into a temporary injunction or preliminary injunction or of any hearing on any other matters beyond a TRO.
- e. The Respondent argues the TRO could only be extended for a maximum of ten days for good cause shown pursuant to the terms of Rule 65(b).
- f. The Respondent argues the Attorney General failed to carry its burden of establishing the traditional elements necessary for the issuance of a temporary injunction or preliminary injunction. The Respondent maintains the Attorney General has not shown by affidavit or verified petition that it will suffer irreparable harm if the injunction is not granted, it is likely to succeed on the merits of the litigation, or that there is no adequate remedy at law. The Respondent argues that the potential for financial loss is not irreparable harm because such harm can be remedied by monetary relief after a trial on the merits; she argues it is not likely the Attorney General will succeed on the merits of the litigation, because she contends the Foundation did not satisfy the conditions in the Decedent's Will necessary for it to have a vested interest as the residuary beneficiary of the Estate, and she contends the Attorney General has an adequate remedy at law in form of a money judgment or attachment. The Respondent submitted affidavits asserting that at the time of the Decedent's death and when the estate assets were distributed the Foundation did not qualify as an organization that is charitable within the meaning of Section 2055 of the Internal Revenue Code, as amended, and that the devise or gift to the Foundation was not permitted as a charitable deduction from the Estate of Roy E. Mevers, Jr. for federal estate tax purposes.
- g. Counsel for the Respondent cited to case law, including *Scratch Golf Co. v. Dunes W. Residential Golf Properties, Inc.*, 361 S.C. 117, 603 S.E.2d 905 (2004); *MailSource, LLC v. M.A. Bailey & Associates*, 356 S.C. 363, 588 S.E.2d 635 (Ct. App. 2003); *Zabinski v. Bright Acres Assoc.*, 346 S.C. 580, 553 S.E.2d 110 (2001); and *Schwartz v. Wellin*, 2014 WL 51212 (D.S.C. Jan. 7, 2014), as support for her arguments.

For the reasons set forth below, this Court rejects the Respondent's arguments and **GRANTS** the Temporary Injunction, amends the appointment of James Duggan, Esquire to Duggan Law Firm, LLC as Special Administrator, and grants other relief as set forth herein.

STANDING

The Attorney General, in his *parens patriae* capacity to protect the public interest under the powers granted to him under the Constitution, statutory and common laws of the State of South Carolina, is a proper party to file this action and to seek the relief requested herein. Concerning charitable trusts, the Attorney General has the statutory and common law duty to represent the interests of the unspecified charitable beneficiaries and the interests of the public at large. The Attorney General is mandated by S.C. Code Ann. § 1-7-130 to "enforce the due application of funds given or appropriated to public charities within the state and prevent breaches of trust in the administration thereof..." *Furman Univ. v. McLeod*, 238 S.C. 475, 482, 120 S.E.2d 865, 868 (1961) ("It is also the general law that in the matter of administering or enforcing charitable trusts, the Attorney General is the proper party to protect the interest of the members of the public at large, as distinct from those having 'immediate or peculiar interests'." *Watson v. Wall*, 229 S.C. 500, 93 S.E.2d 918 (1956)). *Furman Univ. v. McLeod* further establishes that the Attorney General can intervene in an action and participate to protect charitable devices even where a trust has not yet been established or there is a question as to the existence of the trust. *McLeod* at 482. As such, this Court previously found in the Temporary Restraining Order and continues to find in this Temporary Injunction hearing that the Attorney General is an interested party as defined by S.C. Code Ann. § 62-1-201(23), has standing to seek this relief, and this matter is properly before the Court.

SUBSEQUENT ADMINISTRATION

Pursuant to S.C. Code Ann. § 62-3-1008, “[i]f other property of the estate is discovered after an estate has been settled and the personal representative discharged or for other good cause, the court upon application of any interested person and upon notice as it directs may appoint the same or a successor personal representative to administer the subsequently opened estate.” S.C. Code Ann. § 62-3-1008. Based upon the briefing, exhibits, and extensive arguments presented, this Court orders that this Estate be re-opened for subsequent administration. Good cause has been shown that significant sums may have been misappropriated or decisions made by those with a clear conflict of interest. While this Court is not and has not made any decision on the merits of the case, good cause has been established to re-open this case and allow further proceedings consistent with the relief sought by the Attorney General in his verified Petition and Application. This Court further finds that, based upon the allegations contained within the Attorney General’s Petition, the Respondent shall not be reappointed as Personal Representative of the Estate. Pursuant to S.C. Code Ann. § 62-3-614, a Special Administrator may be appointed in order to secure its proper administration. Therefore, the Duggan Law Firm, LLC shall be appointed as Special Administrator of the Estate of Roy E. Mevers, Jr.

FACTUAL BACKGROUND AND LEGAL ANALYSIS

This action relates to a bequest made by Roy E. Mevers, Jr. (hereafter the “Decedent”) in his Estate plan. The Decedent’s Last Will and Testament was executed on November 16, 2015. Codicils were executed by the Decedent on April 12, 2017 (hereafter “First Codicil”) and on August 4, 2017 (hereafter “Second Codicil”). On July 23, 2004, the Decedent executed and filed with the Secretary of State, for the State of South Carolina, Articles of Incorporation for a Nonprofit Corporation named The Sonny Mevers Foundation (hereafter the “Foundation”) in

accordance with S.C. Code Ann. § 33-31-202. The stated purpose of the Foundation is to “receive and maintain a fund or funds of real or personal property, or both, and, subject to the restrictions and limitations hereinafter set forth, to use and apply the whole or any part of the income therefrom and the principal thereof exclusively for charitable, religious, scientific, testing for public safety, literary, or educational purposes either directly or by contributions to organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code and its Regulations as they now exist or as they may hereafter be amended.”

On July 21, 2005, the Internal Revenue Service (hereafter “IRS”) issued a letter approving the tax exempt status of the Foundation under section 501(c)(3) of the Internal Revenue Code with an effective date of June 23, 2004. The Foundation was also “qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055...of the Code.” Since its inception, the Foundation has made donations to numerous charities in the Charleston area, which is consistent with the Decedent’s reputation of generosity throughout the community. Donations of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00) or more were made in multiple years along with numerous other donations to a variety of charities. The Decedent made periodic contributions to the Foundation over the years to allow these donations and charitable gifts to take place.

The Will contained a residuary clause found in Article XII. This clause provided:

I give devise and bequeath my entire residuary estate, being all real and personal property, wherever situated, in which I may have any interest at the time of my death, not otherwise effectively disposed of, to **THE ‘SONNY MEVERS’ FOUNDATION**, if it is in existence at the time of my death and on the condition that it is an organization that is charitable within the meaning of Section 2055 of the Internal Revenue Code, as amended, and on the further condition that this gift is permitted as a charitable deduction from my Estate for Federal Estate Tax purposes, absolutely and in fee simple, forever.

By way of the First Codicil, Article XII of the Will was amended to add the following sentence at its conclusion: “Otherwise, I give, devise and bequeath my said entire residuary estate

to my Spouse, MINNIE LEE NEWMAN MEVERS, absolutely and in fee simple, forever, on the condition that she shall survive me.” The First Codicil was executed on April 12, 2017. The Decedent married Respondent Minnie Lee Newman Mevers in September of 2016. The Court notes that the Decedent determined after his marriage that he still wanted the non-profit Foundation to receive the “entire residuary estate...”, and the Decedent could have left the same outright to his then wife, Respondent Minnie Lee Newman Mevers. However, the Decedent did not do so, but instead he left the Foundation as the primary residuary beneficiary of the Estate.

The Articles of Incorporation of the Foundation vested the Decedent or his nominee to appoint the members of the Foundation’s Board of Directors. The Will nominated the Decedent’s “friend,” Minnie Lee Newman, as his successor with the right to appoint further successors to the Board of the Foundation. The Decedent’s “friend” later became his spouse.

The Decedent died on November 3, 2017. The Respondent, who had married the Decedent in September of 2016, thereafter replaced the Decedent as President of the Board of the Foundation. Section 7 of the Foundation’s Articles of Dissolution filed with the Secretary of State on January 24, 2018 has a notation listing the Respondent as “President and Chairwomen.” The Respondent also petitioned this Court for appointment as Personal Representative of the Estate of Roy E. Mevers, Jr. and on November 13, 2017, she was appointed as Personal Representative of the Estate. While the parties vigorously disagree as the obligations and duties of the Respondent, as Personal Representative of the Estate and apparent President and Chair of the Foundation, this Court finds a significant question is raised as to the actions taken by the Respondent in regards to the Estate and the Foundation. *Levine v. Spartanburg Regional Services District Inc.*, 367 S.C. 458 (Ct. App. 2005)(when seeking a preliminary injunction, the moving party need only present a fair question as to the existence of such a right). Counsel for the Respondent conceded at the close of

the hearing that the Petitioner “has raised questions” about aspects of the administration of the Decedent’s Estate, although the Respondent disputes the Attorney General’s claims and its allegations of wrongdoing. Specifically, the verified Petition, Application, and Motion filed with this Court sets forth valid issues as to whether the Respondent did not preserve or protect the Estate so she could improperly assert her entitlement to the residuary clause of the Will, enriching herself at the expense of the Foundation.

It is alleged in her capacity as a secondary beneficiary of the residuary of the Estate, the Respondent placed her interest above those of the Foundation. The Respondent never sought the appointment of an independent personal representative or special administrator by this Court to remove herself from any potential conflict. Instead, the Attorney General alleges that the Respondent unilaterally decided without permission or guidance from this Court, or notice to this Court or the Attorney General that she was entitled to approximately Nineteen Million Dollars (\$19,000,000.00) as the secondary beneficiary of the residuary clause. The Respondent disputes these claims.

The Decedent’s obituary stated in part “[i]n Lieu (*sic*) of flowers, **donations may be made to the Sonny Mevers Foundation**, Crescom Bank, Attn. Holly Edwards, 288 Meeting Street, Charleston SC 29401.” (Emphasis added). It further stated his funeral was held on November 11, 2017. Two days after his funeral, on November 13, 2017, Respondent Minnie Lee Newman Mevers filed this case by way of an Application for Informal Probate of the Estate of Roy E. Mevers, Jr. That same day, the Respondent was appointed as Personal Representative of the Estate. Court records establish in the Application for Informal Probate filed on November 13, 2017, the Respondent specifically listed that she was the Decedent’s wife and that she was left a bequest of “\$350,000 and all personal and household effects.” She went on to list other bequests made under

the Will, specifically noting the **“SONNY MEVERS FOUNDATION...CHARITY-All of the Rest and Residue of the Estate.”** These statements were verified by Respondent Minnie Lee Newman Mevers under oath.

The Respondent contends that during the administration of the Estate she learned of information showing that the Foundation did not qualify as the residuary beneficiary under the Decedent's Will because of its failure to satisfy the express conditions set forth in Article XII of the Will, namely that the Foundation qualify as an organization that is charitable within the meaning of Section 2055 of the Internal Revenue Code, as amended, and that the devise or gift to the Foundation is permitted as a charitable deduction from the Decedent's Estate for federal estate tax purposes. The Respondent notes that the IRS revoked the Foundation's tax exempt status under 501(c)(3), effective on November 15, 2017, for failing to file information returns for the prior three consecutive years. Based on the information that the Foundation did not satisfy the conditions in the Will, the Respondent asserts that she filed a Proposal for Distribution with this Court on November 21, 2018, which states she will receive the residuary estate pursuant to the proposed distribution of the Estate's assets. The Court later issued an Order closing the Estate on December 31, 2018.

The IRS issued an Auto-Revocation for the Foundation with a stated revocation date of November 15, 2017 and a Revocation Posting date of March 12, 2018. The Attorney General alleges that by taking “no action to restore the Foundation's tax exempt status for a period of over two months,” Respondent Minnie Lee Newman Mevers established a scenario where she took under the residuary clause of the Will as its secondary beneficiary, allowing her to take possession of approximately Nineteen Million Dollars (\$19,000,000.00) which according to his Will, the Decedent had specifically provided should pass to the Foundation.

A telephone meeting of the Foundation's Board of Directors was held by the Respondent and the purported Board of Directors, in which they voted to dissolve the Foundation. The telephone vote of the purported Board took place on January 23, 2018 and Articles of Dissolution were filed with the Secretary of State on January 24, 2018. Minnie Lee Newman Mevers was noted as President and Chairwoman of the Foundation.

S.C. Code Ann. § 33-31-1403(a) provides in relevant part that a nonprofit organization “**shall** give the Attorney General written notice that it intends to dissolve at or before the time it delivers articles of dissolution to the Secretary of State. The notice shall include a copy or summary of the plan of dissolution.” S.C. Code Ann. § 33-31-1403 (emphasis added). No such written notice or any other notice was provided by Respondent Minnie Lee Newman Mevers or the Foundation to the Attorney General. Likewise, with the exception of the Proposal for Distribution which the Respondent filed with the Court on November 21, 2018, this Court was not apprised of the actions being taken by the Respondent against assets which she indicated in her original probate filing under oath belonged to the Foundation. Had the Respondent done so, this Court may have required the Attorney General's involvement in the matter or requested his position on such action.

In the Proposal for Distribution of the Estate dated November 15, 2018 and filed with this Court on November 21, 2018, the Foundation was no longer listed as receiving the residuary distribution as it was in the Application for Informal Probate filed on November 13, 2017. Rather, Respondent Minnie Lee Newman Mevers was listed as receiving the residuary distribution. The Proposal for Distribution contained no reference to the Foundation or its entitlement to assets under the residuary clause. The funds in the residuary were distributed directly to Respondent Minnie Lee Newman Mevers, not the Foundation. The Attorney General did not receive the mandated statutory notice relating to dissolving a non-profit foundation. The Respondent argues the Probate

Code imposes no obligation upon her to serve the Proposal for Distribution upon the Attorney General or to notify the Attorney General of the distribution of the estate assets. Without notice as to the alleged vested charitable interest, the Attorney General asserts it was not able to intervene and appear to protect the interest of the public at large as opposed to the immediate and pecuniary interest of Respondent Minnie Lee Newman Mevers. The Respondent disputes the Attorney General's claim that the Foundation's interest ever vested.

Public records establish that Respondent Minnie Lee Newman Mevers began selling and transferring assets which she received by virtue of the residuary clause of the Will and which the Attorney General alleges legally belong to the Foundation. The Respondent conceded through her counsel that some or all of the assets set forth the Second Amended Inventory and Appraisalment of Probate Property dated May 25, 2018 ("Second Amended Inventory") had been transferred to various LLCs including Newman Rentals, LLC and Ms. Grace Family, LLC. Counsel also indicated the Respondent "may" no longer have an interest or sole interest in these LLCs or proceeds from the sale of the Sullivan's Island Property which sold for in excess of \$1.8 Million Dollars. The Respondent's counsel noted he had been retained only a few days before the hearing, which was conducted on an expedited basis, and he had not yet had an opportunity to obtain or review records relating to any transfers of properties and was unable to verify what transfers had occurred. The Second Amended Inventory and Appraisalment shows the gross value of the Estate as \$19,962,700.00 with a total probate estate value of \$18,862,700.00. The Second Amended Inventory and Appraisalment was completed under oath by Respondent Minnie Lee Newman Mevers.

A preliminary injunction should issue only if necessary to preserve the status quo and only upon a showing by the moving party that without such relief, it will suffer irreparable harm, that

it has a likelihood of success on the merits, and that there is no adequate remedy at law. *Poynter Invs., Inc. v. Century Builders of Piedmont, Inc.*, 387 S.C. 583 (2010).

As the Personal Representative of the Estate and as purported President of the Foundation, Respondent Minnie Lee Newman Mevers had an obligation to protect the non-profit foundation named as the residuary of the Decedent's Last Will and Testament and Codicils. This Court finds sufficient questions which indicate Respondent Minnie Lee Newman Mevers may have taken actions inconsistent with the law, her fiduciary duties, and contrary to an alleged vested interest of the Foundation so as to circumvent the contents of the residuary clause for her own personal use and benefit.

The facts set forth establish the Foundation and the Attorney General will likely succeed on the merits of this litigation. There are verified facts and allegations that Minnie Lee Newman Mevers breached her legal and fiduciary duties in taking possession of assets belonging to the Foundation. It is alleged she did so in a conscious effort to render the residuary clause of the Decedent's Will meaningless, and thereby thwart his testamentary intent, so that she, rather than the Foundation, would receive approximately Nineteen Million and 00/100 (\$19,000,000.00) Dollars.

There is no adequate remedy at law available if the Respondent is allowed to continue to use Foundation assets to fund her lifestyle, travel, expenses, and gifts to others. Failing to issue a temporary restraining order against the Respondent's use of the assets, to include any proceeds thereof, will irreparably harm the Foundation and the public interest it is meant to serve. Furthermore, each use of the assets by the Respondent unduly diminishes the Foundation's chances of ever fully recovering that which she has purportedly taken from it. This irreparable harm is clearly established by the distribution by the Respondent of the properties in dispute and the

inability of her counsel, due to time constraints, to inform the Court as to the current ownership status of such property. As such, the status quo should be preserved.

The Attorney General has established all elements for the issuance of a temporary injunction as established by the Supreme Court in *Poynter Invs., Inc. v. Century Builders of Piedmont, Inc.*, 387 S.C. 583 (2010). For the reasons set forth in this Order, this Court hereby issues this Temporary Injunction restraining the Respondent, Minnie Lee Newman Mevers a/k/a/ Minnie Lee Newman, directly or indirectly through any company or limited liability company or corporation she has any interest in relating to the properties listed in the Second Amended Inventory in any manner from using, disposing of, transferring, selling, gifting, mortgaging, or taking any other action of any kind that would encumber, sell, or impact the ownership of, the value of, or the ability of the Foundation to recover the full value of any/all assets (or the proceeds thereof) distributed to her under the *residuary clause* of the Will and, to that end, requires that she make a complete and verified accounting to The Duggan Law Firm, LLC, as Special Administrator of the Estate of Roy E. Mevers, Jr., a complete accounting of the assets contained in the Second Verified Accounting, any person, company, LLC or other entities which have received transfers or assignments such assets and/or proceeds from sale or rentals of such properties as well as all other persons or entities now having directly or indirectly any control over all monies, stocks, securities, property and/or anything else of value already received from any sale, transfer, or other disposition of such assets to the Special Administrator within thirty (30) days from receipt of this Order.

The requirements of this Order shall not be construed or deemed to apply to any assets (or proceeds thereof) that the Respondent was entitled to receive as a *specific devisee* under the

provisions of the Will. *See* Art. IX.1 of Will dated November 16, 2015; Codicil dated August 4, 2017.

This Court has made no determination on the merits of this matter but finds sufficient cause for taking these steps to preserve the status quo and facilitate the Special Administrator in determining the location and amount of assets in dispute. At the hearing, counsel for Respondent Minnie Lee Newman Mevers requested leave until March 30, 2020 to file additional affidavits with this Court addressing tax issues raised at the hearing before the Court made its decision on the motion. The Court initially was inclined to accommodate this request. However, the Court decided to immediately announce its decision at the conclusion of the hearing when the Respondent's counsel was unable to consent to extend the TRO during the additional time interval that would have been granted after the hearing for the submission of additional affidavits. This necessarily would have meant the TRO would have expired by its terms on March 23, 2020 if the Court had not immediately issued its ruling on the motion. Accordingly, because the Motion is being granted, the submission of additional affidavits at this point would serve no purpose.

This Court further notes that an Amended Certificate of Appointment shall be issued to Duggan Law Firm, LLC to act as Special Administrator so that it may take such actions as allowed by law to obtain an a full accounting and inventory of the assets at issue in this matter and see that the same are fully preserved pending further order of this Court. This Order, including the temporary injunction, shall remain in place until amended or lifted by further order of this Court.

Therefore, based upon the foregoing, it is hereby

ORDERED, ADJUDGED, AND DECREED that, pursuant to S.C. Code Ann. § 62-3-1008, the Estate of Roy E. Mevers, Jr. is hereby reopened for subsequent administration; it is further

ORDERED, ADJUDGED, AND DECREED that, pursuant to S.C. Code Ann. § 62-3-614, the Duggan Law Firm, LLC shall be appointed as Special Administrator of the Estate of Roy E. Mevers, Jr. in order to secure it proper administration; it is further

ORDERED, ADJUDGED, AND DECREED that, pursuant to Rule 65 of the South Carolina Rules of Civil Procedure, the Petitioner's request for a temporary injunction is **GRANTED**; it is further

ORDERED, ADJUDGED, AND DECREED that Respondent Minnie Lee Newman Mevers, a/k/a/ Minnie Lee Newman, is restrained, directly or indirectly through any company or limited liability company or corporation she has an interest in relating to the properties listed in the Second Amended Inventory, from using, disposing of, transferring, selling, gifting, mortgaging, or taking any other action of any kind that would encumber, sell, or impact the ownership of, the value of, or the ability of The Sonny Mevers Foundation to recover the full value of any and/or all assets (or the proceeds thereof) distributed to her under the *residuary clause* of the Last Will and Testament of Roy E. Mevers, Jr.; it is further

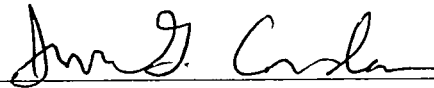
ORDERED, ADJUDGED, AND DECREED that the Respondent shall provide a complete accounting of the assets contained in the Second Verified Accounting to The Duggan Law Firm, LLC, as Special Administrator of the Estate of Roy E. Mevers, Jr., within thirty (30) days of receipt of this Order; it is further

ORDERED, ADJUDGED, AND DECREED that the Respondent shall provide to the Special Administrator, within thirty (30) days from receipt of this Order, any information regarding any person, company, LLC, or other entities which may have received transfers or assignments of assets and/or proceeds from sale or rentals of such properties contained within the Second Verified Accounting, as well as all other persons or entities now having directly or indirectly any control

over all monies, stocks, securities, property and/or anything else of value already received from any sale, transfer, or other disposition of such assets; it is further

ORDERED, ADJUDGED, AND DECREED that this Order shall be subject to such further Orders of this Court as may become necessary.

IT IS SO ORDERED.



IRVIN G. CONDON

Judge of Probate
Charleston County

This 29th day of June, 2020
Charleston, South Carolina.



69

STATE OF SOUTH CAROLINA)
)
CHARLESTON COUNTY)
)
IN THE MATTER OF: THE ESTATE OF)
THE ESTATE OF ROY E. MEVERS, JR.)
)
)
SOUTH CAROLINA ATTORNEY)
GENERAL,)
)
Petitioner,)
)
vs.)
)
MINNIE LEE NEWMAN MEVERS,)
)
Respondent.)
_____)

IN THE PROBATE COURT

CASE NO.: 2017-ES-10-1946

**ORDER DENYING
MOTION TO ALTER, AMEND
AND VACATE ORDER AND
ORDER GRANTING MOTION
FOR REMOVAL TO CIRCUIT
COURT**

THIS MATTER comes before the Court upon a Motion to Alter, Amend and/or Vacate Order filed by Respondent Minnie Lee Newman Mevers, by and through her attorney, Daniel F. Blanchard, Esq., on July 10, 2020, with regard to an Order of this Court issued on June 29, 2020. Also before the Court is a Motion to Vacate Order filed by Respondent Minnie Lee Newman Mevers on August 28, 2020 and a Motion to Remove Action to Circuit Court filed by Respondent Minnie Lee Newman Mevers on May 12, 2020. For the reasons set forth below, the Respondents' Motions to Alter, Amend and/or Vacate Order are hereby **DENIED**. The Motion to Remove Action to Circuit Court is hereby **GRANTED**.

The Motion to Alter, Amend and/or Vacate Order filed with this Court on July 10, 2020 is properly considered as a Rule 59(e) motion to alter or amend judgment. The Motion to Vacate Order filed with this Court on August 28, 2020 is properly considered as a Rule 60(b) motion for relief from judgment or order. The filing of motions and other pleadings in the Probate Court is governed by the South Carolina Probate Code and, where not inconsistent, the South Carolina

Rules of Civil Procedure, including Rule 59(e) and Rule 60(b), SCRPC. In re: Estate of Timmerman, 331 S.C. 455, 460, 502 S.E.2d 920, 922 (Ct. App. 1998) (see also S.C. Code Ann. §§ 14-23-280, 62-1-304). The Court will address each Motion separately and without oral arguments.¹

Motion to Alter, Amend and/or Vacate Order

A party may not use a Rule 59 motion to re-litigate old matters or present issues that could have been raised prior to the judgment, but were not. Exxon Shipping Co. v. Baker, 554 U.S. 471, 485 n.5 (2008); Hickman v. Hickman, 301 S.C. 455, 456, 392 S.E.2d 481, 482 (Ct. App. 1990).

After a review of the relevant pleadings, memoranda, and hearing notes, the Court finds that the Motion to Alter, Amend and/or Vacate Order filed by Respondent Minnie Lee Newman Mevers raises no new argument and presents no new evidence, therefore, the Court respectfully **DENIES** the Motion.

Motion to Vacate Order

Pursuant to Rule 60(b), SCRPC, “[o]n motion and upon such terms as are just, the court may relieve a party or his legal representative from a final judgment, order, or proceeding for the following reasons: ... the judgment is void or it is no longer equitable that the judgment should have prospective application.” Rule 60, SCRPC. In her Motion, the Respondent argues that this Court’s Order dated June 29, 2020 should be vacated because when the Order was issued there was a pending Motion for Removal to Circuit Court, thus, this Court lacked subject matter jurisdiction to issue the Order Granting Temporary Injunction.

¹ See Order Regarding the Operation of Trial Courts during the Coronavirus Emergency issued by the South Carolina Supreme Court on April 3, 2020 and as amended on April 14, 2020 and April 22, 2020, whereby “[a] trial judge may elect not to hold a hearing when the judge determines the motion may readily be decided without further input from the lawyers.”

Pursuant to S.C. Code Ann. § 62-1-302(a)(1), the Probate Court has exclusive original jurisdiction over all subject matter related to the estates of decedents including the determination of property which the estate of a decedent has an interest. S.C. Code Ann. § 62-1-302. Furthermore, “[t]he probate court has concurrent jurisdiction with the circuit courts of this State of actions and proceedings concerning the external affairs of trusts. These include, but are not limited to, the following proceedings [to] determine the existence or nonexistence of trusts created other than by will.” S.C. Code Ann. § 62-7-201. This subject matter jurisdiction is, however, subject to the provisions of section 62-1-302(d). Id.

Pursuant to S.C. Code Ann. § 62-1-302(d):

“Notwithstanding the exclusive jurisdiction of the probate court over the foregoing matters, any action or proceeding filed in the probate court and relating to the following subject matters, on motion of a party, or by the court on its own motion, made not later than ten days following the date on which all responsive pleadings must be filed, must be removed to the circuit court and in these cases the circuit court shall proceed upon the matter de novo: ... (4) matters involving the internal or external affairs of trusts as provided in Section 62-7-201, excluding matters involving the establishment of a “special needs trust” as described in Article 7;[and] (5) actions in which a party has a right to trial by jury and which involve an amount in controversy of at least five thousand dollars in value...”

S.C. Code Ann. § 62-1-302.

In Thomas v. Gathings, the South Carolina Court of Appeals, in interpreting S.C. Code Ann. § 62-1-302, stated “[w]e interpret the statute as requiring removal only where it is raised by motion of any party or by motion of the probate judge on his own.” Thomas v. Gathings, 304 S.C. 308, 312, 403 S.E.2d 682, 684 (Ct. App. 1991). Although removal to circuit court is required if it is warranted under subsection (d) and upon the motion of any party, the matter is not removed until the Court grants the motion for removal. Therefore, although the Motion to Remove Action to

Circuit Court was filed prior to this Court's Order dated June 29, 2020, this Court still had proper subject matter jurisdiction since the Court had not ruled upon the Motion.

Furthermore, at the hearing on March 23, 2020, prior to the Respondent's Motion to Remove Action to Circuit Court, this Court ruled from the bench that the Petitioner's request for a temporary injunction was granted. This Court also ruled at the hearing that Respondent Minnie Lee Newman Mevers was restrained from using or disposing of any assets that were distributed under the residuary clause of the Decedent's Will and that the Respondent shall furnish a full accounting to the Special Administrator. Therefore, even if this Court was divested of subject matter jurisdiction when the Motion to Remove Action to Circuit Court was filed, this Court had proper subject matter jurisdiction when the hearing was held on March 23, 2020 and when the Court issued its ruling from the bench. Based upon the foregoing, this Court respectfully **DENIES** the Respondent's Motion to Vacate Order.

Motion to Remove Action to Circuit Court

Pursuant to S.C. Code Ann. §§ 62-7-201 and 62-1-302, removal of this action to Circuit Court is appropriate; therefore, the Respondent's Motion to Remove Action to Circuit Court is **GRANTED**.

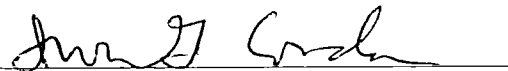
Therefore, based upon the foregoing, it is now hereby:

ORDERED, ADJUDGED, AND DECREED that Respondent Minnie Lee Newman Mevers' Motion to Alter, Amend and/or Vacate Order, filed July 10, 2020, is respectfully **DENIED**; it is further

ORDERED, ADJUDGED, AND DECREED that Respondent Minnie Lee Newman Mevers' Motion to Vacate Order, filed August 28, 2020, is respectfully **DENIED**; it is further

ORDERED, ADJUDGED, AND DECREED that, pursuant to S.C. Code Ann. §§ 62-7-201 and 62-1-302, the Respondent's Motion to Remove Action to Circuit Court, filed May 12, 2020, is hereby **GRANTED** and the matter shall be removed to Circuit Court.

IT IS SO ORDERED.


IRVIN G. CONDON
Judge of Probate
Charleston County

This 10th day of September, 2020
Charleston, South Carolina.

STATE OF SOUTH CAROLINA

COUNTY OF: CHARLESTON

IN THE MATTER OF:
ESTATE OF ROY E. MEVERS, JR.
(Decedent)

II. THE PROBATE COURT

CASE NUMBER: 2017-ES-10-

17 NOV 13 PM 3:42

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

*
Petitioner(s)
vs.
*
Respondent(s)

APPLICATION FOR INFORMAL

(check any that apply)

- ☒ PROBATE OF WILL
☒ APPOINTMENT

***PETITION FOR FORMAL**

- ☐ TESTACY
☐ APPOINTMENT

If this is a formal filing, please explain on page 3 or attach pleadings pursuant to *SC Rules of Civil Procedure*.

***NOTE: IF THIS IS A FORMAL PROCEEDING, IN ADDITION TO THIS FORM PETITION, YOU MUST ALSO FILE A SUMMONS (FORM SCCA 401PC), AND PAY THE STATUTORY FILING FEE OF \$150.00. A HEARING IN THE PROBATE COURT ON THE PETITION MAY BE REQUIRED.**

I. ALL APPLICANTS/PETITIONERS MUST COMPLETE THIS SECTION.

1. Applicant/Petitioner(s): Minnie Lee Newman Mevers

Address: 17 East Battery, Charleston, SC 29401

Telephone (Work): 843-722-1200

(Home): 843.577-5553

(Cell): _____

Email: _____

Relationship to Decedent: Wife

2. Decedent Information:

Full Legal Name
(including all known names): Roy E. Mevers, Jr.

Date of Birth: September 18, 1931

Date of Death: November 3, 2017

Age at Date of Death: 86

3. Venue for this proceeding is proper in this County because:

- ☒ Decedent was domiciled in this County at date of death:
Address: 17 EAST BATTERY County: CHARLESTON State: South Carolina.
- ☐ Decedent was **not** domiciled in **South Carolina**, but property of Decedent was located in this County at date of death at:
Address: _____ County: _____ State: South Carolina
- ☐ Decedent has a right to take legal action in this County because:

If the above address is the address of a nursing home, prison, or other residential facility, please give the last address of the Decedent prior to entering a facility:

4(a). Names and addresses of beneficiaries (devisees) named in the Will.

Full Legal Name (including all known names)	Year of Birth	Full Address	Relationship to Decedent
Minnie Lee Newman Mevers	Adult	17 East Battery, Charleston, SC 29401	Wife – \$350,000 and all personal and household effects
Roy E. Mevers, III	Adult	TBD	Son – \$325,000
William E. Mevers	Adult	TBD	Son – \$325,000
Roy Mevers, IV	Adult	TBD	Grandson – \$25,000

☒ See attached for additional devisees (check if applicable).

4(b). Names and addresses of intestate heirs who are not devisees (persons who inherit if Decedent left no Will).

Full Legal Name (including all known names)	Year of Birth	Full Address	Relationship to Decedent

☐ See attached for additional intestate heirs (check if applicable).

4(c). Did all of the above persons survive one hundred and twenty (120) hours since the death of Decedent?

☒ YES ☐ NO If no, please explain on page 3.

5. Did Decedent have any change of marital status or the birth or adoption of any children after execution of this Will, if one exists, or has any child of the Decedent been born since his/her death, or is any birth of a child of the Decedent anticipated? (This includes illegitimate children.)

☒ NO ☐ YES If yes, please explain, on page 3.

6. To the best of your knowledge, was the Decedent a patient in a non-private State of South Carolina mental health facility during his/her lifetime?

☒ NO ☐ YES If yes, please explain, on page 3.

7. Has a Guardian or Conservator ever been appointed by a Court for this person?

☒ NO ☐ YES If yes, please explain on page 3.

8. Has a Personal Representative of the Decedent been appointed prior to this date by a Court in this state or elsewhere?

☒ NO ☐ YES If yes, please state details, including name and address of such Personal Representative on page 3.

9. Have you received or are you aware of any Demands for Notice (FORM #111ES) of any probate or appointment proceeding concerning the Decedent that may have been filed in this state or elsewhere?

☒ NO ☐ YES If yes, please state details, including names and addresses on page 3.

10. Have more than ten (10) years passed since the Decedent's death?

☒ NO ☐ YES If yes, please state circumstances authorizing tardy probate on page 3.

11(a). Did the Decedent own probate real estate?

☐ NO ☒ YES If yes, an approximate value of \$TBD (Note: A complete inventory of probate assets with fair market values is to be filed after Personal Representative is appointed.)

11(b). Did the Decedent own probate personal property?

☐ NO ☒ YES If yes, an approximate value of \$TBD (Note: A complete inventory of probate assets with fair market values is to be filed after Personal Representative is appointed.)

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

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

II. IF A WILL EXISTS, PLEASE COMPLETE THIS SECTION.

1. Regarding the Decedent's Will:

- ☒ The original is attached.
- ☐ The original is in the Court's possession.
- ☐ An exemplified (authenticated) copy of a Will probated in another jurisdiction is attached.
- ☐ An exemplified (authenticated) copy of a Will not probated in another jurisdiction is attached.
- ☐ The original of the Will is lost, destroyed, or otherwise unavailable, however, a description of its contents is attached. (for formal proceeding, explain below or attach supplemental pleadings)

2. The execution date of the Will was: November 16, 2015

Codicil(s): First Codicil, April 12, 2017

Second Codicil, August 4, 2017

3. Is there a memorandum that disposes of tangible personal property pursuant to 62-2-512?

☒ NO ☐ YES If yes, attach hereto.

4. To the best of your knowledge, do you believe the Will listed above is the Decedent's validly executed last Will?

☒ YES ☐ NO If no, please explain on page 3.

5. To the best of your knowledge, is any witness to the will an "interested witness" (i.e., does the will make any devise to a witness, a witness's spouse, or a witness's issue)?

☒ NO ☐ YES If yes, please explain on page 3.

COMPLETE EXPLANATION(S) FOR QUESTIONS IN SECTIONS I and II HERE.
(If more space is required, use additional sheets.)

III. IF APPLYING FOR INFORMAL OR FORMAL APPOINTMENT, PLEASE COMPLETE THE FOLLOWING.

1. If the Applicant/Petitioner is not the proposed Personal Representative(s), list name and address of the person you are proposing be appointed as the fiduciary:

2. Priority for appointment of the proposed Personal Representative (whether applicant or nominee) is:
 - ☒ named as Primary Personal Representative in Will
 - ☐ named as Alternate Personal Representative in Will
 - ☐ nominee of Primary Personal Representative in Will
 - ☐ nominee of Alternate Personal Representative in Will
 - ☐ surviving spouse of Decedent who is devisee of Decedent or nominee of said spouse
 - ☐ other devisee of Decedent (describe): _____ or nominee of said devisee
 - ☐ surviving spouse of Decedent or nominee of said spouse
 - ☐ other heir of Decedent (describe): _____ or nominee of said heir
 - ☐ creditor (forty-five (45) days after death must have passed) or nominee of creditor; written statement of claim, FORM 371ES, is attached
 - ☐ other (describe): _____
3. List below the name(s) of any other person(s), if any, having an equal or higher priority of appointment than the proposed Personal Representative:
None

IV. ALL APPLICANTS/PETITIONERS MUST COMPLETE VERIFICATION.

VERIFICATION

The undersigned, being sworn, states that the facts set forth in the foregoing statement are true to the best of the undersigned's knowledge, information and belief, and hereby submits to the Court's jurisdiction in this matter.

SWORN to before me this 13 day
of November, 20 17

Signature of
Applicant/Petitioner: Mimi Lee Newman-Miller

Irvin J. Slotchever SEAL
Notary Public for South Carolina
My Commission Expires: 12-18-2022
IRVIN J. SLOTCHEVER

ORDER OF INFORMAL PROBATE

IT IS HEREBY ORDERED that the above application for probate of a Will executed 11/10/15 and

☒ Codicil executed 4/12/17 and 3/4/17
☐ Memorandum

be informally ☒ GRANTED ☐ DENIED.

Executed this 13th day of Nov, 2017.

W. Schmeier Assoc.

Probate Court Judge

☐ For formal probate of Will, see separate order executed _____.

ORDER OF INFORMAL APPOINTMENT

IT IS HEREBY ORDERED that the above Application for Appointment be granted upon the filing of an appropriate bond, if applicable, and upon the signing of the Qualification and Statement of Acceptance of appointment.

Bond

- ☐ Fiduciary Bond in the amount of \$ _____
☒ Bond not required for Personal Representative nominated by Will
☐ Bond not required as Personal Representative is sole heir or sole devisee
☐ Bond not required as Personal Representative is state agency, bank, or trust company
☐ Bond waivers filed
☐ See order dated _____
☐ Other: _____

Notice to Creditors

- ☒ Required
☐ Not Required

Executed this 13th day of Nov, 2017.

W. Schmeier Assoc.

Probate Court Judge

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

QUALIFICATION AND STATEMENT OF ACCEPTANCE

I accept this appointment and agree to perform the duties and discharge the trust of the office of Personal Representative of this estate. I further submit personally to the jurisdiction of the Court in any proceeding relating to the Estate.

Signature: Minne Lee Newman Mevers
Print Name: Minne Lee Newman Mevers
Address: 17 East Battery
Charleston, SC 29401
Telephone (Work): 843-722-1200
(Home): 843-577-5533
(Cell): _____
Email: _____

*Attorney: Irvin J. Slotchiver
Address: 44 State Street
Charleston, SC 29401
Telephone: 843-577-6531
Email: irvin@slotchiverlaw.com

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

ATTACHMENT TO FORM#300ES

4(a). Names and addresses of beneficiaries (devisees) named in the Will. (CONTINUED)

Full Legal Name (including all known names)	Year of Birth	Full Address	Relationship to Decedent
Ben Mevers	TBD	TBD	Grandson – \$25,000
Margaret Mevers	TBD	TBD	Granddaughter – \$25,000
Margaret Hood Mevers	TBD	TBD	Granddaughter – \$10,000
DeAnn Mevers	TBD	TBD	Granddaughter – \$10,000
Scarlett Mevers	TBD	TBD	Great- Granddaughter – \$10,000
Emma Grace Mevers	TBD	TBD	Great- Granddaughter – \$10,000
Roy Mevers, V	TBD	TBD	Great-Grandson – \$10,000
Mason Foster	TBD	TBD	Great-Grandson – \$5,000
Morgan Foster	TBD	TBD	Great- Granddaughter – \$5,000
Felicia Blackwell Brown	TBD	TBD	Step-daughter – \$10,000
Jessica Blackwell	TBD	TBD	Step-daughter – \$10,000
Madison Blackwell	TBD	TBD	Step-daughter – \$10,000
Walker Brown	TBD	TBD	Step-grandson – \$5,000

ATTACHMENT TO FORM#300ES

Isabel Brown	TBD	TBD	Step-granddaughter – \$5,000
St. Mary of the Annunciation Restoration Fund		89 Hasell Street, Charleston, SC 29401	Charity – \$35,000
St. Mary of the Annunciation Holy Name Society		89 Hasell Street, Charleston, SC 29401	Charity – \$10,000
St. Mary of the Annunciation Ladies Altar Society		89 Hasell Street, Charleston, SC 29401	Charity – \$5,000
Sue Klump Mevers	TBD	TBD	TBD – \$50,000
Beth Driggers Mevers	TBD	TBD	TBD – \$50,000
Mary Willis Bennett	TBD	TBD	TBD – \$25,000
Jody M. Mann	TBD	TBD	TBD – \$5,000
Maggie M. Gillian	TBD	TBD	TBD – \$5,000
Sally M. Young	TBD	TBD	TBD – \$5,000
Kym Mevers	TBD	TBD	TBD – \$5,000
Susy O'Hara	TBD	TBD	TBD – \$5,000
Joseph Laughlin	TBD	TBD	TBD – \$10,000
THE "SONNY MEVERS" FOUNDATION		17 East Battery, Charleston, SC 29401	Charity - All of the Rest and Residue of the Estate

SECOND CODICIL TO
Last Will and Testament
of

ROY E. MEVERS, JR.

I, **ROY E. MEVERS, JR.**, a resident of South Carolina, declare this to be a Second Codicil to my Will dated November 16, 2015.

I amend Article II of my Will by adding the following as Paragraph 3 thereof:

"3. I give all my personal and household effects, such as jewelry, clothing, automobiles, equipment, furniture, furnishings, silver, books and pictures, and any other articles of personal use or diversion, including policies of insurance thereon, to **MINNIE LEE NEWMAN MEVERS**, "my wife," absolutely.

In all other respects I confirm and republish my Will, as modified by my Codicil dated April 12, 2017, and I confirm and republish my Codicil except as modified by this Second Codicil.

I have signed this Codicil on this 4th day of August, 2017

Roy E. Mevers, Jr. (SEAL)
ROY E. MEVERS, JR., Testator

We saw **ROY E. MEVERS, JR.**, in our presence, sign this instrument at its end; he then declared it to be a Second Codicil to his Will dated April 12, 2017, and requested us to act as witnesses to it; and then we, in his presence and in the presence of each other, signed our names as attesting witnesses; all of which was done on the date of this instrument.

[Signature] residing at *Charleston, SC*
Witness

[Signature] residing at *Charleston, SC*
Witness

CODICIL TO
Last Will and Testament
of

ROY E. MEVERS, JR.

I, **ROY E. MEVERS, JR.**, a resident of South Carolina, declare this to be a Codicil to my Will dated November 16, 2015, and I revoke all other codicils that I may have made.

FIRST. In any provisions of this Will wherein I refer to **MINNIE LEE NEWMAN** as my friend, I hereby substitute "**MINNIE LEE NEWMAN MEVERS**" as my "spouse."

SECOND. Any provision herein for my spouse, **MINNIE LEE NEWMAN MEVERS**, is intended to be in lieu of her right to take her elective share of my Estate in accordance with the statutory laws of South Carolina, and not in addition thereto.

THIRD., I amend Article XII of my Will to add the following sentence at its conclusion:

"Otherwise, I give, devise and bequeath my said entire residuary estate to my Spouse, **MINNIE LEE NEWMAN MEVERS**, absolutely and in fee simple, forever, on the condition that she shall survive me."

FOURTH. In all other respects I confirm and republish my Will.

I have signed this Codicil on this 12th day of April, 2017

Roy E. Mevers, Jr. (SEAL)
ROY E. MEVERS, JR., Testator

We saw **ROY E. MEVERS, JR.**, in our presence, sign this instrument at its end; he then declared it to be a Codicil to his Will dated November 16, 2015, and requested us to act as witnesses to it; and then we, in his presence and in the presence of each other, signed our names as attesting witnesses; all of which was done on the date of this instrument.

Sarah S. Hart residing at Charleston, SC
Witness

Lee A. Hart residing at Hanahan, S.C.
Witness

Page 1 of 1
SLOTCHIVER & SLOTCHIVER, L.L.P.
ATTORNEYS AT LAW
44 STATE STREET
CHARLESTON, SC 29401-2810

Last Will and Testament of

ROY E. MEVERS, JR.

I, **ROY E. MEVERS, JR.**, of Charleston County, South Carolina, declare this to be my Last Will, and I hereby revoke all other Wills and Codicils that I may have heretofore made. I am not a married person, and I have no common law spouse.

ARTICLE I

1. My Personal Representative in the Personal Representative's sole discretion may pay my legal debts, and I hereby authorize and empower my Personal Representative, in case of any claim made against my estate, to settle and discharge the same in the absolute discretion of my Personal Representative.

2. I may leave a written statement or list disposing of certain items of my tangible personal property, and any such statement or list in existence at the time of my death shall be determinative with respect to all gifts made therein. If no written statement or list is found and properly identified by my Personal Representative within three (3) months after my Personal Representative's qualification, it shall be finally presumed that there is no such statement or list and any subsequently discovered statement or list shall be ignored.

3. Any disclaimer made under the provisions of this Will shall be in writing and delivered to my Personal Representative and such disclaimer shall be a "qualified disclaimer" within the meaning of §2518 of the Internal Revenue Code. A disclaimer by the Personal Representative of a deceased beneficiary, the properly authorized attorney-in-fact of a beneficiary, or the guardian of a minor or incompetent beneficiary shall have the same effect as a disclaimer by the beneficiary.

4. My Personal Representative is authorized to disclaim any interest in property, or to transfer any interest in property, without Court approval, provided only that each disclaimer or transfer is a "qualified disclaimer" within the meaning of §2518 of the Internal Revenue Code. My Personal Representative shall have no liability to any beneficiary of my estate for any consequence of any qualified disclaimer made in good faith or for any failure to make any qualified disclaimer for any reason.

SLOTCHIVER & SLOTCHIVER, L.L.P.

ATTORNEYS AT LAW
44 STATE STREET
CHARLESTON, SC 29401-2810

Roy E. Mevers, Jr.

ARTICLE II

1. I give and bequeath the sum of Three Hundred Twenty-Five Thousand (\$325,000) Dollars, apiece, to each of my following named children:

(a) to my son, **ROY E. MEVERS, III**, if living, but if he shall fail to survive me and shall leave descendants living at the time of my death, such descendants shall represent their ancestor and take such ancestor's share, per stirpes, otherwise the gift to such deceased child shall lapse and drop out and shall go and pass instead as part of the residue of my Estate; and

(b) to my son, **WILLIAM E. MEVERS**, if living, but if he shall fail to survive me and shall leave descendants living at the time of my death, such descendants shall represent their ancestor and take such ancestor's share, per stirpes, otherwise the gift to such deceased child shall lapse and drop out and shall go and pass instead as part of the residue of my Estate.

2. I give and bequeath the sum of Ten Thousand (\$10,000) Dollars to my son, **JOSEPH LAUGHLIN**, if living, but if he shall fail to survive me and shall leave descendants living at the time of my death, such descendants shall represent their ancestor and take such ancestor's share, per stirpes, otherwise the gift to such deceased child shall lapse and drop out and shall go and pass instead as part of the residue of my Estate.

ARTICLE III

1. I give and bequeath the sum of Twenty-Five Thousand (\$25,000) Dollars, apiece, to each of my following named grandchildren:

(a) to my grandson, **ROY MEVERS, IV**, if living, but if he shall fail to survive me and shall leave descendants living at the time of my death, such descendants shall represent their ancestor and take such ancestor's share, per stirpes, otherwise the gift to such deceased grandchild shall lapse and drop out and shall go and pass instead as part of the residue of my Estate;

(b) to my grandson, **BEN MEVERS**, if living, but if he shall fail to survive me and shall leave descendants living at the time of my death, such descendants shall represent their ancestor and take such ancestor's share, per stirpes, otherwise the gift to such

deceased grandchild shall lapse and drop out and shall go and pass instead as part of the residue of my Estate;

(c) to my granddaughter, **MARGARET MEVERS**, if living, but if she shall fail to survive me and shall leave descendants living at the time of my death, such descendants shall represent their ancestor and take such ancestor's share, per stirpes, otherwise the gift to such deceased grandchild shall lapse and drop out and shall go and pass instead as part of the residue of my Estate; and

2. I give and bequeath the sum of Ten Thousand (\$10,000) Dollars, apiece, to each of my following named grandchildren:

(a) to my granddaughter, **MARGARET HOOD MEVERS**, if living, but if she shall fail to survive me and shall leave descendants living at the time of my death, such descendants shall represent their ancestor and take such ancestor's share, per stirpes, otherwise the gift to such deceased grandchild shall lapse and drop out and shall go and pass instead as part of the residue of my Estate; and

(b) to my granddaughter, **DEANN MEVERS**, if living, but if she shall fail to survive me and shall leave descendants living at the time of my death, such descendants shall represent their ancestor and take such ancestor's share, per stirpes, otherwise the gift to such deceased grandchild shall lapse and drop out and shall go and pass instead as part of the residue of my Estate.

ARTICLE IV

1. I give and bequeath the sum of Ten Thousand (\$10,000) Dollars, apiece, to each of my following named great-grandchildren:

(a) to my great-granddaughter, **SCARLETT MEVERS**, if living, but if she shall fail to survive me and shall leave descendants living at the time of my death, such descendants shall represent their ancestor and take such ancestor's share, per stirpes, otherwise the gift to such deceased great-grandchild shall lapse and drop out and shall go and pass instead as part of the residue of my Estate;

(b) to my great-granddaughter, **EMMA GRACE MEVERS**, if living, but if she shall fail to survive me and shall leave descendants living at the time of my death, such descendants shall represent their ancestor and take such ancestor's share, per stirpes, otherwise the

Ray E Mevers Jr.

gift to such deceased great-grandchild shall lapse and drop out and shall go and pass instead as part of the residue of my Estate; and

(c) to my great-grandson, **ROY MEVERS, V**, if living, but if he shall fail to survive me and shall leave descendants living at the time of my death, such descendants shall represent their ancestor and take such ancestor's share, per stirpes, otherwise the gift to such deceased great-grandchild shall lapse and drop out and shall go and pass instead as part of the residue of my Estate.

2. I give and bequeath the sum of Five Thousand (\$5,000) Dollars, apiece, to each of my following named great-grandchildren:

(a) to my great-grandson, **MASON FOSTER**, if living, but if he shall fail to survive me and shall leave descendants living at the time of my death, such descendants shall represent their ancestor and take such ancestor's share, per stirpes, otherwise the gift to such deceased great-grandchild shall lapse and drop out and shall go and pass instead as part of the residue of my Estate; and

(b) to my great-granddaughter, **MORGAN FOSTER**, if living, but if she shall fail to survive me and shall leave descendants living at the time of my death, such descendants shall represent their ancestor and take such ancestor's share, per stirpes, otherwise the gift to such deceased great-grandchild shall lapse and drop out and shall go and pass instead as part of the residue of my Estate.

ARTICLE V

1. I give and bequeath the sum of Ten Thousand (\$10,000) Dollars, apiece, to each of my friend **MINNIE LEE NEWMAN**'s following named children:

(a) to her daughter, **FELICIA BLACKWELL BROWN**, if living, but if she shall fail to survive me and shall leave descendants living at the time of my death, such descendants shall represent their ancestor and take such ancestor's share, per stirpes, otherwise the gift to such deceased child shall lapse and drop out and shall go and pass instead as part of the residue of my Estate;

(b) to her daughter, **JESSICA BLACKWELL**, if living, but if she shall fail to survive me and shall leave descendants living at the time of my death, such descendants shall represent their ancestor and take such ancestor's share, per stirpes, otherwise the gift to such

Ray E Mevers Jr

deceased child shall lapse and drop out and shall go and pass instead as part of the residue of my Estate; and

(c) to her daughter, **MADISON BLACKWELL**, if living, but if she shall fail to survive me and shall leave descendants living at the time of my death, such descendants shall represent their ancestor and take such ancestor's share, per stirpes, otherwise the gift to such deceased child shall lapse and drop out and shall go and pass instead as part of the residue of my Estate.

ARTICLE VI

1. I give and bequeath the sum of Five Thousand (\$5,000) Dollars, apiece, to each of my friend **MINNIE LEE NEWMAN**'s following named grandchildren:

(a) to her grandson, **WALKER BROWN**, if living, but if he shall fail to survive me and shall leave descendants living at the time of my death, such descendants shall represent their ancestor and take such ancestor's share, per stirpes, otherwise the gift to such deceased child shall lapse and drop out and shall go and pass instead as part of the residue of my Estate; and

(b) to her granddaughter, **ISABEL BROWN**, if living, but if she shall fail to survive me and shall leave descendants living at the time of my death, such descendants shall represent their ancestor and take such ancestor's share, per stirpes, otherwise the gift to such deceased child shall lapse and drop out and shall go and pass instead as part of the residue of my Estate.

ARTICLE VII

1. I give and bequeath the sum of Thirty Five Thousand (\$35,000) Dollars to **ST. MARY OF THE ANNUNCIATION RESTORATION FUND**, Charleston, South Carolina, absolutely and in fee simple.

2. I give and bequeath the sum of Ten Thousand (\$10,000) Dollars to **ST. MARY OF THE ANNUNCIATION HOLY NAME SOCIETY**, Charleston, South Carolina, absolutely and in fee simple.

3. I give and bequeath the sum of Five Thousand (\$5,000) Dollars to **ST. MARY OF THE ANNUNCIATION LADIES ALTER SOCIETY**, Charleston, South Carolina, absolutely and in fee simple.

ARTICLE VIII

I give and bequeath the sum of Fifty Thousand (\$50,000) Dollars, apiece, to each of my following named persons:

(a) to **SUE KLUMP MEVERS**, if living, otherwise, if she shall fail to survive me, the within gift to such deceased person shall lapse and drop out and shall go and pass instead as a part of the residue of my Estate; and

(d) to **BETH DRIGGERS MEVERS**, if living, otherwise, if she shall fail to survive me, the within gift to such deceased person shall lapse and drop out and shall go and pass instead as a part of the residue of my Estate.

ARTICLE IX

1. I give and bequeath the sum of Three Hundred Fifty Thousand (\$350,000) Dollars to my friend, **MINNIE LEE NEWMAN**, if living, otherwise, if she shall fail to survive me, the within gift to such deceased person shall lapse and drop out and shall go and pass instead as a part of the residue of my Estate; and

2. I give and bequeath the sum of Twenty Five Thousand (\$25,000) Dollars to **MARY WILLIS BENNETT**, if living, otherwise, if she shall fail to survive me, the within gift to such deceased person shall lapse and drop out and shall go and pass instead as a part of the residue of my Estate.

ARTICLE X

I give and bequeath the sum of Five Thousand (\$5,000) Dollars, apiece, to each of my following named persons:

R. E. Mevers Jr.

(a) to **JODY M. MANN**, if living, otherwise, if she shall fail to survive me, the within gift to such deceased person shall lapse and drop out and shall go and pass instead as a part of the residue of my Estate;

(b) to **MAGGIE M. GILLIAN**, if living, otherwise, if she shall fail to survive me, the within gift to such deceased person shall lapse and drop out and shall go and pass instead as a part of the residue of my Estate; and

(c) to **SALLY M. YOUNG**, if living, otherwise, if she shall fail to survive me, the within gift to such deceased person shall lapse and drop out and shall go and pass instead as a part of the residue of my Estate;

(d) to **KYM MEVERS**, if living, otherwise, if she shall fail to survive me, the within gift to such deceased person shall lapse and drop out and shall go and pass instead as a part of the residue of my Estate; and

(e) to **SUSY O'HARA**, if living, otherwise, if she shall fail to survive me, the within gift to such deceased person shall lapse and drop out and shall go and pass instead as a part of the residue of my Estate.

ARTICLE XI

The provisions contained in Exhibit B of the Articles of Incorporation of **THE "SONNY MEVERS" FOUNDATION** expressly provides that the Corporation's Board of Directors shall be appointed by me or by my nominee; and any such nominee shall in turn have the right to nominate his or her successor. It is my specific intention to, and I hereby do, now nominate my friend, **MINNIE LEE NEWMAN**, to be my successor, and as such she shall in turn likewise have the right to nominate her successor. It is my fervent desire that she abhor nepotism in exercising the rights and powers I have hereby entrusted to her.

ARTICLE XII

I give devise and bequeath my entire residuary estate, being all real and personal property, wherever situated, in which I may have any interest at the time of my death, not otherwise effectively disposed of, to **THE "SONNY MEVERS" FOUNDATION**, if it is in existence at the time of my death and on the condition that it is an organization that is charitable within the meaning of Section 2055 of the Internal Revenue Code, as amended, and on the further condition that this

gift is permitted as a charitable deduction from my Estate for Federal Estate Tax purposes, absolutely and in fee simple, forever.

ARTICLE XIII

1. My Personal Representative shall have the following powers, and any others that may be granted by law, to be exercised as the Personal Representative, in his discretion determines to be in the best interests of the beneficiaries:

(a) To retain any property or undivided interests in property received from my estate or from any other source, including residential property, regardless of any lack of diversification, risk, or non-productivity;

(b) To invest and reinvest the estate in bonds, notes, stocks of corporations regardless of class, real estate or any interest in real estate, or in any other property or undivided interests in property, wherever located, without being limited by any statute or rule of law concerning investments;

(c) To sell any property, for cash or on credit, at public or private sales; to exchange any property for other property; to grant options to purchase or acquire any property; and to determine the prices and terms of sales, exchanges and options;

(d) To operate, maintain, repair, rehabilitate, alter, improve or remove any improvements on real estate; to make leases and subleases for terms of any length; to subdivide real estate; to grant easements, give consents and make contracts relating to real estate or its use; to release or dedicate any interest in real estate;

(e) To borrow money for any purpose, and to mortgage or pledge any property;

(f) To employ attorneys, auditors, depositaries, proxies, and agents, with or without discretionary powers;

(g) To keep any property in the name of a nominee, with or without disclosure of any fiduciary relationship, or in bearer form;

Ray E. Menen Jr.

(h) To take any action with respect to conserving or realizing upon the value of any property; to collect, pay, contest, compromise or abandon demands of or against the estate, wherever situated;

(i) To execute contracts, notes, conveyances and other instruments, including instruments containing covenants and warranties binding upon and creating a charge against the estate, and containing provisions excluding personal liability;

(j) To enter into any transaction authorized by this ARTICLE with Personal Representatives or Administrators of other estates in which any beneficiary hereunder has any interest, even though any such representative is also Personal Representative hereunder; and in any such transaction to purchase property, or make loans on notes secured by property, even though similar or identical property constitutes all or a large proportion of the balance of the estate, and to retain any such property or note with the same freedom as if it had been an original part of the estate;

(k) To make any distribution or division of the property in cash or in kind or both;

(l) To allocate different kinds or disproportionate shares of property or undivided interests in property among the beneficiaries and to determine the value of any such property;

(m) To retain any business interest, as shareholder, security holder, creditor, partner, proprietor or otherwise, even though it may constitute all or a large portion of the estate and to participate in the conduct of any business with respect to its management and affairs which an individual could do as owner of the business, including but not limited to (1) the voting of stock and the determination of all questions of policy; (2) the execution of partnership agreements and amendments thereto; (3) the participation in any incorporation, reorganization, merger, consolidation, recapitalization, liquidation or dissolution of any business or any change in its nature; (4) the investment of additional capital in, subscription to or purchase of additional stock or securities of, or the making of secured, unsecured or subordinated loans to, any business, with estate Funds; (5) the election or employment of directors, officers, employees or agents of any business. If any such business is continued by my Personal Representative it may be done without liability to my Personal Representative for any losses to the estate arising therefrom and without application to any court for authority to do so; and

Ray E. Mewer Jr.

(n) To extend from time to time, and for such period of time as my Personal Representative shall determine, the time for payment of any obligations due my estate, with or without penalty, as my Personal Representative shall determine.

2. Whenever necessary in this Will and where the context admits, the singular term and the related pronoun shall include the plural, and the masculine the feminine and the neuter.

ARTICLE XIV

1. I appoint my friend, **MINNIE LEE NEWMAN**, or her nominee, as sole Personal Representative of this my Will (herein called my "Personal Representative"). If bond for any reason shall be required by any Court, the entire cost of such bond shall be paid out of my Estate, so that the expense thereof shall not fall upon the person bonded.

2. My Personal Representative may make such elections under the tax laws applicable to my estate as may be deemed expedient and desirable. No compensating adjustments between principal and income, nor with respect to any bequest or devise hereunder, shall be made by my Personal Representative even though the elections so made may substantially affect (beneficially or adversely) the interests of the various beneficiaries in the principal or income of my estate. The action of my Personal Representative with respect to elections made shall be conclusive and binding upon all beneficiaries.

3. In the event that any cash bequest herein is not fully paid within one (1) year from the date of my death, then I direct my Personal Representative to pay each affected legatee hereunder, interest on such unpaid legacy at the rate of six percent (6%) per annum, from the expiration of one (1) year after the date of my death to the time such legacy is paid in full.

ARTICLE XV

If any person named herein shall, directly or indirectly, assert, exercise or claim any statutory or other spousal right to elect to take against this Will, or otherwise contest or attack this Will or any fiduciary thereof, or conspire with or voluntarily assist anyone attempting to do any of these things, then all gifts to and interests of that person (hereafter "Contestant") under this Will shall be forfeited and shall be allocated to my residuary estate, as described in Article XII hereof, as if the Contestant had predeceased me with no descendants or spouse surviving, and all and any such Contestants shall also be debarred from serving as Personal Representative hereunder and receiving any compensation therefor. My Personal Representative is hereby authorized to defend, at the

Ray E. Mever Jr.

expense of my estate, any matter described in this provision, and all of the costs of such defense shall be charged against the gifts to and interests of the Contestant on a dollar-for-dollar basis. These provisions shall not operate to penalize any interested person if probable cause exists for instituting proceedings. Any provision of this Article found to be prohibited by law shall be ineffective to the extent of such prohibition without invalidating the rest of this Article.

ARTICLE XVI

I am making and executing this Will in duplicate and I direct that either of said instruments be admitted to probate as my Last Will and Testament without the other. So that there may be no presumption of revocation of this Will, in the event the ribbon original cannot be found after my death, I hereby declare that I will not at any time revoke this Will except by a later Will revoking the same, or by destruction of both copies thereof. The production after my death of either copy of this Will shall be prima facie evidence that said Will was in full force and effect at the time of my death unless there is produced a Will executed by me at a date subsequent hereto.

I have signed and sealed this Will on this 16 day of November, 2015.

Roy E. Mevers Jr. (SEAL)
ROY E. MEVERS, JR., Testator

SIGNED, SEALED, PUBLISHED and DECLARED by the above named Testator, **ROY E. MEVERS, JR.**, as and for his Last Will and Testament, in the sight and presence of us, who at his request, and in his sight and presence, and in the sight and presence of each other, have hereunto signed our names as attesting witnesses.

John J. Slotchiver residing at Charleston, SC

John J. Slotchiver residing at Charleston, SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

ACKNOWLEDGEMENT

I, **ROY E. MEVERS, JR.**, the Testator, sign my name to this instrument this 16th day of November, 2015, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Last Will and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Roy E. Mevers Jr. (SEAL)
ROY E. MEVERS, JR., Testator

We, Irvin J. Slotchiver and Jeremy A. Slotchiver, the witnesses sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the Testator, **ROY E. MEVERS, JR.**, signs and executes this instrument as his Last Will and that he signs it willingly, and that each of us, in the presence and hearing of the Testator, hereby signs this Will as witness to the Testator's signing, and that to the best of our knowledge the Testator is eighteen years of age or older, of sound mind and under no constraint or undue influence.

Irvin J. Slotchiver
Witness

Jeremy A. Slotchiver
Witness

Subscribed, sworn to and acknowledged before me by **ROY E. MEVERS, JR.**, the Testator and subscribed and sworn to before me by Irvin J. Slotchiver, witness, this 16th day of November, 2015.

Jeremy A. Slotchiver (SEAL)
Jeremy A. Slotchiver
Notary Public for South Carolina
My Commission Expires: February 14, 2022

17 NOV 13 PM 3:12

DEATH CERTIFICATION

CHARLESTON COUNTY

STATE FILE NUMBER: 139-17-040882

DECEDENT'S NAME: *ROY EUGENE MEVERS JR.*

AKA'S: NA

ARMED FORCES: NO

DATE OF BIRTH: SEPTEMBER 18, 1931

TYPE OF PLACE OF DEATH: DECEDENT'S HOME

NAME AND ADDRESS OF PLACE OF DEATH: 17 EAST BATTERY, CHARLESTON, SC 29401

PLACE OF DISPOSITION: ST LAWRENCE CEMETERY

DISPOSITION LOCATION: CHARLESTON, SOUTH CAROLINA

METHOD OF DISPOSITION: ENTOMBMENT

DECEDENT'S RESIDENCE: 17 EAST BATTERY, CHARLESTON, CHARLESTON COUNTY, SC, 29401

PLACE OF BIRTH: ARGENTINA

SURVIVING SPOUSE'S NAME: MINNIE NEWMAN

FATHER'S NAME: ROY EUGENE MEVERS SR.

MOTHER'S NAME PRIOR TO FIRST MARRIAGE: MARGARET ELIZABETH MCALISTER

INFORMANT'S NAME: MINNIE MEVERS

MAILING ADDRESS: 17 EAST BATTERY, CHARLESTON, SC, 29401

FUNERAL HOME: JAMES A. MCALISTER FUNERAL HOME, INC., 1620 SAVANNAH HIGHWAY, CHARLESTON, SC, 29407

FUNERAL DIRECTOR: JAMES A. MCALISTER III

EMBALMER'S NAME: RODNEY J PENDELL

ACTUAL OR PRESUMED DATE OF DEATH: NOVEMBER 03, 2017

ACTUAL OR PRESUMED TIME OF DEATH: 1215

CAUSE OF DEATH - PART I

ALZHEIMERS DEMENTIA

OTHER SIGNIFICANT CONDITIONS - PART II:

CORONARY ARTERY DISEASE

CORONER CONTACTED? YES

DATE OF INJURY: NA

PLACE OF INJURY: NA

LOCATION OF INJURY: NA

HOW THE INJURY OCCURRED?

NA

AUTOPSY PERFORMED? NO

TIME OF INJURY: NA

AUTOPSY AVAILABLE? NA

INJURY AT WORK? NA

CERTIFIER NAME AND TITLE: MD PRISCILLA W. HOLTZCLAW

LICENSE NUMBER: 24134

CERTIFIER'S ADDRESS: 1483 TOBIAS GADSON BLVD, STE 109B, CHARLESTON, SC, 29407

DATE FILED: NOVEMBER 07, 2017

DATE OF ISSUANCE: NOVEMBER 07, 2017

SPECIAL INSTRUCTIONS:

NA

SC06367989

This is a true certification of the facts on file in the Division of Vital Records, SC Department of Health and Environmental Control.

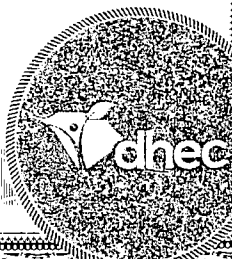
Catherine E. Heigel
Catherine E. Heigel
Director and State Registrar

Shae R. Sutton
Shae R. Sutton
Assistant State Registrar

This is watermarked paper. Do not accept without noting watermark. Hold to light to verify watermark.

Revision Date: 07/31/2015

R_0056



STATE OF SOUTH CAROLINA

IN THE PROBATE COURT

COUNTY OF CHARLESTON

IN THE MATTER OF:

ROY E. MEYERS, JR.

(Decedent)

CASE NUMBER: 2017-ES-10-1946

MOTION TO

- ☐ WITHDRAW AS ATTORNEY
☒ SUBSTITUTE ATTORNEYS
☐ REMOVE AN ATTORNEY

Movant: MINNIE LEE NEWMAN MEYERS & JESSICA M. WENTWORTH

1. The undersigned request(s) that this Court order (*check the one that applies*)

- ☐ that he/she be permitted to withdraw as attorney for _____
☒ that JESSICA M. WENTWORTH be substituted for him/her as attorney for THE E/O ROY E. MEYERS, JR.
☐ that _____ be removed as attorney for _____

in the above-referenced matter.

2. Movant(s) make(s) this Motion (*check the one that applies*)

- ☐ with the consent of his/her client(s) as evidenced by his/her/their signature(s) on page 2
☐ with the consent of his/her client(s) and proposed succeeding counsel as evidenced by their signatures below
☒ for the following reason(s) (*see Rule 1.16, Rules of Professional Conduct; attach extra pages, if needed*):
PERSONAL REPRESENTATIVE HAS TERMINATED HER CLIENT RELATIONSHIP WITH THE CURRENT ATTORNEY OF RECORD, IRVIN J. SLOCHIVER, AND WOULD LIKE TO SUBSTITUTE IN NEW COUNSEL.
Executed this 11TH day of DECEMBER, 2017.

Signature: Minnie Lee Newman - Meyers
Name: MINNIE LEE NEWMAN MEYERS
Address: 17 EAST BATTERY

CHARLESTON, SC 29401
Telephone: 843-729-2210
Email: 17REMEYERS@GMAIL.COM

Relationship to
Decedent/Estate: PERSONAL REPRESENTATIVE / SPOUSE

Signature: JM Wentworth
Name: JESSICA M. WENTWORTH
Address: 3404 SALTERBECK STREET,
SUITE 204

MT. PLEASANT, SC 29466
Telephone: 843-416-8498
Email: JESSICA@IKONLAWFIRM.COM

Relationship to
Decedent/Estate: PROPOSED ATTORNEY FOR ESTATE

ORDER FOR HEARING

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

DATE: _____
TIME: _____
PLACE: _____

Pursuant to SCPC 62-1-401, **THE MOVANT(S) IS/ARE ORDERED** to give notice of this hearing to all other interested persons by mailing or delivering his/her/their Notice of Hearing (FORM #326ES) and appropriate attachments to each of them at least twenty (20) days prior to the Hearing date. **PLEASE TAKE NOTICE** that a copy of this order is neither a substitute for the Notice of Hearing, nor one of the "appropriate attachments". **THE MOVANT(S) IS/ARE FURTHER ORDERED** to file his/her/their Proof of Delivery (FORM #120PC) of said Notice of Hearing no later than the hearing date.

Executed this _____ day of _____, 20_____.

_____, Probate Court Judge

ORDER

IT IS HEREBY ORDERED that this application be ☐ GRANTED ☐ DENIED and

- ☐ that he/she is permitted to withdraw as attorney for _____
☒ that Jessica M. Wentworth be substituted for Irvin J. Slotchiver
as attorney for the ELO Roy E. Mevers, Jr.
☐ that _____ be removed as attorney for _____
☐ that _____ shall continue representation as attorney for _____

in the above-referenced matter. Written notice of change of attorney, if granted, must be served as provided by Rule 5, SCRCP. If representation is terminated, the attorney shall take steps to the extent reasonably practicable to protect his/her client's interests.

Executed this _____ day of _____, 20_____.

_____, Probate Court Judge

I/WE CONSENT:

Signature: Minnie Lee Newman Mevers
Name: Minnie Lee Newman Mevers
Address: 17 East Battery
Charleston, SC 29401
Telephone: 843-729-2210
Email: 17REMEVERS@gmail.com

Signature: Jessica M. Wentworth
Name: Jessica M. Wentworth
Address: 3404 Salterbeck St. Ste 204
Mt. Pleasant, SC 29466
Telephone: 843-416-8498
Email: jessica@ikonlawfirm.com

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)

IN THE PROBATE COURT

IN THE MATTER OF:
ESTATE OF ROY E. MEVERS, JR.
(Decedent)

CASE NUMBER: 2017-ES-10-001946

MOTION TO

- ☒ **WITHDRAW AS ATTORNEY**
☐ **SUBSTITUTE ATTORNEYS**
☐ **REMOVE AN ATTORNEY**

Movant: IRVIN J. SLOTCHIVER

1. The undersigned request(s) that this Court order (*check the one that applies*)

☒ that he/she be permitted to withdraw as attorney for MINNIE LEE NEWMAN MEVERS, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF ROY E. MEVERS, JR.

☐ that _____ be substituted for him/her as attorney for _____

☐ that _____ be removed as attorney for _____

in the above-referenced matter.

2. Movant(s) make(s) this Motion (*check the one that applies*)

☐ with the consent of his/her client(s) as evidenced by his/her/their signature(s) on page 2

☒ with the consent of his/her client(s) and proposed succeeding counsel as evidenced by their signatures below

☐ for the following reason(s) (*see Rule 1.16, Rules of Professional Conduct; attach extra pages, if needed*):

Executed this 14TH day of DECEMBER, 2017.

Signature: Irvin J. Slotchiver

Name: IRVIN J. SLOTCHIVER

Address: 44 STATE STREET
CHARLESTON, SC 29401

Telephone: 843-577-6531

Email: IRVIN@SLOTCHIVERLAW.COM

Relationship to
Decedent/Estate: ATTORNEY FOR MINNIE LEE
NEWMAN MEVERS, AS PERSONAL
REPRESENTATIVE OF THE ESTATE
OF ROY E. MEVERS, JR.

Signature: _____

Name: _____

Address: _____

Telephone: _____

Email: _____

Relationship to
Decedent/Estate: _____

ORDER FOR HEARING

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

DATE: _____
TIME: _____
PLACE: _____

Pursuant to SCPC 62-1-401, **THE MOVANT(S) IS/ARE ORDERED** to give notice of this hearing to all other interested persons by mailing or delivering his/her/their Notice of Hearing (FORM #326ES) and appropriate attachments to each of them at least twenty (20) days prior to the Hearing date. **PLEASE TAKE NOTICE** that a copy of this order is neither a substitute for the Notice of Hearing, nor one of the "appropriate attachments". **THE MOVANT(S) IS/ARE FURTHER ORDERED** to file his/her/their Proof of Delivery (FORM #120PC) of said Notice of Hearing no later than the hearing date.

Executed this _____ day of _____, 20____.

_____, Probate Court Judge

ORDER

IT IS HEREBY ORDERED that this application be ☒ GRANTED ☐ DENIED and

- ☐ that he/she is permitted to withdraw as attorney for _____
- ☒ that JESSICA M. WENTWORTH be substituted for IRVIN J. SLOCHIVER as attorney for E/O ROY E. MEVERS, JR.
- ☐ that _____ be removed as attorney for _____
- ☐ that _____ shall continue representation as attorney for _____

in the above-referenced matter. Written notice of change of attorney, if granted, must be served as provided by Rule 5, SCRCP. If representation is terminated, the attorney shall take steps to the extent reasonably practicable to protect his/her client's interests.

Executed this 19 day of December, 2017

[Signature]
_____, Probate Court Judge

I/WE CONSENT:

Signature: _____
Name: IRVIN J. SLOCHIVER
Address: 44 STATE STREET
CHARLESTON, SC 29401
Telephone: 843-577-6531
Email: IIRVIN@SLOCHIVERLAW.COM

Signature: _____
Name: _____
Address: _____
Telephone: _____
Email: _____

STATE OF SOUTH CAROLINA

IN THE PROBATE COURT

COUNTY OF: Charleston

INVENTORY AND APPRAISEMENT: PROBATE PROPERTY

☒ ORIGINAL☒ AMENDED # 2

(must restate the unchanged information from the original Inventory)

IN THE MATTER OF:

Roy E. Mevers, Jr.

(Decedent)

CASE NUMBER: 2017-ES-10-1946

File the original Inventory and Appraisement with the Probate Court within ninety (90) days following the fiduciary appointment.

A copy shall be sent to each interested person who has demanded it. A Proof of Delivery must be filed with the Court. The gross fair market value of all probate assets, regardless of location (whether in this state or elsewhere), should be listed as of the date of death. Continue on additional sheets if necessary. An Amended Inventory should be utilized for correcting, adjusting or adding to an original inventory, and *must restate the unchanged information from the original Inventory*. A qualified and disinterested appraiser may be employed to ascertain the value of any asset. If an appraiser is employed, his/her name and address must be indicated with the item or items he/she appraised.

RECAPITULATION

Schedule A - Real Estate.....	\$19,810,200.00
Schedule B - Stocks and Bonds.....	\$0.00
Schedule C - Notes Due Decedent and Cash	\$0.00
Schedule D - Insurance on Decedent's Life - Payable to the Estate.....	\$0.00
Schedule E - Jointly Owned Property	NA
Schedule F - Other Miscellaneous Assets	\$152,500.00
Schedule G - Transfers During Decedent's Life Payable to the Estate	\$0.00
Schedule H - Powers of Appointment Payable to the Estate	\$0.00
Schedule I - Annuities and Retirement Accounts Payable to the Estate.....	\$0.00
GROSS VALUE OF PROBATE ESTATE	\$19,962,700.00

The undersigned, being sworn, states: That the following schedules contain a complete and accurate inventory and appraisement of all probate 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 25th day ofMay 20 18AMT

Notary Public for South Carolina

My Commission Expires: 10/31/2023

Personal Representative

Signature: Minnie Lee Mevers - MeversPrint Name: MINNIE LEE MEVERSAddress: 17 EAST BATTERY
CHARLESTON, SC 29401

Telephone (Work):

(Home): 843-729-2210

(Cell):

(Email): 17REMEVERS@GMAIL.COM

Co-Personal Representative

Signature

Name:

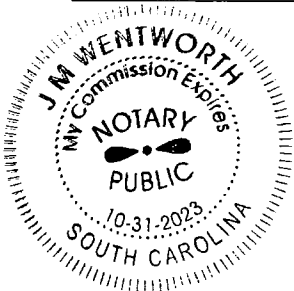
Address:

Telephone (Work):

(Home):

(Cell):

(Email):

Attorney: JESSICA M. WENTWORTHAddress: 3404 SALTERBECK STREET SUITE 204MT. PLEASANT, SC 29466Telephone: 843-416-8498Email: JESSICA@IKONLAWFIRM.COM

(If none, so state)

A. REAL ESTATE in Decedent's name alone or tenants in common (not as joint with right of survivorship). Describe each property by listing its full address, tax map number, deed book and page and description consistently (house, lot, buildings, acreage). Also list oil / mineral rights and time shares, if it is real property. If the property is encumbered, list the full fair market value of the property here and the encumbrance on Encumbrance section below	% Owned by Decedent	Fair Market Value of Decedent's Interest
1. 2502 Ion Ave, Sullivans Island, SC 29482 TMS: 5291000016 (Charleston Co) ✓	100%	\$1,675,000.00
2. 17 E Battery St, Charleston, SC 29401 TMS: 4571604084 (Charleston Co)	100%	\$6,375,000.00
3. 2036 Miller Mountain Road, Saluda, NC 28773 (Polk Co)	100%	\$350,000.00
4. 2872 S. Hwy 17, Murrels Inlet, SC 29576 Parcel: 19509-02-005 (Walgreens) (Horry Co) ✓	100%	\$5,685,000.00
5. 3050 and 12964 White Horse Road, Greenville, SC 29611; Parcel: 0223.01-01-014.01; 0223.01-01-014.00 (Rite Aid) (Greenville Co)	100%	\$1,850,000.00
6. 211 W. Mills Street, Columbus, NC 28772 APN: P60-159 (Advanced Auto) (Polk Co)	100%	\$1,360,000.00
7. 1052 Hwy 78, Ridgeville, Dorchester Co TMS: 087-00-00-024 (Dollar General) (Dorchester Co) ✓	100%	\$1,415,000.00
8. Unusable Marsh Land identified as Tract 116 (Plaquemines Parish District) ✓	100%	\$200.00
9. 332 S. Trade Street, Tryon, NC 28782 (Dollar General) (Polk Co)	100%	\$1,100,000.00
B. STOCKS, BONDS in Decedent's name alone or tenants in common (not as joint with right of survivorship). List each type of security and number of shares.		
1.		\$0.00
C. CASH, BANK ACCOUNTS, NOTES RECEIVABLES in Decedent's name alone or as tenants in common. List each separate account type and institution and the last two digits of each account. List all bank accounts owned by Decedent alone or as tenants in common (checking, savings, CDs, money market, brokerage, employment bonus, cash award, final paycheck etc.), cash on hand, notes payable to Decedent, and survival action proceeds.		
1.		\$0.00
D. LIFE INSURANCE payable to the Decedent's estate.		
1.		\$0.00
E. JOINTLY OWNED PROPERTY – REPORTING IS NOT REQUIRED		N/A
F. ALL OTHER MISCELLANEOUS PERSONAL PROPERTY in Decedent's name alone or as tenants in common. List below any tangible personal property, including household goods & furnishings, vehicles, boats/motors/trailers, mobile homes that are not de-titled (Include year/make/model/VIN, if applicable), airplanes, equipment, interest in a partnership or unincorporated business, articles or collections having either artistic or intrinsic value, including coins, guns, artwork, jewelry, etc., and any other miscellaneous probate items not listed elsewhere, including any digital assets		
✓1. 1921 Ford T VIN: 5143395	100%	\$15,000.00
✓2. 1956 Ford F-100 Pick up Truck VIN: F10V6U12049	100%	\$21,000.00
✓3. 1966 Ford Thunderbird VIN: 6Y85Z109658	100%	\$12,000.00
✓4. 2008 Lexus Gx470 VIN: JTJBT20XX80149534	100%	\$10,000.00
✓5. 2017 Mercedes Benz SLC300 VIN: WDDPK3JA0HF140310	100%	\$36,000.00
6. Miscellaneous Personal Property	100%	\$50,000.00
✓7. 2007 Ford Explorer VIN: 1FMEU53877UA30751	100%	\$7,000.00
✓8. 1999 E-Z GO Gold Cart Model K2991217832	100%	\$1,500.00
G. TRANSFERS DURING DECEDENT'S LIFE PAYABLE TO ESTATE ONLY Any transfers intended to take effect at death if payable to the Estate shall be reported. A trust created by Decedent in which income for life was retained by the Decedent, power to revoke or other incidents of ownership retained by the Decedent, lifetime transfers of real property in which Decedent retained life estate, etc.		
1.		\$0.00
H. POWERS OF APPOINTMENT PAYABLE TO THE ESTATE ONLY List property, both real and personal, over which Decedent possessed a Power of Appointment whether testamentary or otherwise, if such property is payable to the Estate.		
1.		\$0.00
I. ANNUITIES AND IRA, ETC. PAYABLE TO THE ESTATE ONLY List any annuities or retirement accounts owned by the Decedent and payable to the Estate.		
1.		\$0.00

TOTAL PROBATE ESTATE VALUE

\$ 18,862,700.00

ENCUMBRANCES (e.g., mortgages, liens, judgments, etc., but not general debts of the estate).

List debts of the Decedent secured by assets on the above schedule and describe the debt and the specific asset encumbered.

1. \$0.00

TOTAL ENCUMBRANCES

\$ 0.00

STATE OF SOUTH CAROLINA

IN THE PROBATE COURT

COUNTY OF: CHARLESTON

PROPOSAL FOR DISTRIBUTION

IN THE MATTER OF:

ROY E. MEVERS JR

(Decedent)

CASE NUMBER: 2017-ES-10-1946

Name and Address of Distributee(s)	Amount and/or Item(s)
BETH DRIGGERS MEVERS	\$50,000
MORGAN FOSTER	\$5,000
DEANN MEVERS	\$10,000
SCARLETT MEVERS	\$10,000
MASON FOSTER	\$5,000
MARY WILLIS BENNETT	\$25,000
BEN MEVERS	\$25,000
EMMA GRACE MEVERS	\$10,000
MADISON BLACKWELL	\$10,000
SUE KLUM MEVERS	\$50,000
MARGARET MEVERS	\$25,000
JESSICA BLACKWELL	\$10,000
ROY MEVERS, V	\$10,000
MARGARET HOOD MEVERS	\$10,000
ROY MEVERS, IV	\$25,000
MAGGIE GILLIAN	\$5,000
SALLY YOUNG	\$5,000
JODY MANN	\$5,000
WALKER BROWN	\$5,000
ISABEL BROWN	\$5,000
ST. MARY'S CHARITABLE DONATION	\$50,000
ROY E. MEVERS, III	\$325,000
WILLIAM E. MEVERS, III	\$325,000
FELICIA BLACKWELL BROWN	\$10,000
SUSY O'HARA	\$5,000
KYM MEVERS	\$5,000
JOSEPH LAUGHLIN (Loughran)	\$10,000
MINNIE LEE NEWMAN MEVERS	Residuary Distribution

Executed this 15th day of November, 2018.Co-Personal
Representative

Signature: _____

Print Name: _____

Address: _____

Telephone (Work): _____

(Home): _____

(Cell): _____

Email: _____

Personal

Representative

Signature: Minnie Lee Newman Mevers

Print Name: Minnie Lee Newman Mevers

Address: 17 E Battery
Charleston, SC 29401

Telephone (Work): _____

(Home): 843-729-2210

(Cell): _____

Email: jessica@ikonlawfirm.com

STATE OF SOUTH CAROLINA

IN THE PROBATE COURT

COUNTY OF Charleston

NOTICE OF RIGHT TO DEMAND HEARING

IN THE MATTER OF:

Roy E. Mevers Jr.

(Decedent)

CASE NUMBER: 2017-ES-10-1946

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 (if applicable) for this Estate, the Proposal for Distribution (if applicable), and the Application 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 (use FORM 113ES) concerning any matter included in these closing documents.

If you do not file WITH THE COURT written demand for hearing (on FORM 113ES) 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 (use FORM 113ES) 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:

84 Broad Street Charleston SC 29401

Executed this 15th day of November, 2018.

Personal Representative Signature: _____

Print Name: Minnie Lee Newman Mevers

Address: 17 E. Battery
Charleston, SC 29401

Telephone (Work): _____

(Home): 843-729-2210

(Cell): _____

Email: 17REMEVERS@gmail.com

Co-Personal Representative Signature: _____

Print Name: _____

Address: _____

Telephone (Work): _____

(Home): _____

(Cell): _____

Email: _____

STATE OF SOUTH CAROLINA

IN THE PROBATE COURT

COUNTY OF: CHARLESTON

ACCOUNTING

IN THE MATTER OF:
ROY E. MEVERS JR.
(Decedent)

18 NOV 30 AM 10:14

CASE NUMBER: 2017-10-1946

CHARLESTON COUNTY



FINAL



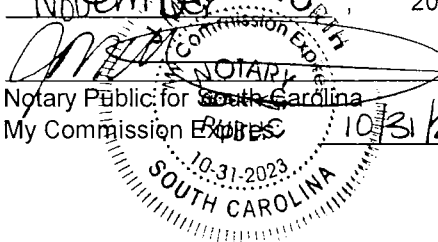
INTERIM # _____

The undersigned Personal Representative(s) submits this accounting, which covers the period from NOVEMBER 13, 2017 through _____.

The documentation on the following page(s) of this form sets forth a complete accounting for the period specified, which is summarized as follows:

Beginning Balance from Inventory(ies) or prior Interim Accounting, if applicable	0.00
Plus: Receipts (Rent, Refunds, Dividends, Interest, etc.)	\$2,594,339.76
Subtotal	\$2,594,339.76
Less: Disbursements and Distributions	\$2,594,339.76
Ending Balance	0.00

The Personal Representative(s) 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 30th day of November, 2018

Notary Public for South Carolina
My Commission Expires: 10/31/2023

Signature: Minnie Lee Newman Mevers
Print Name: MINNIE LEE NEWMAN MEVERS
Address: 17 E. BATTERY
CHARLESTON, SC 29401
Telephone (Work): _____
(Home): _____
(Cell): _____
Email: _____

Co-Personal Representative Signature: _____

Print Name: _____

Address: _____

SWORN to before me this _____ day of _____, 20____

Telephone (Work): _____

(Home): _____

(Cell): _____

Email: _____

Notary Public for South Carolina
My Commission Expires: _____

TOTAL	\$2,594,339.76	TOTAL	\$2,594,339.76

STATE OF SOUTH CAROLINA

IN THE PROBATE COURT

COUNTY OF Charleston

APPLICATION FOR SETTLEMENT

IN THE MATTER OF:

Roy E. Mevers Jr.

(Decedent)

CASE NUMBER: 2017-ES-10-1946

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; either 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 ☐ No Publication required
☒ Inventory and Appraisalment(s)
☒ Proposal for Distribution for assets not yet distributed
☒ Final Accounting ☐ Accounting waived by all required parties
☒ Proof of Delivery that all required documents have been sent to interested persons as required by law
☒ All required tax returns (including final income tax return, fiduciary income tax return, Estate tax return) and any taxes due have been paid. If not, please explain:
☐ Documents with IRS electing portability
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 or approve the Personal Representative's Accounting and, if applicable, the Proposal for Distribution for assets not yet distributed.
☐ B. Approve the distributions 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 410ES).
☒ C. 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.
☐ D. (Other :) _____

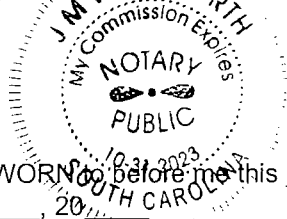
Executed this 16th day of Nov, 2018

SWORN to before me this 16th day of November, 2018



Notary Public for South Carolina

My Commission Expires: 10/31/2023

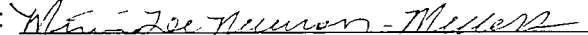


SWORN to before me this _____ day of _____, 20____

Notary Public for South Carolina

My commission expires: _____

Personal Representative

Signature: 

Print Name: Minnie Lee Newman Mevers

Address: 17 E Battery

Charleston SC 29401

Telephone (Work): _____

(Home): 843-729-2210

(Cell): _____

Email: 17REMEVERS@gmail.com

Co-Personal Representative

Signature: _____

Print Name: _____

Address: _____

Telephone (Work): _____

(Home): _____

(Cell): _____

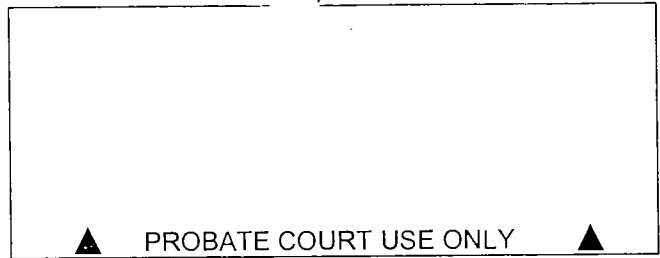
Email: _____

STATE OF SOUTH CAROLINA

COUNTY OF: CHARLESTON

IN THE MATTER OF:
THE ESTATE OF ROY E. MEVERS

☒ Decedent ☐ Alleged Incapacitated Individual



IN THE PROBATE COURT
CASE NUMBER 2017-ES-10-1946

SOUTH CAROLINA ATTORNEY GENERAL
Petitioner(s),

vs.
MINNIE LEE NEWMAN MEVERS
Respondent(s).*

SUMMONS

20 MAR 20 11:20 AM
CLERK OF COURT
PROBATE COURT
CHARLESTON, SC

*For Guardianship/Conservatorship matters, you must include the alleged incapacitated individual as a Respondent.

TO THE RESPONDENT(S) LISTED ABOVE:

YOU ARE HEREBY SUMMONED and required to Answer the Verified Petition and Application in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer upon the Petitioner(s) listed above at the following address(es):

Please Type or Print.

Stephen L. Brown
(Name of Petitioner/Attorney for Petitioner)
25 Calhoun Street, Suite 400
(Street Address or Mailing Address)
Charleston, Sc 29401
(City, State, and Zip Code)

Your Answer must be served on the Petitioner at the above address within **thirty (30) days** after the service of this Summons and Petition upon you, exclusive of the day of such service; and if you fail to answer the Petition within that time, judgment by default will be rendered against you for the relief demanded in the Petition.

Signature of Petitioner(s)/Attorney for Petitioner(s)

Date: March 13, 2020

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
IN THE MATTER OF:)
)
THE ESTATE OF ROY E. MEVERS)

IN THE PROBATE COURT
CASE NO. 2017-ES-10-1946

20 MAR 13 PM 12:36
CLERK OF COURT
PROBATE COURT
CHARLESTON, SC

**VERIFIED PETITION AND APPLICATION TO RE-OPEN ESTATE,
APPOINT SPECIAL ADMINISTRATOR, IMPOSE CONSTRUCTIVE TRUST TO
PROTECT IMPROPERLY DISTRIBUTED ESTATE ASSETS, AND
OBTAIN OTHER RELIEF AS NECESSARY**

EMERGENCY HEARING REQUESTED

APPLICATION TO RE-OPEN ESTATE FOR SUBSEQUENT ADMINISTRATION

NOW COMES Petitioner/Applicant, Alan Wilson, Attorney General for the State of South Carolina, who would respectfully show unto this Court as follows:

1. The Attorney General, in his *parens patriae* capacity to protect the public interest under the powers granted to him under the constitution, statutory and common laws of the State of South Carolina, is a proper party to file this Petition and Application and to seek the relief requested herein. Concerning charitable trusts, the Attorney General has the statutory and common law duty to represent the interests of the unspecified charitable beneficiaries and the interests of the public at large. The Attorney General is mandated by S.C. Code Ann. § 1-7-130 to “enforce the due application of funds given or appropriated to public charities within the state and prevent breaches of trust in the administration thereof....”; *Furman Univ. v. McLeod*, 238 S.C. 475, 482, 120 S.E.2d 865, 868 (1961) (“It is also the general law that in the matter of administering or enforcing charitable trusts, the Attorney General is the proper party to protect the interest of the members of the public at large, as distinct from those having ‘immediate or peculiar interests.’”); *see generally* 15 Am. Jur. 2d Charities § 132 (2015) (“Because of the public interest necessarily involved in a charitable trust or gift to charity and essential to its legal

classification as a charity, it generally is recognized that the state Attorney General, in his or her capacity as a representative of the state and of the public, is the, or at least a, proper party to institute and maintain proceedings for the enforcement of such gift or trust.”).

2. The law in South Carolina, as seen in *Watson v. Wall*, 229 S.C. 500, 93 S.E.2d 918 (1956), is that the Attorney General can intervene in an action and participate to protect charitable devises even where a Trust has not yet been established or there is a question as to the existence of the trust. In *Watson*, the Attorney General was allowed to intervene at the appellate level because he did not receive notice of the proceeding below. The Attorney General opposed an agreement wherein the charitable devises would pass to the heirs. The Court noted that the proposed circuit court resolution was not in the slightest degree concerned with protecting the charitable trust, so the Attorney General was an integral part of ensuring that the charitable intent was achieved.

3. S.C. Code Ann. § 62-3-1008 provides in part “for good cause shown, the court upon application of any interested person and upon notice as it directs may appoint the same or a successor personal representative to administer the subsequently opened estate.”

4. The Attorney General is an interested party as defined by S.C. Code Ann. § 62-1-201(23).

5. As an interested person vested with statutory and common law authority to bring this action and for good cause shown, as set forth in this Application and Petition (“Petition”), court filings and other evidence presented, the Attorney General hereby applies to this Court to re-open the Estate of Roy E. Mevers so as to allow subsequent administration and to grant the relief requested.

FACTUAL BACKGROUND

6. This Petition relates to the breach of fiduciary duties by the personal representative of the Estate of Roy E. Mevers Jr. and her obligation to protect and fund the non-profit foundation named as the residuary of his Last Will and Testament. As of the date of his death, the funds vested with the non-profit foundation were to be utilized for the good of the public at large. Rather than do as required by the residuary clause and the laws of this State, the personal representative, Minnie Lee Newman Mevers "Ms. Newman," took actions inconsistent with the law, her fiduciary duties and contrary to the vested interest of the non-profit foundation so as to circumvent the contents of the residuary clause for her own personal use and benefit. Ms. Newman had a clear conflict of interest and took no action to avoid the same. The totality of her actions as well as her failures to act constitute good cause to re-open this estate, allow subsequent administration and grant the relief requested by the Attorney General. This action is properly brought in this Court as jurisdiction and venue are proper.

7. This action relates to a bequest made by Roy E. "Sonny" Mevers Jr. ("Mr. Mevers") in his Last Will and Testament and two codicils amending his Last Will and Testament (collectively "the Will"). The Will was executed on November 16, 2015. Codicils were executed on April 12, 2017 ("First Codicil") and on August 4, 2017 ("Second Codicil"). A copy of the Will is attached as **Exhibit A**.

8. On July 23, 2004, Mr. Mevers executed and filed with the Secretary of State, for the State of South Carolina, Articles of Incorporation for a Nonprofit Corporation named The Sonny Mevers Foundation ("Foundation") in accordance with S.C. Code Ann. § 33-31-202. A copy of the Articles of Incorporation is attached as **Exhibit B**.

9. The stated purpose of the Foundation is to “receive and maintain a fund or funds of real or personal property, or both, and, subject to the restrictions and limitations hereinafter set forth, to use and apply the whole or any part of the income therefrom and the principal thereof exclusively for charitable, religious, scientific, testing for public safety, literary, or educational purposes either directly or by contributions to organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code and its Regulations as they now exist or as they may hereafter be amended.”

10. On July 21, 2005 the Internal Revenue Service (“IRS”) issued a letter approving the tax exempt status of the Foundation under section 501(c) (3) of the Internal Revenue Code with an effective date of June 23, 2004. The Foundation was also “qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055...of the Code.” A copy of the IRS approval letter is attached as **Exhibit C**.

11. The Will dated November 16, 2015, contained a residuary clause found in Article XII. This clause provided:

I give devise and bequeath my entire residuary estate, being all real and personal property, wherever situated, in which I may have any interest at the time of my death, not otherwise effectively disposed of, to **THE ‘SONNY MEVERS’ FOUNDATION**, if it is in existence at the time of my death and on the condition that it is an organization that is charitable within the meaning of Section 2055 of the Internal Revenue Code, as amended, and on the further condition that this gift is permitted as a charitable deduction from my Estate for Federal Estate Tax purposes, absolutely and in fee simple, forever.

12. By way of the First Codicil dated April 12, 2017, Article XII of the Will was amended to add the following sentence at its conclusion: “Otherwise, I give, devise and bequeath

my said entire residuary estate to my Spouse, MINNIE LEE NEWMAN MEVERS, absolutely and in fee simple, forever, on the condition that she shall survive me.”

13. Since its inception, the Foundation has made donations to numerous charities in the Charleston area, which is consistent with Mr. Mevers’s reputation of generosity throughout the community. Donations of twenty five thousand dollars (\$25,000.00) or more were made in multiple years along with numerous other donations to a variety of charities. Mr. Mevers made periodic contributions to the Foundation over the years to allow these donations and charitable gifts to take place.

14. The Articles of Incorporation of the Foundation vested Mr. Mevers or his nominee to appoint the members of the Foundation’s Board of Directors.

15. Article XI of Mr. Mevers’s Will nominates his “friend” Minnie Lee Newman as his successor with the right to appoint further successors to the Board of the Foundation.

16. Mr. Mevers passed away on November 03, 2017. Thereafter, Ms. Newman, who had married Mr. Mevers in September 2016, replaced Mr. Mevers as President of the Board of the Foundation. She also petitioned the Court for Appointment as Personal Representative of Mr. Mevers’s estate (the “Estate”), and was so appointed.

17. At the time of Mr. Mevers’s death on November 3, 2017, the residuary clause of the will leaving the remainder of the Estate to the Foundation devolved to the Foundation. S.C. Code Ann. § 62-3-101 (“Upon the death of a person, his real property devolves to the persons to whom it is left by his last will...); S.C. Code Ann. § 62-2-602 (“a will is construed to pass all property which the testator owns at the testator’s death...”).

18. In that on the date of Mr. Mevers’s death the Foundation was in existence, was recognized as a charitable organization within the meaning of Section 2055 of the Internal

Revenue Code, as amended, and the gift to the Foundation by way of the residuary clause of his Will was permitted as a charitable deduction from Mr. Mevers's estate for federal estate tax purposes, all as delineated in Article XII of the Will, the Foundation was entitled to the residuary of the Estate and the funds and assets were impressed with a charitable trust. S.C. Code Ann. § 62-3-709 mandated that Ms. Newman, as Personal Representative, "take all steps reasonably necessary for the management, protection and preservation of the estate in [her] possession." She failed to do so. Specifically, she did not preserve or protect the Estate so she could improperly assert her entitlement to the residuary clause of the Will, enriching herself at the expense of the public charitable foundation founded by her late husband and acting in total contradiction to the clear intent of her late husband so as to take possession of the residuary clause containing assets worth millions of dollars which she was not entitled to receive.

19. At the time of becoming President of the Foundation's Board of Directors and as Personal Representative of the Estate, Ms. Newman owed the Estate and the Foundation fiduciary and legal duties to take actions to preserve and protect the charitable trust property which was bequeathed to the Foundation and to ensure Mr. Mevers's Will was complied with in all respects. In that the Foundation met all requirements and was the beneficiary of the residuary clause of Mr. Mevers's Will, Ms. Newman owed the Estate and the Foundation the same fiduciary and legal duties a trustee would owe a trust. In her capacity as a secondary beneficiary of the residuary of the Estate, she placed her interest above those of the Foundation. She could have sought the appointment of an independent personal representative or special administrator by this Court to remove herself from any potential conflict. Instead, she took all actions she could to make sure she could assert a claim as the secondary beneficiary of the residuary clause in breach of her legal and fiduciary obligations.

20. Mr. Mevers' obituary stated "[i]n Lieu (*sic*) of flowers, donations may be made to the Sonny Mevers Foundation, Crescom Bank, Attn. Holly Edwards, 288 Meeting Street, Charleston SC 29401." (emphasis added). It further stated his funeral was held on November 11, 2017. A copy of Mr. Mevers's obituary is attached as **Exhibit D**.

21. Two days after his funeral, on November 13, 2017, Ms. Newman filed this case by way of an Application for Informal Probate of Mr. Mevers' estate in the Charleston County Probate Court. She also petitioned for appointment, and was appointed as Personal Representative of the Estate. The Application for Informal Probate is attached as **Exhibit E**.

22. In the Application for Informal Probate, Ms. Newman specifically listed that she was Mr. Mevers' wife and that she was left a bequest of "\$350,000 and all personal and household effects." She went on to list other bequests made under the Will, specifically noting the "**SONNY MEVERS FOUNDATION...CHARITY-All of the Rest and Residue of the Estate.**" These statements were verified by Ms. Newman under oath.

23. The IRS issued an Auto-Revocation for the Foundation's non-profit status with a stated revocation date of November 15, 2017 and a Revocation Posting date of March 12, 2018. This action was taken by the IRS based on the Foundation's failure to file Forms 990-PF with the IRS for a three year period. This was an administrative suspension and the Foundation's tax-exempt status was and remains eligible to be restored retroactively at all times relevant to this Petition. A copy of the Auto-Revocation List is attached as **Exhibit F**.

24. Upon information and belief, Ms. Newman was aware of the administrative revocation and knew or should have known that the Foundation could have its tax exempt status restored. She was obliged to do so as a fiduciary of the Foundation and Ms. Newman was also required to do so pursuant to her legal and fiduciary obligations as the Personal Representative of

the Estate. To take no action would allow Ms. Newman to take under the residuary clause of the Will as its secondary beneficiary and allow her to divert over nineteen million dollars (\$19,000,000.00) which Mr. Mevers had specifically provided should pass to the Foundation as they were impressed with a charitable trust as of Mr. Mevers' date of death.

25. Rather than act in accordance with her fiduciary and legal duties, Ms. Newman took no action to restore the Foundation's tax exempt status for a period of over two months. As the secondary beneficiary of the residuary clause in the Will, such action allowed her to improperly recover in excess of nineteen million dollars (\$19,000,000.00) she was not entitled to receive. A telephone meeting of the Foundation's Board of Directors was held and Ms. Newman and the Board of Directors voted to dissolve the Foundation. The telephone vote of the Board took place on January 23, 2018 and Articles of Dissolution for a Nonprofit Corporation were filed with the Secretary of State on January 24, 2018. A copy of the minutes from the telephonic meeting is attached as **Exhibit G**. The Articles of Dissolution filed with the Secretary of State are attached as **Exhibit H**.

26. S.C. Code Ann. § 33-31-1403(a) provides in relevant part that a nonprofit organization "shall give the Attorney General written notice that it intends to dissolve at or before the time it delivers articles of dissolution to the Secretary of State. The notice shall include a copy or summary of the plan of dissolution." Also see *Watson v. Wall, supra*.

27. No such written or other notice was provided by Ms. Newman or the Foundation to the Attorney General as mandated by the statute.

28. Upon information and belief at the time of Mr. Mevers' death, the value of the residuary bequest to the Foundation was valued in excess of nineteen million dollars

(\$19,000,000.00). At the date of dissolution (i.e. January 24, 2018) the Foundation asserted it had no assets other than a burial plot for Ms. Newman.

29. In the Proposal for Distribution dated November 15, 2018 and filed with the Probate Court on November 18, 2018, the Foundation was no longer listed as receiving the residuary distribution as it was in the Application for Informal Probate. Rather, Ms. Newman was listed as receiving the residuary distribution. The Proposal for Distribution contained no reference to the Foundation or its entitlement to assets under the residuary clause. The funds in the residuary were distributed to Ms. Newman, not the Foundation. Upon receiving the funds, public records establish Ms. Newman began selling and transferring assets which legally belonged to the Foundation. Upon information and belief she is further utilizing these assets for her own personal use and benefit. A copy of the Probate Court Proposal for Distribution is attached as **Exhibit I**.

30. Based on the facts set forth above, Ms. Newman breached her fiduciary and legal duties to the Estate and the Foundation and improperly took possession of assets which should have been transferred to the Foundation and used the assets for her own personal benefit and enjoyment in violation of the laws of the State of South Carolina, contrary to the express terms of the Will and in violation of her fiduciary duties.

31. As a result, the Attorney General, who is authorized by the common law and code provisions set forth in this Petition to act to protect the interest of public trusts made a request for various records on November 14, 2019 to Ms. Newman and on February 3, 2020 to Ms. Newman and other members of the Foundation's Board of Directors. To date a complete response has not been received..

REQUEST FOR APPOINTMENT OF SPECIAL ADMINISTRATOR

32. The Attorney General repeats and re-alleges all prior allegations of this petition as if set forth herein.

33. S.C. Code Ann. § 62-3-1008 provides for the reopening of an estate for good cause shown and upon notice as the court directs, the appointment of the same personal representative or a successor personal representative.

34. The actions of Ms. Newman as set forth above establish the conditions necessary for the appointment successor personal representative to preserve and secure the remaining assets of the Foundation and take the necessary steps for the Foundation to be restored to the status it held at the time of Mr. Mevers' death, conduct an accounting of all assets the Foundation was entitled to under the residuary clause of the Will, as well as those which have been misappropriated, and take such other and further action as allowed by law to restore all lost, missing or other assets of the Foundation which have been sold and to set aside any and all transactions undertaken by Ms. Newman or any other entity which improperly disposed of or transferred Foundation assets. If the Foundation cannot be restored due to the actions and inactions of Ms. Newman, the successor personal representative shall petition the court to create from the funds that were impressed with a charitable trust at the death of Sonny Mevers, a new trust in accordance with the public and charitable provisions in Exhibit A of the Articles of Incorporation of the Sonny Mevers Foundation.

35. Ms. Newman, as general personal representative and as President of the Board of Directors of the Foundation, had and has a direct financial interest and has benefited improperly from her actions. As such, a Special Administrator is necessary in this matter to undertake the actions set forth above, as well as all actions allowed by law or ordered by this court.

CONSTRUCTIVE TRUST

36. The Attorney General repeats and re-alleges all prior allegations of this petition as if set forth herein.

37. Ms. Newman took possession of assets in which the Foundation had a vested interest upon Sonny Mevers' death and which should have passed to the Foundation under the Will by taking action to allow the Foundation's tax-exempt status to be revoked and by not taking action to have it restored. She had a fiduciary duty to do so which she breached. As such, a constructive trust should be imposed on all assets which should have passed to the Foundation as well as all funds or other assets received from the sale or transfer of Foundation assets. Purported sales or transfers of such assets should be set aside and all funds or assets held in a constructive trust under the control of the Special Administrator. Restitution should also be required for any assets which cannot be recovered or funds already spent by Ms. Newman.

38. A constructive trust is appropriate under the facts set forth in this petition in that the funds in issue were received by Ms. Newman as a direct result of her breach of her fiduciary duty.

RELIEF

This court should grant such other and further relief as it deems necessary and appropriate under the facts set forth above.

Wherefore, having established the right of the Attorney General to file this Petition and seek the relief requested, he asks that this Court to:

1. Reopen the Estate for special administration;
2. Appoint a Special Administrator at the expense of the Estate to take the actions set forth in this Petition and such other actions as allowed by law or order of this court;

3. Impose a constructive trust on all assets as identified in this Petition;
4. Order cooperation by Ms. Newman or any party related directly or indirectly with the Estate and/or Foundation with the Attorney General and the special administrator;
4. Pursuant to S.C. Code Ann. § 62-1-111, as just and equity may require, award reimbursement from Ms. Newman:
 - (1) Costs and expenses;
 - (2) Reasonable Attorney fees; and
 - (3) Reimbursement to the Estate for the Cost of the Special Administrator;and
5. Grant such other and further relief as is necessary and proper.

<SIGNATURE PAGE FOLLOWS>

Respectfully submitted,

By: 
SOUTH CAROLINA ATTORNEY GENERAL
ALAN WILSON (S.C. Bar No. 71754)
Attorney General

W. JEFFREY YOUNG (S.C. Bar No. 5747)
Chief Deputy Attorney General

ROBERT D. COOK (S.C. Bar No. 1373)
Solicitor General

C. HAVIRD JONES, JR. (S.C. Bar No. 3178)
Senior Assistant Deputy Attorney General

MARY FRANCES JOWERS (S.C. Bar No. 68413)
Assistant Deputy Attorney General

KRISTIN SIMONS (S.C. Bar No. 74004)
Assistant Attorney General
P.O. Box 11549
Columbia, South Carolina 29211
(803) 734-3680

-and-

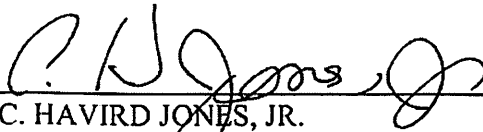
YCRLAW, LLC
C. Michael Branham (S.C. Bar No. 857)
Stephen L. Brown (S.C. Bar No. 66468)
25 Calhoun Street, Suite 400
Charleston, SC 29401
P.O. Box 993, Charleston, SC 29402
(843) 720-5488
Special Counsel for the Attorney General of
The State of South Carolina

Dated: 3/12/2020
Columbia, SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
IN THE MATTER OF:)
)
THE ESTATE OF ROY E. MEVERS)
)

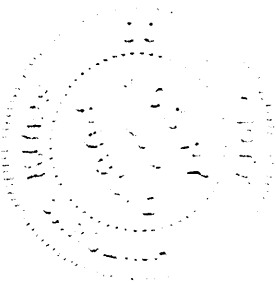
IN THE PROBATE COURT
CASE NO. 2017-ES-10-1946
VERIFICATION

I, C. Havird Jones Jr., Senior Assistant Deputy Attorney General for the State of South Carolina hereby verify that I have reviewed the foregoing Verified Petition and Application to Re-Open Estate, Appoint Special Administrator, Impose Constructive Trust to Protect Improperly Distributed Estate Assets, and Obtain Other Relief as Necessary and that the foregoing is true and correct to the best of my knowledge, information, and belief.

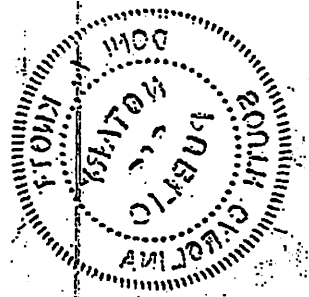

C. HAVIRD JONES, JR.
Senior Assistant Deputy Attorney General
For the State of South Carolina

SWORN to before me this 12th
day of March, 2020.

 (SEAL)
Notary Public for South Carolina
My Commission Expires: 8/29/2021



(Sample)



4-11-04
04-11-04
CHADIFF 10-11-04
3-11-04

Last Will and Testament of

ROY E. MEVERS, JR.

I, ROY E. MEVERS, JR., of Charleston County, South Carolina, declare this to be my Last Will, and I hereby revoke all other Wills and Codicils that I may have heretofore made. I am not a married person, and I have no common law spouse.

ARTICLE I

1. My Personal Representative in the Personal Representative's sole discretion may pay my legal debts, and I hereby authorize and empower my Personal Representative, in case of any claim made against my estate, to settle and discharge the same in the absolute discretion of my Personal Representative.

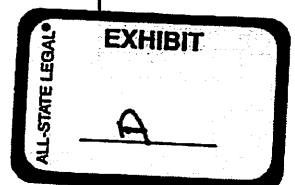
2. I may leave a written statement or list disposing of certain items of my tangible personal property, and any such statement or list in existence at the time of my death shall be determinative with respect to all gifts made therein. If no written statement or list is found and properly identified by my Personal Representative within three (3) months after my Personal Representative's qualification, it shall be finally presumed that there is no such statement or list and any subsequently discovered statement or list shall be ignored.

3. Any disclaimer made under the provisions of this Will shall be in writing and delivered to my Personal Representative and such disclaimer shall be a "qualified disclaimer" within the meaning of §2518 of the Internal Revenue Code. A disclaimer by the Personal Representative of a deceased beneficiary, the properly authorized attorney-in-fact of a beneficiary, or the guardian of a minor or incompetent beneficiary shall have the same effect as a disclaimer by the beneficiary.

4. My Personal Representative is authorized to disclaim any interest in property, or to transfer any interest in property, without Court approval, provided only that each disclaimer or transfer is a "qualified disclaimer" within the meaning of §2518 of the Internal Revenue Code. My Personal Representative shall have no liability to any beneficiary of my estate for any consequence of any qualified disclaimer made in good faith or for any failure to make any qualified disclaimer for any reason.

ROY E. MEVERS, JR.

SLOTCHIVER & SLOTCHIVER, L.L.P.
ATTORNEYS AT LAW
44 STATE STREET
CHARLESTON, SC 29401-2810



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ARTICLE II

1. I give and bequeath the sum of Three Hundred Twenty-Five Thousand (\$325,000) Dollars, apiece, to each of my following named children:

(a) to my son, ROY E. MEVERS, III, if living, but if he shall fail to survive me and shall leave descendants living at the time of my death, such descendants shall represent their ancestor and take such ancestor's share, per stirpes, otherwise the gift to such deceased child shall lapse and drop out and shall go and pass instead as part of the residue of my Estate; and

(b) to my son, WILLIAM E. MEVERS, if living, but if he shall fail to survive me and shall leave descendants living at the time of my death, such descendants shall represent their ancestor and take such ancestor's share, per stirpes, otherwise the gift to such deceased child shall lapse and drop out and shall go and pass instead as part of the residue of my Estate.

2. I give and bequeath the sum of Ten Thousand (\$10,000) Dollars to my son, JOSEPH LAUGHLIN, if living, but if he shall fail to survive me and shall leave descendants living at the time of my death, such descendants shall represent their ancestor and take such ancestor's share, per stirpes, otherwise the gift to such deceased child shall lapse and drop out and shall go and pass instead as part of the residue of my Estate.

ARTICLE III

1. I give and bequeath the sum of Twenty-Five Thousand (\$25,000) Dollars, apiece, to each of my following named grandchildren:

(a) to my grandson, ROY MEVERS, IV, if living, but if he shall fail to survive me and shall leave descendants living at the time of my death, such descendants shall represent their ancestor and take such ancestor's share, per stirpes, otherwise the gift to such deceased grandchild shall lapse and drop out and shall go and pass instead as part of the residue of my Estate;

(b) to my grandson, BEN MEVERS, if living, but if he shall fail to survive me and shall leave descendants living at the time of my death, such descendants shall represent their ancestor and take such ancestor's share, per stirpes, otherwise the gift to such

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deceased grandchild shall lapse and drop out and shall go and pass instead as part of the residue of my Estate;

(c) to my granddaughter, **MARGARET MEVERS**, if living, but if she shall fail to survive me and shall leave descendants living at the time of my death, such descendants shall represent their ancestor and take such ancestor's share, per stirpes, otherwise the gift to such deceased grandchild shall lapse and drop out and shall go and pass instead as part of the residue of my Estate; and

2. I give and bequeath the sum of Ten Thousand (\$10,000) Dollars, apiece, to each of my following named grandchildren:

(a) to my granddaughter, **MARGARET HOOD MEVERS**, if living, but if she shall fail to survive me and shall leave descendants living at the time of my death, such descendants shall represent their ancestor and take such ancestor's share, per stirpes, otherwise the gift to such deceased grandchild shall lapse and drop out and shall go and pass instead as part of the residue of my Estate; and

(b) to my granddaughter, **DEANN MEVERS**, if living, but if she shall fail to survive me and shall leave descendants living at the time of my death, such descendants shall represent their ancestor and take such ancestor's share, per stirpes, otherwise the gift to such deceased grandchild shall lapse and drop out and shall go and pass instead as part of the residue of my Estate.

ARTICLE IV

1. I give and bequeath the sum of Ten Thousand (\$10,000) Dollars, apiece, to each of my following named great-grandchildren:

(a) to my great-granddaughter, **SCARLETT MEVERS**, if living, but if she shall fail to survive me and shall leave descendants living at the time of my death, such descendants shall represent their ancestor and take such ancestor's share, per stirpes, otherwise the gift to such deceased great-grandchild shall lapse and drop out and shall go and pass instead as part of the residue of my Estate;

(b) to my great-granddaughter, **EMMA GRACE MEVERS**, if living, but if she shall fail to survive me and shall leave descendants living at the time of my death, such descendants shall represent their ancestor and take such ancestor's share, per stirpes, otherwise the

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gift to such deceased great-grandchild shall lapse and drop out and shall go and pass instead as part of the residue of my Estate; and

(c) to my great-grandson, **ROY MEVERS, V**, if living, but if he shall fail to survive me and shall leave descendants living at the time of my death, such descendants shall represent their ancestor and take such ancestor's share, per stirpes, otherwise the gift to such deceased great-grandchild shall lapse and drop out and shall go and pass instead as part of the residue of my Estate.

2. I give and bequeath the sum of Five Thousand (\$5,000) Dollars, apiece, to each of my following named great-grandchildren:

(a) to my great-grandson, **MASON FOSTER**, if living, but if he shall fail to survive me and shall leave descendants living at the time of my death, such descendants shall represent their ancestor and take such ancestor's share, per stirpes, otherwise the gift to such deceased great-grandchild shall lapse and drop out and shall go and pass instead as part of the residue of my Estate; and

(b) to my great-granddaughter, **MORGAN FOSTER**, if living, but if she shall fail to survive me and shall leave descendants living at the time of my death, such descendants shall represent their ancestor and take such ancestor's share, per stirpes, otherwise the gift to such deceased great-grandchild shall lapse and drop out and shall go and pass instead as part of the residue of my Estate.

ARTICLE V

1. I give and bequeath the sum of Ten Thousand (\$10,000) Dollars, apiece, to each of my friend **MINNIE LEE NEWMAN**'s following named children:

(a) to her daughter, **FELICIA BLACKWELL BROWN**, if living, but if she shall fail to survive me and shall leave descendants living at the time of my death, such descendants shall represent their ancestor and take such ancestor's share, per stirpes, otherwise the gift to such deceased child shall lapse and drop out and shall go and pass instead as part of the residue of my Estate;

(b) to her daughter, **JESSICA BLACKWELL**, if living, but if she shall fail to survive me and shall leave descendants living at the time of my death, such descendants shall represent their ancestor and take such ancestor's share, per stirpes, otherwise the gift to such

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deceased child shall lapse and drop out and shall go and pass instead as part of the residue of my Estate; and

(c) to her daughter, **MADISON BLACKWELL**, if living, but if she shall fail to survive me and shall leave descendants living at the time of my death, such descendants shall represent their ancestor and take such ancestor's share, per stirpes, otherwise the gift to such deceased child shall lapse and drop out and shall go and pass instead as part of the residue of my Estate.

ARTICLE VI

1. I give and bequeath the sum of Five Thousand (\$5,000) Dollars, apiece, to each of my friend **MINNIE LEE NEWMAN**'s following named grandchildren:

(a) to her grandson, **WALKER BROWN**, if living, but if he shall fail to survive me and shall leave descendants living at the time of my death, such descendants shall represent their ancestor and take such ancestor's share, per stirpes, otherwise the gift to such deceased child shall lapse and drop out and shall go and pass instead as part of the residue of my Estate; and

(b) to her granddaughter, **ISABEL BROWN**, if living, but if she shall fail to survive me and shall leave descendants living at the time of my death, such descendants shall represent their ancestor and take such ancestor's share, per stirpes, otherwise the gift to such deceased child shall lapse and drop out and shall go and pass instead as part of the residue of my Estate.

ARTICLE VII

1. I give and bequeath the sum of Thirty Five Thousand (\$35,000) Dollars to **ST. MARY OF THE ANNUNCIATION RESTORATION FUND**, Charleston, South Carolina, absolutely and in fee simple.

2. I give and bequeath the sum of Ten Thousand (\$10,000) Dollars to **ST. MARY OF THE ANNUNCIATION HOLY NAME SOCIETY**, Charleston, South Carolina, absolutely and in fee simple.

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3. I give and bequeath the sum of Five Thousand (\$5,000) Dollars to ST. MARY OF THE ANNUNCIATION LADIES ALTER SOCIETY, Charleston, South Carolina, absolutely and in fee simple.

ARTICLE VIII

I give and bequeath the sum of Fifty Thousand (\$50,000) Dollars, apiece, to each of my following named persons:

(a) to SUE KLUMP MEVERS, if living, otherwise, if she shall fail to survive me, the within gift to such deceased person shall lapse and drop out and shall go and pass instead as a part of the residue of my Estate; and

(d) to BETH DRIGGERS MEVERS, if living, otherwise, if she shall fail to survive me, the within gift to such deceased person shall lapse and drop out and shall go and pass instead as a part of the residue of my Estate.

ARTICLE IX

1. I give and bequeath the sum of Three Hundred Fifty Thousand (\$350,000) Dollars to my friend, MINNIE LEE NEWMAN, if living, otherwise, if she shall fail to survive me, the within gift to such deceased person shall lapse and drop out and shall go and pass instead as a part of the residue of my Estate; and

2. I give and bequeath the sum of Twenty Five Thousand (\$25,000) Dollars to MARY WILLIS BENNETT, if living, otherwise, if she shall fail to survive me, the within gift to such deceased person shall lapse and drop out and shall go and pass instead as a part of the residue of my Estate.

ARTICLE X

I give and bequeath the sum of Five Thousand (\$5,000) Dollars, apiece, to each of my following named persons:

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R. E. Mevers, Jr.

(a) to JODY M. MANN, if living, otherwise, if she shall fail to survive me, the within gift to such deceased person shall lapse and drop out and shall go and pass instead as a part of the residue of my Estate;

(b) to MAGGIE M. GILLIAN, if living, otherwise, if she shall fail to survive me, the within gift to such deceased person shall lapse and drop out and shall go and pass instead as a part of the residue of my Estate; and

(c) to SALLY M. YOUNG, if living, otherwise, if she shall fail to survive me, the within gift to such deceased person shall lapse and drop out and shall go and pass instead as a part of the residue of my Estate;

(d) to KYM MEVERS, if living, otherwise, if she shall fail to survive me, the within gift to such deceased person shall lapse and drop out and shall go and pass instead as a part of the residue of my Estate; and

(e) to SUSY O'HARA, if living, otherwise, if she shall fail to survive me, the within gift to such deceased person shall lapse and drop out and shall go and pass instead as a part of the residue of my Estate.

ARTICLE XI

The provisions contained in Exhibit B of the Articles of Incorporation of THE "SONNY MEVERS" FOUNDATION expressly provides that the Corporation's Board of Directors shall be appointed by me or by my nominee; and any such nominee shall in turn have the right to nominate his or her successor. It is my specific intention to, and I hereby do, now nominate my friend, MINNIE LEE NEWMAN, to be my successor, and as such she shall in turn likewise have the right to nominate her successor. It is my fervent desire that she abhor nepotism in exercising the rights and powers I have hereby entrusted to her.

ARTICLE XII

I give devise and bequeath my entire residuary estate, being all real and personal property, wherever situated, in which I may have any interest at the time of my death, not otherwise effectively disposed of, to THE "SONNY MEVERS" FOUNDATION, if it is in existence at the time of my death and on the condition that it is an organization that is charitable within the meaning of Section 2055 of the Internal Revenue Code, as amended, and on the further condition that this

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gift is permitted as a charitable deduction from my Estate for Federal Estate Tax purposes, absolutely and in fee simple, forever.

ARTICLE XIII

1. My Personal Representative shall have the following powers, and any others that may be granted by law, to be exercised as the Personal Representative, in his discretion determines to be in the best interests of the beneficiaries:

(a) To retain any property or undivided interests in property received from my estate or from any other source, including residential property, regardless of any lack of diversification, risk, or non-productivity;

(b) To invest and reinvest the estate in bonds, notes, stocks of corporations regardless of class, real estate or any interest in real estate, or in any other property or undivided interests in property, wherever located, without being limited by any statute or rule of law concerning investments;

(c) To sell any property, for cash or on credit, at public or private sales; to exchange any property for other property; to grant options to purchase or acquire any property; and to determine the prices and terms of sales, exchanges and options;

(d) To operate, maintain, repair, rehabilitate, alter, improve or remove any improvements on real estate; to make leases and subleases for terms of any length; to subdivide real estate; to grant easements, give consents and make contracts relating to real estate or its use; to release or dedicate any interest in real estate;

(e) To borrow money for any purpose, and to mortgage or pledge any property;

(f) To employ attorneys, auditors, depositaries, proxies, and agents, with or without discretionary powers;

(g) To keep any property in the name of a nominee, with or without disclosure of any fiduciary relationship, or in bearer form;

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(h) To take any action with respect to conserving or realizing upon the value of any property; to collect, pay, contest, compromise or abandon demands of or against the estate, wherever situated;

(i) To execute contracts, notes, conveyances and other instruments, including instruments containing covenants and warranties binding upon and creating a charge against the estate, and containing provisions excluding personal liability;

(j) To enter into any transaction authorized by this ARTICLE with Personal Representatives or Administrators of other estates in which any beneficiary hereunder has any interest, even though any such representative is also Personal Representative hereunder; and in any such transaction to purchase property, or make loans on notes secured by property, even though similar or identical property constitutes all or a large proportion of the balance of the estate, and to retain any such property or note with the same freedom as if it had been an original part of the estate;

(k) To make any distribution or division of the property in cash or in kind or both;

(l) To allocate different kinds or disproportionate shares of property or undivided interests in property among the beneficiaries and to determine the value of any such property;

(m) To retain any business interest, as shareholder, security holder, creditor, partner, proprietor or otherwise, even though it may constitute all or a large portion of the estate and to participate in the conduct of any business with respect to its management and affairs which an individual could do as owner of the business, including but not limited to (1) the voting of stock and the determination of all questions of policy; (2) the execution of partnership agreements and amendments thereto; (3) the participation in any incorporation, reorganization, merger, consolidation, recapitalization, liquidation or dissolution of any business or any change in its nature; (4) the investment of additional capital in, subscription to or purchase of additional stock or securities of, or the making of secured, unsecured or subordinated loans to, any business, with estate Funds; (5) the election or employment of directors, officers, employees or agents of any business. If any such business is continued by my Personal Representative it may be done without liability to my Personal Representative for any losses to the estate arising therefrom and without application to any court for authority to do so; and

(n) To extend from time to time, and for such period of time as my Personal Representative shall determine, the time for payment of any obligations due my estate, with or without penalty, as my Personal Representative shall determine.

2. Whenever necessary in this Will and where the context admits, the singular term and the related pronoun shall include the plural, and the masculine the feminine and the neuter.

ARTICLE XIV

1. I appoint my friend, MINNIE LEE NEWMAN, or her nominee, as sole Personal Representative of this my Will (herein called my "Personal Representative"). If bond for any reason shall be required by any Court, the entire cost of such bond shall be paid out of my Estate, so that the expense thereof shall not fall upon the person bonded.

2. My Personal Representative may make such elections under the tax laws applicable to my estate as may be deemed expedient and desirable. No compensating adjustments between principal and income, nor with respect to any bequest or devise hereunder, shall be made by my Personal Representative even though the elections so made may substantially affect (beneficially or adversely) the interests of the various beneficiaries in the principal or income of my estate. The action of my Personal Representative with respect to elections made shall be conclusive and binding upon all beneficiaries.

3. In the event that any cash bequest herein is not fully paid within one (1) year from the date of my death, then I direct my Personal Representative to pay each affected legatee hereunder, interest on such unpaid legacy at the rate of six percent (6%) per annum, from the expiration of one (1) year after the date of my death to the time such legacy is paid in full.

ARTICLE XV

If any person named herein shall, directly or indirectly, assert, exercise or claim any statutory or other spousal right to elect to take against this Will, or otherwise contest or attack this Will or any fiduciary thereof, or conspire with or voluntarily assist anyone attempting to do any of these things, then all gifts to and interests of that person (hereafter "Contestant") under this Will shall be forfeited and shall be allocated to my residuary estate, as described in Article XII hereof, as if the Contestant had predeceased me with no descendants or spouse surviving, and all and any such Contestants shall also be debarred from serving as Personal Representative hereunder and receiving any compensation therefor. My Personal Representative is hereby authorized to defend, at the

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Ray E. Meyer Jr

expense of my estate, any matter described in this provision, and all of the costs of such defense shall be charged against the gifts to and interests of the Contestant on a dollar-for-dollar basis. These provisions shall not operate to penalize any interested person if probable cause exists for instituting proceedings. Any provision of this Article found to be prohibited by law shall be ineffective to the extent of such prohibition without invalidating the rest of this Article.

ARTICLE XVI

I am making and executing this Will in duplicate and I direct that either of said instruments be admitted to probate as my Last Will and Testament without the other. So that there may be no presumption of revocation of this Will, in the event the ribbon original cannot be found after my death, I hereby declare that I will not at any time revoke this Will except by a later Will revoking the same, or by destruction of both copies thereof. The production after my death of either copy of this Will shall be prima facie evidence that said Will was in full force and effect at the time of my death unless there is produced a Will executed by me at a date subsequent hereto.

I have signed and sealed this Will on this 16 day of November, 2015.

Roy E. Mevers Jr. (SEAL)
ROY E. MEVERS, JR., Testator

SIGNED, SEALED, PUBLISHED and DECLARED by the above named Testator, ROY E. MEVERS, JR., as and for his Last Will and Testament, in the sight and presence of us, who at his request, and in his sight and presence, and in the sight and presence of each other, have hereunto signed our names as attesting witnesses.

Louis J. Slotchiver residing at Charleston, SC

Paul H. Slotchiver residing at Charleston, SC

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SLOTCHIVER & SLOTCHIVER, L.L.P.
ATTORNEYS AT LAW
44 STATE STREET
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STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON) ACKNOWLEDGEMENT

I, ROY E. MEVERS, JR., the Testator, sign my name to this instrument this 16th day of November, 2015, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Last Will and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Roy E. Mevers Jr. (SEAL)
ROY E. MEVERS, JR., Testator

We, Irvin J. Slotchiver and Jeremy A. Slotchiver, the witnesses sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the Testator, ROY E. MEVERS, JR., signs and executes this instrument as his Last Will and that he signs it willingly, and that each of us, in the presence and hearing of the Testator, hereby signs this Will as witness to the Testator's signing, and that to the best of our knowledge the Testator is eighteen years of age or older, of sound mind and under no constraint or undue influence.

Irvin J. Slotchiver
Witness,

Jeremy A. Slotchiver
Witness

Subscribed, sworn to and acknowledged before me by ROY E. MEVERS, JR., the Testator and subscribed and sworn to before me by Irvin J. Slotchiver, witness, this 16th day of November, 2015.

J. A. Slotchiver (SEAL)
Jeremy A. Slotchiver
Notary Public for South Carolina
My Commission Expires: February 14, 2022

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SLOTCHIVER & SLOTCHIVER, L.L.P.
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44 STATE STREET
CHARLESTON, SC 29401-2810

R_0096

CODICIL TO
Last Will and Testament
of

ROY E. MEVERS, JR.

I, ROY E. MEVERS, JR., a resident of South Carolina, declare this to be a Codicil to my Will dated November 16, 2015, and I revoke all other codicils that I may have made.

FIRST. In any provisions of this Will wherein I refer to MINNIE LEE NEWMAN as my friend, I hereby substitute "MINNIE LEE NEWMAN MEVERS" as my "spouse."

SECOND. Any provision herein for my spouse, MINNIE LEE NEWMAN MEVERS, is intended to be in lieu of her right to take her elective share of my Estate in accordance with the statutory laws of South Carolina, and not in addition thereto.

THIRD. I amend Article XII of my Will to add the following sentence at its conclusion:

"Otherwise, I give, devise and bequeath my said entire residuary estate to my Spouse, MINNIE LEE NEWMAN MEVERS, absolutely and in fee simple, forever, on the condition that she shall survive me."

FOURTH. In all other respects I confirm and republish my Will.

I have signed this Codicil on this 12th day of April, 2017

Roy E. Mevers, Jr. (SEAL)
ROY E. MEVERS, JR., Testator

We saw ROY E. MEVERS, JR., in our presence, sign this instrument at its end; he then declared it to be a Codicil to his Will dated November 16, 2015, and requested us to act as witnesses to it; and then we, in his presence and in the presence of each other, signed our names as attesting witnesses; all of which was done on the date of this instrument.

James S. Hart residing at Charleston, SC
Witness

Debra A. Hart residing at Hanahan, S.C.
Witness

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SLOTCHIVER & SLOTCHIVER, L.L.P.
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CHARLESTON, SC 29401-2810

SECOND CODICIL TO
Last Will and Testament
of

ROY E. MEVERS, JR.

I, ROY E. MEVERS, JR., a resident of South Carolina, declare this to be a Second Codicil to my Will dated November 16, 2015.

I amend Article II of my Will by adding the following as Paragraph 3 thereof:

"3. I give all my personal and household effects, such as jewelry, clothing, automobiles, equipment, furniture, furnishings, silver, books and pictures, and any other articles of personal use or diversion, including policies of insurance thereon, to MINNIE LEE NEWMAN MEVERS, "my wife," absolutely.

In all other respects I confirm and republish my Will, as modified by my Codicil dated April 12, 2017, and I confirm and republish my Codicil except as modified by this Second Codicil.

I have signed this Codicil on this 4th day of August, 2017

Roy E. Mevers, Jr. (SEAL)
ROY E. MEVERS, JR., Testator

We saw ROY E. MEVERS, JR., in our presence, sign this instrument at its end; he then declared it to be a Second Codicil to his Will dated April 12, 2017, and requested us to act as witnesses to it; and then we, in his presence and in the presence of each other, signed our names as attesting witnesses; all of which was done on the date of this instrument.

[Signature] residing at Charleston, SC
Witness

[Signature] residing at Charleston, SC
Witness

CERTIFIED TO BE A TRUE AND CORRECT COPY
AS TAKEN FROM AND COMPARED WITH THE
ORIGINAL ON FILE IN THIS OFFICE

JUL 23 2004

Mark H. Hammond
SECRETARY OF STATE OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA
SECRETARY OF STATE
NONPROFIT CORPORATION
ARTICLES OF INCORPORATION

COPY
FILED

JUL 23 2004

Mark H. Hammond
SECRETARY OF STATE

TYPE OR PRINT CLEARLY IN BLACK INK

Pursuant to Section 33-31-202 of the South Carolina Code of Laws, as amended, the undersigned corporation submits the following information:

1. The name of the nonprofit corporation is THE "SONNY MEVERS" FOUNDATION
2. The initial registered office of the nonprofit corporation is 17 East Battery

<u>Charleston</u>	<u>Charleston</u>	<u>South Carolina</u>	<u>29401</u>
City	County	State	Zip Code

The name of the registered agent of the nonprofit corporation at that office is

ROY E. MEVERS, JR.

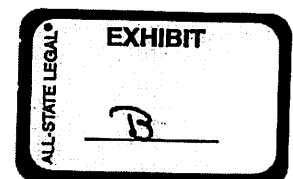
Print Name

I hereby consent to the appointment as registered agent of the corporation.

Roy E. Mevers, Jr.
Agent's Signature

3. Check "a", "b", or "c" whichever is applicable. Check only one box:
 - a. ☒ The nonprofit corporation is a public benefit corporation.
 - b. ☐ The nonprofit corporation is a religious corporation.
 - c. ☐ The nonprofit corporation is a mutual benefit corporation.
4. Check "a" or "b", whichever is applicable:
 - a. ☐ This corporation will have members.
 - b. ☒ This corporation will not have members.
5. The address of the principal office of the nonprofit corporation is

<u>17 East Battery</u>	<u>Charleston</u>	<u>Charleston</u>	<u>SC</u>	<u>29401</u>
Street Address	City	County	State	Zip Code
6. If this nonprofit corporation is either a public benefit or religious corporation (when box "a" or "b" of paragraph 3 is checked), complete either "a" or "b", whichever is applicable, to describe how the remaining assets of the corporation will be distributed upon dissolution of the corporation.
 - a. ☐ Upon dissolution of the corporation, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future Federal tax code, or shall be distributed to the Federal government, or to a state or local government, for a public purpose. Any such asset not so disposed of shall be disposed of by the Court of Common Pleas of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said court shall determine, which are organized and operated



R_0099

THE "SONNY MEVERS" FOUNDATION

Name of Corporation

exclusively for such purposes.

- b. ☒ Upon dissolution of the corporation, consistent with the law, the remaining assets of the corporation shall be distributed to

SEE ATTACHED - Exhibit A

7. If the corporation is a mutual benefit corporation (when box "c" of paragraph 3 is checked), complete either "a" or "b", whichever is applicable, to describe how the (remaining) assets of the corporation will be distributed upon dissolution of the corporation.

- a. ☐ Upon dissolution of the mutual benefit corporation, the (remaining) assets shall be distributed to its members, or if it has no members, to those persons to whom the corporation holds itself out as benefiting or serving.
- b. ☐ Upon dissolution of the mutual benefit corporation, the (remaining) assets, consistent with the law, shall be distributed to

8. The optional provisions which the nonprofit corporation elects to include in the articles of incorporation are as follows (See 33-31-202(c) of the 1976 South Carolina Code of Laws, as amended, the applicable comments thereto, and the instructions to this form)

SEE ATTACHED - Exhibit B and Exhibit C

9. The name and address of each incorporator is as follows (only one is required)

Roy E. Mevers, Jr.	17 East Battery, Charleston, SC	29401
Name	Address	Zip Code
Name	Address	Zip Code
Name	Address	Zip Code

10. Each original director of the nonprofit corporation must sign the articles but only if the directors are named in these articles:

ROY E. MEVERS, JR.

Name (Only if named in articles)

Roy E. Mevers Jr.
Signature of director

BRANDON HOFFMAN

Name (Only if named in articles)

Brandon J. Hoffman
Signature of director

DAVID B. HOOD

Name (Only if named in articles)

David B. Hood
Signature of director

11. Each incorporator must sign the articles.

Signature of incorporator

Signature of incorporator

Signature of incorporator

THE "SONNY MEYERS" FOUNDATION

Name of Corporation

FILING INSTRUCTIONS

1. Two copies of this form, the original and either a duplicate original or a conformed copy, must be filed.
2. If space in this form is insufficient, please attach additional sheets containing a reference to the appropriate paragraph in this form, or prepare this using a computer disk, which will allow for expansion of space on the form.
3. This form must be accompanied by the filing fee of \$25.00 payable to the "Secretary of State."

Return to: Secretary of State
P.O. Box 11350
Columbia, SC 29211
4. If this organization is a Political Association it must also be accompanied by the First Annual Report of Corporations and an additional \$25.00 fee is required.

NOTE

THE FILING OF THIS DOCUMENT DOES NOT, IN AND OF ITSELF, PROVIDE AN EXCLUSIVE RIGHT TO USE THIS CORPORATE NAME ON OR IN CONNECTION WITH ANY PRODUCT OR SERVICE. USE OF A NAME AS A TRADEMARK OR SERVICE MARK WILL REQUIRE FURTHER CLEARANCE AND REGISTRATION AND BE AFFECTED BY PRIOR USE OF THE MARK. FOR MORE INFORMATION, CONTACT THE TRADEMARKS DIVISION OF THE SECRETARY OF STATE'S OFFICE AT (803) 734-1728.

EXHIBIT A-Articles of Incorporation
(The "Sonny Mevers" Foundation)

Upon the dissolution of the Corporation, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or corresponding provisions of any subsequent federal tax laws, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by a court of competent jurisdiction for the county in which the principal office of the Corporation is then located, exclusively for such purposes, or to such organization or organizations, as said court shall determine, which are organized and operated exclusively for such purposes.

(END OF EXHIBIT A)

**EXHIBIT B-Articles of Incorporation
(The "Sonny Mevers" Foundation)**

The Corporation's Board of Directors shall be appointed by Roy E. Mevers, Jr., or by his nominee; and any such nominee shall in turn have the right to nominate his successor. Otherwise, in the event of the death or incapacity of Roy E. Mevers, Jr., the Corporation's Board of Directors shall be appointed alternatively by the Board of Directors of R.E. Mevers, Inc., a South Carolina business corporation, or by its nominee; and any such nominee shall in turn have the right to nominate his successor. Any appointed director may be removed without cause by giving written notice pursuant to the procedures set forth in Section 33-31-809 (b) of the South Carolina Nonprofit Corporation Act.

(END OF EXHIBIT B)

EXHIBIT C-Articles of Incorporation
(The "Sonny Mevers" Foundation)

(a) To receive and maintain a fund or funds of real or personal property, or both, and, subject to the restrictions and limitations hereinafter set forth, to use and apply the whole or any part of the income therefrom and the principal thereof exclusively for charitable, religious, scientific, testing for public safety, literary, or educational purposes either directly or by contributions to organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code and its Regulations as they now exist or as they may hereafter be amended.

(b) No part of the net earnings of the Corporation shall inure to the benefit of, or be distributable to, its members, trustees, officers, or other private persons, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in (a) hereof. No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these articles, the Corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, or corresponding provisions of any subsequent federal tax laws, or (b) by a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code, or corresponding provisions of any subsequent federal tax laws.

(c) The Corporation shall distribute its income for each taxable year at such time and in such manner as not to become subject to the tax on undistributed income imposed by Section 4942 of the Internal Revenue Code or corresponding provisions of any subsequent federal tax laws.

(d) The Corporation shall not engage in any act of self-dealing as defined in Section 4941 (d) of the Internal Revenue Code or corresponding provisions of any subsequent federal tax laws.

(e) The Corporation shall not retain any excess business holdings as defined in Section 4943 (c) of the Internal Revenue Code or corresponding provisions of any subsequent federal tax laws.

(f) The Corporation shall not make any investments in such manner as to subject it to tax under Section 4944 of the Internal Revenue Code or corresponding provisions of any subsequent federal tax laws.

(g) The Corporation shall not make any taxable expenditures as defined in Section 4945 (d) of the Internal Revenue Code or corresponding provisions of any subsequent federal tax laws.

(h) Notwithstanding any other provision of these articles, the Corporation shall not conduct or carry on any activities not permitted to be conducted or carried on by an organization exempt under Section 501(c)(3) of the Internal Revenue Code and its Regulations as they now exist or as they may hereafter be amended, or by an organization contributions to which are deductible under Section 170(c)(2) of such Code and Regulations as they now exist or as they may hereafter be amended.

(END OF EXHIBIT C)

INTERNAL REVENUE SERVICE
P. O. BOX 2506
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: JUL 21 2005

THE SONNY MEYERS FOUNDATION
17 E BATTERY
CHARLESTON, SC 29401

Employer Identification Number:
14-1912699
DLN:
17053175030045
Contact Person:
GARY L BOTKINS ID# 31463
Contact Telephone Number:
(677) 829-5500
Accounting Period Ending:
JUNE 30
Effective Date of Exemption:
JUNE 23, 2004

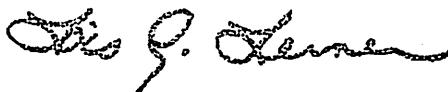
Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a private foundation within the meaning of section 509(a) of the Code. You are required to file Form 990-PF annually.

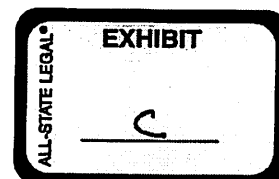
Please see enclosed Information for Private Foundations Exempt Under Section 501(c)(3) for some helpful information about your responsibilities as an exempt organization. You can obtain information about private foundation status by requesting Publication 578, Tax Information for Private Foundations and Foundation Managers.

Sincerely,



Lois G. Lerner
Director, Exempt Organizations
Rulings and Agreements

Enclosure: Information for Private Foundations Exempt Under Section 501(c)(3)



Letter 1076 (DO/CG)

R_0106

James A. McAlister Funerals & Cremation

Roy Eugene 'Sonny' Mevers, Jr.

(September 18, 1931 - November 03, 2017)



Roy E. Mevers, Jr. (Sonny) passed away peacefully at home on Friday, November 3, 2017. Sonny was born on September 18, 1931, in Buenos Aires, Argentina, while his father, Roy E. Mevers was on assignment with Standard Oil Company. Sonny traveled throughout southeast Asia with his parents until he returned to Charleston at the age of 5, where he lived out the rest of his life. He graduated from Murray Vocational High School, attended Belmont Abbey and the University of South Carolina. In 1955, he founded R. E Mevers Contracting, Inc., a remodeling and renovation construction firm. He was instrumental in the restoration of many historic properties in downtown Charleston, particularly in Ansonborough, where he purchased and renovated the original home of Capt. Anson for his office. Sonny was a lifelong sailor and participated in local regattas well into his seventies. He purchased a beach house on Sullivan's Island in 1965, and spent every summer there surrounded by family and friends. Sonny also enjoyed his Mountain in Tryon, NC where he had an abundance of friends. He was also an avid antique & classic car collector. He retained ownership of the first pickup truck he purchased for his business, a 1955 Ford F150, restoring it to mint condition. In 2007, he met Minnie Newman Blackwell and they were married in September of 2016. Minnie brought him years of extreme happiness. As his health began to slowly deteriorate he kept a brave face, never complaining, and always asking if you were ok. Minnie was his caregiver, staying by his side, loving and caring for him 24/7. Sonny was always interested in providing educational opportunities for the children of our community, and in January of 2017, he founded the Mevers School of Excellence, a charter school in Berkeley County, which opened for classes this fall. Sonny was a member of the Charleston Yacht Club, Carolina Yacht Club, the Hibernian Society, the Charleston Model A Club, R.O.M.E.O (retired old men eating out) and St. Mary's Catholic Church. He was predeceased in death by his father and his mother, Margaret McAlister Mevers. He is survived by his wife Minnie; her three daughters, Felicia Blackwell Brown, Jessica Blackwell Brue (Jeff), and Madison Blackwell; two sons, Roy-Gene Mevers (Beth), and Billy Mevers (Sue); two grandchildren, Walker Brown and Isabella Brown; four grandchildren, Roy Mevers IV (Margaret), Benjamin Mevers, Margaret Mevers, Chris Mevers (DeAnn); and three great grandchildren, Scarlett Mevers, Emma Grace Mevers and Roy Mevers V. (Beau). He was loved, admired and will be missed by scores of family members and countless friends. The family would like to thank the nurses and staff at Roper medical and at Roper Hospice for their love and care they provided for Sonny. A Mass of Christian Burial will be celebrated at 10:00 AM, Saturday, November 11, 2017, at St. Mary's Catholic Church, 89 Hasell St. A celebration of life will be held immediately afterward at 17 East Battery. The Rite of Committal will be private. The family will receive friends between 4:00 and 7:00 PM, Friday, at the James A. McAlister Funeral Home, 1620 Savannah Hwy. In Lieu of flowers, donations may be made to the Sonny Mevers Foundation, Crescom Bank, Attn: Holly Edwards, 288 Meeting St., Charleston, SC 29401.



STATE OF SOUTH CAROLINA

COUNTY OF: CHARLESTON

THE MATTER OF:

STATE OF ROY E. MEVERS, JR.

(Decedent)

II. THE PROBATE COURT

CASE NUMBER: 2017-ES-10-

17 NOV 13 PM 3:42

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

Petitioner(s)

vs.

Respondent(s)

APPLICATION FOR INFORMAL

☒ PROBATE OF WILL

☒ APPOINTMENT

(check any that apply)

*PETITION FOR FORMAL

☐ TESTACY

☐ APPOINTMENT

If this is a formal filing, please explain on page 3 or attach pleadings pursuant to *SC Rules of Civil Procedure*.

***NOTE: IF THIS IS A FORMAL PROCEEDING, IN ADDITION TO THIS FORM PETITION, YOU MUST ALSO FILE A SUMMONS (FORM SCCA 401PC), AND PAY THE STATUTORY FILING FEE OF \$150.00. A HEARING IN THE PROBATE COURT ON THE PETITION MAY BE REQUIRED.**

I. ALL APPLICANTS/PETITIONERS MUST COMPLETE THIS SECTION.

1. Applicant/Petitioner(s): Minnie Lee Newman Mevers

Address: 17 East Battery, Charleston, SC 29401

Telephone (Work): 843-722-1200

(Home): 843.577-5553

(Cell): _____

Email: _____

Relationship to Decedent: Wife

2. Decedent Information:

Full Legal Name
(including all known names): Roy E. Mevers, Jr.

Date of Birth: September 18, 1931

Date of Death: November 3, 2017

Age at Date of Death: 86

3. Venue for this proceeding is proper in this County because:

☒ Decedent was domiciled in this County at date of death:

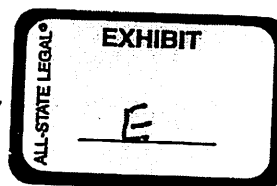
Address: 17 EAST BATTERY County: CHARLESTON State: South Carolina.

☐ Decedent was not domiciled in South Carolina, but property of Decedent was located in this County at date of death at:

Address: _____ County: _____ State: South Carolina

☐ Decedent has a right to take legal action in this County because:

If the above address is the address of a nursing home, prison, or other residential facility, please give the last address of the Decedent prior to entering a facility:



4(a). Names and addresses of beneficiaries (devisees) named in the Will.

Full Legal Name (including all known names)	Year of Birth	Full Address	Relationship to Decedent
Minnie Lee Newman Mevers	Adult	17 East Battery, Charleston, SC 29401	Wife – \$350,000 and all personal and household effects
Roy E. Mevers, III	Adult	TBD	Son – \$325,000
William E. Mevers	Adult	TBD	Son – \$325,000
Roy Mevers, IV	Adult	TBD	Grandson – \$25,000

☒ See attached for additional devisees (check if applicable).

4(b). Names and addresses of intestate heirs who are not devisees (persons who inherit if Decedent left no Will).

Full Legal Name (including all known names)	Year of Birth	Full Address	Relationship to Decedent

☐ See attached for additional intestate heirs (check if applicable).

4(c). Did all of the above persons survive one hundred and twenty (120) hours since the death of Decedent?

☒ YES ☐ NO If no, please explain on page 3.

5. Did Decedent have any change of marital status or the birth or adoption of any children after execution of this Will, if one exists, or has any child of the Decedent been born since his/her death, or is any birth of a child of the Decedent anticipated? (This includes illegitimate children.)

☒ NO ☐ YES If yes, please explain, on page 3.

6. To the best of your knowledge, was the Decedent a patient in a non-private State of South Carolina mental health facility during his/her lifetime?

☒ NO ☐ YES If yes, please explain, on page 3.

7. Has a Guardian or Conservator ever been appointed by a Court for this person?

☒ NO ☐ YES If yes, please explain on page 3.

8. Has a Personal Representative of the Decedent been appointed prior to this date by a Court in this state or elsewhere?

☒ NO ☐ YES If yes, please state details, including name and address of such Personal Representative on page 3.

9. Have you received or are you aware of any Demands for Notice (FORM #111ES) of any probate or appointment proceeding concerning the Decedent that may have been filed in this state or elsewhere?

☒ NO ☐ YES If yes, please state details, including names and addresses on page 3.

10. Have more than ten (10) years passed since the Decedent's death?

☒ NO ☐ YES If yes, please state circumstances authorizing tardy probate on page 3.

1(a). Did the Decedent own probate real estate?

☐ NO ☒ YES If yes, an approximate value of \$TBD (Note: A complete inventory of probate assets with fair market values is to be filed after Personal Representative is appointed.)

1(b). Did the Decedent own probate personal property?

☐ NO ☒ YES If yes, an approximate value of \$TBD (Note: A complete inventory of probate assets with fair market values is to be filed after Personal Representative is appointed.)

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

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

II. IF A WILL EXISTS, PLEASE COMPLETE THIS SECTION.

1. Regarding the Decedent's Will:

- ☒ The original is attached.
☐ The original is in the Court's possession.
☐ An exemplified (authenticated) copy of a Will probated in another jurisdiction is attached.
☐ An exemplified (authenticated) copy of a Will not probated in another jurisdiction is attached.
☐ The original of the Will is lost, destroyed, or otherwise unavailable, however, a description of its contents is attached. (for formal proceeding, explain below or attach supplemental pleadings)

2. The execution date of the Will was: November 16, 2015

Codicil(s): First Codicil, April 12, 2017

Second Codicil, August 4, 2017

3. Is there a memorandum that disposes of tangible personal property pursuant to 62-2-512?

☒ NO ☐ YES If yes, attach hereto.

4. To the best of your knowledge, do you believe the Will listed above is the Decedent's validly executed last Will?

☒ YES ☐ NO If no, please explain on page 3.

5. To the best of your knowledge, is any witness to the will an "interested witness" (i.e., does the will make any devise to a witness, a witness's spouse, or a witness's issue)?

☒ NO ☐ YES If yes, please explain on page 3.

COMPLETE EXPLANATION(S) FOR QUESTIONS IN SECTIONS I and II HERE.
(If more space is required, use additional sheets.)

IF APPLYING FOR INFORMAL OR FORMAL APPOINTMENT, PLEASE COMPLETE THE FOLLOWING.

1. If the Applicant/Petitioner is not the proposed Personal Representative(s), list name and address of the person you are proposing be appointed as the fiduciary:

2. Priority for appointment of the proposed Personal Representative (whether applicant or nominee) is:
 - ☒ named as Primary Personal Representative in Will
 - ☐ named as Alternate Personal Representative in Will
 - ☐ nominee of Primary Personal Representative in Will
 - ☐ nominee of Alternate Personal Representative in Will
 - ☐ surviving spouse of Decedent who is devisee of Decedent or nominee of said spouse
 - ☐ other devisee of Decedent (describe): _____ or nominee of said devisee
 - ☐ surviving spouse of Decedent or nominee of said spouse
 - ☐ other heir of Decedent (describe): _____ or nominee of said heir
 - ☐ creditor (forty-five (45) days after death must have passed) or nominee of creditor; written statement of claim, FORM 371ES, is attached
 - ☐ other (describe): _____
3. List below the name(s) of any other person(s), if any, having an equal or higher priority of appointment than the proposed Personal Representative:
None

ALL APPLICANTS/PETITIONERS MUST COMPLETE VERIFICATION.

VERIFICATION

The undersigned, being sworn, states that the facts set forth in the foregoing statement are true to the best of the undersigned's knowledge, information and belief, and hereby submits to the Court's jurisdiction in this matter.

SWORN to before me this 17 day
of November, 20 17

Signature of
Applicant/Petitioner: Mimi J. Newman - McCall

Irvin J. Slotchever SEAL
Notary Public for South Carolina
My Commission Expires: 12-18-2022
IRVIN J. SLOTCHEVER

ORDER OF INFORMAL PROBATE

.. IS HEREBY ORDERED that the above application for probate of a Will executed 11/14/15 and

☒ Codicil executed 4/12/17 and 8/14/17
☐ Memorandum

be informally ☒ GRANTED ☐ DENIED.

Executed this 13th day of Nov, 2017.

W. Schirmer, Assoc.

Probate Court Judge

☐ For formal probate of Will, see separate order executed _____.

ORDER OF INFORMAL APPOINTMENT

IT IS HEREBY ORDERED that the above Application for Appointment be granted upon the filing of an appropriate bond, if applicable, and upon the signing of the Qualification and Statement of Acceptance of appointment.

Bond

- ☐ Fiduciary Bond in the amount of \$ _____
☒ Bond not required for Personal Representative nominated by Will
☐ Bond not required as Personal Representative is sole heir or sole devisee
☐ Bond not required as Personal Representative is state agency, bank, or trust company
☐ Bond waivers filed
☐ See order dated _____
☐ Other: _____

Notice to Creditors

- ☒ Required
☐ Not Required

Executed this 13th day of Nov, 2017.

W. Schirmer, Assoc.

Probate Court Judge

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

QUALIFICATION AND STATEMENT OF ACCEPTANCE

I accept this appointment and agree to perform the duties and discharge the trust of the office of Personal Representative of the estate. I further submit personally to the jurisdiction of the Court in any proceeding relating to the Estate.

Signature: Minne Lee Newman Mevers
Print Name: Minne Lee Newman Mevers
Address: 17 East Battery
Charleston, SC 29401
Telephone (Work): 843-722-1200
(Home): 843-577-5533
(Cell): _____
Email: _____

*Attorney: Irvin J. Slotchiver
Address: 44 State Street
Charleston, SC 29401
Telephone: 843-577-6531
Email: irvin@slotchiverlaw.com

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

ATTACHMENT TO FORM#300ES

4(a). Names and addresses of beneficiaries (devisees) named in the Will. (CONTINUED)

Full Legal Name (including all known names)	Year of Birth	Full Address	Relationship to Decedent
Ben Mevers	TBD	TBD	Grandson – \$25,000
Margaret Mevers	TBD	TBD	Granddaughter – \$25,000
Margaret Hood Mevers	TBD	TBD	Granddaughter – \$10,000
DeAnn Mevers	TBD	TBD	Granddaughter – \$10,000
Scarlett Mevers	TBD	TBD	Great- Granddaughter – \$10,000
Luma Grace Mevers	TBD	TBD	Great- Granddaughter – \$10,000
Roy Mevers, V	TBD	TBD	Great-Grandson – \$10,000
Mason Foster	TBD	TBD	Great-Grandson – \$5,000
Morgan Foster	TBD	TBD	Great- Granddaughter – \$5,000
Felicia Blackwell Brown	TBD	TBD	Step-daughter – \$10,000
Jessica Blackwell	TBD	TBD	Step-daughter – \$10,000
Madison Blackwell	TBD	TBD	Step-daughter – \$10,000
Wilker Brown	TBD	TBD	Step-grandson – \$5,000

ATTACHMENT TO FORM#300ES

Isabel Brown	TBD	TBD	Step-granddaughter - \$5,000
St. Mary of the Annunciation Restoration Fund		89 Hasell Street, Charleston, SC 29401	Charity - \$35,000
St. Mary of the Annunciation Holy Name Society		89 Hasell Street, Charleston, SC 29401	Charity - \$10,000
St. Mary of the Annunciation Ladies Altar Society		89 Hasell Street, Charleston, SC 29401	Charity - \$5,000
Sue Klump Mevers	TBD	TBD	TBD - \$50,000
Beth Driggers Mevers	TBD	TBD	TBD - \$50,000
Mary Willis Bennett	TBD	TBD	TBD - \$25,000
Jody M. Mann	TBD	TBD	TBD - \$5,000
Maggie M. Gillian	TBD	TBD	TBD - \$5,000
Sally M. Young	TBD	TBD	TBD - \$5,000
Kym Mevers	TBD	TBD	TBD - \$5,000
Susy O'Hara	TBD	TBD	TBD - \$5,000
Joseph Laughlin	TBD	TBD	TBD - \$10,000
THE "SONNY MEVERS" FOUNDATION		17 East Battery, Charleston, SC 29401	Charity - All of the Rest and Residue of the Estate

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Job : 57
 Date: 3/13/2020
 Time: 11:11:36 AM

[Home](#) > [Tax Exempt Organization Search](#) > Sonny Mevers Foun

[Back to Search Results](#)

Sonny Mevers Foundation

EIN: 14-1912699 | Charleston, SC, United States

Auto-Revocation List ⓘ

Organizations whose federal tax exempt status was automatically revoked because an organization appears on this list, it does not mean the organ

Exemption Type: 501(c)(3)

Exemption Reinstatement Date:

Revocation Date: 11-15-2017

Revocation Posting Date: 03-12-2018

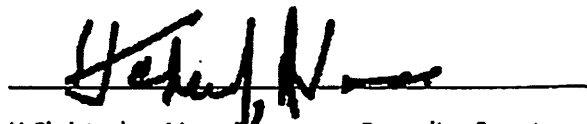


Page Last Reviewed or Updated: 6-Jul-2018

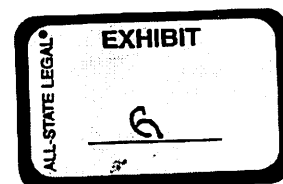
Minutes authorizing Dissolution of the Sonny Mevers Foundation

On or about January 23, 2018 Minnie Newman and Scott Myers representing the members of the Foundation Board unanimously voted to Dissolve the Foundation via telephone conference with Chris Moss on the phone recording the minutes as temporary Secretary appointed by Minnie Newman.

I hereby certify that I spoke with both Minnie Newman and Scott Myers via telephone on January 23, 2018 and witnessed via telephone their recorded votes as per these minutes voting in favor of dissolving the Foundation.

A handwritten signature in black ink, appearing to read "H Christopher Moss", is written over a horizontal line.

H Christopher Moss, Temporary Recording Secretary



CERTIFIED TO BE A TRUE AND CORRECT COPY
AS TAKEN FROM AND COMPARED WITH THE
ORIGINAL ON FILE IN THIS OFFICE

Filing ID: 180125-0910385

Filing Date: 01/24/2018

Jan 28 2019
REFERENCE ID: 277246

STATE OF SOUTH CAROLINA
SECRETARY OF STATE

Mark Hammond
SECRETARY OF STATE OF SOUTH CAROLINA

ARTICLES OF DISSOLUTION
FOR A NONPROFIT CORPORATION

Pursuant to the provisions of Section 33-31-1404 of the 1976 S.C. Code of Laws, as amended, the undersigned nonprofit corporation submits the following Articles of Dissolution:

1. The name of the corporation is:

SONNY MEVERS' FOUNDATION THE

Date Incorporated: 07/23/2004

2. The dissolution was authorized on: 01/24/2018

3. Choose one of the following by marking the appropriate box.

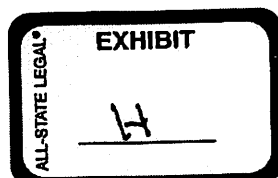
- ☐ The resolution authorizing the dissolution was duly adopted by the members pursuant to Section 33-31-1402 of the 1976 S.C. Code of Laws, as amended.
- ☒ The resolution authorizing the dissolution was duly adopted by a majority of the Board of Directors, as approval by the members was not required [Section 33-31-1402(b) of the 1976 S.C. Code of Laws, as amended].
- ☐ The resolution authorizing the dissolution was duly adopted by a majority of incorporators pursuant to Section 33-31-1401 of the 1976 S.C. Code of Laws, as amended.

4. If approval by the members was required, please provide the following information pursuant to Section 33-31-1404(a)(5)(i) and (ii) of the 1976 S.C. Code of Laws, as amended.

Complete one of the following as appropriate:

Designation (classes of membership)	Number of Memberships Outstanding	Number of Votes Entitled to be Cast by each Class Entitled to Vote Separately on Dissolution	Number of Votes Entitled to be Cast by Each Class Indisputably Voting on Dissolution	Total Number of Votes Cast* For -AND- Against Dissolution by Each Class Entitled to Vote Separately	Total Number of undisputed votes cast for dissolution by each class which was sufficient for approval for that class

5. If approval by third person(s) other than the members, directors, or incorporators was required, such approval was obtained.
6. If a public benefit or religious corporation, notice to the Attorney General, required by Section 33-31-1403 of the 1976 S.C. Code of Laws, as amended, has been given.



Form Revised by South Carolina Secretary of State, August 2016
F0112

SC Secretary of State
Mark Hammond

R_0119

CERTIFIED TO BE A TRUE AND CORRECT COPY
AS TAKEN FROM AND COMPARED WITH THE
ORIGINAL ON FILE IN THIS OFFICE

Jan 28 2019

REFERENCE ID: 277246

Mark Hammond
SECRETARY OF STATE OF SOUTH CAROLINA

'SONNY MEVERS' FOUNDATION THE

Name of Corporation

7. If the document is not to be effective upon filing by the Secretary of State, the delayed effective date/time is:

(Date) (NOTE: A delayed effective date shall not be later than the 90th day after the date this document is filed by the Secretary of State.)

Name of Corporation:

'SONNY MEVERS' FOUNDATION THE

01/24/2018

(Date)

MINNIE L NEWMAN

(Signature)

MINNIE L NEWMAN

(Print Name)

PRESIDENT AND CHAIRWOMEN

(Position of Officer)

AS WITNESSED BY THE NOTARY PUBLIC
ORIGINAL FILED IN THE CLERK OF COURT'S OFFICE

154-33-1402
R 11-1-18

Business Name: Sonny Meyers Foundation, Inc.

**AFFIDAVIT AFFIRMING AUTHORITY TO EXECUTE ARTICLES OF DISSOLUTION
FOR A NONPROFIT ORGANIZATION**

Filed pursuant to South Carolina Code of Laws § 33-31-1402 (f)

I do solemnly swear or affirm, under penalty of perjury, that I have the authority, either in my own right or on behalf of the board or other entity or group, to execute articles of dissolution for Sonny Meyers Foundation The, a nonprofit organization.
(Must match entity name on record with Secretary of State's office)

Minnie L Newman
Officer's Printed Name

Minnie L Newman
Officer's Signature

Elizabeth A. Coward
Notary's Printed Name

Sworn to and subscribed before me
This 24th day of January, 2018.

Elizabeth A. Coward
Notary's Signature

Notary Public of South Carolina

Date 1/24/18

My Commission Expires: ELIZABETH A. COWARD
Notary Public, State of South Carolina
My Commission Expires 5/20/2024

#1

No assets to my knowledge on date of Dissolution on January 24, 2018.

Six months prior on July 24, 2017 \$1,005.11 in cash checking.

(There is some issue with Minnie's Burial plot held by the Roman Catholic Diocese of Charleston however I do not believe this is an "asset".)

#2

There were no assets on the date of dissolution other than the burial plot mentioned in Document #1. Therefore, I believe and it appears this answer is not applicable.

#4

Sonny Mevers Foundation

Listing of the two (2) Board of Directors on the day of dissolution January 24, 2018

Minnie Newman voted to dissolve January 23, 2018

Scott Myers voted to dissolve January 23, 2018

STATE OF SOUTH CAROLINA

IN THE PROBATE COURT

COUNTY OF: CHARLESTON

PROPOSAL FOR DISTRIBUTION

THE MATTER OF:
ROY E. MEVERS JR
(Decedent)

CASE NUMBER: 2017-ES-10-1946

Name and Address of Distributee(s)	Amount and/or Item(s)
BETH DRIGGERS MEVERS	\$50,000
MORGAN FOSTER	\$5,000
DEANN MEVERS	\$10,000
SCARLETT MEVERS	\$10,000
MASON FOSTER	\$5,000
MARY WILLIS BENNETT	\$25,000
BEN MEVERS	\$25,000
EMMA GRACE MEVERS	\$10,000
MADISON BLACKWELL	\$10,000
SUE KLUM MEVERS	\$50,000
MARGARET MEVERS	\$25,000
JESSICA BLACKWELL	\$10,000
ROY MEVERS, V	\$10,000
MARGARET HOOD MEVERS	\$10,000
ROY MEVERS, IV	\$25,000
MAGGIE GILLIAN	\$5,000
SALLY YOUNG	\$5,000
EDDY MANN	\$5,000
WALKER BROWN	\$5,000
ISABEL BROWN	\$5,000
ST. MARY'S CHARITABLE DONATION	\$50,000
ROY E. MEVERS, III	\$325,000
WILLIAM E. MEVERS, III	\$325,000
FELICIA BLACKWELL BROWN	\$10,000
SUSY O'HARA	\$5,000
KYM MEVERS	\$5,000
JOSEPH LAUGHLIN (Loughran)	\$10,000
MINNIE LEE NEWMAN MEVERS	Residuary Distribution

Executed this 15th day of November, 2018.

Co-Personal
Representative

Signature: _____

Print Name: _____

Address: _____

Telephone (Work): _____

(Home): _____

(Cell): _____

Email: _____

Personal
Representative

Signature: _____

Print Name: _____

Address: _____

Telephone (Work): _____

(Home): _____

(Cell): _____

Email: _____

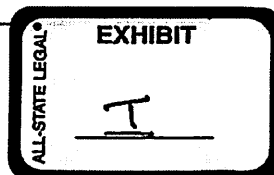
Minnie Lee Newman Mevers

17 E Battery

Charleston, SC 29401

843-729-2210

jessica@ikonlawfirm.com



STATE OF SOUTH CAROLINA) IN THE PROBATE COURT
)
 COUNTY OF CHARLESTON) CASE NO. 2017-ES-10-1946

 IN THE MATTER OF:) MOTION FOR TEMPORARY
) RESTRAINING ORDER
 THE ESTATE OF ROY E. MEVERS)

20 MAR 13 PM 12:36

NOW COMES Alan Wilson, Attorney General for the State of South Carolina, by and through his undersigned counsel, pursuant to Rule 65, SCRCP, and any other applicable law, and, on the grounds set forth below, hereby moves this Honorable Court to enter a temporary restraining order against Minnie Lee Newman Mevers ("Ms. Newman"), surviving spouse of Roy E. "Sonny" Mevers Jr. ("Mr. Mevers"), deceased November 3, 2017, in respect of certain disputed distributions to Mrs. Mevers from the Estate of Roy E. Mevers Jr. (the "Estate"):

1. As explained in the Verified Petition and Application to Re-Open Estate, Appoint Special Administrator, Impose Constructive Trust to Protect Improperly Distributed Estate Assets, and Obtain Other Relief as Necessary (the "Verified Petition and Application"), which is filed contemporaneously herewith and incorporated herein by reference, The Sonny Mevers Foundation (the "Foundation"), a South Carolina nonprofit corporation Mr. Mevers established during his life for charitable purposes, was to receive Estate assets valued in excess of Nineteen Million and 00/100 (\$19,000,000.00) Dollars under the residuary clause of Mr. Mevers's will, but Ms. Newman—through self-dealing, non-disclosure, manipulation of the Foundation's legal status/existence, and breach of fiduciary duties owed both to the Estate (as Mr. Mevers's personal representative) and the Foundation (as president of its board)—wrongfully caused those assets to be diverted away from the Foundation and distributed to herself.

2. Based upon the Verified Application and Petition, it appears the disbursement of the residuary assets in issue was authorized by this Court without it having been advised of all material facts and circumstances and that the Foundation, acting by, through, or otherwise at the direction of Ms. Newman, had not provided the statutorily mandated notice of its dissolution to the South Carolina Attorney General.

3. Based upon documents found in the public records, Ms. Newman has and continues to utilize Estate assets that should have been distributed to the Foundation under Mr. Mevers's will for her own personal use and/or has sold or transferred assets of the Foundation to third parties and/or other entities she controls or has an interest in. In that no bond was required as to the Estate, there is a substantial likelihood that the Foundation will suffer irreparable harm if a temporary restraining order (as allowed by Rule 65) is not granted to preserve the assets, and any proceeds thereof, to which it is entitled but has not received or has otherwise been deprived of.

4. The facts set forth in the Verified Petition and Application show that the Foundation and the Attorney General will likely succeed on the merits of this litigation. Ms. Newman breached her legal and fiduciary duties in taking possession of assets belonging to the Foundation. She did so in a conscious effort to render the residuary clause of Mr. Mevers's will meaningless, and thereby thwart his testamentary intent, so that she, rather than the charitable foundation Mr. Mevers clearly meant to live on after him, would receive in excess of Nineteen Million and 00/100 (\$19,000,000.00) Dollars.

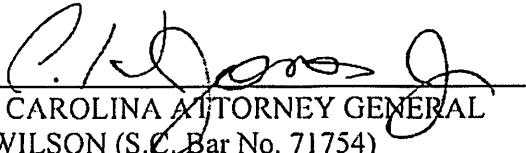
5. Ms. Newman, though her counsel, declined the State's request for an assurance that she would refrain from dissipating Foundation assets pending resolution of this matter. There is no adequate remedy at law available if Ms. Newman is allowed to continue to use

Foundation assets to fund her lifestyle, travel, expenses, and gifts to others. Failing to issue a temporary restraining order against Ms. Newman's use of the assets, to include any proceeds thereof, will irreparably harm the Foundation and the public interest it is meant to serve, each use of the assets by Ms. Newman unduly diminishing the Foundation's chances of ever fully recovering that which she has taken from it.

6. For these reasons (along with those set forth in the Verified Petition and Application), the Attorney General asks this Court issue a temporary restraining order, effective from the date and time of issuance and for a period of 10 days thereafter, restraining Ms. Newman from using, disposing of, transferring, selling, gifting, mortgaging, or taking any other action of any kind that would encumber, sell, or impact the ownership of, the value of, or the ability of the Foundation to recover the full value of any/all assets (or the proceeds thereof) distributed to her under the residuary clause of Mr. Mevers's will and, to that end, requiring that Ms. Newman retain complete control over all monies, stocks, securities, and/or anything else of value already received from any sale, transfer, or other disposition of such assets for the duration of this temporary restraining order or as may otherwise be ordered by this Court.

(signature on following page)

Respectfully submitted,

By: 
SOUTH CAROLINA ATTORNEY GENERAL
ALAN WILSON (S.C. Bar No. 71754)
Attorney General

W. JEFFREY YOUNG (S.C. Bar No. 5747)
Chief Deputy Attorney General

ROBERT D. COOK (S.C. Bar No. 1373)
Solicitor General

C. HAVIRD JONES, JR. (S.C. Bar No. 3178)
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Assistant Deputy Attorney General

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-and-

YCRLAW, LLC
C. Michael Branham (S.C. Bar No. 857)
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Charleston, SC 29401
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(843) 720-5488
Special Counsel for the Attorney General of
The State of South Carolina

Dated: 3/12/2020
Columbia, SC

STATE OF SOUTH CAROLINA	)	IN THE PROBATE COURT
	)	
COUNTY OF CHARLESTON	)	
	)	Case No.: 2017-ES-10-1946
IN THE MATTER OF:	)	
THE ESTATE OF ROY E. MEVERS, JR.	)	
	)	
SOUTH CAROLINA ATTORNEY	)	MEMORANDUM OF LAW
GENERAL	)	IN OPPOSITION TO MOTION
	)	FOR TEMPORARY RESTRAINING
Petitioner,	)	ORDER
	)	
v.	)	
	)	
MINNIE LEE NEWMAN MEVERS,	)	
Respondent,	)	
	)	

Respondent Minnie Lee Newman Mevers (hereinafter “Minnie”) respectfully submits this memorandum of law in opposition to the Motion for Temporary Restraining Order (“TRO”) filed on March 13, 2020 by Petitioner South Carolina Attorney General (“SCAG”). For the reasons discussed below, Minnie respectfully requests that the motion be denied and/or that the *ex parte* TRO not be extended, but allowed to immediately expire.

BACKGROUND

On the same day the SCAG’s Motion was filed, and without prior notice to Minnie or opportunity to be heard, the SCAG obtained an *ex parte* TRO, presumably after an evidentiary hearing had been held based solely on the SCAG’s uncontested submissions to the Court.¹ In the

¹ It is perplexing that the SCAG chose to proceed on an *ex parte* basis and to deny Minnie the opportunity to be heard when this case involves an Estate that was closed on December 31, 2018 (15 months ago) and the Estate’s assets (which predominantly consisted of real estate holdings) were distributed approximately 1½ years ago. The *ex parte* proceedings are even more questionable given that Minnie’s legal counsel had been actively engaged in dialogue with the SCAG concerning the subject matters raised in its Petition for several months, her counsel had repeatedly responded to the SCAG’s numerous requests for information, and she had been cooperating with the SCAG’s inquiries. Minnie first learned of this lawsuit when she was served with the Court’s *ex parte* Order granting a TRO. Rule of Civil Procedure 65(b) mandates that “[n]o temporary restraining order shall be granted without notice of motion for the order to the

same Order granting the *ex parte* TRO, the Court also appointed a Special Administrator for the Estate of Roy E. Mevers, Jr. and set a hearing to take place on March 23, 2020, but did not specify in the Order the purpose of the hearing. The separate Notice of Hearing filed the same day simply states the hearing is “Per Temporary Restraining Order Dated March 13, 2020.” See Notice of Hearing.

As reflected in the Court’s file and in the affidavits submitted with this memorandum, Minnie is the widow of the late Roy E. Mevers, Jr. (hereinafter “Sonny”), who died on November 3, 2017. Minnie was appointed as Personal Representative of Sonny’s Estate on November 13, 2017.

After being appointed, Minnie retained Jessica Wentworth, Esquire, to serve as counsel for the Estate.² Ms. Wentworth is a local attorney whose practice focuses primarily on estate planning, probate administration, and real estate transactions. See Wentworth Aff. ¶¶1-4. Minnie also hired H. Christopher Moss, who is both a Certified Public Accountant (CPA) and tax attorney with over 35 years of experience, to serve as advisor on all tax and Internal Revenue Service (IRS) related matters. See Wentworth Aff. ¶5; Moss Aff. ¶¶6, 17.

Sonny died testate after being married to Minnie for four years. His Last Will and Testament, as well as two Codicils amending his original instrument, were prepared by Irvin

adverse party unless it clearly appears from specific facts shown by affidavit or by a verified complaint that immediate and irreparable injury, loss or damage will result to the applicant ***before notice can be served and a hearing had thereon.***” S.C. R. CIV. PRO. 65(b); see JAMES F. FLANAGAN, SOUTH CAROLINA CIVIL PROCEDURE 534 (3rd ed. 2010) (“Ex parte temporary restraining orders are disfavored in state practice. TROs are limited to those ‘rare occasions when no adverse interest exists or when exigent circumstances dictate that action be taken prematurely.’”). The SCAG’s motion makes no such showing.

² Ms. Wentworth replaced Irvin Slotchiver, Esquire, who initially served as counsel for the Estate. See Wentworth Aff. ¶5. Mr. Slotchiver filed the initial paperwork opening the Estate and obtained Minnie’s appointment as Personal Representative. He obviously saw no conflict of interest for Minnie to serve as Personal Representative.

Slotchiver, Esquire. See Wentworth Aff. ¶6. Article XII of Sonny's original Will, which was made before he married Minnie, specifically provided for the disposition of his residuary estate as follows:

I give devise and bequeath my entire residuary estate, being all real and personal property, wherever situated, in which I may have any interest at the time of my death, not otherwise effectively disposed of, to **THE "SONNY MEVERS" FOUNDATION**, if it is in existence at the time of my death and on the condition that it is an organization that is charitable within the meaning of Section 2055 of the Internal Revenue Code, as amended, and on the further condition that this gift is permitted as a charitable deduction from my Estate for Federal Estate Tax purposes, absolutely and in fee simple, forever.

After Sonny married Minnie on September 12, 2016, he later executed a Codicil to his Will amending Article XII so as to add the following sentence to the conclusion of that article:

Otherwise, I give, devise and bequeath my said entire residuary estate to my Spouse, **MINNIE LEE NEWMAN MEVERS**, absolutely and in fee simple, forever, on the condition that she shall survive me.

Under the terms and provisions of Sonny's Will, The "Sonny Mevers" Foundation's (hereinafter "Foundation") status as the outright beneficiary of Sonny's residuary estate would vest at the time of Sonny's death *provided* the Foundation was in existence at that time *and* it satisfied the other "conditions" set forth in Article XII. See Wentworth Aff. ¶12; Moss Aff. ¶15. The Will sets forth specific conditions that the Foundation must satisfy to qualify for receipt of the gift or distribution of the residuary estate—that (a) it is an organization which is charitable within the meaning of Section 2055 of the Internal Revenue Code (IRC) and (b) that the gift is permitted as a charitable deduction from Sonny's Estate for federal estate tax purposes. If either of those conditions were not satisfied either at the time of Sonny's death or when the estate assets were to be distributed, then the devise or gift to the Foundation either did not vest or, if it vested, it lapsed or was cancelled and instead devolved to Minnie. See Wentworth Aff. ¶13; Moss Aff. ¶16.

Sonny had created the Foundation in 2004, before he had even met Minnie. Because Ms. Wentworth is not a Certified Public Accountant or tax attorney, Minnie contacted Mr. Moss, who is both a CPA and a tax attorney, to serve as advisor on all tax and IRS related matters, including the question of whether the Foundation satisfied the conditions in Article XII of the Will. See Wentworth Aff. ¶¶5, 14; Moss Aff. ¶17. Mr. Moss investigated the matter and concluded that the Foundation was a sham and it had no real substance. See Moss Aff. ¶¶18-19.

Among other things, Mr. Moss learned that the Foundation had not filed the legally required tax information returns (Form 990-PF) for the fiscal years 2014, 2015, and 2016 and he could find no other reporting or other documentation to the IRS or another regulatory body concerning its operations or activities during these periods. See Moss Aff. ¶18; Wentworth Aff. ¶14. He determined that the Foundation had no real corporate records or documentation (outside its initial formation documents) that evidenced the Foundation had been, and was continuing, to be organized and operated exclusively for charitable purposes. Id. He learned that almost the entirety of the Foundation's Board members had conflicts of interest as they primarily comprised persons with whom Sonny transacted business raising a number of self-dealing concerns under Section 4941 of the IRC. Id. There were no records of when and how long these individuals were serving as directors, whether they were in fact appointed, or had ever approved any transactions, the compensation arrangements, or any charitable activities, grants, or any other matters required of individuals acting as directors. Id. The Foundation had no bookkeeping or records, had not conducted periodic meetings or recorded minutes of meetings as required in the bylaws, had no records of appointments of directors or officers, had no staff or employees, and had no office. Id. In short, Mr. Moss concluded the Foundation had no substance. Id. It had no documentation that

could demonstrate it had been actually operated by a board of directors to further charitable purposes. Id.

Based on his considerable experience in the field of taxation and his experience with tax audits by the IRS, Mr. Moss concluded that the Foundation could not withstand an IRS audit, it could not and would not qualify as a charitable organization within the meaning of Section 2055 of the IRC, and that a gift or devise from the Estate to the Foundation would not be permitted as a charitable deduction for federal estate tax purposes. See Moss Aff. ¶19; Wentworth Aff. ¶15. Mr. Moss communicated his conclusion to Ms. Wentworth and Minnie. See Moss Aff. ¶20; Wentworth Aff. ¶15. Ms. Wentworth and Minnie were concerned that it would be fraudulent or possibly even criminal to file papers taking the position that the Foundation was a tax-exempt organization. See Wentworth Aff. ¶15.

Mr. Moss's conclusion about the Foundation was confirmed by the IRS, which revoked the Foundation's federal tax-exempt status under IRC § 501(c)(3) effective on November 15, 2017. See Moss Aff. ¶21; Wentworth Aff. ¶16. As of November 15, 2017, the Foundation was a taxable c-corporation. Id. This was a mere two days after Minnie had been appointed as Personal Representative. On January 23, 2018, the Foundation's Board of Directors voted to dissolve the Foundation for the reasons pointed out by Mr. Moss—that the Foundation did not qualify as a tax-exempt entity and it had no real substance. See Moss Aff. ¶22. The Foundation filed Articles of Dissolution for a Nonprofit Corporation with the South Carolina Secretary of State on January 24, 2018, and the Foundation ceased to exist. Id.

Minnie and Ms. Wentworth took the appropriate steps to probate Sonny's Will and administer his estate based on the reasoned and good faith determination that the Foundation had not satisfied the conditions in the Will, that the devise or gift to the Foundation had lapsed or was

canceled, and that Minnie was the residuary beneficiary under the Will. See Wentworth Aff. ¶17; Moss Aff. ¶23. With the assistance of Ms. Wentworth, Minnie filed a Proposal for Distribution (Form #410ES) with this Court on November 21, 2018, along with a Final Accounting (Form #361ES), Application for Settlement (Form #412ES), and Notice of Right to Demand Hearing (Form #416ES), which disclosed that Minnie would receive the residuary estate as part of the proposed distribution of Sonny's estate. Id. Because the Foundation was not a proper residuary beneficiary, these actions were completely proper and were mandated by the terms and provisions of Sonny's Will. Id.

All of the 28 beneficiaries who received distributions from the Estate signed a Receipt and Release with Waiver (Form #403ES) and none responded to the notice of right to demand a hearing, or filed any objection to the Proposal for Distribution or Application for Settlement. See Wentworth Aff. ¶18; Moss Aff. ¶24. None of the directors or officers of the Foundation contested the probate process, its revocation of exempt status on November 15, 2017, or the subsequent dissolution of the Foundation. See Wentworth Aff. ¶19; Moss Aff. ¶25.

This Court issued an Order closing the Estate on December 31, 2018. The assets of the Estate were distributed in accordance with the terms of the Will as shown on the Proposal for Distribution. See Wentworth Aff. ¶20. Deeds of distribution involving the various real estate owned by Sonny were duly executed and recorded with the Registers of Deed for the appropriate counties. Id. The assets of the Estate have already been distributed in accordance with the terms and provisions of Sonny's Will. Id.

ANALYSIS AND ARGUMENT:

A. SCAG Has Not Requested a Temporary or Preliminary Injunction in its Motion and the TRO Should be Immediately Dissolved or Allowed to Expire.

As a threshold issue, the SCAG's motion nowhere requests a temporary injunction or preliminary injunction. It merely requests a TRO pursuant to Rule of Civil Procedure 65(b). See S.C. R. CIV. PRO. 65(b). The SCAG's Petition also does not request or seek a preliminary injunction or injunctive relief. Indeed, the motion nowhere asks the Court to extend or enlarge the TRO beyond the time limitations imposed by Rule 65(b).

Rule of Civil Procedure 65(b) provides that a TRO "shall expire by its terms within such time after entry, not to exceed 10 days, as the court fixes, unless within the time so fixed the order, for good cause shown, is extended for a like period or unless the party against whom the order is directed consents that it may be extended for a longer period." See S.C. R. CIV. PRO. 65(b). As such, a TRO expires no later than ten days after it is issued. The rule allows the Court to extend the time for another ten days for "good cause shown" or for the restrained party to consent to the extension. Nothing in the rule allows the Court to extend a TRO beyond a maximum of twenty days. Respondent objects to the Court extending the TRO at all, much less beyond the limits of Rule 65(b). At a maximum, the Court can extend the TRO by only ten days.

B. Requirements for Issuance of Temporary Injunction.

Even if the Court disregards the actual language in the SCAG's motion and treats it as a motion for a temporary or preliminary injunction, although no such relief has been requested in the motion or plead in the Petition, a party seeking such relief "must establish that (1) it would suffer irreparable harm if the injunction is not granted; (2) it will likely succeed on the merits of the litigation; and (3) there is an inadequate remedy at law." Scratch Golf Co. v. Dunes W. Residential Golf Properties, Inc., 361 S.C. 117, 121, 603 S.E.2d 905, 908 (2004). The sole

purpose of a temporary injunction is to preserve the status quo during litigation in order to prevent irreparable injury to the requesting party and to preserve the ability of the court to render complete relief. County Council of Charleston v. Felkel, 244 S.C. 480, 484, 137 S.E.2d 577, 578 (1964); Zabinski v. Bright Acres Associates, 346 S.C. 580, 601, 553 S.E.2d 110, 121 (2001).

“A preliminary injunction should issue only if necessary to preserve the status quo ante, and only upon a showing by the moving party that without such relief it will suffer irreparable harm, that it has a likelihood of success on the merits, and that there is no adequate remedy at law.” Hook Point, LLC v. Branch Banking and Trust Co., 397 S.C. 507, 511, 725 S.E.2d 681, 683 (2012) (citing Poynter Investments, Inc. v. Century Builders of Piedmont, Inc., 387 S.C. 583, 586–87, 694 S.E.2d 15, 17 (2010)).

A temporary or preliminary injunction is an “extraordinary remedy . . . which is to be applied only in the limited circumstances which clearly demand it.” Dao Travels, LLC v. Charleston Black Cab Co., 2015 WL 631137, *4 (D.S.C. Feb. 13, 2015) (quoting Centro Tepeyac v. Montgomery Cnty., 722 F.3d 184, 188 (4th Cir. 2013)); see also Munaf v. Geren, 553 U.S. 674, 689–90 (2008) (“A preliminary injunction is an extraordinary and drastic remedy; it is never awarded as of right.” (internal citation and quotation marks omitted)). Because of the potential for irreparable harm that may result from the issuance of a temporary injunction, an immediate appeal lies from an interlocutory order granting a temporary injunction. Lamar v. Croft, 73 S.C. 407, 53 S.E. 540 (1905); Williams v. Jones, 62 S.C. 472, 40 S.E. 881 (1901); see also Babb v. Scott, 2005 WL 7084291, *1 (S.C. Ct. App. 2005); Gibbs v. Kimbrell, 311 S.C. 261, 271, 428 S.E.2d 725, 731 (Ct. App. 1993); S.C. CODE ANN. § 14–3–330(4) (“The Supreme Court ... shall review upon appeal ... an interlocutory order or decree ... granting ... an injunction”).

In this case, the SCAG has failed to satisfy the necessary requirements for issuance of a temporary or preliminary injunction. It is unable to show irreparable harm if the injunction is not granted, it is not likely it will succeed on the merits of the litigation, and there is an adequate remedy at law.

(1) Irreparable Harm Requirement:

As a threshold point, a delay in seeking injunctive relief “indicate[s] an absence of the kind of irreparable harm required to support a preliminary injunction.” Quince Orchard Valley Citizens Ass’n v. Hodel, 872 F.2d 75, 79-80 (4th Cir. 1989). The SCAG initially contacted Minnie on November 14, 2019. The SCAG waited for 120 days before filing its Motion for a TRO, which strongly militates against granting a preliminary injunction at this stage.

The SCAG will suffer no irreparable harm if a preliminary injunction is refused. As the Court is aware from the Inventory and Proposal for Distribution filed before Sonny’s Estate was closed on December 31, 2018, the assets that were transferred to Minnie pursuant to Sonny’s Will were almost exclusively real estate holdings. The SCAG has made absolutely no showing whatsoever that Minnie intends to dispose of any real estate that she received as residual beneficiary of Sonny’s Estate during the pendency of this lawsuit.³ Indeed, one of the properties that Minnie received from Sonny’s Estate is 17 East Battery, which is located in the historic

³ The SCAG’s Petition and Motion ignore the fact that Minnie not only took under Sonny’s Will pursuant to the *residuary clause*, but she also was a *specific devisee* under other provisions of the Will. See Art. IX.1 of Will dated November 16, 2015 (“I give and bequeath the sum of Three Hundred Fifty Thousand (\$350,000) Dollars to my friend, **MINNIE LEE NEWMAN MEVERS**, if living”); Codicil dated August 4, 2017 (I give all my personal and household effects, such as jewelry, clothing, automobiles, equipment, furniture, furnishings, silver, books and pictures, and any other articles of personal use or diversion, including policies of insurance thereon, to **MINNIE LEE NEWMAN MEVERS**, “my wife,” absolutely.). Accordingly, even if the SCAG were to be successful on its claim that the Foundation was the residuary beneficiary, it would not divest Minnie of her rights as a specific devisee under the Will. The SCAG has no right to seek to restrain Minnie from using or disposing of any such property or assets.

district of downtown Charleston and overlooks the Cooper River and the harbor. This house was the couple's home before and after their marriage and is where Minnie still resides. The house has been in Sonny's family for nearly 125 years. Selling or disposing of that house would be the last thing Minnie would ever do and she has absolutely no plans or intention of selling the property.

The most that the SCAG can muster is the following weak assertion: "Ms. Newman, through her counsel, declined the State's request for an assurance that she would refrain from dissipating Foundation assets pending resolution of this matter." See Motion ¶15. In other words, the SCAG has no actual evidence that Minnie is on the verge of disposing of any assets that she received from Sonny's Estate as residual beneficiary and which she still may hold. Rather, the SCAG seeks the extraordinary remedy of a preliminary injunction based on the thinnest of claims—that Minnie's lawyer would not affirmatively "assure" the SCAG that Minnie will refrain from selling any of the properties she received as residual beneficiary and which she still may hold. If such a meager showing were sufficient to prove "irreparable harm," then the "extraordinary remedy" of a preliminary injunction during the pendency of the litigation will become the norm, not the exception.

Even assuming for argument's sake that the SCAG had shown that Minnie was on the verge of disposing of an asset she received from Sonny's Estate as residual beneficiary, which would potentially cause a financial or economic harm to the SCAG if the asset cannot later be retrieved or returned should the SCAG obtain a judgment in its favor, "pure economic loss is not sufficient to satisfy the requirement of showing an irreparable harm where an adequate remedy is available at law." Professional Wiring Installers, Inc. v. Sims, 2008 WL 9840409, *3 (S.C. Ct. App. 2008). "Mere injuries, however substantial, in terms of money, time and energy

necessarily expended in the absence of [an injunction] are not enough.” Sampson v. Murray, 415 U.S. 61, 90 (1974). “The possibility that adequate compensatory or other corrective relief will be available at a later date . . . weighs heavily against a claim of irreparable harm.” Id.

A preliminary injunction is unwarranted when the purported harm to the SCAG can be remedied by monetary relief. See, e.g., MailSource, LLC v. M.A. Bailey & Associates, 356 S.C. 363, 588 S.E.2d 635 (Ct. App. 2003); Hughes Network Sys., Inc. v. InterDigital Communications Corp., 17 F.3d 691, 694 (4th Cir. 1994); Allied World Specialty Insurance Company v. MRL Plumbing, LLC, 2017 WL 3328188, *3 (D.S.C. 2017). The United States Supreme Court has instructed that

The key word in this consideration is *irreparable*. Mere injuries, however substantial, in terms of money, time and energy necessarily expended in the absence of a stay, are not enough. The possibility that adequate compensatory or other corrective relief will be available at a later date, in the ordinary course of litigation, weighs heavily against a claim of irreparable harm.

Sampson v. Murray, 415 U.S. 61, 90 (1974) (emphasis in original).

This principle was illustrated in Schwartz v. Wellin, No. 2:13-CV-3595-DCN, 2014 WL 51212, at *1 (D.S.C. Jan. 7, 2014). In that case, which originated in the Charleston Probate Court but was removed to the federal district court, three co-trustees (the “Wellin children”) of a trust created by their father had liquidated and distributed over \$95.6 million of the trust’s estimated \$154 million in assets to themselves personally. Id. at *1; McDevitt v. Wellin, No. 2:13-CV-3595-DCN, 2016 WL 199626 (D.S.C. Jan. 15, 2016). The Wellin children had also used millions of dollars they took from the trust to pay their own attorneys, experts, and consultants. McDevitt, 2016 WL 199626 at *2. The trust protector and another co-trustee sued the three co-trustees, *inter alia*, to compel them to restore the trust’s assets to the trusts and for temporary and permanent injunctive relief.

While the case was pending in the Probate Court, Judge Condon issued an *ex parte* TRO that enjoined the Wellin children from disposing of or using the trust assets. Schwartz, 2014 WL 51212 at *2. After the case had been removed to the federal district court, a motion was then made to extend the TRO and for a preliminary injunction. Id. In denying the motion, Judge Norton pointed out that the lawsuit primarily sought to force the Wellin children to return the \$95.6 million in trust assets which they had distributed to themselves and, as such, it sought monetary relief. Id. at *4. Because “the harm at issue can be remedied by money damages,” Judge Norton held the “irreparable harm” element could not be satisfied. Id. (citing Bethesda Softworks, LLC v. Interplay Entm't Corp., 452 F. App'x 351, 353 (4th Cir. 2011)).

The same principles apply in the instant case. Even assuming *arguendo* the SCAG could show it will suffer some economic or financial harm resulting from Minnie’s disposition of any property she received from Sonny’s estate as residual beneficiary during the pendency of this action, any such harm could be remedied by an award of damages at end of this case after a trial on the merits. The SCAG has failed to satisfy the irreparable harm element.

(2) Likelihood of Success Requirement:

The SCAG has also failed to show it is “likely” it will succeed on the merits of the litigation. The SCAG’s Petition is based entirely on the faulty premise that the Foundation was a residuary beneficiary under Sonny’s Will, but the SCAG ignores the fact that the Foundation was disqualified from receiving under the Will because at the time of Sonny’s death and when the Estate was distributed (a) it could not qualify as a charitable organization within the meaning of Section 2055 of the IRC and (b) a gift or devise from the Estate to the Foundation would not be permitted as a charitable deduction for federal estate tax purposes, both of which were necessary conditions to the Foundation’s receipt of any benefits under the terms of the Will.

The South Carolina Probate Code (SCPC) mandates in its introductory sections that “[t]his Code shall be liberally construed and applied to promote its underlying purposes and policies” including “to discover and *make effective the intent of a decedent* in the distribution of his property.” S.C. CODE ANN. § 62-1-102(b)(2) (emphasis added). As expressly codified in the SCPC, a primary or paramount goal of this Court should be to ascertain and make effective the decedent’s intent regarding the disposition of his estate. See Holcombe-Burdette v. Bank of Am., 371 S.C. 648, 655, 640 S.E.2d 480, 483 (Ct. App. 2006).

“[O]ne of the basic rights known to our civilization is the privilege of disposing of property by Will as one elects.” In re Last Will & Testament of Smoak, 286 S.C. 419, 427, 334 S.E.2d 806, 811 (1985). South Carolina law has long recognized that “[t]he power to dispose of property by will includes the right to attach to testamentary gifts such terms, conditions, or restrictions as the testator pleases, provided they are not contrary to public policy or forbidden by law.” Brown v. Drake, 275 S.C. 299, 302, 270 S.E.2d 130, 131 (1980). In the present case, Sonny’s Will sets forth specific conditions that the Foundation must satisfy to qualify for receipt of the gift or distribution of the residuary estate. The SCAG does not claim that these conditions in Sonny’s Will violate public policy or are forbidden by law.

Sonny’s Will specifically provided for the disposition of his residuary estate. Article XII of his original Will, which was made before his marriage to Minnie, states:

I give devise and bequeath my entire residuary estate, being all real and personal property, wherever situated, in which I may have any interest at the time of my death, not otherwise effectively disposed of, to **THE “SONNY MEVERS” FOUNDATION**, if it is in existence at the time of my death and on the condition that it is an organization that is charitable within the meaning of Section 2055 of the Internal Revenue Code, as amended, and on the further condition that this gift is permitted as a charitable deduction from my Estate for Federal Estate Tax purposes, absolutely and in fee simple, forever.

After Sonny married Minnie on September 12, 2016, he later executed a Codicil to his

Will amending Article XII so as to add the following sentence to the conclusion of that article:

Otherwise, I give, devise and bequeath my said entire residuary estate to my Spouse, **MINNIE LEE NEWMAN MEVERS**, absolutely and in fee simple, forever, on the condition that she shall survive me.

Under the terms and provisions of the Will, the Foundation's status as the beneficiary of Sonny's residuary estate would only vest at the time of Sonny's death *provided* the Foundation was in existence at that time *and* it satisfied the other "conditions" set forth in Article XII—that (a) it is an organization which is charitable within the meaning of Section 2055 of the IRC and (b) that the gift is permitted as a charitable deduction from Sonny's Estate for federal estate tax purposes. See Wentworth Aff. ¶12; Moss Aff. ¶15.

If either of those conditions were not satisfied either at the time of Sonny's death or when the estate assets were to be distributed, then the devise or gift to the Foundation either did not vest or, if it vested, it lapsed or was cancelled and instead devolved to Minnie. See Wentworth Aff. ¶13; Moss Aff. ¶14; Shuman v. Heldman, 63 S.C. 474, 41 S.E. 510, 515-16 (1902) ("No precise form of words is necessary in order to create conditions in wills. Any expressions disclosing the intention will have that effect. These conditions may be either conditions precedent or conditions subsequent. . . . If the language of the particular clause or of the whole will shows that the act on which the estate depends must be performed before the estate can vest, the condition is, of course, precedent; and, unless it is performed, the devisee can take nothing. If, on the contrary, the act does not necessarily precede the vesting of the estate, but may accompany or follow it,—if this is to be collected from the whole will,—the condition is subsequent."); Joanne R. Sternliefb, Uses of Charitable Giving in Estate Planning, C118 ALI-ABA 69, 74 (ALI-ABA March 1, 1995) ("In order for an estate to receive an estate tax charitable deduction for a bequest to charity, the charity must be a Qualified Charity on the date of

distribution. If the client wants to make sure she receives a charitable deduction, the will should say that the bequest will only be made if the organization is a Qualified Charity. For example, a bequest might take the following form: ‘I give \$10,000 to the Legal Aid Society, New York, New York, if it is a Qualified Charity.’ Under this scenario, if the Legal Aid Society is not a Qualified Charity when the distribution is to be made, the bequest would lapse.”).

It is imperative for the Court to understand that Minnie specifically retained well-qualified attorneys and advisors to assist her in the administration of Sonny’s estate. She went *above and beyond* to hire multiple people who are specialists or experts in probate and tax matters to assist with the estate administration. As discussed above and as detailed in the affidavits filed with this memorandum, Minnie not only retained Ms. Wentworth, a probate and estate planning attorney, but also specifically hired Mr. Moss, who is both a CPA and a tax attorney. Mr. Moss served as advisor on the question of whether the Foundation satisfied the conditions in Article XII of the Will. See Wentworth Aff. ¶¶5-6; Moss Aff. ¶17. Mr. Moss investigated the matter and concluded that the Foundation was a sham and it had no real substance. See Moss Aff. ¶¶18-19.

Among other things, the Foundation had not filed the legally required tax information returns (Form 990-PF) for the fiscal years 2014, 2015, and 2016 and had no other reporting or other documentation to the IRS or another regulatory body concerning its operations or activities during these periods. See Moss Aff. ¶18; Wentworth Aff. ¶14. The Foundation had no real corporate records or documentation (outside its initial formation documents) that evidenced the Foundation had been, and was continuing, to be organized and operated exclusively for charitable purposes. Id. Almost the entirety of the Foundation’s Board members had conflicts of interest as they primarily comprised persons with whom Sonny transacted business raising a

number of self-dealing concerns under Section 4941 of the IRC. Id. There were no records of when and how long these individuals were serving as directors, whether they were in fact appointed, or had ever approved any transactions, the compensation arrangements, or any charitable activities, grants, or any other matters required of individuals acting as directors. Id. The Foundation had no bookkeeping or records, had not conducted periodic meetings or recorded minutes of meetings as required in the bylaws, had no records of appointments of directors or officers, had no staff or employees, and had no office. Id. In short, the Foundation had no substance and/or documentation that could demonstrate it had been actually operated by a board of directors to further charitable purposes. Id.

Based on his considerable experience in the field of taxation and with tax audits by the IRS, Mr. Moss concluded that the Foundation could not withstand an IRS audit, it did not qualify as a charitable organization within the meaning of Section 2055 of the IRC, and that a gift or devise from the Estate to the Foundation would not be permitted as a charitable deduction for federal estate tax purposes. See Moss Aff. ¶19; Wentworth Aff. ¶15. Mr. Moss communicated his conclusions to Ms. Wentworth and Minnie. See Moss Aff. ¶20; Wentworth Aff. ¶15.

Mr. Moss's conclusion about the Foundation was confirmed by the IRS, which revoked the Foundation's federal tax-exempt status under IRC § 501(c)(3) effective on November 15, 2017. See Moss Aff. ¶21; Wentworth Aff. ¶16. On January 23, 2018, the Foundation's Board voted to dissolve the Foundation for the reasons pointed out by Mr. Moss—that the Foundation did not qualify as a tax-exempt entity and it had no real substance. See Moss Aff. ¶22. The Foundation filed Articles of Dissolution for a Nonprofit Corporation with the South Carolina Secretary of State on January 24, 2018, and the Foundation ceased to exist. Id.

In straightforward terms, Minnie—not the Foundation—was the residuary beneficiary under Sonny’s Will because the Foundation did not meet the express conditions set forth in the Will. Minnie and Ms. Wentworth took proper steps to probate Sonny’s Will and administer his estate based on the reasoned and good faith determination that the Foundation had not satisfied the conditions in the Will, that the devise or gift to the Foundation had lapsed or was canceled, and that Minnie was the residuary beneficiary under the Will. See Wentworth Aff. ¶17; Moss Aff. ¶23. Because the Foundation was not a proper residuary beneficiary, these actions were completely proper and were mandated by the terms and provisions of Sonny’s Will. Id.

The SCAG’s Petition selectively quotes an excerpt from S.C. CODE ANN. § 62-3-101 to argue that the bequest of Sonny’s real estate immediately “devolved” to the Foundation upon Sonny’s death and thus the Foundation purportedly became a “vested” beneficiary at that time. See Petition ¶ 17. However, the SCAG inexplicably omits the rest of § 62-3-101, which clarifies that a bequest of real estate does not “devolve” to the beneficiary in cases involving the lapse of a gift or other circumstances affecting the devolution of testate estates. See S.C. CODE ANN. § 62-3-101 (“Upon the death of a person, his real property devolves to the persons to whom it is devised by his last will *or to those indicated as substitutes for them in cases involving lapse, renunciation, or other circumstances affecting the devolution of testate estates . . .*”).

Sonny’s real property would not devolve to the Foundation upon his death if the gift lapsed or was canceled under the terms and provisions of his Will, including the Foundation’s failure to satisfy the conditions for it to receive the residuary estate—i.e., that it be an organization that is charitable within the meaning of Section 2055 of the IRC and that the gift would be permitted as a charitable deduction from Sonny’s Estate for federal estate tax purposes. See Wentworth Aff. ¶21; Moss Aff. ¶26. Because the Foundation could not and did not satisfy

the conditions in Article XII of Sonny's Will to qualify for the gift of the residuary estate either at the time of Sonny's death or when the distributions were made from the estate, the devise or gift to the Foundation either did not vest or, if it vested, lapsed or was cancelled and instead devolved to Minnie. See Wentworth Aff. ¶¶22-23; Moss Aff. ¶27.

To support its allegation that the Foundation was a tax-exempt organization on the date of Sonny's death and when the Estate was distributed, the SCAG relies almost entirely on the IRS determination letter issued **on July 21, 2005**, which granted the Foundation tax-exempt status as a private, nonoperating foundation under § 501(c)(3) of the IRC. See Petition ¶ 10. ***That letter was issued nearly 15 years ago and was revoked by the IRS effective on November 15, 2017.*** The SCAG has failed to submit any affidavit or other evidence of any kind demonstrating that Mr. Moss was incorrect that the Foundation did not satisfy the conditions in Article XII of the Will on the date of Sonny's death or when the Estate was distributed. The SCAG also does not dispute that the Foundation's tax-exempt status was revoked by the IRS effective on November 15, 2017, which was only two days after Minnie had been appointed as Personal Representative.

To make up for these glaring deficiencies, the SCAG makes the rather incredible argument that Minnie had a "fiduciary duty" to commit perjury as well as fraud upon this Court and the federal government. According to the SCAG's Petition:

Upon information and belief, Ms. Newman was aware of the administrative revocation and knew or should have known that the Foundation could have its tax exempt status restored. She was obliged to do so as a fiduciary of the Foundation and Ms. Newman was also required to do so pursuant to her legal and fiduciary obligations as Personal Representative of the Estate.

See Petition ¶ 24. The SCAG further claims in conclusory fashion that "the Foundation's

tax exempt status was and remains eligible to be restored retroactively at all times relevant to this Petition.” Id. ¶ 23.⁴

The SCAG is simply wrong. Mr. Moss is a CPA and tax attorney with over 35 years of experience. He regularly prepares tax returns for clients and handles IRS matters, including tax audits and appeals within the IRS and U.S. Tax Court appeals. As discussed in his affidavit, the SCAG’s contention that “the Foundation’s tax exempt status could be ‘restored retroactively’ is a gross over-simplification of the situation and a distortion of the facts.” See Moss Aff. ¶36. He explains that “it would not have been possible to retroactively restore the Foundation’s tax exempt status” and that “[r]etroactively restoring a private foundation’s tax exempt status is not an easy process and the IRS has no automatic or guaranteed procedure to have an organization’s revoked tax-exempt status retroactively reinstated.” Id.

To obtain retroactive reinstatement of tax-exempt status, the Foundation would be required to submit a Form 1023 (Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code). See Moss Aff. ¶36. In Revenue Procedure 2014-11, the IRS set forth procedures for retroactively reinstating the tax-exempt status of an organization that had that status automatically revoked for failure to file the required annual returns for three consecutive years. See REV. PROC. 2014-11, 2014-3 I.R.B. 411 (2014). “Generally, to obtain retroactive reinstatement of the organization’s tax-exempt status, it must apply not later than 15 months after the later of (1) the date of the revocation letter or (2) the date on which the IRS posted the organization’s name on the Revocation List.” Martin J. McMahon, Jr. *et. al.*, Recent Developments in Federal Income Taxation: The Year 2014, 17 FLA. TAX REV. 97, 270 (2015).

⁴ The SCAG has not supported this statement in its Petition with the affidavit of any accountant, tax attorney, or any other qualified person with expertise in tax matters. The Petition nowhere describes any of the qualifications of C. Havird Jones, Jr., the person who verified the Petition and the Motion for Temporary Restraining Order.

The decision to grant retroactive reinstatement is discretionary with the IRS. It is not automatic that any organization will obtain such reinstatement even if all of the qualifications for it are satisfied.

Under the procedures in Revenue Procedure 2014-11, the organization must still show that it was “eligible” to file reports as a tax-exempt organization for each of the three years that it failed to file them, which means it must satisfy the organizational and operational tests for all periods it seeks to be exempt. See REV. PROC. 2014-11 §§4-6. This is based on the submission of financial, corporate, and programmatic documentation to evidence, to the satisfaction of the IRS, that it was, and continues to be, organized and operated exclusively for charitable purposes in accordance with Section 501(c)(3) and applicable Treasury Regulations for the time periods it failed to file. It must also demonstrate that it had “reasonable cause” for its failure to file the annual information returns. Id. §§ 8.01-8.02. This “reasonable cause” showing involves a weighing of various “factors,” including whether the organization’s failure to file “was due to its reasonable, good faith reliance on erroneous written information from the IRS, stating that the organization was not required to file a return or notice” or “arose from events beyond the organization’s control . . . that made it impossible for the organization to file a return or notice for the year.” Id. § 8.05. In determining whether reasonable cause exists, the IRS will only consider a factor if the organization shows to the IRS’s satisfaction evidence to substantiate the factor.

Critically, these representations by the organization must be made under penalty of perjury. The reasonable cause statement submitted by the organization must “include an original declaration, dated and signed *under penalties of perjury* by an officer, director, trustee, or other official who is authorized to sign for the organization.” Id. § 8.06 (emphasis added). This sworn

declaration must state: “I, (Name), (Title) declare, under penalties of perjury, that I am authorized to sign this request for retroactive reinstatement on behalf of [Name of Organization], and I further declare that I have examined this request for retroactive reinstatement, including the written explanation of all the facts of the claim for reasonable cause, and to the best of my knowledge and belief, this request is true, correct, and complete.” Id.

Of course, based on the information that Mr. Moss learned during his work and of which Minnie and Ms. Wentworth were made aware, Minnie would know that none of these assertions would be “true, correct, and complete.” See Wentworth Aff. ¶15 (“Minnie and I were concerned that it would be fraudulent or possibly even criminal to file papers taking the position that the Foundation was a tax exempt organization.”); Moss Aff. ¶36 (“Based on the information I was made aware of relating to the Foundation, it would have been fraudulent for the Foundation to seek retroactive restoration of its tax exempt status from the IRS and I, as well as any other competent CPA, would have refused to file such a fraudulent application.”). Minnie would know that the Foundation was *not* “eligible” to file reports as a tax-exempt organization for each of the three years that it failed to file them. She would know that the Foundation did *not* satisfy the organizational and operational tests for all periods it would seek to qualify as tax-exempt. She also would know that the Foundation did *not* have “reasonable cause” for its failure to file the annual information returns. The Foundation had not failed to file the returns based on any reasonable, good faith reliance on erroneous written information from the IRS or because of events beyond the Foundation’s control that made it impossible for the Foundation to file the returns.

In short, the SCAG is claiming that Minnie should have committed perjury and filed a false application with the IRS seeking retroactive restoration of the Foundation’s tax-exempt

status. The absurdity of the SCAG's position is obvious. The SCAG has not shown that it is "likely" to prevail in this action. To the contrary, based on the evidence presented in the record, it is certain the SCAG will lose.

(3) Inadequacy of Remedy at Law Requirement:

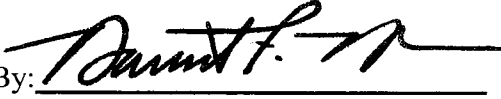
In MailSource, the South Carolina Court of Appeals held that "[a]n injunction is an equitable remedy; as such, it is available only where no remedy at law exists or where the legal remedy would fail to make the party whole." 356 S.C. at 369-70, 588 S.E.2d at 639; see also Scratch Golf Co. v. Dunes W. Residential Golf Properties, Inc., 361 S.C. 117, 121, 603 S.E.2d 905, 907 (2004) (reversing preliminary injunction and finding that the plaintiff had adequate remedy at law). In MailSource, which involved an employer's action to enforce a non-compete agreement executed by the defendants, the Court pointed out that in addition to seeking an injunction, the plaintiff also should be able to prove money damages from any breach of the agreement by the defendants. 356 S.C. at 369, 588 S.E.2d at 639. As a result, the Court of Appeals affirmed the trial court's denial of the plaintiff's motion for a preliminary injunction because of the availability of an adequate remedy at law—an award of monetary damages.

SCAG likewise has failed to show an inadequate remedy at law. The SCAG's Petition alleges that Minnie "breached her fiduciary and legal duties to the Estate and the Foundation and improperly took possession of assets which should have been transferred to the Foundation and used assets for her own personal benefit and enjoyment" See Petition ¶ 30. Minnie vehemently denies these claims. However, even assuming *arguendo* they were true, any harm to SCAJ can be remedied by an award of money damages. See MailSource, 356 S.C. at 369, 588 S.E.2d at 639. Because the SCAJ has an adequate remedy at law, its motion must be denied.

CONCLUSION:

For the forgoing reasons, Respondent requests that the Court deny the Plaintiff's motion for TRO and for such other and further relief as may be proper.

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ATTORNEYS FOR RESPONDENT

Charleston, South Carolina
March 20, 2020.

STATE OF SOUTH CAROLINA) IN THE PROBATE COURT

COUNTY OF CHARLESTON)

IN THE MATTER OF:)

THE ESTATE OF ROY E. MEVERS, JR.)

SOUTH CAROLINA ATTORNEY)
GENERAL)

Petitioner,)

v.)

MINNIE LEE NEWMAN MEVERS,)

Respondent,)

Case No.: 2017-CP-10-1946

**AFFIDAVIT OF
H. CHRISTOPHER MOSS**

PERSONALLY APPEARED before me H. CHRISTOPHER MOSS, who being duly sworn does state as follows:

1. I am an adult citizen and resident of Charleston County, State of South Carolina. I am both a Certified Public Accountant (CPA) and tax attorney.

2. I am licensed as a CPA in the states of South Carolina and Virginia as well as the District of Columbia. I am an attorney admitted to practice law in the state of Virginia and the District of Columbia.

3. I am a member of the American Institute of CPA's, South Carolina Association of CPA's, American Bar Association, Virginia Bar, and District of Columbia Bar.

4. I am admitted in the United States Supreme Court, United States Tax Court, United States Court of Appeals for the Fourth Circuit, United States Court of Appeals for the D.C. Circuit, U. S. District Court for the District of Columbia, Supreme Court of Virginia, and District of Columbia Court of Appeals.

5. I received my B.A. degree in Government from Georgetown University, Masters in Accounting from Georgetown University, and Juris Doctorate from Georgetown University.

6. I have been practicing as a CPA and tax attorney since 1985. In addition to my work as a CPA, my law practice focuses primarily on estate planning and tax strategies for high net worth families. I regularly prepare tax returns for clients and handle Internal Revenue Service (IRS) matters, including appeals within the IRS and U.S. Tax Court appeals.

7. In late November or early December of 2017, I was first contacted by Minnie Lee Newman Mevers (hereinafter "Minnie"), in her capacity as Personal Representative of the Estate of Roy E. Mevers, Jr. I was informed that Roy E. Mevers, Jr. (hereinafter "Sonny") was Minnie's husband and that he had died on November 3, 2017. By the time Minnie first contacted me, she had already been appointed as Personal Representative by the Charleston County Probate Court and was in the process of administering Sonny's estate.

8. Around the time that I was contacted, Minnie was also in the process of terminating Irvin Slotchiver, Esquire, as attorney for the Estate, and retaining Jessica Wentworth, Esquire, as replacement or substitute legal counsel.

9. I learned that in 2004, Sonny had formed and created a private foundation known as The Sonny Mevers Foundation (hereinafter "Foundation"). I am aware that Articles of Incorporation for a Nonprofit Corporation for the Foundation were filed with the South Carolina Secretary of State on July 23, 2004, and that the IRS had issued a letter on July 21, 2005, which approved the Foundation's tax exempt status under Section 501(c)(3) of the Internal Revenue Code (IRC) with an effective date of June 23, 2004. Pursuant to the IRS letter, the Foundation was qualified to receive tax deductible bequests, devises, transfers, or gifts under Section 2055 of the IRC.

10. I was further informed that prior to his death, Sonny had executed a Last Will and Testament dated November 16, 2015, as well as Codicils to his Will dated April 12, 2017 and

August 4, 2017. I am informed that these testamentary instruments were prepared by Sonny's estate planning attorney, Irvin Slotchiver, Esquire. Collectively, these testamentary documents will be referred to herein as Sonny's "Will."

11. Under the terms and provisions of his Last Will and Testament Will dated November 16, 2015, Sonny made specific devises of various amounts to several individuals. At the time the document was executed, Sonny and Minnie were not yet married. However, Sonny specifically included Minnie as a beneficiary under that document. Article IX.1 of the Will dated November 16, 2015, states: "I give and bequeath the sum of Three Hundred Fifty Thousand (\$350,000) Dollars to my friend, **MINNIE LEE NEWMAN MEVERS**, if living, otherwise, if she shall fail to survive me, the within gift to such deceased person shall lapse and drop out and shall go and pass instead as a part of the residue of my Estate."

12. Among other provisions, Sonny's Last Will and Testament Will dated November 16, 2015, also contains a residuary clause in Article XII, which states:

I give devise and bequeath my entire residuary estate, being all real and personal property, wherever situated, in which I may have any interest at the time of my death, not otherwise effectively disposed of, to **THE "SONNY MEVERS" FOUNDATION**, if it is in existence at the time of my death and on the condition that it is an organization that is charitable within the meaning of Section 2055 of the Internal Revenue Code, as amended, and on the further condition that this gift is permitted as a charitable deduction from my Estate for Federal Estate Tax purposes, absolutely and in fee simple, forever.

13. I am informed that Sonny married Minnie on or about September 12, 2016. Thereafter, Sonny executed the Codicil dated April 12, 2017, which amended Article XII of his Will so as to add the following sentence to the conclusion of that article:

Otherwise, I give, devise and bequeath my said entire residuary estate to my Spouse, **MINNIE LEE NEWMAN MEVERS**, absolutely and in fee simple, forever, on the condition that she shall survive me.

Although the exact reason for this Codicil presently is unclear, it is possible that Sonny made this

change to his Will in anticipation that the Foundation would not qualify as an organization that is charitable within the meaning of Section 2055 of the IRC and because a gift to the Foundation would not be permitted as a charitable deduction from his estate for federal estate tax purposes, thus his estate would otherwise be subject to federal estate taxation unless he made the change to his Will to take advantage of the marital or spousal exemption.

14. Sonny also later executed another Codicil dated August 4, 2017, which amended Article II of his Will so as to add the following sentence as Paragraph 3 thereof:

I give all my personal and household effects, such as jewelry, clothing, automobiles, equipment, furniture, furnishings, silver, books and pictures, and any other articles of personal use or diversion, including policies of insurance thereon, to **MINNIE LEE NEWMAN MEVERS**, “my wife,” absolutely.

15. South Carolina law recognizes that “[t]he power to dispose of property by will includes the right to attach to testamentary gifts such terms, conditions, or restrictions as the testator pleases, provided they are not contrary to public policy or forbidden by law.” Brown v. Drake, 275 S.C. 299, 302, 270 S.E.2d 130, 131 (1980). Under the terms and provisions of Sonny’s Will, the Foundation’s status as the outright beneficiary of Sonny’s residuary estate vested at the time of Sonny’s death **provided** the Foundation was in existence at that time **and** it satisfied the other “conditions” set forth in Article XII. The Will sets forth specific conditions that the Foundation must satisfy to qualify for receipt of the gift or distribution of the residuary estate—that (a) it is an organization which is charitable within the meaning of Section 2055 of the IRC and (b) that the gift is permitted as a charitable deduction from Sonny’s Estate for federal estate tax purposes.

16. If either of those conditions were not satisfied either at the time of Sonny’s death or when the estate assets were to be distributed, then the devise or gift to the Foundation either did not vest or, if it vested, it lapsed or was cancelled and instead devolved to Minnie. See

Shuman v. Heldman, 63 S.C. 474, 41 S.E. 510, 515-16 (1902) (“No precise form of words is necessary in order to create conditions in wills. Any expressions disclosing the intention will have that effect. These conditions may be either conditions precedent or conditions subsequent. . . . If the language of the particular clause or of the whole will shows that the act on which the estate depends must be performed before the estate can vest, the condition is, of course, precedent; and, unless it is performed, the devisee can take nothing. If, on the contrary, the act does not necessarily precede the vesting of the estate, but may accompany or follow it,—if this is to be collected from the whole will,—the condition is subsequent.”); Joanne R. Sternliefb, Uses of Charitable Giving in Estate Planning, C118 ALI-ABA 69, 74 (ALI-ABA March 1, 1995) (“In order for an estate to receive an estate tax charitable deduction for a bequest to charity, the charity must be a Qualified Charity on the date of distribution. If the client wants to make sure she receives a charitable deduction, the will should say that the bequest will only be made if the organization is a Qualified Charity. For example, a bequest might take the following form: ‘I give \$10,000 to the Legal Aid Society, New York, New York, if it is a Qualified Charity.’ Under this scenario, if the Legal Aid Society is not a Qualified Charity when the distribution is to be made, the bequest would lapse.”).

17. In view of the language in Sonny’s Will, Minnie contacted me as part of her effort to ascertain whether or not the Foundation satisfied the conditions imposed in Sonny’s Will for it to receive the residuary estate. I agreed to provide advice to her on this question and did so after reviewing the available information.

18. When I began to look into the matter, I immediately became aware from Sonny’s personal accountant that the Foundation had not filed any tax returns for multiple years. I eventually discovered that the Foundation had not filed tax returns for the last three years. I also

learned that almost the entirety of the Foundation's Board members had conflicts of interest as they comprised Sonny's close friends and persons with whom he transacted business. I further learned that the Foundation had no bookkeeping or records, had not conducted periodic meetings or recorded minutes of meetings, had no records of appointments of directors or officers, had no staff or employees, had no payroll, had no license from Charleston County, and had no office, but was run out of Sonny's personal residence in a residential district of downtown Charleston. In short, what I learned was that the Foundation was a sham and it had no real substance.

19. Based on my considerable experience in the field of taxation and my experience with tax audits by the IRS, I concluded that the Foundation could not withstand an IRS audit, the Foundation could not and would not qualify as a charitable organization within the meaning of Section 2055 of the IRC, and that a gift or devise from the Estate to the Foundation would not be permitted as a charitable deduction for federal estate tax purposes. I continue to stand by those conclusions.

20. I communicated to Ms. Wentworth and Minnie that the Foundation did not satisfy the conditions imposed in Sonny's Will for it to qualify to receive the residuary estate. Specifically, the Foundation was not an organization that is charitable within the meaning of Section 2055 of the IRC and the gift would not be permitted as a charitable deduction from Sonny's Estate for federal estate tax purposes.

21. My conclusion was confirmed by the IRS, which revoked the Foundation's federal tax exempt status effective on November 15, 2017. Notice of the revocation was posted by the IRS on or about March 12, 2018.

22. I am informed that on or about January 23, 2018, the Board of Directors for the Foundation voted to dissolve the Foundation. The Foundation was dissolved among other

reasons because the Directors realized the Foundation could not withstand an IRS audit due to the conflicts of interest by its Board members, it had not filed tax returns for three years, it had no bookkeeping or records, it had not conducted periodic meetings or recorded minutes of meetings, it had no staff or employees, it had no payroll, it had had no license from Charleston County, it had no office, and it had no real substance. The Foundation filed Articles of Dissolution for a Nonprofit Corporation with the South Carolina Secretary of State on January 24, 2018, and the Foundation ceased to exist.

23. I am also informed that Minnie and Ms. Wentworth took the appropriate steps to probate Sonny's Will and administer his estate based on the reasoned and good faith determination that the Foundation had not satisfied the conditions in the Will, that the devise or gift to the Foundation had lapsed or was canceled, and that Minnie was the residuary beneficiary under the Will. I am informed that with the assistance of Ms. Wentworth, Minnie filed a Proposal for Distribution (Form #410ES) with the Probate Court on November 21, 2018, along with a Final Accounting (Form #361ES), Application for Settlement (Form #412ES), and Notice of Right to Demand Hearing (Form #416ES), which disclosed that Minnie would receive the residuary estate (in addition to the specific devises to her) as part of the proposed distribution of Sonny's estate. Given that the Foundation was not a proper residuary beneficiary, I firmly believe (and continue to believe) that these actions were completely proper and were mandated by the terms and provisions of Sonny's Will.

24. I am informed that none of the 28 beneficiaries who received notice of the proposed distribution filed a demand for hearing, thus the Probate Court issued an Order closing the Estate on December 31, 2018.

25. I am informed that none of the directors or officers of the Foundation contested

the probate process, its revocation of exempt status on November 15, 2017, or the subsequent dissolution.

26. I am aware that paragraph 17 of the South Carolina Attorney General's petition selectively quotes an excerpt from S.C. CODE ANN. § 62-3-101 to make the argument that the gift of Sonny's real estate immediately "devolved" to the Foundation upon Sonny's death and thus the Foundation purportedly became a "vested" beneficiary at that time. However, the Attorney General's argument is misplaced. For inexplicable reasons, the Attorney General omits the remainder of § 62-3-101, which makes clear that a gift or bequest of real estate in a will does not "devolve" to the beneficiary in cases involving the lapse of a gift or other circumstances affecting the devolution of testate estates. See S.C. CODE ANN. § 62-3-101 ("Upon the death of a person, his real property devolves to the persons to whom it is devised by his last will *or to those indicated as substitutes for them in cases involving lapse, renunciation, or other circumstances affecting the devolution of testate estates . . .*"). In this case, Sonny's real property would not devolve to the Foundation upon his death if the gift lapsed or was canceled under the terms and provisions of his Will.

27. As stated above, Sonny's Will set forth express conditions that the Foundation was required to satisfy to qualify for receipt of the gift or the distribution of the residuary estate. Because the Foundation could not satisfy those conditions either at the time of Sonny's death or when the distributions from the estate were made, the devise or gift to the Foundation either did not vest or, if vested, lapsed or was cancelled and instead devolved to Minnie.

28. The Attorney General also apparently takes the position that if the Foundation's status as the outright beneficiary of the residuary estate "vested" at the time of Sonny's death, then that interest could not become divested. I strongly disagree with this proposition because it

disregards the express conditions imposed in Sonny's Will and is inconsistent with South Carolina law. It is settled law that vested interests can be subject to divesting, divestiture, or defeasance if certain conditions are not satisfied. See Shuman, supra; 80 AM. JUR. 2D Wills § 1153 (2020) ("An intermediate interest may be created, which is commonly called a 'vested interest subject to divesting, divestiture, or defeasance.' A vested interest subject to divesting also may be called an 'interest upon condition subsequent' whereas a contingent interest may be denominated an 'interest upon condition precedent.'") (citing Walker v. Alverson, 87 S.C. 55, 68 S.E. 966 (1910)).

29. I am aware that the South Carolina Attorney General is alleging in the present action that Minnie purportedly had some fiduciary duty or other obligation "to restore the Foundation's tax exempt status" once the IRS had issued its letter revoking the Foundation's federal tax exempt status effective on November 15, 2017. The Attorney General also claims that "the Foundation's tax exempt status was and remains eligible to be restored retroactively at all times relevant to this Petition." As a threshold issue, the Attorney General cites to no law (and I am unaware of any) holding that a Board member or officer of a private foundation has any duty whatsoever to either continue the operations of the private foundation indefinitely or to seek to reinstate the organization's tax exempt status if such status is revoked.

30. Among other things, the Directors or other persons in control of the Foundation have discretion to refuse or decline acceptance of gifts made to the organization. In other words, it was no mandatory or obligatory that the Foundation accept the gift from Sonny even if Foundation had qualified to receive it in the first place.

31. The Directors also can dissolve the private foundation for any number of reasons, including their determination that it is not in the best interests of the organization to continue.

South Carolina law does not require a private foundation to seek or obtain the Attorney General's permission or approval to dissolve the organization. Instead, a private foundation which does not have members may be dissolved by a simple vote of a majority of the directors in office at the time the transaction is approved and by filing the articles of dissolution with the South Carolina Secretary of State. See S.C. CODE ANN. § 33-31-1402(b) & -1402(f).

32. The Attorney General has no authority to prevent a private foundation from dissolving. Instead, the private foundation is merely required to give the Attorney General written notice that it intends to dissolve at or before the time it delivers articles of dissolution to the Secretary of State, which notice shall include a copy or summary of the plan of dissolution. See S.C. CODE ANN. § 33-31-1403(a). Nothing in the statutes indicates that the failure to give the notice invalidates the dissolution.

33. Unlike some other states, South Carolina does not require the Attorney General's approval or consent for the dissolution to become effective. The South Carolina statute simply provides that "[n]o assets may be transferred or conveyed by a public benefit or religious corporation as part of the dissolution process until twenty days after it has given the written notice required by subsection (a) to the Attorney General or until the Attorney General has consented in writing to the dissolution, or indicated in writing that he will take no action in respect to the transfer or conveyance, whichever is earlier." Thus, the Attorney General's authority is limited to reviewing the transfer or disposition of the private foundation's remaining assets following dissolution, not whether the private foundation may dissolve in the first instance.

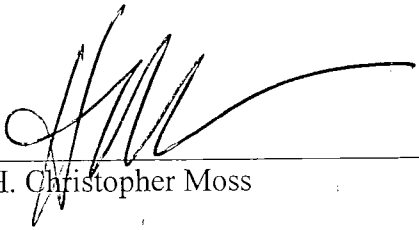
34. In the present case, at the time of Foundation's dissolution, the Foundation had only a minimal asset—i.e., a burial plot for Minnie. No assets had been distributed from Sonny's

estate to the Foundation. The Foundation had no other assets, thus there was nothing for the Foundation to transfer or dispose of, and it did not have any creditors or liabilities at the time of dissolution that would trigger any oversight by the Attorney General pursuant to S.C. CODE ANN. § 33-31-1403(a).

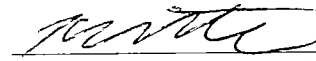
35. Once a private foundation has dissolved, it “may revoke its dissolution within one hundred twenty days of its effective date.” See S.C. CODE ANN. § 33-31-1405(a). In the present case, the Foundation was dissolved on January 24, 2018. The 120 day period for the Foundation to “revoke” its dissolution expired or lapsed on May 24 2018, which was over 1 year and nine months before the Attorney General filed the instant lawsuit. At this point, South Carolina statutory law does not allow for the Foundation’s dissolution to be revoked.

36. Furthermore, the Attorney General’s contention that the Foundation’s tax exempt status could be “restored retroactively” is a gross over-simplification of the situation and a distortion of the facts. Based on my experience, it would not have been possible to retroactively restore the Foundation’s tax exempt status. Retroactively restoring a private foundation’s tax exempt status is not an easy process and the IRS has no automatic or guaranteed procedure to have an organization’s revoked tax-exempt status retroactively reinstated. In order to do so, the Foundation is required to submit a Form 1023 (Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code). Based on the information I was made aware of relating to the Foundation, it would have been fraudulent for the Foundation to seek retroactive restoration of its tax exempt status from the IRS and I, as well as any other competent CPA, would have refused to file such a fraudulent application.

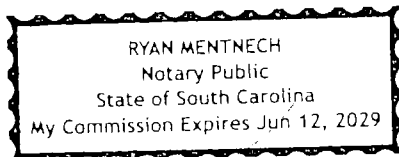
FURTHER AFFIANT SAYETH NOT.


H. Christopher Moss

SWORN to and subscribed before me
this 19 day of March, 2020.

 (L.S.)
Notary Public for South Carolina

My Commission Expires: 06/12/2025



STATE OF SOUTH CAROLINA	)	IN THE PROBATE COURT
	)	
COUNTY OF CHARLESTON	)	
	)	Case No.: 2017-ES-10-1946
IN THE MATTER OF:	)	
THE ESTATE OF ROY E. MEVERS, JR.	)	
	)	
SOUTH CAROLINA ATTORNEY	)	
GENERAL	)	
Petitioner,	)	
	)	
v.	)	
	)	
MINNIE LEE NEWMAN MEVERS,	)	
Respondent,	)	
_____	)	

**AFFIDAVIT OF
JESSICA M. WENTWORTH**

2017-10-19 3:42 PM
JESSICA M. WENTWORTH

PERSONALLY APPEARED before me JESSICA M. WENTWORTH, who being duly sworn does state as follows:

1. I am an adult citizen and resident of Charleston County, State of South Carolina. I am a licensed attorney and the owner of IKON Law, LLC, in Mount Pleasant, South Carolina.

2. I am admitted to practice law in the state of South Carolina. I am a member of the South Carolina Bar Association, Charleston Bar Association, WealthCounsel, and President of the Board of Directors for the Trident Area Agency on Aging.

3. I received my B.S. degree from the Richard T. Farmer School of Business at Miami University in Oxford, Ohio, and graduated *cum laude* from the Charleston School of Law. While in law school, I volunteered for the Adult Guardianship/Conservatorship monitoring program with the Charleston County Probate Court.

4. I have been practicing as an attorney since 2014. My law practice focuses primarily on estate planning, probate administration, and real estate transactions. Prior to IKON Law, I spent six years working with the American Academy of Estate Planning Attorneys

helping member firms better serve their clients and educating the public on the benefits of proper comprehensive estate planning.

5. In early December of 2017, I was first contacted by H. Christopher Moss, CPA, in his capacity as advisor to Minnie Lee Newman Mevers (hereinafter "Minnie"), the Personal Representative of the Estate of Roy E. Mevers, Jr., to serve as attorney of record for the Estate. When Mr. Moss first contacted me, Minnie had already been appointed as Personal Representative by the Charleston County Probate Court on November 13, 2017, and she was in the process of administering the estate. Minnie had decided to terminate the services of Irvin Slotchiver, Esquire, who was the initial attorney of record for the Probate Estate and was looking to hire replacement or substitute counsel. I agreed to serve as the attorney of record and was retained by Minnie on December 6, 2017. I do not offer tax or investment advice as part of my administration services and retain tax preparers for interim and final accountings. Therefore, Mr. Moss, who is both a Certified Public Accountant and tax attorney, provided counsel and advice as to all tax and IRS related matters.

5. As part of my work in this matter, I was informed that Roy E. Mevers, Jr. (hereinafter "Sonny") was Minnie's husband and that he had died on November 3, 2017. I also learned that in 2004, Sonny had worked with an accountant to incorporate a South Carolina nonprofit corporation known as The "Sonny Mevers" Foundation (hereinafter "Foundation"). I am aware that Articles of Incorporation were filed with the South Carolina Secretary of State on July 23, 2004, and that the IRS had issued a determination letter on July 21, 2005, which granted the Foundation tax-exempt status as a private, nonoperating foundation under Section 501(c)(3) of the Internal Revenue Code (IRC) with an effective date of June 23, 2004.

6. I was further informed that prior to his death, Sonny had executed a Last Will and Testament dated November 16, 2015, as well as Codicils to his Will dated April 12, 2017 and August 4, 2017. I am informed that these testamentary instruments were prepared by Sonny's estate planning attorney, Irvin Slotchiver, Esquire. Collectively, these testamentary documents will be referred to herein as Sonny's "Will."

7. Under the terms and provisions of his Last Will and Testament Will dated November 16, 2015, Sonny made specific devises of various amounts to several individuals. At the time the document was executed, Sonny and Minnie were not yet married. However, Sonny specifically included Minnie as a beneficiary under that document. Article IX.1 of the Will dated November 16, 2015, states: "I give and bequeath the sum of Three Hundred Fifty Thousand (\$350,000) Dollars to my friend, **MINNIE LEE NEWMAN MEVERS**, if living, otherwise, if she shall fail to survive me, the within gift to such deceased person shall lapse and drop out and shall go and pass instead as a part of the residue of my Estate."

8. Among other provisions, Sonny's Last Will and Testament Will dated November 16, 2015, also contains a residuary clause in Article XII, which states:

I give devise and bequeath my entire residuary estate, being all real and personal property, wherever situated, in which I may have any interest at the time of my death, not otherwise effectively disposed of, to **THE "SONNY MEVERS" FOUNDATION**, if it is in existence at the time of my death and on the condition that it is an organization that is charitable within the meaning of Section 2055 of the Internal Revenue Code, as amended, and on the further condition that this gift is permitted as a charitable deduction from my Estate for Federal Estate Tax purposes, absolutely and in fee simple, forever.

10. I am informed that Sonny married Minnie on or about September 12, 2016. Thereafter, Sonny executed the Codicil dated April 12, 2017, which amended Article XII of his Will so as to add the following sentence to the conclusion of that article:

Otherwise, I give, devise and bequeath my said entire residuary estate to my Spouse, **MINNIE LEE NEWMAN MEVERS**, absolutely and in fee simple, forever, on the

condition that she shall survive me.

Although the exact reason for this Codicil presently is unclear, it is very conceivable that Sonny made this change to his Will in anticipation that the Foundation would not qualify as an organization that is charitable within the meaning of Section 2055 of the IRC and because a gift to the Foundation would not be permitted as a charitable deduction from his estate for federal estate tax purposes, thus his estate would otherwise be subject to federal estate taxation unless he made the change to his Will to take advantage of the marital or spousal exemption.

11. Sonny also later executed another Codicil dated August 4, 2017, which amended Article II of his Will so as to add the following sentence as Paragraph 3 thereof:

I give all my personal and household effects, such as jewelry, clothing, automobiles, equipment, furniture, furnishings, silver, books and pictures, and any other articles of personal use or diversion, including policies of insurance thereon, to **MINNIE LEE NEWMAN MEVERS**, “my wife,” absolutely.

12. South Carolina law recognizes that “[t]he power to dispose of property by will includes the right to attach to testamentary gifts such terms, conditions, or restrictions as the testator pleases, provided they are not contrary to public policy or forbidden by law.” Brown v. Drake, 275 S.C. 299, 302, 270 S.E.2d 130, 131 (1980). Under the terms and provisions of Sonny’s Will, the Foundation’s status as the outright beneficiary of Sonny’s residuary estate vested at the time of Sonny’s death *provided* the Foundation was in existence at that time *and* it satisfied the other “conditions” set forth in Article XII. The Will sets forth specific conditions that the Foundation must satisfy to qualify for receipt of the gift or distribution of the residuary estate—that (a) it is an organization which is charitable within the meaning of Section 2055 of the IRC and (b) that the gift is permitted as a charitable deduction from Sonny’s Estate for federal estate tax purposes.

13. If either of those conditions were not satisfied either at the time of Sonny’s death

or when the estate assets were to be distributed, then the devise or gift to the Foundation either did not vest or, if it vested, it lapsed or was cancelled and instead devolved to Minnie. See Shuman v. Heldman, 63 S.C. 474, 41 S.E. 510, 515-16 (1902) (“No precise form of words is necessary in order to create conditions in wills. Any expressions disclosing the intention will have that effect. These conditions may be either conditions precedent or conditions subsequent. . . . If the language of the particular clause or of the whole will shows that the act on which the estate depends must be performed before the estate can vest, the condition is, of course, precedent; and, unless it is performed, the devisee can take nothing. If, on the contrary, the act does not necessarily precede the vesting of the estate, but may accompany or follow it,—if this is to be collected from the whole will,—the condition is subsequent.”); Joanne R. Sternliefb, Uses of Charitable Giving in Estate Planning, C118 ALI-ABA 69, 74 (ALI-ABA March 1, 1995) (“In order for an estate to receive an estate tax charitable deduction for a bequest to charity, the charity must be a Qualified Charity on the date of distribution. If the client wants to make sure she receives a charitable deduction, the will should say that the bequest will only be made if the organization is a Qualified Charity. For example, a bequest might take the following form: ‘I give \$10,000 to the Legal Aid Society, New York, New York, if it is a Qualified Charity.’ Under this scenario, if the Legal Aid Society is not a Qualified Charity when the distribution is to be made, the bequest would lapse.”).

14. In view of the language in Sonny’s Will, Mr. Moss was asked to provide counsel and advice as to whether or not the Foundation satisfied the conditions imposed in Sonny’s Will for it to receive the residuary estate distribution. Mr. Moss performed this work and concluded that the Foundation could not withstand an IRS audit, the Foundation could not and would not qualify as a charitable organization within the meaning of Section 2055 of the IRC, and that a

gift or devise from the Estate to the Foundation would not be permitted as a charitable deduction for federal estate tax purposes. My understanding is that his conclusions were based, in part, on the fact that the Foundation had not filed the legally required tax information returns (Form 990-PF) for the fiscal years 2014, 2015, and 2016 and he could find no other reporting or other documentation to the IRS or another regulatory body concerning its operations or activities during these periods. I understand the Foundation had no real corporate records or documentation (outside its initial formation documents) that evidenced the Foundation had been, and was continuing, to be organized and operated exclusively for charitable purposes. I further understand that almost the entirety of the Foundation's Board members had conflicts of interest as they primarily comprised of persons with whom Sonny transacted business raising a number of self-dealing concerns under Section 4941 of the IRC. There were no records of when and how long these individuals were serving as directors, whether they were in fact appointed, or had ever approved any transactions, the compensation arrangements, or any charitable activities, grants, or any other matters required of individuals acting as directors. I further understand that the Foundation had no bookkeeping or records, had not conducted periodic meetings or recorded minutes of meetings as required in the bylaws, had no records of appointments of directors or officers, had no staff or employees, and had no office. In short, what I understood was that the Foundation had no substance and/or documentation that could demonstrate it had been actually operated by a board of directors to further charitable purposes. I am unaware of any reason to believe Mr. Moss's conclusion about the Foundation is incorrect.

15. Mr. Moss conveyed to me and Minnie that the Foundation did not satisfy the conditions imposed in Sonny's Will for it to qualify to receive the residuary estate. Specifically, the Foundation was not an organization that is charitable within the meaning of Section 2055 of

the IRC and the gift would not be permitted as a charitable deduction from Sonny's Estate for federal estate tax purposes. Minnie and I were concerned that it would be fraudulent or possibly even criminal to file papers taking the position that the Foundation was a tax exempt organization.

16. Mr. Moss's conclusion was confirmed by the IRS, which revoked the Foundation's tax exempt status under 501(c)(3), effective on November 15, 2017 for failing to file information returns for the prior three consecutive years. As of November 15, 2017, the Foundation was a taxable c-corporation.

17. With my assistance, Minnie took the appropriate steps to probate Sonny's Will and administer his estate based on the reasoned and good faith determination that the Foundation had not satisfied the conditions in the Will, that the devise or gift to the Foundation had lapsed or was canceled, and that Minnie was the residuary beneficiary under the Will. With my assistance, Minnie filed a Proposal for Distribution (Form #410ES) with the Probate Court on November 21, 2018, along with a Final Accounting (Form #361ES), Application for Settlement (Form #412ES), and Notice of Right to Demand Hearing (Form #416ES), which disclosed that Minnie would receive the residuary estate as part of the proposed distribution of Sonny's estate. Given the conclusion that the Foundation was not a proper residuary beneficiary, I firmly believe (and continue to believe) that these actions were completely proper and were mandated by the terms and provisions of Sonny's Will.

18. All of the 28 beneficiaries who received distributions from the estate signed a Receipt and Release with Waiver (Form #403ES) and none responded to the notice of right to demand a hearing, or filed any objection to the Proposal for Distribution or Application for Settlement. Thus, the Probate Court issued an Order closing the Estate on December 31, 2018.

19. To my knowledge, none of the directors or officers of the Foundation contested the probate process, its revocation of exempt status on November 15, 2017, or the subsequent dissolution.

20. The assets of the Estate were distributed in accordance with the terms of the Will as shown on the Proposal for Distribution. Deeds of distribution involving the various real estate owned by Sonny were duly executed and recorded with the Registers of Deed for the appropriate counties. The assets of the Estate have already been distributed in accordance with the terms and provisions of Sonny's Will.

21. I am aware that paragraph 17 of the South Carolina Attorney General's petition selectively quotes an excerpt from S.C. CODE ANN. § 62-3-101 to make the argument that the gift of Sonny's real estate immediately "devolved" to the Foundation upon Sonny's death and thus the Foundation purportedly became a "vested" beneficiary at that time. However, for inexplicable reasons, the Attorney General omits the remainder of § 62-3-101, which makes clear that a gift or bequest of real estate in a will does not "devolve" to the beneficiary in cases involving the lapse of a gift or other circumstances affecting the devolution of testate estates. See S.C. CODE ANN. § 62-3-101 ("Upon the death of a person, his real property devolves to the persons to whom it is devised by his last will *or to those indicated as substitutes for them in cases involving lapse, renunciation, or other circumstances affecting the devolution of testate estates . . .*").

22. Sonny's real property would not devolve to the Foundation upon his death if the gift lapsed or was canceled under the terms and provisions of his Will, including the Foundation's failure to satisfy the conditions for it to receive the residuary estate—i.e., that it be an organization that is charitable within the meaning of Section 2055 of the IRC and the gift

would be permitted as a charitable deduction from Sonny's Estate for federal estate tax purposes.

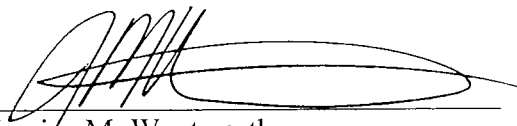
23. As stated above, Sonny's Will set forth express conditions that the Foundation was required to satisfy to qualify for receipt of the gift or the distribution of the residuary estate. Because the Foundation could not satisfy those conditions either at the time of Sonny's death or when the distributions from the estate were made, the devise or gift to the Foundation either did not vest or, if it vested, lapsed or was cancelled and instead devolved to Minnie. The Attorney General's allegation or claim that the Proposal for Distribution should have referenced the Foundation is without merit because the Foundation was not a beneficiary of the Estate.

24. The Attorney General also apparently takes the position that if the Foundation's status as the outright beneficiary of the residuary estate "vested" at the time of Sonny's death, then that interest could not become divested. I disagree with this proposition because it disregards the express conditions imposed in Sonny's Will and is inconsistent with South Carolina law. It is settled law that vested interests can be subject to divesting, divestiture, or defeasance if certain conditions are not satisfied. See Shuman, supra; 80 AM. JUR. 2D Wills § 1153 (2020) ("An intermediate interest may be created, which is commonly called a 'vested interest subject to divesting, divestiture, or defeasance.' A vested interest subject to divesting also may be called an 'interest upon condition subsequent' whereas a contingent interest may be denominated an 'interest upon condition precedent.'") (citing Walker v. Alverson, 87 S.C. 55, 68 S.E. 966 (1910)).

25. I will close by saying that I take my professional responsibilities as counsel for an Estate very seriously. I would never participate in or allow any unlawful conduct involving the administration of an Estate, including Sonny's Estate. I absolutely would never have submitted a Proposal for Distribution to the Probate Court if I believed or suspected for any reason it did not

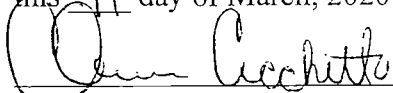
correctly reflect and implement the terms and provisions of Sonny's Will in accordance with South Carolina law. I find the Attorney General's allegation or suggestion that Minnie or I somehow knowingly violated the laws of South Carolina in administering Sonny's Estate to not only be erroneous and unwarranted, but professionally insulting and offensive.

FURTHER AFFIANT SAYETH NOT.



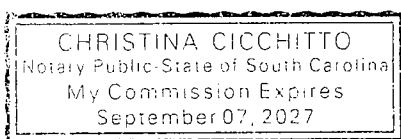
Jessica M. Wentworth

SWORN to and subscribed before me
this 19th day of March, 2020.

 (L.S.)

Notary Public for South Carolina

My Commission Expires: 9/7/27



AFFIDAVIT OF SERVICE

State of South Carolina

County of Charleston

Probate Court

Case Number: 2017-ES-10-1946 Court Date: 3/23/2020 11:00 am

Plaintiff:

**IN THE MATTER OF; THE ESTATE OF ROY E MEVERS
SOUTH CAROLINA ATTORNEY GENERAL**

vs.

Defendant:

MINNIE LEE NEWMAN MEVERS

For:

Stephen L. Brown, Esq.
Young Clement Rivers, LLP
25 Calhoun Street, Suite 400
P. O. Box 993
Charleston, SC 29402

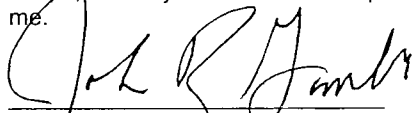
Received by PROCESS SERVICE, INC. to be served on **RYAN K. OBERLY, WAGENMAKER & OBERLY, 145
RIVER LANDING DRIVE, SUITE 202, CHARLESTON, SC 29492.**

I, Bob Clair, being duly sworn, depose and say that on the **17th day of March, 2020** at 3:58 pm, I:

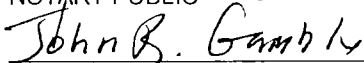
PERSONALLY served by delivering a true copy of the **COVER LETTER, TEMPORARY RESTRAINING ORDER,
CERTIFICATE OF APPOINTMENT, NOTICE OF HEARING** to: **RYAN K. OBERLY** at the address of:
WAGENMAKER & OBERLY, 145 RIVER LANDING DRIVE, SUITE 202, CHARLESTON, SC 29492.

I am over eighteen and have no interest in the above action.

Subscribed and Sworn to before me on the 23rd day of
March, 2020 by the affiant who is personally known to
me.

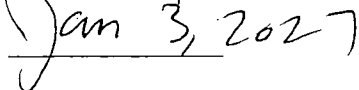


NOTARY PUBLIC



PRINTED SIGNATURE

Commission Expires:



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Bob Clair
Process Server

PROCESS SERVICE, INC.
P.O. Box 20097
Charleston, SC 29413
(843) 577-2355

Our Job Serial Number: LEX-2020000663
Ref: 16749-20200179

AFFIDAVIT OF SERVICE

State of South Carolina

County of Charleston

Probate Court

Case Number: 2017-ES-10-1946 Court Date: 3/23/2020 11:00 am

Plaintiff:

**IN THE MATTER OF; THE ESTATE OF ROY E MEVERS
SOUTH CAROLINA ATTORNEY GENERAL**

vs.

Defendant:

MINNIE LEE NEWMAN MEVERS

For:

Stephen L. Brown, Esq.
Young Clement Rivers, LLP
25 Calhoun Street, Suite 400
P. O. Box 993
Charleston, SC 29402

Received by PROCESS SERVICE, INC. to be served on **MINNIE LEE NEWMAN MEVERS A/K/A MINNIE LEE NEWMAN, 17 EAST BATTERY, CHARLESTON, SC 29401.**

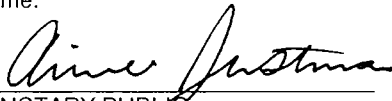
I, John R. Gamble, being duly sworn, depose and say that on the **17th day of March, 2020** at 4:11 pm, I:

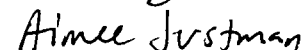
PERSONALLY served by delivering a true copy of the **COVER LETTER, TEMPORARY RESTRAINING ORDER, CERTIFICATE OF APPOINTMENT, NOTICE OF HEARING** to: **MINNIE LEE NEWMAN MEVERS A/K/A MINNIE LEE NEWMAN** at the address of: **17 EAST BATTERY, CHARLESTON, SC 29401.**

Description of Person Served: Age: 67, Sex: F, Race/Skin Color: WHITE, Height: 5'4", Weight: 120, Hair: SANDY BLONDE, Glasses: N

I am over eighteen and have no interest in the above action.

Subscribed and Sworn to before me on the 23rd day of March, 2020 by the affiant who is personally known to me.

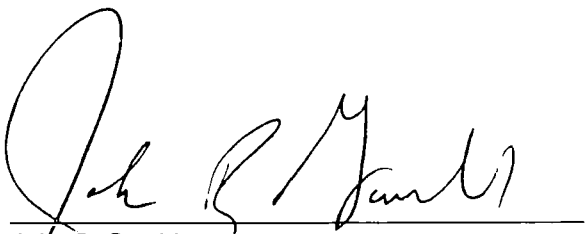

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Commission Expires:

6/1/2026

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John R. Gamble
PROCESS SERVER

PROCESS SERVICE, INC.
P.O. Box 20097
Charleston, SC 29413
(843) 577-2355

Our Job Serial Number: LEX-2020000664
Ref: 16749-20200179

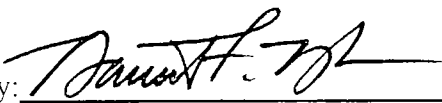
STATE OF SOUTH CAROLINA	)	IN THE PROBATE COURT
	)	
COUNTY OF CHARLESTON	)	
	)	Case No.: 2017-ES-10-1946
IN THE MATTER OF:	)	
THE ESTATE OF ROY E. MEVERS, JR.	)	
	)	
SOUTH CAROLINA ATTORNEY	)	
GENERAL	)	SUMMONS
	)	
Petitioner/Counter-Claim	)	
Defendant,	)	
	)	
v.	)	
	)	
MINNIE LEE NEWMAN MEVERS,	)	
	)	
Respondent/Counter-Claim	)	
Plaintiff/Cross-Claim	)	
Plaintiff/Third-Party Plaintiff	)	
	)	
v.	)	
	)	
J. JAMES DUGGAN, as Special	)	
Administrator of the Estate of Roy E.	)	
Mevers, Jr.,	)	
	)	
Cross-Claim	)	
Defendant/Third-Party	)	
Defendant,	)	
	)	

FILED
 20 APR 19 PM 4:00
 Charleston County

TO: PETITIONER, COUNTER-CLAIM DEFENDANT, CROSS-CLAIM DEFENDANT,
AND THIRD-PARTY DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Counter-Petitions, Counterclaims, Cross-Claims, and Third-Party Claims in this action, a copy of which is served upon you, and to serve a copy of your Answer to said Counter-Petitions, Counterclaims, Cross-Claims, and Third-Party Claims on the subscribers at their offices at 151 Meeting Street, Suite 400, Charleston, South Carolina 29401, within thirty (30) days after service thereof, exclusive of the day of such service, and if you fail to answer the Counter-Petitions, Counterclaims, Cross-Claims, and Third-Party Claims within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Counter-Petitions, Counterclaims, Cross-Claims, and Third-Party Claims.

ROSEN HAGOOD, LLC

By: 

Daniel F. Blanchard, III
Elizabeth J. Palmer
151 Meeting Street, Suite 400
Post Office Box 893
Charleston, SC 29402
(843) 577-6726 telephone
dblanchard@rosenhagood.com
epalmer@rosenhagood.com

ATTORNEYS FOR RESPONDENT

Charleston, South Carolina
April 10, 2020.

STATE OF SOUTH CAROLINA) IN THE PROBATE COURT

COUNTY OF CHARLESTON)

Case No.: 2017-ES-10-1946

IN THE MATTER OF:)
THE ESTATE OF ROY E. MEVERS, JR.)

SOUTH CAROLINA ATTORNEY)
GENERAL)

Petitioner/Counter-Claim)
Defendant,)

**RESPONDENT'S RETURN TO
PETITION AND COUNTERCLAIMS,
CROSS-CLAIMS, AND THIRD-PARTY
CLAIMS**

v.)

MINNIE LEE NEWMAN MEVERS,)
Respondent/Counter-Claim)
Plaintiff/Cross-Claim)
Plaintiff/Third-Party Plaintiff)

v.)

J. JAMES DUGGAN, as Special)
Administrator of the Estate of Roy E.)
Mevers, Jr.,)

Cross-Claim)
Defendant/Third-Party)
Defendant,)

Respondent Minnie Lee Newman-Mevers (hereinafter "Respondent") hereby answers the "Verified Petition and Application to Re-Open Estate, Appoint Special Administrator, Impose Constructive Trust to Protect Improperly Distributed Estate Assets, and Obtain Other Relief as Necessary" filed on March 13, 2020, by Petitioner South Carolina Attorney General ("SCAG") and asserts Counterclaims, Cross-Claims, and Third-Party Claims as follows:

**I. AS TO APPLICATION TO RE-OPEN ESTATE
FOR SUBSEQUENT ADMINISTRATION:**

**FOR A FIRST DEFENSE
(Denial of Liability)**

1. Each and every allegation of the Application or Petition not hereinafter admitted, modified, or explained is denied.

2. Answering paragraphs 1, 2, 3, and 4, the allegations of said paragraphs constitute legal argument, legal conclusions, or conclusions of law to which Respondent is not required to answer or respond. To the extent a response is deemed necessary, the allegations of said paragraphs are denied.

3. Respondent denies the allegations of paragraphs 5 and 6 of the Application and demands strict proof thereof.

4. In answering paragraph 7, Respondent admits only that the late Roy E. "Sonny" Mevers, Jr. died on November 3, 2017, that he left behind a Last Will and Testament as well as two Codicils amending his original or initial Will, and that copies of the Will and Codicils are attached to the Application as "Exhibit A." Respondent denies any allegations inconsistent with the forgoing.

5. Answering paragraph 8, Respondent lacks sufficient information or knowledge to form a belief as to the truth or accuracy of the allegations contained in said paragraphs and, therefore, denies same.

6. Answering paragraph 9, Respondent craves reference to the Articles of Incorporation or other document referenced therein for its complete and full terms and denies any allegations of said paragraph that are inconsistent with the document.

7. Answering paragraph 10, Respondent lacks sufficient information or knowledge to form a belief as to the truth or accuracy of the allegations contained in said paragraphs and, therefore, denies same.

8. Answering paragraph 11, Respondent craves reference to the Will or other document referenced therein for its complete and full terms and denies any allegations of said paragraph that are inconsistent with the document.

9. Answering paragraph 12, Respondent craves reference to the Codicil or other document referenced therein for its complete and full terms and denies any allegations of said paragraph that are inconsistent with the document.

10. Answering paragraph 13, Respondent lacks sufficient information or knowledge to form a belief as to the truth or accuracy of the allegations contained in said paragraph and, therefore, denies same.

11. Answering paragraph 14, Respondent craves reference to the Articles of Incorporation or other document referenced therein for its complete and full terms and denies any allegations of said paragraph that are inconsistent with the document. Upon information and belief, neither Mr. Mevers nor his nominee appointed Respondent as a member of the board of directors for The “Sonny Mevers” Foundation (hereinafter “Foundation”).

12. Answering paragraph 15, Respondent craves reference to the Will or other document referenced therein for its complete and full terms and denies any allegations of said paragraph that are inconsistent with the document.

13. In answering paragraph 16, Respondent admits only that Respondent and the late Roy E. “Sonny” Mevers, Jr. were married on September 12, 2016, that Mr. Mevers passed away on November 3, 2017, and that following his death the Respondent applied for and was appointed by the Probate Court as the Personal Representative of Mr. Mevers’ estate, but denies the remaining allegations of said paragraph.

14. Respondent denies the allegations of paragraphs 17, 18, and 19 of the Application and demands strict proof thereof.

15. Answering paragraph 20, Respondent craves reference to the obituary or other document referenced therein for its complete and full terms and denies any allegations of said paragraph that are inconsistent with the document.

16. In answering paragraph 21, Respondent admits only that following her husband's death, Respondent, through her then legal counsel, applied to be appointed as the Personal Representative of Mr. Mevers' estate and she was subsequently appointed to that position by the Probate Court. Respondent denies any allegations inconsistent with the foregoing.

17. Answering paragraph 22, Respondent craves reference to the application or other document referenced therein for its complete and full terms and denies any allegations of said paragraph that are inconsistent with the document.

18. Answering paragraph 23, Respondent lacks sufficient information or knowledge to form a belief as to the truth or accuracy of the allegations contained in said paragraph and, therefore, denies same.

19. Respondent denies the allegations of paragraph 24 of the Application and demands strict proof thereof.

20. In answering paragraph 25, Respondent admits only that a telephone meeting of the Foundation's board of directors took place on or about January 23, 2018, the board of directors voted to dissolve the Foundation, and Articles of Dissolution for a Nonprofit Corporation were filed with the Secretary of State on January 24, 2018, but denies the remaining allegations of said paragraph.

21. Answering paragraph 26, the allegations of said paragraph constitute legal argument, legal conclusions, or conclusions of law to which Respondent is not required to answer or respond. To the extent a response is deemed necessary, the allegations of said paragraph are denied.

22. In answering paragraph 27, Respondent admits only that she personally did not notify the Petitioner that the Foundation intended to dissolve before the Articles of Dissolution were delivered to the Secretary of State, but lacks information as to the other allegations in said paragraph and demands strict proof thereof.

23. In answering paragraph 28, Respondent craves reference to the Articles of Dissolution or other document referenced therein for its complete and full terms and denies any allegations of said paragraph that are inconsistent with the document, but lacks sufficient information or knowledge to form a belief as to the truth or accuracy of the other allegations contained in said paragraph and, therefore, denies same.

24. In answering paragraph 29, Respondent craves reference to the Proposal for Distribution or other document referenced therein for its complete and full terms and denies any allegations of said paragraph that are inconsistent with the document. Respondent denies the remaining allegations of said paragraph as phrased. Respondent denies that the Foundation was entitled to receive any distribution from Mr. Mevers' estate as a residuary beneficiary under his Will and Codicils and asserts that she was and is the rightful beneficiary of the residuary estate under the terms and provisions of Mr. Mevers' Will and Codicils.

25. Respondent denies the allegations of paragraphs 30 and 31 of the Application and demands strict proof thereof.

26. Respondent denies that Petitioner is entitled to any of the relief sought in his Application or Petition.

FOR A SECOND DEFENSE
(Failure to State a Claim/SCRCP 12(b)(6))

27. The Application or Petition, in whole or in part, should be dismissed pursuant to S.C. R. CIV. PRO. 12(b)(6) for failure to state a claim against the Respondent and/or the Estate of Roy E. “Sonny” Mevers, Jr. The facts as alleged in the Application or Petition do not state an actionable claim or support a theory of recovery against the Respondent as a matter of law. Petitioner is not a real party in interest, lacks standing, lacks capacity to assert the claims, and is seeking to assert alleged derivative claims on behalf of a nonprofit organization that was dissolved on January 24, 2018, and which lacks the right, capacity, or authority to assert such claims as a matter of law.

FOR A THIRD DEFENSE
(Not Real Party in Interest under SCRCP 17(a)/Not Interested Person)

28. Petitioner’s claims are barred because it is not a real party in interest under S.C. R. CIV. PRO. 17(a). Petitioner is not the Personal Representative or Special Administrator of Decedent’s estate and is not a devisee or beneficiary under Decedent’s Last Will & Testament or Codicils and, accordingly, Petitioner is not a real party in interest and/or is not an interested person under the applicable law.

FOR A FOURTH DEFENSE
(Dissolution of Foundation)

29. The Foundation was dissolved with an effective date on January 24, 2018, and forfeited its charter. State law (S.C. CODE ANN. § 33-31-1404(a)) provides that the Foundation could revoke its dissolution within 120 days of its effective date, which did not occur. The statutory period for the Foundation to revoke its dissolution has expired. The Foundation may

not carry on activities except to wind up and liquidate its affairs. The Foundation's power to sue or be sued was extinguished. As a dissolved entity, the Foundation has no standing in court. Petitioner is improperly seeking to assert alleged derivative claims on behalf of a dissolved nonprofit organization and lacks the right or authority to do so.

FOR A FIFTH DEFENSE
(Lack of Standing)

30. Petitioner's claims are barred in whole or part because it lacks standing to assert the claims in its Application or Petition.

FOR A SIXTH DEFENSE
(Lack of Capacity)

31. Petitioner's claims are barred in whole or part because the Foundation was dissolved, the Foundation lacks capacity or authority to sue or assert claims, and Petitioner lacks capacity to assert claims on the Foundation's behalf as raised in the Application or Petition.

FOR A SEVENTH DEFENSE
(Nonclaim Statute)

32. Petitioner's claims are barred by the non-claim statute, S.C. CODE ANN. § 62-3-803. Petitioner failed to present or assert its claims against Respondent within eight months after the claims arose or within one year after the decedent's death, thus the Petitioner's claims are untimely and barred as a matter of law.

FOR AN EIGHTH DEFENSE
(Laches)

33. Petitioner's claim is barred in whole or part by the doctrine of laches.

FOR A NINTH DEFENSE
(Statute of Limitations/Statute of Repose)

34. Petitioner's claim is barred in whole or part by the statute of limitations and/or statute of repose.

FOR A TENTH DEFENSE
(Ratification)

35. The State of South Carolina previously ratified the actions of the Respondent and/or the Foundation when the South Carolina Secretary of State received, accepted, and filed Articles of Dissolution for a Nonprofit Corporation on behalf of the Foundation on January 24, 2018, and did not object to, reject, refuse to accept or file, or return such filing despite any alleged noncompliance with the notification requirements of S.C. CODE ANN. § 33-31-1403(a); therefore, the Petitioner's claims are barred.

FOR AN ELEVENTH DEFENSE
(*In Pari Delicto*)

36. Petitioner is asserting claims on behalf of the Foundation. Although wrongdoing by Respondent is specifically denied, any wrongdoing alleged by Petitioner involved the participation of the directors or officers of the Foundation other than the Respondent. Petitioner's claims are barred in whole or part by the doctrine of *in pari delicto*, which provides that a plaintiff who has participated in wrongdoing may not recover damages resulting from the wrongdoing.

FOR A TWELFTH DEFENSE
(Consent)

37. Petitioner's claims are barred under the doctrine of consent.

FOR A THIRTEENTH DEFENSE
(Waiver/Estoppel/Acquiescence)

38. Petitioner's claims were waived and/or are barred by estoppel and acquiescence.

FOR A FOURTEENTH DEFENSE
(Unclean Hands)

39. Petitioner's claims are barred under the doctrine of unclean hands.

FOR A FIFTEENTH DEFENSE
(Failure to Exhaust Organizational Remedies)

40. Petitioner's claims are barred because they are insufficient in law, for the reason that there is no allegation or proof that Petitioner attempted to redress the alleged wrongs of which it now complains by applying to the officers of the Foundation to take action and that they refused to act or by applying to the board of directors of the Foundation to take action and that they refused to act. Petitioner lacks the right or authority to sue on the Foundation's behalf.

FOR A SIXTEENTH DEFENSE
(Failure to Comply with SCRCP 23(b) and S.C. CODE ANN. § 33-31-630)

41. Petitioner's claims must be dismissed due to Petitioner's failure to comply with the requirements of S.C. R. CIV. PRO. 23(b) and S.C. CODE ANN. § 33-31-630. The Application or Petition fails to allege facts showing with particularity any effort by the Petitioner to obtain the desired action from the directors or comparable authority of the Foundation and the reasons for not obtaining the action or not making the effort.

FOR A SEVENTEENTH DEFENSE
(S.C. CODE ANN. § 33-31-830)

42. Respondent acted with legitimate and reasonable business justification and in the manner allowed or provided by S.C. CODE ANN. § 33-31-830 and such constitutes a complete defense to the Petitioner's claims alleging that Respondent breached the duties or standards for directors or officers.

FOR AN EIGHTEENTH DEFENSE
(Business Judgment Rule)

43. Respondent acted with a legitimate and reasonable basis and the transactions alleged in the Petition were made in good faith, thus Respondent is immune from any liability pursuant to the business judgment rule.

FOR A NINETEENTH DEFENSE
(Immunity Under S.C. CODE ANN. § 33-31-834)

44. Respondent is immune from suit arising from the conduct of the affairs of the Foundation pursuant to the terms and provisions of S.C. CODE ANN. § 33-31-834. Respondent did not act in a willful, wanton, or grossly negligent manner with respect to the transactions alleged in the Petition.

FOR A TWENTIETH DEFENSE
(Reservation of Additional and Further Defenses)

45. Respondent reserves any additional and further defenses as may be revealed by additional information through the course of discovery and investigation in a manner that is consistent with the South Carolina Rules of Civil Procedure.

II. AS TO REQUEST FOR APPOINTMENT OF SPECIAL ADMINISTRATOR:

FOR A FIRST DEFENSE
(Denial of Liability)

46. Answering paragraph 32, Respondent repeats, alleges, and incorporates by reference as if fully set forth herein her answers to the allegations contained in paragraphs 1 through 31 of the Application or Petition as stated herein-above.

47. Each and every allegation of the Application or Petition not hereinafter admitted, modified, or explained is denied.

48. Answering paragraph 33, the allegations of said paragraph constitute legal argument, legal conclusions, or conclusions of law to which Respondent is not required to answer or respond. To the extent a response is deemed necessary, the allegations of said paragraph are denied.

49. Respondent denies the allegations of paragraphs 34 and 35 of the Application or Petition and demands strict proof thereof.

50. Respondent denies that Petitioner is entitled to any of the relief sought in his Application or Petition.

FOR SECOND THROUGH TWENTIETH DEFENSES
(Incorporation of Defenses)

51. Respondent repeats, re-alleges, and incorporates herein her affirmative answers raised and asserted in response to the Petitioner's Application to Re-Open Estate and for Subsequent Administration, as set forth in Paragraphs 17 through 39 herein-above as fully as if repeated herein verbatim.

III. AS TO PETITION TO IMPOSE CONSTRUCTIVE TRUST:

FOR A FIRST DEFENSE
(Denial of Liability)

52. Answering paragraph 36, Respondent repeats, alleges, and incorporates by reference as if fully set forth herein her answers to the allegations contained in paragraphs 1 through 35 of the Application or Petition as stated herein-above.

53. Each and every allegation of the Application or Petition not hereinafter admitted, modified, or explained is denied.

54. Respondent denies the allegations of paragraphs 37 and 38 of the Application or Petition and demands strict proof thereof.

55. Respondent denies that Petitioner is entitled to any of the relief sought in his Application or Petition.

FOR SECOND THROUGH TWENTIETH DEFENSES
(Incorporation of Defenses)

56. Respondent repeats, re-alleges, and incorporates herein her affirmative answers raised and asserted in response to the Petitioner's Application to Re-Open Estate and for Subsequent Administration, as set forth in Paragraphs 17 through 39 herein-above as fully as if

repeated herein verbatim.

AS COUNTER-PETITIONS OR COUNTERCLAIMS IN RESPONSE TO
ALL APPLICATIONS AND/OR PETITIONS OF PETITIONER,
AND AS CROSS-CLAIMS AND THIRD-PARTY CLAIMS

FOR A TWENTY-FIRST DEFENSE
AND BY WAY OF COUNTERCLAIM, CROSS-CLAIM, AND THIRD-PARTY CLAIM
(Elective Share)

As a defenses, counterclaims, cross-claims, and third-party claims, the Respondent alleges and states as follows:

57. Respondent repeats, alleges, and incorporates by reference as if fully set forth herein her answer to the allegations contained in the Applications or Petition and her allegations in paragraphs 1 through 56 herein-above.

58. Respondent Minnie Lee Newman-Mevers is an adult citizen and resident of the County of Charleston, State of South Carolina.

59. Roy E. "Sonny" Mevers, Jr. (hereinafter "Decedent") died on November 3, 2017. At the time of his death, the Decedent (along with Respondent) was domiciled in Charleston County at the following address: 17 East Battery, Charleston, South Carolina 29401.

60. Respondent is the wife and "surviving spouse" of the Decedent. Respondent and Decedent applied for a marriage certificate with the Charleston County Probate Court on September 9, 2016, and after the marriage certificate was issued, they were married on September 12, 2016. They remained married to each other until Decedent's death.

61. Following Decedent's death, his estate was administered in the Charleston County Probate Court under Case No. 2017-ES-10-1946. Respondent was appointed as Personal Representative of the Estate of Roy E. Mevers, Jr. by Order of the Probate Court dated November 13, 2017.

62. By Order of the Probate Court filed on or about December 31, 2018, the Decedent's Estate was closed and Respondent was discharged as Personal Representative.

63. On or about March 13, 2020, the Probate Court of Charleston County appointed J. James Duggan as the Special Administrator for Estate of Roy E. Mevers, Jr. and he is presently serving in said capacity.

64. Upon information and belief, the Petitioner and/or the Special Administrator are seeking to re-open the Estate and to modify or vacate prior orders that were entered in the estate administration, including the settlement of the estate and the distribution of estate assets.

65. Respondent was the Decedent's wife and "surviving spouse" at the time of the Decedent's death on November 3, 2017, within the meaning of S.C. CODE ANN. § 62-2-802.

66. Respondent is entitled to an elective share of Decedent's probate estate in accordance with S.C. CODE ANN. §§ 62-2-201 *et seq.*

67. Respondent's elective share is provided by law and includes a one-third share of Decedent's probate estate, including assets owned by Decedent at the time of his death as well as any assets in a trust over which Decedent had substantial control.

68. In the event the Court determines or adjudicates that Respondent was not the rightful beneficiary of the Decedent's residuary estate under the terms and provisions of Decedent's Will or Codicils, if the Court determines that Respondent was not entitled to receive the residuary or remainder of the Decedent's estate under his Will or Codicils, and if the Court modifies or vacates the Order Closing the Estate and approving the Application for Settlement, Proposal for Distribution, and Final Accounting, then Respondent hereby elects to take her elective share of the Decedent's probate estate (including the assets of any trusts over which the Decedent exercised substantial control) pursuant to S.C. CODE ANN. §§ 62-2-201 *et seq.*

69. The value of Decedent's probate estate for elective share purposes should be determined by the Court.

70. This election is made within the later of the later of (1) eight months after the date of death of the Decedent, (2) six months after the informal or formal probate of the Decedent's will, or (3) thirty days after a surviving spouse is served with a summons and petition to set aside an informal probate or to modify or vacate an order for formal probate of Decedent's will.

71. Respondent reserves the right to withdraw or reduce her demand for an elective share at any time before entry of a final determination by this Court.

FOR A TWENTY-SECOND DEFENSE
AND BY WAY OF COUNTERCLAIM, CROSS-CLAIM, AND THIRD-PARTY CLAIM
(Attorneys' Fees/S.C. CODE ANN. § 62-1-111)

As a defenses, counterclaims, cross-claims, and third-party claims, the Respondent alleges and states as follows:

72. Respondent repeats, alleges, and incorporates by reference as if fully set forth herein her answer to the allegations contained in the Applications or Petition and her allegations in paragraphs 1 through 71 herein-above.

73. Respondent is a party to these proceedings commenced by the Petitioner in the Probate Court.

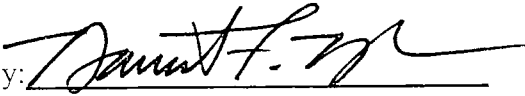
74. By virtue of these proceedings and/or claims pursued by the Petitioner against Respondent and by virtue of the Counter-Petitions, Counterclaims, Cross-Claims, and Third-Party Claims pursued by Respondent in these same proceedings, Respondent has incurred, and is still incurring, attorneys' fees and litigation costs in defending against the claims of the Petitioner and in prosecuting the Respondent's Counter-Petitions, Counterclaims, Cross-Claims, and Third-Party Claims.

75. Pursuant to S.C. CODE ANN. § 62-1-111, justice and equity require that Respondent be awarded her costs and expenses, including reasonable attorney's fees, against the other parties and/or from the assets of the estate, incurred in the defense of the Petitioner's claims in this matter and in the prosecution of Respondent's Counter-Petitions, Counterclaims, Cross-Claims, and Third-Party Claims.

WHEREFORE, having fully answered the Applications or Petitions above-referenced and asserting counterclaims, cross-claims, and third-party claims, Respondent prays for an Order and judgment of the Court in her favor as follows:

- (a) Dismissing all of the Petitioner's claims and causes of action with prejudice;
- (b) Awarding judgment in Respondent's favor on her Counter-Petitions, Counterclaims, Cross-Claims, and Third-Party Claims;
- (c) Adjudicating and finding that Respondent is the surviving spouse of the Decedent, Roy E. Mevers, Jr.;
- (d) Awarding Respondent the full monetary value of her elective share of Decedent's probate estate, including any trusts or assets over which the Decedent exercised substantial control;
- (e) Awarding Respondent her costs and expenses, including reasonable attorneys' fees, incurred in defending against the Petitioner's claims and in prosecuting her Counter-Petitions, Counterclaims, Cross-Claims, and Third-Party Claims, with such award to be paid by the other parties and/or from the assets of the Estate; and
- (f) Awarding such other legal and equitable relief as to the Court seems necessary and proper.

ROSEN HAGOOD, LLC

By: 

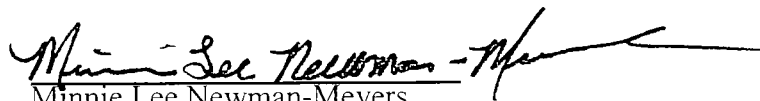
Daniel F. Blanchard, III
Elizabeth J. Palmer
151 Meeting Street, Suite 400
Post Office Box 893
Charleston, SC 29402
(843) 577-6726 telephone
dblanchard@rosenhagood.com
epalmer@rosenhagood.com

ATTORNEYS FOR RESPONDENT

Charleston, South Carolina
April 10, 2020.

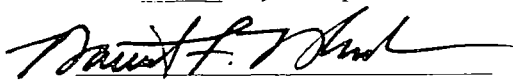
STATE OF SOUTH CAROLINA	)	IN THE PROBATE COURT
	)	
COUNTY OF CHARLESTON	)	
	)	Case No.: 2017-ES-10-1946
IN THE MATTER OF:	)	
THE ESTATE OF ROY E. MEVERS, JR.	)	
	)	
SOUTH CAROLINA ATTORNEY	)	
GENERAL	)	VERIFICATION
	)	
Petitioner/Counter-Claim	)	
Defendant,	)	
	)	
v.	)	
	)	
MINNIE LEE NEWMAN MEVERS,	)	
Respondent/Counter-Claim	)	
Plaintiff/Cross-Claim	)	
Plaintiff/Third-Party Plaintiff	)	
	)	
v.	)	
	)	
J. JAMES DUGGAN, as Special	)	
Administrator of the Estate of Roy E.	)	
Mevers, Jr.,	)	
	)	
Cross-Claim	)	
Defendant/Third-Party	)	
Defendant,	)	
	)	

Personally appeared before me, Minnie Lee Newman-Mevers, who being duly sworn does state as follows: I have read the forgoing Return to Petition, Counterclaims, Cross-Claims, and Third-Party Claims and can verify under oath that the facts stated therein are true, except for those stated upon information and belief, and as to those allegations, the Affiant believes them to be true.


Minnie Lee Newman-Mevers

SWORN to before me

This 10th day of April, 2020.



Notary Public for South Carolina

My Commission Expires: Jan. 22, 2025

CERTIFICATE OF SERVICE

I hereby certify that on the date referenced below, true and correct copies of the Summons and Return to Petition, Counterclaims, Cross-Claims, and Third-Party Claims in the above-captioned action were deposited in the U.S. mail with sufficient first-class postage affixed thereto and addressed to:

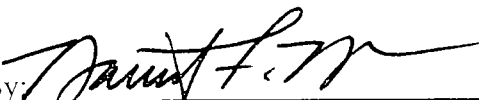
Alan Wilson, Attorney General
W. Jeffrey Young, Chief Deputy Attorney General
Robert D. Cook, Solicitor General
C. Havird Jones, Senior Assistant Deputy Attorney General
Mary Frances Jowers, Assistant Deputy Attorney General
Kristin Simons, Assistant Attorney General
South Carolina Attorney General's Office
Post Office Box 11549
Columbia, South Carolina 29211

C. Michael Branham, Esquire
Stephen L. Brown, Esquire
YCRLAW, LLC
Post Office Box 993
Charleston, South Carolina 29402

J. James Duggan, Esquire
Special Administrator of the Estate of Roy E. Mevers, Jr.
Duggan Law Firm, LLC
44 Markfield Drive, Suite E
Charleston, SC 29407

This the 10th day of April, 2020.

ROSEN HAGOOD, LLC

By: 
Daniel F. Blanchard, III, Esquire
ATTORNEYS FOR RESPONDENT

STATE OF SOUTH CAROLINA	)	IN THE PROBATE COURT
COUNTY OF CHARLESTON	)	CASE NO.: 2017-ES-10-1946
IN THE MATTER OF:	)	
THE ESTATE OF ROY E. MEVERS, JR.	)	
SOUTH CAROLINA ATTORNEY GENERAL	)	
Petitioner/Counter-Claim Defendant	)	
-versus-	)	SPECIAL ADMINISTRATOR'S
	)	REPLY TO RESPONDENT'S
MINNIE LEE NEWMAN MEVERS,	)	RETURN TO PETITION AND
Respondent/Counter-Claim	)	COUNTERCLAIMS, CROSSCLAIMS
Plaintiff/Cross-Claim Plaintiff/	)	AND THIRD-PARTY CLAIMS
Third-Party Plaintiff	)	
-versus-	)	
J. JAMES DUGGAN, as Special Administrator of	)	
The Estate of Roy E. Mevers, Jr.,	)	
Cross-Claim Defendant/Third-Party	)	
Defendant	)	

J. JAMES DUGGAN, as Special Administrator for the Estate of Roy E. Mevers, Jr. ("Duggan") replies to the Counterclaims, Cross-Claims and Third-Party Claims of the Respondent, MINNIE LEE NEWMAN MEVERS, by saying and alleging as follows:

1. Without waiving the right to seek relief as alleged in the Petition, Duggan specifically denies each and every allegation of the Respondent's Counterclaims that are not admitted, and demands strict proof thereof.

2. Duggan denies the defenses as alleged in Respondent's Return and demands strict proof thereof.

**I. AS TO APPLICATION TO RE-OPEN ESTATE FOR SUBSEQUENT
ADMINISTRATION AND TO IMPOSE CONSTRUCTIVE TRUST**

3. As a response to the Defenses and allegations in paragraphs 1 through 45, this Court has heard this Matter on March 23, 2020 and an Order has not yet been issued on the Petition to Re-Open the Estate, Appoint Special Administrator, Impose Constructive Trust to Protect Improperly Distributed Estate Assets, and Obtain Other Relief as Necessary which was filed by the South Carolina Attorney General on March 13, 2020. Otherwise, Duggan denies any claims of defenses in paragraphs 1 through 45 and demands strict proof thereof.

**II. AS TO REQUEST FOR APPOINTMENT OF SPECIAL ADMINISTRATOR AND TO
IMPOSE CONSTRUCTIVE TRUST**

4. As a response to the Defenses and allegations in paragraphs 46 through 56, the Probate Court has already appointed J. James Duggan, Esquire of Duggan Law Firm, LLC as the Special Administrator of the Estate of Roy. E. Mevers, Jr as of March 13, 2020 with no restrictions and not in a temporary capacity. If Respondent MINNIE LEE NEWMAN MEVERS wishes to remove the Special Administrator, then Respondent must follow proper Probate procedure in order to do so. Otherwise, Duggan denies any claims of defenses in paragraphs 46 through 56 and demands strict proof thereof.

**III. FOR REPLY TO FIRST COUNTERCLAIM, CROSS-CLAIM and THIRD-
PARTY CLAIM**
(Elective Share)

5. In answering the allegations in paragraphs 58 and 59, Duggan admits upon information and belief.

6. In answering paragraphs 57 through 63 (with the exception of 58 and 59), the record of the Estate speaks for itself and as such no response is required, and if such is required, Duggan

denies such and demands strict proof thereof.

7. In answering paragraphs 64 through 71, these paragraphs are legal conclusions of law and therefore require no response, and if such response is required, then Duggan hereby denies the allegations and demands strict proof thereof.

FOR A FIRST DEFENSE
(No Timely Filing Made)

8. Respondent has made no timely filing of an Elective Share Claim, and so such claim is barred. In addition, if discovery indicates facts that call into question the validity of the marriage between Respondent and Roy E. Mevers, Jr., then Duggan reserves the right to add further defenses and claims.

FOR A SECOND DEFENSE
(Offset)

9. In the event there was a timely filing for the Elective Share, then under SECTION 62-2-207, any property that the surviving spouse received that is defined under such statute shall be used to counter the amount allocated to the elective share of the spouse. In order for this calculation to be done, full discovery, investigation and accounting is necessary.

FOR A RESPONSE TO THE SECOND COUNTERCLAIM, CROSS-CLAIM and
THIRD-PARTY CLAIM
(Attorney's Fees/S.C. Code Ann. §62-1-111)

10. In answering paragraphs 72 through 75, these are legal conclusions of law which require no response, and if such response is required, then Duggan denies such allegations and demands strict proof thereof.

FOR A FURTHER DEFENSE TO ALL COUNTERCLAIMS, CROSS-CLAIMS
AND THIRD-PARTY CLAIMS
(Rule 12(b)(6))

11. The Respondent's Counterclaims fail to state facts and causes of actions upon which relief can be granted; therefore, the Respondent's Counterclaims should be dismissed in its entirety under Rule 12(b)(6) of the South Carolina Rules of Civil Procedure.

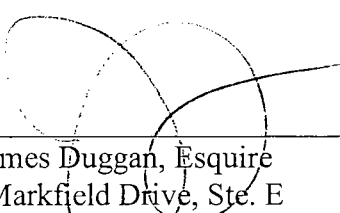
FOR A DEFENSE TO ALL COUNTERCLAIMS, CROSS-CLAIMS AND THIRD-PARTY CLAIMS

(RESERVATION OF ALL ADDITIONAL AND FURTHER DEFENSES)

13. Duggan reserves any additional and further defenses as may be revealed by additional information through the course of discovery and investigation in a manner that is consistent with the South Carolina Rules of Civil Procedure.

WHEREFORE, having replied to the Respondent's Return and answered the Respondent's Counterclaims, Cross-Claims and Third-Party Claims, Duggan prays this Honorable Court grant such further relief as this Court deems proper.

FURTHER, Duggan as Special Administrator Petitions this Court to Order all assets of the Estate be returned to the Estate of Roy E. Mevers, Jr. for safekeeping within Thirty (30) days; that Respondent provide a full accounting of Estate assets from the date of death of Roy E. Mevers, Jr. until March 15, 2020; and that Respondent cooperate with the Special Administrator in his investigation of anything related to this Estate.



J. James Duggan, Esquire
44 Markfield Drive, Ste. E
Charleston, SC 29407
(843) 414-7730
Special Administrator for the Estate of Roy E.
Mevers, Jr.

Charleston, South Carolina
May 4, 2020

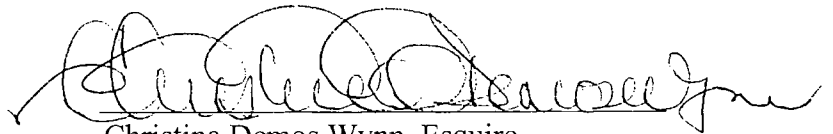
CERTIFICATE OF SERVICE

This is to certify that a copy of Special Administrator's Reply to the Return to Petition, Counterclaims, Cross-Claims and Third-Party Claims of the Respondent, MINNIE LEE NEWMAN MEVERS has been served upon the following by placing the same in the United States mail, first class postage prepaid, addressed to the following as shown below this 4th day of May, 2020:

Alan Wilson, Attorney General
W. Jeffrey Young, Chief Deputy Attorney General
Robert D. Cook, Solicitor General
C. Havird Jones, Senior Assistant Deputy Attorney General
Mary Frances Jowers, Assistant Deputy Attorney General
Kristin Simons, Assistant Attorney General
South Carolina Attorney General's Office
Post Office Box 11549
Columbia, South Carolina 29211

C. Michael Branham, Esquire
Stephen L. Brown, Esquire
YCRLAW, LLC
Post Office Box 993
Charleston, South Carolina 29402

Daniel F. Blanchard, III
151 Meeting Street, Suite 400
Post Office Box 893
Charleston, SC 29402



Christina Demos Wynn, Esquire
DUGGAN LAW FIRM, LLC
44 Markfield Drive, Suite E
Charleston, South Carolina 29407
Telephone: (843) 414-7730

STATE OF SOUTH CAROLINA) IN THE PROBATE COURT
COUNTY OF CHARLESTON) CASE NO. 2017-ES-10-1946

IN THE MATTER OF:
THE ESTATE OF ROY E. MEVERS
SOUTH CAROLINA ATTORNEY
GENERAL

Petitioner/
Counter-Claim Defendant

vs.

MINNIE LEE NEWMAN MEVERS,

Respondent/
Counter-Claim Plaintiff/
Cross-Claim Plaintiff/
Third-Party Plaintiff

vs.

J. JAMES DUGGAN, as Special
Administrator of The Estate of Roy E.
Mevers, Jr.,

Cross-Claim Defendant/
Third-Party Defendant

**SOUTH CAROLINA ATTORNEY
GENERAL'S REPLY TO
RESPONDENT'S RETURN TO PETITION
AND RETURNS AND ANSWER TO
CROSS-CLAIMS AND THIRD-PARTY
CLAIMS**

FILED
20 MAY -6 PM 4:02
CLERK OF COURT
CHARLESTON COUNTY

The Petitioner/Counter-Claim Defendant South Carolina Attorney General (the "Attorney General") files this Reply and Answer to MINNIE LEE NEWMAN MEVERS' ("Respondent") Return to Petition and Returns, Cross-Claims and Third-Party Claims, filed April 10, 2020. The Attorney General specifically denies each and every allegation of the Respondent's Counter-Petition, Counter-Claims, and Cross-Claims (collectively referred to as the "Return") that are not specifically admitted, and demands strict proof thereof. Further, the Attorney General denies the defenses as alleged in Respondent's Return and demands strict proof thereof.

cel

(Application to Re-open Estate for Subsequent Administration)

1-45. The Attorney General denies any claims or defenses in paragraphs 1 through 45 of Respondent's Return, and demands strict proof thereof.

46-56. As a response to the allegations in paragraphs 46 through 56, the Attorney General notes this Probate Court has already appointed J. James Duggan, Esquire of Duggan Law Firm, LLC as the Special Administrator of the Estate of Roy E. Mevers, Jr. as of March 13, 2020 with no restrictions and not in a temporary capacity. The Attorney General denies any claims or defenses in paragraphs 46 through 56 and demands strict proof thereof.

(Elective Share)

57. Responding to paragraph 57 of the Return, the Attorney General repeats and realleges each and every answer to the Return as if fully set forth herein verbatim.

58. The Attorney General admits the allegations of paragraph 58 of the Return.

59. Upon information and belief, the Attorney General admits the allegations of paragraph 59 of the Return.

60. Upon information and belief, the Attorney General admits the allegations contained in paragraph 60 of the Return.

61. Responding to paragraph 61, the Attorney General craves reference to the records of the Charleston County Probate Court and denies any allegations inconsistent with such records.

62. Responding to paragraph 62, the Attorney General craves reference to the records of the Charleston County Probate Court and denies any allegations inconsistent with such records.

63. The Attorney General admits the allegations of paragraph 63 of the Return.

64. The allegations of paragraph 64 of the Return are denied as written and the Attorney General craves reference to the relief sought in his Petition.

65. The Attorney General denies the allegations of paragraph 65 of the Return.

66. The Attorney General denies the allegations of paragraph 66 of the Return.

67. The Attorney General denies the allegations of paragraph 67 of the Return. Respondent's ability to assert a claim for elective share is time barred under applicable statutory provisions of the South Carolina Probate Code. *S.C. Code Ann. §62-2-205 (a)*.

68. The Attorney General denies the allegations of paragraph 68 of the Return. The ability to assert a claim for elective share is time barred under applicable statutory provisions of the South Carolina Probate Code and have been waived by Respondent. *S.C. Code Ann. §62-2-205 (a)*.

69. Responding to paragraph 69 of the Return, in that Respondent is not entitled to and has waived her right to elective share, the value of the probate estate need not be determined for this purpose, but such may be necessary to determine the total due to the Foundation under the terms of Mr. Mever's Last Will and Testament.

70. The Attorney General denies the allegations of paragraph 70 of the Return.

71. Paragraph 71 of the Return requires no response from the Attorney General, however the Attorney General again asserts that the Respondent has no right to demand or receive an elective share under South Carolina law.

(Attorneys' Fees/S.C. Code Ann. § 62-1-111)

72. Responding to paragraph 72 of the Return, the Attorney General repeats and realleges each and every answer to the Return as if fully set forth herein verbatim.

73. The Attorney General admits the allegations of paragraph 73 of the Return.

74. The Attorney General has insufficient information to respond to the allegations contained in paragraph 74 of the Return.

75. Paragraph 75 of the Return states a conclusion of law which the Attorney General is neither required to admit or deny. Notwithstanding, the Attorney General denies the allegations of paragraph 75 of the Return.

FURTHER ANSWERING AND AS
A FURTHER AND AFFIRMATIVE DEFENSE
(Failure to Act)

76. Respondent's claims are barred by her failure to act within the time limits and restrictions of *S.C. Code Ann. § 62-2-205(a)*.

FURTHER ANSWERING AND AS
A FURTHER AND AFFIRMATIVE DEFENSE
(Doctrine of Unclean Hands)

77. Respondent's claims are barred by the doctrine of unclean hands or other applicable maxims of equity.

FURTHER ANSWERING AND AS
A FURTHER AND AFFIRMATIVE DEFENSE
(Waiver)

78. Respondent waived all rights to elective share by failing to act in accordance with applicable South Carolina Law.

**FURTHER ANSWERING AND AS
A FURTHER AND AFFIRMATIVE DEFENSE**
(Other Defense and Actions)

79. The Attorney General reserves the right to raise and rely on additional affirmative defenses or assert other causes of action against Respondent as they become known during the discovery process or the investigation of the Special Administrator in this action.

Wherefore, having answered or responded to all allegations, claims, and defenses of Minnie Lee Newman Mevers, the Attorney General asks that this Court:

1. Grant all relief sought by the Attorney General in its Verified Petition;
2. Immediately allow the Special Administrator at the expense of the Estate to immediately take the actions set forth in the Petition and such other actions as allowed by law, order of this Court, or which the Special Administrator deems appropriate and necessary to fulfill the orders of this Court;
3. Impose a constructive trust on all assets as identified in the Petition;
4. Order cooperation by Ms. Newman or any party related directly or indirectly with the Estate and/or Foundation with the Attorney General and the Special Administrator;
5. Pursuant to *S.C. Code Ann. § 62-1-111*, as justice and equity may require, award reimbursement from Ms. Newman for:
 - (1) Costs and expenses;
 - (2) Reasonable Attorney fees; and

(3) Reimbursement to the Estate for the Cost of the Special Administrator;

6. Deny all claims by Minnie Lee Newman Mevers to any elective share under South Carolina law; and

7. Grant such other and further relief as this Court finds necessary and proper.

(Signature on next page)

(Signature page for South Carolina Attorney General's Reply to Respondent's Return to Petition and Returns, Cross-Claims and Third-Party Claims in Civil Case no. 2017-ES-10-1946)

Respectfully submitted,

By: Altshorn - YCRLAW
SOUTH CAROLINA ATTORNEY GENERAL
ALAN WILSON (S.C. Bar No. 71754)
Attorney General

W. JEFFREY YOUNG (S.C. Bar No. 5747)
Chief Deputy Attorney General

ROBERT D. COOK (S.C. Bar No. 1373)
Solicitor General

C. HAVIRD JONES, JR. (S.C. Bar No. 3178)
Senior Assistant Deputy Attorney General

MARY FRANCES JOWERS (S.C. Bar No. 68413)
Assistant Deputy Attorney General

KRISTIN SIMONS (S.C. Bar No. 74004)
Assistant Attorney General
P.O. Box 11549
Columbia, South Carolina 29211
(803) 734-3680

-and-

YCRLAW, LLC
C. Michael Branham (S.C. Bar No. 857)
Stephen L. Brown (S.C. Bar No. 66468)
25 Calhoun Street, Suite 400
Charleston, SC 29401
P.O. Box 993, Charleston, SC 29402
(843) 720-5488
Special Counsel for the Attorney General of
The State of South Carolina

Dated: May 8, 2020
Columbia, SC

*All parties / Counsel of record
served. May 8, 2020
Altshorn*

(Signature page for South Carolina Attorney General's Reply to Respondent's Return to Petition and Returns, Cross-Claims and Third-Party Claims in Civil Case no. 2017-ES-10-1946)

Respectfully submitted,

By: YCR Law - Stephen L. Brown
SOUTH CAROLINA ATTORNEY GENERAL
ALAN WILSON (S.C. Bar No. 71754)
Attorney General

W. JEFFREY YOUNG (S.C. Bar No. 5747)
Chief Deputy Attorney General

ROBERT D. COOK (S.C. Bar No. 1373)
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Senior Assistant Deputy Attorney General

MARY FRANCES JOWERS (S.C. Bar No. 68413)
Assistant Deputy Attorney General

KRISTIN SIMONS (S.C. Bar No. 74004)
Assistant Attorney General
P.O. Box 11549
Columbia, South Carolina 29211
(803) 734-3680

-and-

YCRLAW, LLC
C. Michael Branham (S.C. Bar No. 857)
Stephen L. Brown (S.C. Bar No. 66468)
25 Calhoun Street, Suite 400
Charleston, SC 29401
P.O. Box 993, Charleston, SC 29402
(843) 720-5488
Special Counsel for the Attorney General of
The State of South Carolina

Dated: May 8, 2020
Columbia, SC

CERTIFICATE OF MAILING

I hereby certify that a copy of the foregoing pleading was mailed to
all counsel of record in this proceeding this 8 day of

May, 2020.
Stephen L. Brown

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

IN THE MATTER OF:
THE ESTATE OF ROY E. MEVERS, JR.

SOUTH CAROLINA ATTORNEY
GENERAL

Petitioner/Counter-Claim
Defendant,

v.

MINNIE LEE NEWMAN MEVERS,
Respondent/Counter-Claim
Plaintiff/Cross-Claim
Plaintiff/Third-Party Plaintiff

v.

J. JAMES DUGGAN, as Special
Administrator of the Estate of Roy E.
Mevers, Jr.,

Cross-Claim
Defendant/Third-Party
Defendant,

IN THE PROBATE COURT

Case No.: 2017-ES-10-1946

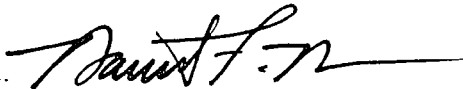
**NOTICE OF DEMAND FOR
JURY TRIAL**

FILED
20 MAY 12 PM 4:01
CHARLESTON COUNTY

TO: ALL PARTIES ABOVE-NAMED AND THEIR LEGAL COUNSEL:

PLEASE TAKE NOTICE that, pursuant to S.C. CODE ANN. § 62-1-306 and S.C. R. Civ. Pro. 38(b), Respondent Minnie Lee Newman-Mevers (hereinafter "Respondent") hereby demands a jury trial as to any and all issues or claims in this action that are triable of right by a jury.

ROSEN HAGOOD, LLC

By: 

Daniel F. Blanchard, III
Elizabeth J. Palmer
151 Meeting Street, Suite 400
Post Office Box 893
Charleston, SC 29402
(843) 577-6726 telephone
dblanchard@rosenhagood.com
epalmer@rosenhagood.com

ATTORNEYS FOR RESPONDENT

Charleston, South Carolina
May 12, 2020.

CERTIFICATE OF SERVICE

I hereby certify that on the date referenced below, true and correct copies of the Notice of Demand for Jury Trial in the above-captioned action were deposited in the U.S. mail with sufficient first-class postage affixed thereto and addressed to:

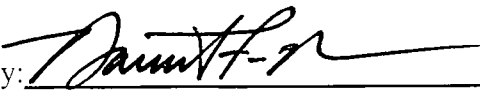
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C. Michael Branham, Esquire
Stephen L. Brown, Esquire
YCRLAW, LLC
Post Office Box 993
Charleston, South Carolina 29402

J. James Duggan, Esquire
Special Administrator of the Estate of Roy E. Mevers, Jr.
Duggan Law Firm, LLC
44 Markfield Drive, Suite E
Charleston, SC 29407

This the 12th day of May, 2020.

ROSEN HAGOOD, LLC

By: 
Daniel F. Blanchard, III, Esquire
ATTORNEYS FOR RESPONDENT

STATE OF SOUTH CAROLINA	)	IN THE PROBATE COURT
	)	
COUNTY OF CHARLESTON	)	
	)	Case No.: 2017-ES-10-1946
IN THE MATTER OF:	)	
THE ESTATE OF ROY E. MEVERS, JR.	)	
	)	
SOUTH CAROLINA ATTORNEY	)	
GENERAL	)	NOTICE OF REMOVAL AND
Petitioner/Counter-Claim	)	MOTION TO REMOVE ACTION TO
Defendant,	)	CIRCUIT COURT
	)	
v.	)	
	)	
MINNIE LEE NEWMAN MEVERS,	)	
Respondent/Counter-Claim	)	
Plaintiff/Cross-Claim	)	
Plaintiff/Third-Party Plaintiff	)	
	)	
v.	)	
	)	
J. JAMES DUGGAN, as Special	)	
Administrator of the Estate of Roy E.	)	
Mevers, Jr.,	)	
Cross-Claim	)	
Defendant/Third-Party	)	
Defendant,	)	
	)	

2017 NOV 12 PM 4:05
 CLERK OF COURT
 CHARLESTON COUNTY

TO: ALL PARTIES ABOVE-NAMED AND THEIR LEGAL COUNSEL:

PLEASE TAKE NOTICE that the undersigned attorneys for Respondent Minnie Lee Newman-Mevers (hereinafter "Respondent") will move before the Probate Judge of the Ninth Judicial Circuit at the Charleston County Courthouse, 100 Broad Street, Suite 469, Charleston, South Carolina 29401, or at such other office as the Court may direct, after ten (10) days from the date of service hereof or at such time as the Court may direct, for an Order removing this action to the Charleston County Circuit Court, pursuant to S.C. CODE ANN. § 62-1-302(d), on the following grounds:

1. Respondent is the widow of Roy E. Mevers, Jr., now deceased. Mr. Mevers died

on November 3, 2017. Respondent and Mr. Mevers were married on September 12, 2016.

2. Respondent was appointed as Personal Representative of Mr. Mevers' Estate on November 13, 2017. Respondent thereafter took steps to probate Mr. Mevers' Last Will & Testament as revised or amended by two Codicils and to administer his estate.

3. On February 16, 2018, Respondent filed an Inventory and Appraisement with the Probate Court stating that the probate estate had a gross value of \$18,854,000.00.

4. On November 21, 2018, Respondent filed a Proposal for Distribution (Form #410ES) with this Court along with a Final Accounting (Form #361ES), Application for Settlement (Form #412ES), and Notice of Right to Demand Hearing (Form #416ES). All of the 28 beneficiaries who received distributions from the Estate signed a Receipt and Release with Waiver (Form #403ES) and none responded to the notice of right to demand a hearing, or filed any objection to the Proposal for Distribution or Application for Settlement.

5. This Court issued an Order closing the Estate on December 31, 2018. The assets of the Estate were distributed in accordance with the terms of the Will as shown on the Proposal for Distribution.

6. On March 13, 2020, Petitioner Alan Wilson, Attorney General for the State of South Carolina, filed a Summons and Verified Petition and Application seeking to reopen Mr. Mevers' Estate and formally probate Mr. Mevers' Will and Codicils, to have a special administrator appointed for the Estate, to impose a constructive trust over the assets that were previously distributed from the Estate to Respondent, and to recover attorneys' fees under S.C. CODE ANN. § 62-1-111. Among other issues, the claims in the verified Petition raise issues involving the construction of Mr. Mevers' Will and Codicils.

7. On March 13, 2020, the Court entered an *ex parte* Order appointing J. James

Duggan as special administrator for the Estate.

8. On April 10, 2020, Respondent filed her Return to the Petition along with Counterclaims, Cross-Claims, and/or Third-Party Claims against Petitioner South Carolina Attorney General and Special Administrator J. James Duggan. In her pleading, Respondent raised defenses and claims involving the construction of Mr. Mevers' Will and Codicils and also filed a petition for an elective share in which Respondent claims the right to an elective share of Mr. Mevers' probate estate in accordance with S.C. CODE ANN. §§ 62-2-201 *et seq.* and a claim for attorneys' fees under S.C. CODE ANN. § 62-1-111.

9. By Reply dated May 4, 2020, Special Administrator J. James Duggan answered the Respondent's Counterclaims, Cross-Claims, and/or Third-Party Claims.

10. By Reply dated May 8, 2020, Petitioner South Carolina Attorney General answered the Respondent's Counterclaims, Cross-Claims, and/or Third-Party Claims.

11. Pursuant to Section 62-1-302(d)(5) of the Probate Code, on motion of a party, made not later than ten days following the date on which all responsive pleadings must be filed, any action or proceeding filed in the Probate Court shall be removed to the Circuit Court when it involves a formal proceeding for the probate of a will; the construction of a will; and/or an action in which a party has a right to a jury trial and the action involves an amount in controversy of at least \$5,000.00 in value. S.C. CODE ANN. § 62-1-302(d)(5).

12. Because the claims and defenses raised in the parties' pleadings involve a formal proceeding for the probate of a will and/or the construction of Decedent's will, Respondent is entitled to have this action removed to the Circuit Court.

13. Additionally, given the assets of the Estate, the value of the elective share claimed by the Respondent exceeds \$5,000.00. A claim for money due from an estate is an action at law.

McInnis v. McInnis, 348 S.C. 585, 589, 560 S.E.2d 632, 634 (Ct. App. 2002); Howard v. Mutz, 315 S.C. 356, 362, 434 S.E.2d 254, 258 (1993). The interpretation and application of the elective share statute is an action at law. Williams v. Williams, 329 S.C. 569, 496 S.E.2d 23 (Ct.App.1998), reversed other grounds, 335 S.C. 386, 517 S.E.2d 689 (1999); In re Estate of Timmerman, 331 S.C. 455, 502 S.E.2d 920, 921 (1998). A probate proceeding involving a claim for money due is ordinarily triable at law. Smith v. McCall, 324 S.C. 356, 357, 477 S.E.2d 475 (Ct. App. 1996). A claim for attorneys' fees pursuant to a statute is an action at law. Historic Charleston Holdings, LLC v. Mallon, 381 S.C. 417, 673 S.E.2d 448, 458 (2009).

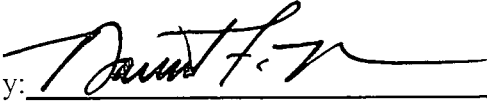
14. Section 62-1-306(a) of the Probate Code provides that, if duly demanded, a party is entitled to a jury trial in any proceeding in the Probate Court involving an issue of fact in an action for the recovery of money or of specified real or personal property. S.C. CODE ANN. § 62-1-306(a); see also Howard, 434 S.E.2d at 258 (claim against estate for money due is triable at law with an attendant right to jury trial); Latimer v. Morris ex rel. Estate of Morris, 2012 WL 10862479, *3 (S.C. Ct. App. Aug. 1, 2012) (same).

15. Respondent hereby demands a jury trial on the issues of fact involving her Counterclaims, Cross-Claims, and/or Third-Party Claims. Because the Respondent is entitled to a jury trial of the factual issues raised in her petition and the value of the elective share claimed by Respondent exceeds \$5,000.00, Respondent is entitled to have this action removed to the Circuit Court for a jury trial.

This Motion will be supported by the pleadings and records on file with the Court, arguments of counsel, and any legal memoranda filed with this Court.

WHEREFORE, Respondent respectfully moves this Court for an Order removing this action to the Charleston County Circuit Court and for such other and further relief as this Court may deem just and proper.

ROSEN HAGOOD, LLC

By: 

Daniel F. Blanchard, III
Elizabeth J. Palmer
151 Meeting Street, Suite 400
Post Office Box 893
Charleston, SC 29402
(843) 577-6726 telephone
dblanchard@rosenhagood.com
epalmer@rosenhagood.com

ATTORNEYS FOR RESPONDENT

Charleston, South Carolina
May 12, 2020.

CERTIFICATE OF SERVICE

I hereby certify that on the date referenced below, true and correct copies of the Notice of Removal and Motion to Remove Action to Circuit Court in the above-captioned action were deposited in the U.S. mail with sufficient first-class postage affixed thereto and addressed to:

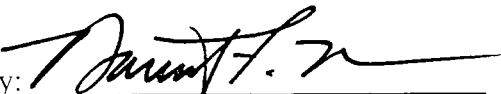
Alan Wilson, Attorney General
W. Jeffrey Young, Chief Deputy Attorney General
Robert D. Cook, Solicitor General
C. Havird Jones, Senior Assistant Deputy Attorney General
Mary Frances Jowers, Assistant Deputy Attorney General
Kristin Simons, Assistant Attorney General
South Carolina Attorney General's Office
Post Office Box 11549
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C. Michael Branham, Esquire
Stephen L. Brown, Esquire
YCRLAW, LLC
Post Office Box 993
Charleston, South Carolina 29402

J. James Duggan, Esquire
Special Administrator of the Estate of Roy E. Mevers, Jr.
Duggan Law Firm, LLC
44 Markfield Drive, Suite E
Charleston, SC 29407

This the 12th day of May, 2020.

ROSEN HAGOOD, LLC

By: 
Daniel F. Blanchard, III, Esquire
ATTORNEYS FOR RESPONDENT

STATE OF SOUTH CAROLINA	)	IN THE PROBATE COURT
	)	
COUNTY OF CHARLESTON	)	
	)	Case No.: 2017-ES-10-1946
IN THE MATTER OF:	)	
THE ESTATE OF ROY E. MEVERS, JR.	)	
	)	
SOUTH CAROLINA ATTORNEY	)	
GENERAL	)	MOTION TO ALTER, AMEND
	)	AND/OR VACATE ORDER
Petitioner/Counter-Claim	)	
Defendant,	)	
	)	
v.	)	
	)	
MINNIE LEE NEWMAN MEVERS,	)	
Respondent/Counter-Claim	)	
Plaintiff/Cross-Claim	)	
Plaintiff/Third-Party Plaintiff	)	
	)	
v.	)	
	)	
J. JAMES DUGGAN, as Special	)	
Administrator of the Estate of Roy E.	)	
Mevers, Jr.,	)	
	)	
Cross-Claim	)	
Defendant/Third-Party	)	
Defendant,	)	
	)	

2020 JUL 10 11:05 AM

TO: ALL PARTIES ABOVE-NAMED AND THEIR LEGAL COUNSEL:

PLEASE TAKE NOTICE that the undersigned attorneys for Respondent Minnie Lee Newman-Mevers (hereinafter "Respondent") will move before the Probate Judge of the Ninth Judicial Circuit at the Charleston County Courthouse, 100 Broad Street, Suite 469, Charleston, South Carolina 29401, or at such other office as the Court may direct, after ten (10) days from the date of service hereof or at such time as the Court may direct, to alter, amend, and/or vacate its Order dated June 29, 2020, which Respondent's counsel received on July 6, 2020. A copy of the Order is attached hereto as "Exhibit A." The motion is based on the following:

As stated by the South Carolina Court:

[O]ur rules contemplate two basic situations in which a party should consider filing a Rule 59(e) motion. A party *may* wish to file such a motion when she believes the court has misunderstood, failed to fully consider, or perhaps failed to rule on an argument or issue, and the party wishes for the court to reconsider or rule on it. A party *must* file such a motion when an issue or argument has been raised, but not ruled on, in order to preserve it for appellate review.

Elam v. S.C. Dep't of Transp., 361 S.C. 9, 24, 602 S.E.2d 772, 780 (2004); see also Home Med. Sys., Inc. v. S.C. Dep't of Revenue, 382 S.C. 556, 562, 677 S.E.2d 582, 586 (2009) (“Although a Rule 59(e) motion may effectively seek a reconsideration of issues and arguments, this type of motion is often required for issue preservation purposes.”); I’On, LLC v. Town of Mt. Pleasant, 338 S.C. 406, 526 S.E.2d 716 (2000) (If issue was raised to trial court, but the court failed to rule upon it, the party must file a motion to alter or amend in order to preserve the issue.).

1. Respondent is the widow of the late Roy E. Mevers, Jr. (“Decedent”). Decedent died on November 3, 2017.

2. Respondent was appointed as Personal Representative of Decedent’s Estate on November 13, 2017. Respondent thereafter took steps to probate Decedent’s Last Will & Testament as revised or amended by two Codicils and to administer his estate.

3. On February 16, 2018, Respondent filed an Inventory and Appraisement with the Probate Court stating that the probate estate had a gross value of \$18,854,000.00. Thereafter, on November 21, 2018, Respondent filed a Proposal for Distribution (Form #410ES) with this Court along with a Final Accounting (Form #361ES), Application for Settlement (Form #412ES), and Notice of Right to Demand Hearing (Form #416ES). All of the 28 beneficiaries who received distributions from the Estate signed a Receipt and Release with Waiver (Form #403ES) and none responded to the notice of right to demand a hearing, or filed any objection to the Proposal for Distribution or Application for Settlement.

4. This Court issued an Order closing the Estate on December 31, 2018. The assets of the Estate were distributed in accordance with the terms of the Will as shown on the Proposal for Distribution.

5. In 2004, Decedent had created The “Sonny Mevers” Foundation (hereinafter “Foundation”) as a South Carolina non-profit organization. Via an IRS determination letter issued on July 21, 2005, the Foundation was initially granted tax-exempt status as a private, nonoperating foundation under § 501(c)(3) of the IRC. However, effective on November 15, 2017, the IRS subsequently revoked the Foundation’s federal tax-exempt status under IRC § 501(c)(3) for failure to file the required annual returns for three consecutive years. The Foundation’s tax-exempt status has not been reinstated.

6. On January 23, 2018, the Foundation was dissolved as an entity with an effective date of January 24, 2018, and forfeited its charter. The Foundation filed Articles of Dissolution for a Nonprofit Corporation with the Secretary of State on January 24, 2018. State statutory law (S.C. CODE ANN. § 33-31-1404(a)) provides that the Foundation could revoke its dissolution within 120 days of its effective date, which did not occur. The statutory period for the Foundation to revoke its dissolution expired on May 24, 2018. No such revocation of dissolution occurred.

7. On March 13, 2020, Petitioner Alan Wilson, Attorney General for the State of South Carolina, filed the instant action in his *parens patriae* capacity on behalf of the charitable beneficiaries of the Foundation. The Attorney General alleges the Foundation was an eligible or qualifying devisee under the terms and provisions of Decedent’s Will and Codicils. The Attorney General filed a Summons and Verified Petition and Application which allege that the Foundation had a “vested interest” to a portion of Decedent’s estate as a beneficiary under Decedent’s Will and Codicils. The Attorney General’s action seeks to reopen Decedent’s Estate and formally

probate Decedent's Will and Codicils, to have a special administrator appointed for the Estate, to impose a constructive trust over the assets that were previously distributed from the Estate to Respondent for the benefit of the Foundation, and to recover attorneys' fees under S.C. CODE ANN. § 62-1-111.

8. On March 13, 2020, without prior notice to Respondent or opportunity to be heard, the Court entered an *ex parte* Order appointing J. James Duggan as special administrator for the Estate and granted an *ex parte* Temporary Restraining Order. Also on March 13, 2020, the Court issued a Notice of Hearing, which simply states that a hearing will be held "Per Temporary Restraining Order Dated March 13, 2020." The Court conducted a hearing on March 23, 2020. Respondent appeared at the hearing and opposed the continuation of the *ex parte* Temporary Restraining Order and/or the issuance of a Temporary or Preliminary Injunction.

9. On April 10, 2020, Respondent filed her Return to the Petition along with Counterclaims, Cross-Claims, and/or Third-Party Claims against Petitioner South Carolina Attorney General and Special Administrator J. James Duggan. In her pleading, Respondent raised defenses and claims involving the construction of Mr. Mevers' Will and Codicils and also filed a petition for an elective share in which Respondent claims the right to an elective share of Mr. Mevers' probate estate in accordance with S.C. CODE ANN. §§ 62-2-201 *et seq.* and a claim for attorneys' fees under S.C. CODE ANN. § 62-1-111.

10. By Reply dated May 4, 2020, Special Administrator J. James Duggan answered the Respondent's Counterclaims, Cross-Claims, and/or Third-Party Claims. By Reply dated May 8, 2020, Petitioner South Carolina Attorney General answered the Respondent's Counterclaims, Cross-Claims, and/or Third-Party Claims.

11. On May 12, 2020, Respondent timely filed and served a Notice of Demand for Jury

Trial. Also on May 12, 2020, Respondent timely filed and served a Notice of Removal and Motion to Remove Action to Circuit Court. The notice removed this action to the Circuit Court pursuant to S.C. CODE ANN. § 62-1-302(d).

12. On June 29, 2020, notwithstanding the notice of removal, the Court issued an Order Granting Temporary Injunction. In addition to granting a Temporary Injunction, the Order purports to reopen Decedent's estate when an evidentiary hearing on that matter was not previously noticed or conducted and further requires Respondent to provide a "complete accounting" to the Special Administrator.

Respondent hereby moves the Court to make the following alterations, amendments, or clarifications to its prior Order:

(a) To determine that the Court lacked jurisdiction to issue the Order dated June 29, 2010 when a Notice of Removal and Motion to Remove Action to Circuit Court pursuant to S.C. CODE ANN. § 62-1-302(d) had previously been filed and served on May 12, 2020. The filing of the notice of removal divested the Court of jurisdiction over the matter and required the Court to remove the action to the Circuit Court without conducting further proceedings. Pursuant to the clear terms of § 62-1-302(d), the action "must be removed to the circuit court." See Thomas v. Gathings, 304 S.C. 308, 312, 403 S.E.2d 682, 684 (Ct. App. 1991) (statute require removal when it is raised by motion of any party or by motion of the probate judge on his own). It is mandatory and not discretionary with the Court. As such, the Court erred in issuing an Order granting a Temporary Injunction on June 29, 2020 after the notice of removal was filed and served.

(b) Additionally and/or alternatively, to determine that the Attorney General does not possess standing and/or capacity to assert claims on behalf of the Foundation or possess the right to bring this action on behalf of the Foundation because (a) the Foundation was dissolved on

January 24, 2018, such dissolution has not been revoked, and the statutory period for the Foundation's dissolution to be revoked or to have its charter reinstated expired long ago; (b) the Attorney General cannot sue on behalf of a non-profit entity that has no standing or capacity to sue on its own, such as the Foundation in this case; (c) the Foundation did not and cannot meet the requisite conditions to qualify as a beneficiary of the Estate as a matter of law because it no longer exists as an entity and it could not and cannot meet the qualifications or conditions imposed under the terms of Decedent's Will and Codicils; (d) the Attorney General is not a proper party to this action; and (e) the Foundation did not receive or acquire any vested interest in the assets of the Estate.

(c) To determine that the Court erred in reopening the Decedent's estate without properly noticing and conducting an evidentiary hearing on that issue or question. The only question that was properly before the Court at the March 23, 2020 hearing was whether the previously issued *ex parte* Temporary Restraining Order had been properly issued or should be dissolved. The Court did not notice any hearing beyond the issuance of the *ex parte* Temporary Restraining Order and it was improper for the Court to go beyond that issue and to grant relief reopening Decedent's estate or requiring Respondent to provide an accounting.

(d) To determine that the Attorney General's filings failed to satisfy the requirements for an *Ex Parte* Temporary Restraining Order under S.C. Rule of Civil Procedure 65(b) because Respondent's counsel had been engaged in active dialogue and exchange of information with the Attorney General concerning the subject matters raised in its Petition for several months before the action was filed and no attempt had been made to contact her or her counsel about a hearing before the Temporary Restraining Order was sought. No affidavit or verified pleading was filed to show by specific facts that immediate and irreparable injury, loss or damage will result to the

applicant before notice can be served and a hearing had thereon.

(e) To determine that the Attorney General's motion merely requested a Temporary Restraining Order, but does not move for a temporary injunction, preliminary injunction, or any relief beyond a Temporary Restraining Order. The express terms of the *Ex Parte* Temporary Restraining Order provide it will expire in ten days (on March 23, 2020) and that no motion had been filed or served to extend the Temporary Restraining Order beyond that date.

(f) To determine that Respondent was not provided proper notice of any motion to extend the TRO or to convert it into a temporary injunction or preliminary injunction or of any hearing on any other matters beyond a TRO.

(g) To determine that the TRO could only be extended for a maximum of ten days for good cause shown pursuant to the terms of Rule 65(b).

(h) To determine that the Attorney General failed to carry its burden of establishing the traditional elements necessary for the issuance of a temporary injunction or preliminary injunction. The Attorney General did not show by affidavit or verified petition that it will suffer irreparable harm if the injunction is not granted, it is likely to succeed on the merits of the litigation, or that there is no adequate remedy at law.

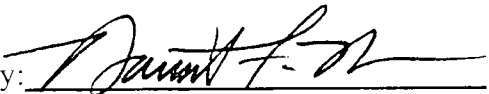
(i) To determine that the Court should have granted Respondent leave to file additional affidavits addressing the tax issues raised by the Attorney General at the hearing before the Court made its decision on the motion. Respondent did not have prior notice of those issues and the Attorney General submitted no affidavit or other evidence raising them prior to the hearing.

This motion will be supported by the pleadings filed in this action; a memorandum of law to be filed with the Court prior to a hearing on this motion; any affidavits, exhibits, or other documents which may be filed; matters of public record of which the Court may take judicial

notice; testimony which the Court may allow at the hearing on this Motion; and arguments of counsel at the hearing.

WHEREFORE, Respondent moves the Court for an Order altering, amending, and/or vacating its prior Order dated June 29, 2020, in the manner as set forth herein-above, and awarding Respondent such other legal and equitable relief as to the Court seems necessary and proper.

ROSEN HAGOOD, LLC

By: 

Daniel F. Blanchard, III
Elizabeth J. Palmer
151 Meeting Street, Suite 400
Post Office Box 893
Charleston, SC 29402
(843) 577-6726 telephone
dblanchard@rosenhagood.com
epalmer@rosenhagood.com

ATTORNEYS FOR RESPONDENT

Charleston, South Carolina
July 10, 2020.

EXHIBIT A

NOTE: This document is the same document already set forth in the Record on Appeal at R_0013 through R_0028 (Order Granting Temporary Injunction filed June 29, 2020). In lieu of reproducing the document again here, this note has been substituted in its place to avoid unnecessary duplication.

CERTIFICATE OF SERVICE

I hereby certify that on the date referenced below, a true and correct copy of the Motion to Alter or Amend in the above-captioned action was deposited in the U.S. mail with sufficient first-class postage affixed thereto and addressed to:

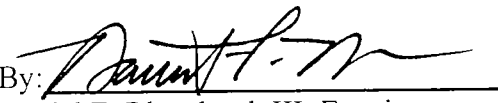
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Charleston, South Carolina 29402

J. James Duggan, Esquire
Special Administrator of the Estate of Roy E. Mevers, Jr.
Duggan Law Firm, LLC
44 Markfield Drive, Suite E
Charleston, SC 29407

This the 10th day of July, 2020.

ROSEN HAGOOD, LLC

By: 
Daniel F. Blanchard, III, Esquire
ATTORNEYS FOR RESPONDENT

28 JUL 10 PM 3:59

STATE OF SOUTH CAROLINA	)	IN THE PROBATE COURT
	)	
COUNTY OF CHARLESTON	)	CASE NO. 2017-ES-10-01946
	)	
IN THE MATTER OF:	)	
THE ESTATE OF ROY E. MEVERS,	)	
JR.	)	
	)	
SOUTH CAROLINA ATTORNEY	)	
GENERAL	)	
	)	SPECIAL ADMINISTRATOR'S REPLY
Petitioner,	)	TO RESPONDENT'S MOTION TO
-v-	)	ALTER, AMEND AND/OR VACATE
	)	ORDER
MINNIE LEE NEWMAN MEVERS,	)	
Respondents/Counter-Claim	)	
Plaintiff/Cross-Claim	)	
Plaintiff/Third-Party Plaintiff	)	
	)	
-v-	)	
	)	
J. JAMES DUGGAN, as Special	)	
Administrator of the Estate of Roy E.	)	
Meyers, Jr.	)	
	)	
Cross-Claim Defendant/	)	
Third-Party Defendant	)	

COMES NOW, J. JAMES DUGGAN, as the appointed Special Administrator (hereinafter the "Special Administrator") of the Estate of Roy E. Meyers. Jr., (hereinafter the "Estate") and submits the following in response to Respondent, Minnie Lee Newman Meyers' (hereinafter "Ms. Meyers") Motion to Alter, Amend And/Or Vacate Order:

1. In response to Ms. Mever's first argument that the Probate Court did not have jurisdiction to issue the Order dated June 29, 2020, the Special Administrator would submit that the Probate Court did have jurisdiction to issue its June 29, 2020 Order as it was not conducting further proceedings as Ms. Meyers' Counsel suggests, but rather, ruling on a proceeding heard before removal was requested or filed which was still under the Court's advisement. S. C Code

74 A

62-1-302(d) states that removal to circuit court can be accomplished “on motion of a party, or by the court on its own motion, made not later than ten days following the date on which all responsive pleadings must be filed” and in this matter, there is no date by which all responsive pleadings were to be filed, therefore making the Motion for removal not applicable to the issuance of the Order from the March 23, 2020 hearing. Judge Condon provided that Ms. Mevers’ Counsel could submit further affidavits or filings as needed, but there was no specific date set for those filings. Under the South Carolina Probate Code, except administration under Part 5, “each of proceeding before the court is independent of any other proceeding involving the same estate....” S.C.Code Ann. § 62-3-107 (1987). As such, removal applies only to the particular proceeding removed. Upon removal, the probate court retains exclusive jurisdiction over the administration of the estate. *Cotty v. Yartzeff*, 309 S.C. 259, 422 S.E.2d 100 (S.C. 1992). The Motion for Removal filed by Ms. Mevers also does not specify a particular proceeding, therefore, considering all the arguments discussed, the Probate Court retained jurisdiction for the March 23, 2020 hearing to issue an Order on the issues not yet ruled on by the Court.

2. In response to Ms. Mevers’ second argument regarding standing of the Attorney General, the Special Administrator shall defer to the Counsel for the Attorney General to respond as it is not the place of the Special Administrator to determine or expound upon issues of standing on a Petition filed before the Court such as this.

3. In response to Ms. Mevers’ third argument that the Probate Court erred in re-opening the Estate without a notice or hearing, the Special Administrator would submit that he was appointed by the Court in order to give effect to the Temporary Restraining Order, which could not be done otherwise because the Estate had previously been closed on December 31, 2018 by Ms. Mevers. S. C. Code 62-3-103 states that “Except as otherwise provided in this article

[Sections 62-3-101 et seq.] and in Article 4 [Sections 62-4-101 et seq.], [which here do not apply] to acquire the powers and undertake the duties and liabilities of a personal representative of a decedent, a person must be appointed by order of the court, qualify, and be issued letters. Administration of an estate is commenced by the issuance of letters.” A Special Administrator has the same duties and liabilities as a Personal Representative pursuant to S. C. Code 62-3-614. To appoint a Special Administrator was the only way to have an enforceable Temporary Restraining Order (“TRO”) for the Estate as issued by the Court on March 13, 2020 and the Court acted in accordance with the Probate Code in so doing.

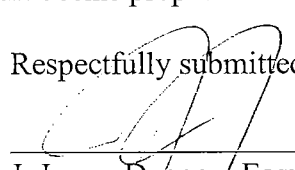
4. Ms. Mevers’ fourth through ninth arguments allege an error in the Court’s hearing and granting of a temporary injunction. Even though Ms. Mevers’ counsel stated in the March 23, 2020 hearing that there was nothing before the Court to rule on because the TRO had expired, there were lengthy discussion on the merits of the case by both sides, which in the Special Administrator’s opinion, led to the Court’s ruling. In fact, in the transcript of the March 23, 2020 hearing, the Honorable Judge Condon ruled from the bench to convert the TRO into a temporary injunction which would remain in place until further order from the Probate Court, which was June 29, 2020. This decision from Judge Condon came from 1) the inability to solidify any facts about where the estate assets had been transferred; 2) no affirmation from Ms. Mevers’ counsel that the status quo of estate assets would be maintained without the temporary injunction in place and 3) no verification that most, if not all, of the assets that were distributed from the estate had been transferred in some way and that Ms. Mevers no longer individually has possession or ownership of the assets. Ms. Mevers’ counsel stated in the March 23, 2020 hearing there had been discussion between the parties prior to the filing of the emergency motion for the TRO yet they had no notice of the filing of the TRO, yet according to the transcript from the March 23, 2020

hearing Ms. Mevers' Counsel had conversations that the Attorney General was going to take the steps they thought that were appropriate if there was not affirmation of the continuation of the status quo. On Ms. Mevers' fifth argument, Judge Condon specifically asked Ms. Mevers' counsel if they needed more time to argue the issues before the Court and it would be granted. Mr. Blanchard also on the record stated that he would comply with the Judge's bench order to grant the temporary injunction. Similarly, on Ms. Mevers' ninth argument, Judge Condon did provide additional time for additional affidavits to be filed on any issue by Ms. Mevers' Counsel, so any argument as to not being able to respond to certain arguments including any issue regarding the tax issues of the foundation are not valid.

5. In further response, to the extent that Ms. Mevers' Counsel states that an accounting is not due to the Special Administrator, in the transcript from the March 23, 2020, Judge Condon in fact, verbally ordered Ms. Mevers from the bench to provide an accounting to the Special Administrator, which has not been provided as of the date of the filing of this reply.

6. Further, the Special Administrator would respectfully request that the June 29, 2020 Order of the Court be upheld so that the temporary injunction be continued, an accounting provided to the Special Administrator, and any other relief as the Court deems proper.

Respectfully submitted,



J. James Duggan, Esquire
DUGGAN LAW FIRM, LLC
44 Markfield Drive, Suite E
Charleston, South Carolina 29407
Telephone: (843) 414-7730

This 19th day of August, 2020,
Charleston, South Carolina.

STATE OF SOUTH CAROLINA	)	IN THE PROBATE COURT
	)	
COUNTY OF CHARLESTON	)	CASE NO. 2017-ES-10-01946
	)	
IN THE MATTER OF:	)	
THE ESTATE OF ROY E. MEVERS, JR.	)	
	)	
SOUTH CAROLINA ATTORNEY	)	
GENERAL	)	
	)	PROOF OF DELIVERY OF
Petitioner,	)	SPECIAL ADMINISTRATOR'S
-v-	)	REPLY TO RESPONDENT'S
	)	MOTION TO ALTER, AMEND
MINNIE LEE NEWMAN MEVERS,	)	AND/OR VACATE ORDER
Respondents/Counter-Claim	)	
Plaintiff/Cross-Claim	)	
Plaintiff/Third-Party Plaintiff	)	
	)	
-v-	)	
	)	
J. JAMES DUGGAN, as Special	)	
Administrator of the Estate of Roy E. Mevers,	)	
Jr.	)	
	)	
Cross-Claim Defendant/	)	
Third-Party Defendant	)	
	)	

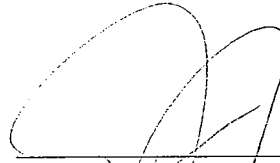
The undersigned hereby certifies that I have on the ___ day of August, 2020, served a copy of *SPECIAL ADMINISTRATOR'S REPLY TO RESPONDENT'S MOTION TO ALTER, AMEND AND/OR VACATE ORDER* and the attachments thereto upon all parties or counsel by electronic, addressed to the parties or counsel of record as follows:

Alan Wilson, Attorney General
W. Jeffrey Young, Chief Deputy Attorney General
Robert D. Cook, Solicitor General
C. Havird Jones, Senior Assistant Deputy Attorney General
Mary Frances Jowers, Assistant Deputy Attorney General
Kristin Simons, Assistant Attorney General
South Carolina Attorney General's Office
Post Office Box 11549
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C. Michael Branham, Esquire
Stephen L. Brown, Esquire

YCRLAW, LLC
Post Office Box 993
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151 Meeting Street, Suite 400
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Charleston, SC 29402



J. James Duggan, Esquire
DUGGAN LAW FIRM, LLC
44 Markfield Drive, Suite E
Charleston, South Carolina 29407
Telephone: (843) 414-7730
duggan@dugganlawfirm.com

STATE OF SOUTH CAROLINA	)	IN THE PROBATE COURT
COUNTY OF CHARLESTON	)	CASE NO. 2017-ES-10-1946
IN THE MATTER OF:	)	
THE ESTATE OF ROY E. MEVERS	)	
SOUTH CAROLINA ATTORNEY	)	
GENERAL	)	
	)	
Petitioner/	)	
Counter-Claim Defendant	)	
	)	
vs.	)	SOUTH CAROLINA ATTORNEY
	)	GENERAL'S REQUEST TO DENY RULE
MINNIE LEE NEWMAN MEVERS,	)	59(E) MOTION AND CONSENT
	)	WITHOUT WAIVER OF RIGHTS TO
Respondent/	)	RESPONDENT'S NOTICE OF REMOVAL
Counter-Claim Plaintiff/	)	AND MOTION TO REMOVE CLAIMS TO
Cross-Claim Plaintiff/	)	CIRCUIT COURT
Third-Party Plaintiff	)	
	)	
vs.	)	
	)	
J. JAMES DUGGAN, as Special	)	
Administrator of The Estate of Roy E.	)	
Mevers, Jr.,	)	
	)	
Cross-Claim Defendant/	)	
Third-Party Defendant	)	

The Petitioner/Counter-Claim Defendant South Carolina Attorney General (the "Attorney General") files this request to deny Respondent's Motion to Alter, Amend and/or Vacate Order under Rule 59(e) filed July 10, 2020 and Consent Without Waiver of Rights to Removal of Claims to Circuit Court to MINNIE LEE NEWMAN MEVERS' ("Respondent") Notice of Removal and Motion to Remove Action to Circuit Court ("Motion to Remove") filed May 12, 2020. This consent is subject to the limitations and non-waiver provisions set forth below. The Attorney General would show unto this court as follows.

1. On March 13, 2020 this Court issued a Temporary Restraining Order (“TRO”) restraining the Respondent from taking actions against spending, dispersing or in any manner encumbering or disposing of assets valued at or in the range of \$18 to \$20 million dollars which she took possession of allegedly under the residuary clause of the Estate of Roy E. Mevers Jr. (“Mevers’ Estate”).

2. The Attorney General asserted these assets (i.e. the \$18 to \$20 million dollars) should not have passed to Respondent, but rather should have passed to the Sonny Mevers’ Foundation which was the residuary beneficiary of the Mevers’ Estate. This Court found all requirements of a TRO met including a likelihood of success on the merits.

3. On March 23, 2020, this Court held a hearing to determine whether to TRO should convert to a Temporary Injunction. Following extensive arguments on the matter, Judge Condon ruled “I’m ordering your client to detail where the assets are, where the \$20 million [dollars] are.” (Transcript page 93). Judge Condon went on to further rule, “I’ll make it clear then that the temporary injunction will continue. **I want your client to list the assets and give those to the Special Administrator.**”(Transcript p. 95)(emphasis added).

4. On May 12, 2020, after the Court had orally ruled on the issuance of an injunction and reaffirmed the appointment of a Special Administrator, Respondent filed this Motion to Remove. The Motion to Remove stated Respondent “respectfully moves this Court **for an Order removing this action to the Charleston County Circuit Court**” (Motion to Remove p.5)(emphasis added). To date no order has been issued on the Motion to Remove and this matter remains within the jurisdiction of this Court.

5. At no point during following the Court's oral ruling during the March 23, 2020 hearing on the whether to convert the TRO into a Temporary Injunction did Respondent make any effort to act on the Court's ruling regarding accounting for the assets of \$18-20 million dollars.

6. Nowhere in the Motion to Remove did Respondent assert this Court did not have jurisdiction over all or part of this matter, much less that this Court (in Respondent's opinion) need not enter a formal order on the matter. Rather, Respondent and her counsel played games with the judicial process and continued to avoid making any accounting of what had happened to the \$18-20 million dollars in dispute.

7. On June 29, 2020, this Court issued the Temporary Injunction in writing. Among the relief ordered was that the Respondent "shall provide a complete accounting of the assets contained in the Second Verified Accounting to the Duggan Law Firm, LLC, as Special Administrator of the Estate of Roy E. Mevers, Jr., within thirty (30) days of receipt of this Order..." (Temporary Injunction p. 15).

8. On July 7, 2020 special counsel to the Attorney General sent a copy of the Temporary Injunction to counsel for the Respondent. Respondent's counsel admits he received the Temporary Injunction on July 6, 2020. (Motion to Alter p. 1).

9. On July 10, 2020 Respondent filed a Motion to Alter, Amend and/or Vacate Order ("Motion to Alter"). In this motion, Respondent unilaterally asserted without citation of authority "the filing of the motion divested the Court of jurisdiction over the matter..." Although Respondent cites SCRCP 59 as the basis for her motion, the proper course would have been to file a motion under Rule 60(b), SCRCP.

10. Rule 60(b) provides a “motion under this subdivision (b) does not ...suspend [the judgement’s] operation.” While Rule 59 may stay the time to file a notice of appeal, it likewise does not allow a party to stay the action mandated by the trial court. No stay or other relief was sought by Respondent from this Court or any other court.

11. Thirty days have expired since this Court entered the formal written Temporary Injunction. Respondent has made no efforts to comply with this Court’s orders. Rather, Respondent has thumbed her nose at this Court and the judicial system as a whole, all the while \$18-20 million dollars remains unaccounted for in spite of a court order to do so. This is due to the fact Respondent and her counsel have unilaterally decided this Court has no jurisdiction. As such, Respondent surmises she remains free to ignore the Orders of the very Court which she and her counsel have also misled on numerous occasions. The \$18-20 million dollars which the Attorney General alleges Respondent misappropriated remains unaccounted for to this day.

12. The Attorney General is willing to consent to the removal of the causes of action set forth in its Verified Petition to the extent removable is appropriate, but in doing so waives no rights that such consent is to be construed as waiving any rights it has to assert in this Court and/or the Circuit Court that the actions of Respondent and her counsel are willful, contemptuous and in violation of lawful and enforceable orders of this Court. Further, the Attorney General’s consent to removal shall not deprive this Court, should it so desire, of its inherent or statutory powers to retain jurisdiction over the Respondent’s non-compliance with this Court’s Orders and to issue such relief as this Court deems just and proper under the circumstances. Should this Court not retain jurisdiction over this issue, the Attorney General reserves the right to raise the same with the Circuit Court.

13. The Attorney General notes the appointment of a Special Administrator is not within the provisions of claims or causes of action removable by Respondent as a matter of right to Circuit Court. Pursuant to S.C. Code Ann. § 62-1-302(f), this court may remove any matters in this action to the circuit court if it is in the best interest of the estate and in the interest of judicial economy. As such, whether issues involving the appointment and authority of the current Special Administrator shall be removed to Circuit Court is subject to the discretion of this Court.

Subject to these non-waiver provisions and reservation of rights, the Attorney General asks that this Court issue an order denying Respondent's Motion to Alter, Amend and/or Vacate Order under Rule 59(e), and issue an order removing those portions of this case noted above to the Circuit Court, and that this Court grant such other and further relief as it deems just and proper under the circumstances.

[Signature on next page]

[Signature page for South Carolina Attorney General's Consent Without Waiver of Rights to Removal of Claims to Circuit Court in Civil Case no. 2017-ES-10-1946]

Respectfully submitted,

By: C. Havird Jones Jr.
SOUTH CAROLINA ATTORNEY GENERAL
ALAN WILSON (S.C. Bar No. 71754)
Attorney General

W. JEFFREY YOUNG (S.C. Bar No. 5747)
Chief Deputy Attorney General

ROBERT D. COOK (S.C. Bar No. 1373)
Solicitor General

C. HAVIRD JONES, JR. (S.C. Bar No. 3178)
Senior Assistant Deputy Attorney General

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-and-

YCRLAW, LLC
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(843) 720-5488
Special Counsel for the Attorney General of
The State of South Carolina

Dated: Aug. 19, 2020
Columbia, SC⁹

CERTIFICATE OF MAILING

I hereby certify that a copy of the foregoing pleading was mailed to all counsel of record in this proceeding this 19th day of

August, 20 20

Christine Justina

STATE OF SOUTH CAROLINA	)	IN THE PROBATE COURT
	)	
COUNTY OF CHARLESTON	)	
	)	Case No.: 2017-ES-10-1946
IN THE MATTER OF:	)	
THE ESTATE OF ROY E. MEVERS, JR.	)	
	)	
SOUTH CAROLINA ATTORNEY	)	
GENERAL	)	MOTION TO VACATE
Petitioner/Counter-Claim	)	ORDER
Defendant,	)	
	)	
v.	)	
	)	
MINNIE LEE NEWMAN MEVERS,	)	
Respondent/Counter-Claim	)	
Plaintiff/Cross-Claim	)	
Plaintiff/Third-Party Plaintiff	)	
	)	
v.	)	
	)	
J. JAMES DUGGAN, as Special	)	
Administrator of the Estate of Roy E.	)	
Mevers, Jr.,	)	
Cross-Claim	)	
Defendant/Third-Party	)	
Defendant,	)	
	)	

TO: ALL PARTIES ABOVE-NAMED AND THEIR LEGAL COUNSEL:

PLEASE TAKE NOTICE that the undersigned attorneys for Respondent Minnie Lee Newman-Mevers (hereinafter "Respondent") will move before the Probate Judge of the Ninth Judicial Circuit at the Charleston County Courthouse, 100 Broad Street, Suite 469, Charleston, South Carolina 29401, or at such other office as the Court may direct, after ten (10) days from the date of service hereof or at such time as the Court may direct, to vacate its Order dated June 29, 2020, which Respondent's counsel received on July 6, 2020, pursuant to S.C. R. Civ. Pro. 60(b). The motion is based on the following:

1. Respondent is the widow of the late Roy E. Mevers, Jr. ("Decedent"). Decedent died on November 3, 2017.

2. Respondent was appointed as Personal Representative of Decedent's Estate on November 13, 2017. Respondent thereafter took steps to probate Decedent's Last Will & Testament as revised or amended by two Codicils and to administer his estate.

3. On February 16, 2018, Respondent filed an Inventory and Appraisement with the Probate Court stating that the probate estate had a gross value of \$18,854,000.00. Thereafter, on November 21, 2018, Respondent filed a Proposal for Distribution (Form #410ES) with this Court along with a Final Accounting (Form #361ES), Application for Settlement (Form #412ES), and Notice of Right to Demand Hearing (Form #416ES). All of the 28 beneficiaries who received distributions from the Estate signed a Receipt and Release with Waiver (Form #403ES) and none responded to the notice of right to demand a hearing, or filed any objection to the Proposal for Distribution or Application for Settlement.

4. This Court issued an Order closing the Estate on December 31, 2018. The assets of the Estate were distributed in accordance with the terms of the Will as shown on the Proposal for Distribution.

5. In 2004, Decedent had created The "Sonny Mevers" Foundation (hereinafter "Foundation") as a South Carolina non-profit organization. Via an IRS determination letter issued on July 21, 2005, the Foundation was initially granted tax-exempt status as a private, nonoperating foundation under § 501(c)(3) of the IRC. However, effective on November 15, 2017, the IRS subsequently revoked the Foundation's federal tax-exempt status under IRC § 501(c)(3) for failure to file the required annual returns for three consecutive years. The Foundation's tax-exempt status has not been reinstated.

6. On January 23, 2018, the Foundation was dissolved as an entity with an effective date of January 24, 2018, and forfeited its charter. The Foundation filed Articles of Dissolution for a Nonprofit Corporation with the Secretary of State on January 24, 2018. State statutory law (S.C. CODE ANN. § 33-31-1404(a)) provides that the Foundation could revoke its dissolution within 120 days of its effective date, which did not occur. The statutory period for the Foundation to revoke its dissolution expired on May 24, 2018. No such revocation of dissolution occurred.

7. On March 13, 2020, Petitioner Alan Wilson, Attorney General for the State of South Carolina, filed the instant action in his *parens patriae* capacity on behalf of the charitable beneficiaries of the Foundation. The Attorney General alleges the Foundation was an eligible or qualifying devisee under the terms and provisions of Decedent's Will and Codicils. The Attorney General filed a Summons and Verified Petition and Application which allege that the Foundation had a "vested interest" to a portion of Decedent's estate as a beneficiary under Decedent's Will and Codicils. The Attorney General's action seeks to reopen Decedent's Estate and formally probate Decedent's Will and Codicils, to have a special administrator appointed for the Estate, to impose a constructive trust over the assets that were previously distributed from the Estate to Respondent for the benefit of the Foundation, and to recover attorneys' fees under S.C. CODE ANN. § 62-1-111.

8. On March 13, 2020, without prior notice to Respondent or opportunity to be heard, the Court entered an *ex parte* Order appointing J. James Duggan as special administrator for the Estate and granted an *ex parte* Temporary Restraining Order. Also on March 13, 2020, the Court issued a Notice of Hearing, which simply states that a hearing will be held "Per Temporary Restraining Order Dated March 13, 2020." The Court conducted a hearing on March 23, 2020. Respondent appeared at the hearing and opposed the continuation of the *ex parte* Temporary

Restraining Order and/or the issuance of a Temporary or Preliminary Injunction.

9. On April 10, 2020, Respondent filed her Return to the Petition along with Counterclaims, Cross-Claims, and/or Third-Party Claims against Petitioner South Carolina Attorney General and Special Administrator J. James Duggan. In her pleading, Respondent raised defenses and claims involving the construction of Mr. Mevers' Will and Codicils and also filed a petition for an elective share in which Respondent claims the right to an elective share of Mr. Mevers' probate estate in accordance with S.C. CODE ANN. §§ 62-2-201 *et seq.* and a claim for attorneys' fees under S.C. CODE ANN. § 62-1-111.

10. By Reply dated May 4, 2020, Special Administrator J. James Duggan answered the Respondent's Counterclaims, Cross-Claims, and/or Third-Party Claims. By Reply dated May 8, 2020, Petitioner South Carolina Attorney General answered the Respondent's Counterclaims, Cross-Claims, and/or Third-Party Claims.

11. On May 12, 2020, Respondent timely filed and served a Notice of Demand for Jury Trial. Also on May 12, 2020, Respondent timely filed and served a Notice of Removal and Motion to Remove Action to Circuit Court. The notice removed this action to the Circuit Court pursuant to S.C. CODE ANN. § 62-1-302(d).

12. On June 29, 2020, notwithstanding the notice of removal, the Court issued an Order Granting Temporary Injunction. In addition to granting a Temporary Injunction, the Order purports to reopen Decedent's estate when an evidentiary hearing on that matter was not previously noticed or conducted and further requires Respondent to provide a "complete accounting" to the Special Administrator.

13. On July 10, 2020, Respondent timely filed and served a Motion to Alter, Amend, and/or Vacate the Court's Order Granting Temporary Injunction.

Respondent hereby moves the Court pursuant to S.C. R. Civ. Pro. 60(b) to vacate its prior Order because (a) the judgment is void; (b) the Court lacked subject matter jurisdiction to issue its prior Order or judgment; and (c) it is no longer equitable that the judgment have prospective application.

The Court should vacate its prior Order because it lacked jurisdiction to issue the Order dated June 29, 2010 when a Notice of Removal and Motion to Remove Action to Circuit Court pursuant to S.C. CODE ANN. § 62-1-302(d) had previously been filed and served on May 12, 2020. The filing of the notice of removal divested the Court of jurisdiction over the matter and required the Court to remove the action to the Circuit Court without conducting further proceedings. Pursuant to the clear terms of § 62-1-302(d), the action “**must be removed** to the circuit court and in these cases **the circuit court shall proceed upon the matter *de novo***.” S.C. CODE ANN. § 62-1-302(d); see also Thomas v. Gathings, 304 S.C. 308, 312, 403 S.E.2d 682, 684 (Ct. App. 1991) (statute require removal when it is raised by motion of any party or by motion of the probate judge on his own). It is mandatory and not discretionary with the Court. As such, the Court lacked jurisdiction and erred in issuing an Order granting a Temporary Injunction on June 29, 2020 after the notice of removal was filed and served. Importantly, once the removal is filed, the Circuit Court determines the matter “*de novo*.” *De novo* means to begin again “as if no proceeding whatsoever had been had in the first instance.” Nat’l Health Corp. v. DHEC, 298 S.C. 373, 378, n.1, 380 S.E.2d 841, 844, n.1 (Ct. App. 1989).

Additionally and/or alternatively, the Court should vacate its prior Order because the Attorney General does not possess standing and/or capacity to assert claims on behalf of the Foundation or possess the right to bring this action on behalf of the Foundation because (a) the Foundation was dissolved on January 24, 2018, such dissolution has not been revoked, and the

statutory period for the Foundation's dissolution to be revoked or to have its charter reinstated expired long ago; (b) the Attorney General cannot sue on behalf of a non-profit entity that has no standing or capacity to sue on its own, such as the Foundation in this case; (c) the Foundation did not and cannot meet the requisite conditions to qualify as a beneficiary of the Estate as a matter of law because it no longer exists as an entity and it could not and cannot meet the qualifications or conditions imposed under the terms of Decedent's Will and Codicils; (d) the Attorney General is not a proper party to this action; and (e) the Foundation did not receive or acquire any vested interest in the assets of the Estate.

The Court should further vacate its prior Order because the Court erred in reopening the Decedent's estate without properly noticing and conducting an evidentiary hearing on that issue or question. The only question that was properly before the Court at the March 23, 2020 hearing was whether the previously issued *ex parte* Temporary Restraining Order had been properly issued or should be dissolved. The Court did not notice any hearing beyond the issuance of the *ex parte* Temporary Restraining Order and it was improper for the Court to go beyond that issue and to grant relief reopening Decedent's estate or requiring Respondent to provide an accounting.

The Court should vacate its prior Order because the Attorney General's filings failed to satisfy the requirements for an *Ex Parte* Temporary Restraining Order under S.C. Rule of Civil Procedure 65(b) because Respondent's counsel had been engaged in active dialogue and exchange of information with the Attorney General concerning the subject matters raised in its Petition for several months before the action was filed and no attempt had been made to contact her or her counsel about a hearing before the Temporary Restraining Order was sought. No affidavit or verified pleading was filed to show by specific facts that immediate and irreparable injury, loss or damage will result to the applicant before notice can be served and a hearing had thereon.

The Court should vacate its prior Order because the Attorney General's motion merely requested a Temporary Restraining Order, but does not move for a temporary injunction, preliminary injunction, or any relief beyond a Temporary Restraining Order. The express terms of the *Ex Parte* Temporary Restraining Order provide it will expire in ten days (on March 23, 2020) and that no motion had been filed or served to extend the Temporary Restraining Order beyond that date.

The Court should vacate its prior Order because Respondent was not provided proper notice of any motion to extend the TRO or to convert it into a temporary injunction or preliminary injunction or of any hearing on any other matters beyond a TRO.

The Court should vacate its prior Order because the TRO could only be extended for a maximum of ten days for good cause shown pursuant to the terms of Rule 65(b).

The Court should vacate its prior Order because the Attorney General failed to carry its burden of establishing the traditional elements necessary for the issuance of a temporary injunction or preliminary injunction. The Attorney General did not show by affidavit or verified petition that it will suffer irreparable harm if the injunction is not granted, it is likely to succeed on the merits of the litigation, or that there is no adequate remedy at law.

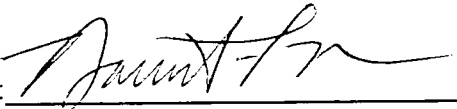
The Court should vacate its prior Order because the Court should have granted Respondent leave to file additional affidavits addressing the tax issues raised by the Attorney General at the hearing before the Court made its decision on the motion. Respondent did not have prior notice of those issues and the Attorney General submitted no affidavit or other evidence raising them prior to the hearing.

This motion will be supported by the pleadings filed in this action; a memorandum of law to be filed with the Court prior to a hearing on this motion; any affidavits, exhibits, or other

documents which may be filed; matters of public record of which the Court may take judicial notice; testimony which the Court may allow at the hearing on this Motion; and arguments of counsel at the hearing.

WHEREFORE, Respondent moves the Court for an Order vacating its prior Order dated June 29, 2020, in the manner as set forth herein-above, and awarding Respondent such other legal and equitable relief as to the Court seems necessary and proper.

ROSEN HAGOOD, LLC

By: 

Daniel F. Blanchard, III
Elizabeth J. Palmer
151 Meeting Street, Suite 400
Post Office Box 893
Charleston, SC 29402
(843) 577-6726 telephone
dblanchard@rosenhagood.com
epalmer@rosenhagood.com

ATTORNEYS FOR RESPONDENT

Charleston, South Carolina
August 28, 2020.

CERTIFICATE OF SERVICE

I hereby certify that on the date referenced below, a true and correct copy of the Motion to Vacate Order in the above-captioned action was deposited in the U.S. mail with sufficient first-class postage affixed thereto and addressed to:

Alan Wilson, Attorney General
C. Havird Jones, Senior Assistant Deputy Attorney General
South Carolina Attorney General's Office
Post Office Box 11549
Columbia, South Carolina 29211

C. Michael Branham, Esquire
Stephen L. Brown, Esquire
YCRLAW, LLC
Post Office Box 993
Charleston, South Carolina 29402

J. James Duggan, Esquire
Special Administrator of the Estate of Roy E. Mevers, Jr.
Duggan Law Firm, LLC
44 Markfield Drive, Suite E
Charleston, SC 29407

This the 28th day of August, 2020.

ROSEN HAGOOD, LLC

By: 
Daniel F. Blanchard, III, Esquire
ATTORNEYS FOR RESPONDENT

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
IN THE MATTER OF:
THE ESTATE OF ROY E. MEVERS, JR.

SOUTH CAROLINA ATTORNEY
GENERAL
Petitioner/Counter-Claim
Defendant,

v.

MINNIE LEE NEWMAN MEVERS,
Respondent/Counter-Claim
Plaintiff/Cross-Claim
Plaintiff/Third-Party Plaintiff

v.

J. JAMES DUGGAN, as Special
Administrator of the Estate of Roy E.
Mevers, Jr.,
Cross-Claim
Defendant/Third-Party
Defendant,

IN THE PROBATE COURT

Case No.: 2017-ES-10-1946

**NOTICE OF INTENT TO APPEAL
TO THE CIRCUIT COURT**

FILE
20 SEP 11 PM 4:53
PROBATE COURT
CHARLESTON COUNTY

TO: ALL PARTIES ABOVE-NAMED AND THEIR LEGAL COUNSEL:

PLEASE TAKE NOTICE that, pursuant to S.C. CODE ANN. § 62-1-308, Respondent Minnie Lee Newman-Mevers (hereinafter "Respondent"), by and through the undersigned attorneys, hereby provides this Notice of Intent to Appeal the *ex parte* Temporary Restraining Order of Associate Probate Judge Tamara C. Curry dated March 13, 2020; the Order Granting Temporary Injunction of Probate Judge Irvin G. Condon dated June 29, 2020; and the Order Denying Motion to Alter, Amend, and Vacate Order of Probate Judge Irvin G. Condon dated September 10, 2020. Counsel for Respondent received written notice of the entry of the Probate Court's Order Denying Motion to Alter, Amend, and Vacate Order via e-mail from the Probate

Court on September 10, 2020, thus this Notice of Intent to Appeal is timely filed pursuant to S.C. CODE ANN. § 62-1-308(a). Copies of the Probate Court's Orders being appealed from are attached hereto.

ROSEN HAGOOD, LLC

By: /s/ Daniel F. Blanchard, III
Daniel F. Blanchard, III
151 Meeting Street, Suite 400
Post Office Box 893
Charleston, SC 29402
(843) 577-6726 telephone
dblanchard@rrhlawfirm.com

ATTORNEYS FOR RESPONDENT

Charleston, South Carolina
September 11, 2020.

SWORN to and subscribed before me this
11 day of September, 2020.

Dana Beltz
Notary Public for the State of South Carolina
My commission expires: 1/10/29

NOTE: This document is the same document already set forth in the Record on Appeal at R_0002 through R_0010 (Ex Parte Temporary Restraining Order filed March 13, 2020). In lieu of reproducing the document again here, this note has been substituted in its place to avoid unnecessary duplication.

NOTE: This document is the same document already set forth in the Record on Appeal at R_0013 through R_0028 (Order Granting Temporary Injunction filed June 29, 2020). In lieu of reproducing the document again here, this note has been substituted in its place to avoid unnecessary duplication.

NOTE: This document is the same document already set forth in the Record on Appeal at R_0029 through R_0033 (Order Denying Motion to Alter, Amend, and Vacate Order and Granting Motion for Removal to Circuit Court filed September 10, 2020). In lieu of reproducing the document again here, this note has been substituted in its place to avoid unnecessary duplication.

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of September, 2020, that I have served all counsel in this action with a copy of the Notice of Intent to Appeal to Circuit Court in the above-captioned action by mailing a copy of same by United States mail, first class mail, postage prepaid, and addressed to the following:

Alan Wilson, Attorney General
C. Havird Jones, Senior Assistant Deputy Attorney General
South Carolina Attorney General's Office
Post Office Box 11549
Columbia, South Carolina 29211

C. Michael Branham, Esquire
Stephen L. Brown, Esquire
YCRLAW, LLC
Post Office Box 993
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J. James Duggan, Esquire
Special Administrator of the Estate of Roy E. Mevers, Jr.
Duggan Law Firm, LLC
44 Markfield Drive, Suite E
Charleston, SC 29407

ROSEN HAGOOD, LLC

By: /s/ Daniel F. Blanchard, III
Daniel F. Blanchard, III, Esquire
ATTORNEYS FOR RESPONDENT

1 IN THE PROBATE COURT
2 FOR THE STATE OF SOUTH CAROLINA
3 CHARLESTON COUNTY

4 TRANSCRIPT OF PROCEEDINGS
5 MARCH 23, 2020

6 IN THE MATTER OF: ROY E. MEVERS

7 CASE NO. 2017-ES-10-1946

8 _____
9 BEFORE
10 THE HONORABLE: IRVIN CONDON

11 TIME: 11:00 AM

12 LOCATION: CHARLESTON COUNTY JUDICIAL
13 CENTER
14 CHARLESTON, SOUTH CAROLINA

15
16 REPORTED BY: MACKENZIE ALLEN
17 CLARK & ASSOCIATES, INC.
18 CHARLESTON, SC 29415
19 843-762-6294
20 WWW.CLARK-ASSOCIATES.COM

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A P P E A R A N C E S

ON BEHALF OF THE ESTATE:

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BY: C. HAVIRD JONES, JR.
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ON BEHALF OF MINNIE NEWMAN:

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BY: DANIEL BLANCHARD
151 Meeting Street
Suite 400
Charleston, SC 29401

WAGENMAKER & OBERLY
BY: RYAN OBERLY
145 River Landing Drive
Suite 202
Charleston, SC 29492

Also Present: Jessica Wentworth, Ikon Law
Chris Moss, Chris Moss CPA

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INDEX

CERTIFICATE OF REPORTER

98

1 THE COURT: Good morning again. My
2 name is Irvin Condon, Probate Judge for
3 Charleston County. This is the matter for the
4 Estate of Roy E. Mevers, Jr., Charleston County
5 Probate Case Number 2017-ES-10-1946.

6 I know Judge Curry had signed the
7 initial order. With this pandemic, we have
8 just Mr. Ward, our law clerk, and myself in here
9 in court today. And Judge Curry has had some
10 previous surgeries, so she's in that compromised
11 class and don't want her out in public at all.
12 So that's why you have me here today. Okay?

13 Counsel ready to proceed?

14 MR. JONES: Yes, Your Honor.

15 Your Honor, thank you very much. Sonny
16 Jones from the State Attorney General's Office.
17 At the counsel table with me, Young Clement,
18 Steve Brown and Mike Branham.

19 THE COURT: Good morning.

20 MR. JONES: If we may, Your Honor,
21 I'll have some comments on the case and what
22 relief we're requesting. And Mr. Brown and Mr.
23 Branham will offer some extra information.

24 It is an unusual time for everyone, but
25 this is an important case. This is an important

1 case for the Attorney General's Office. It's an
2 important case for this Court. And obviously
3 it's an important case for Ms. Mevers.

4 As Your Honor knows, the Attorney
5 General's Office has a responsibility to protect
6 the public interest, and part of that is any
7 unknown charitable beneficiaries, any charitable
8 trusts, et cetera. It's statutory common law.

9 Along with that, Your Honor, the AG
10 understands that he answers to the court of
11 equity. So how we look at it is the Attorney
12 General's Office makes efforts to protect
13 charitable trusts and charitable entities and
14 looks for guidance from the Court. And that's
15 what we're here today for.

16 The material that we submitted for the
17 TRO had a petition attached to it. The
18 respondent -- I call him respondent -- has
19 responded with a memo and a couple affidavits.
20 And if you read through those, Your Honor, at the
21 end of the day, what it amounts to is saying the
22 probate court, you signed off on it, like an aha
23 moment.

24 And as far as the AG, he didn't need to
25 get notice. If he'd have gotten notice, all you

1 can do is read a piece of paper because it
2 doesn't mean anything.

3 So I don't understand what that focus
4 is, but when I talk to this Court today, I'm
5 talking as a member of the AG's Office in this
6 court to protect any charitable trusts and
7 charitable entities.

8 The AG -- well, let me -- for the --
9 years ago, I think there's a situation that
10 occurred that really kind of applies today. I've
11 gone through five AGs, and I've had charitable
12 trust cases and antitrust and served protection
13 cases on all five of them.

14 And I don't think General Medlock would
15 mind me saying that when he first came in office
16 in about '82, he was in office about two days and
17 there was an issue about a director at a hospital
18 buying property. And back then, Judge, we did
19 not have an opinion section. But what led to the
20 opinion section is two different attorneys
21 writing opinions on the same thing and got
22 opposite ends.

23 So Medlock -- General Medlock started an
24 opinion section of the Bar code. So the opinion
25 was written that it was fine for the director to

1 purchase.

2 Bob Cook, who is now the Solicitor
3 General, and I talked to General Medlock and
4 said, you're going to have to have a fair market
5 value at least. This is a pure conflict, and
6 that opinion is incorrect. So we invited all the
7 entities in, and I remember getting in the Old
8 Wade Hampton Building. Small room.

9 And we walk in. It was Bob and myself
10 and the AG. I'm sitting next to the AG. They
11 had about nine or ten lawyers on the other side
12 of the table. And they were just all over the
13 AG, brand-new AG, a week, about, you can't do
14 this. You can't go back on your word.

15 So the AG looks to me like, what's next?
16 I said, okay. Who is representing the charity?
17 All of them looked at each other. None of them
18 were. None of them were representing the
19 charity. Same thing in this case. No one is
20 representing the charity in this case.

21 What happened in that case was the
22 director had purchased a piece of hospital
23 property, and he purchased it for a warehouse.
24 We had an appraiser do an evaluation, and it was
25 eight times more because it was educational. The

1 deal never went through.

2 Once again, and the same in this case,
3 who is representing the charity? We weren't
4 there. If anything comes up, Your Honor, with
5 your court and with your judges, any in this
6 state really that brings attention that there's a
7 charitable matter, the first thing you guys do --
8 you judges do is call the AG's Office. Myself,
9 Mary Frances Jowers you've probably dealt with,
10 and Solicitor General Bob Cook. Wouldn't be
11 here.

12 And from the history of cases with
13 charitable trusts, there's a reason. Because if
14 we aren't here representing the charity, things
15 can go wrong in good faith and in bad faith. And
16 the Furman case has that language in it that the
17 AG comes in because he protects the public
18 interest against those of peculiar and
19 interest -- personal interest. That's what we're
20 here for today to talk about.

21 What we're looking for today is, Your
22 Honor -- and we'll get into it in a second -- is
23 for the TRO to go to a temporary injunction, and
24 I'll cover that in a second. I think that's
25 covered in the rule. Some issue has been made

1 that we didn't do a motion for a temporary
2 injunction. But if you read the rule, if you do
3 a TRO, which is a drastic measure, you have to
4 have at least 10 days and you have a hearing.

5 And at that time the person moving for
6 the TRO comes in, presents to the Court, should
7 it be converted to a temporary injunction.
8 That's what we're here for today.

9 Also, we made a motion or request that
10 the matter be reopened as an interested party.
11 And under the definition of the probate code, the
12 AG is an interested party, and it's for cause,
13 and we're asking for another -- a different PR or
14 a special administrator, which actually should
15 have happened -- I'll get to it in a second --
16 but a long time ago. So -- and you've --

17 THE COURT: I think that was
18 addressed in Judge Curry's order.

19 MR. JONES: Yes, it was.

20 THE COURT: Okay.

21 MR. JONES: And we're going to ask
22 for, Your Honor, a sense of direction for Mr.
23 Duggan on that. And we're looking here too, Your
24 Honor, with a sense of direction for the special
25 administrator is, for us, the Attorney General's

1 Office and our assistant counsel, to get a
2 scheduling order.

3 And typically, unless Your Honor has
4 one, we can confer with Counsel, and we'll get
5 one to you in an expedited fashion so we can move
6 forward on this matter because of the concern of
7 our office on it.

8 The question comes up why is a temporary
9 injunction necessary and how have we gotten here?
10 Well, it came to our attention in the office
11 about this matter in late fall. We reached out.
12 We got some letters written. Nothing really
13 occurred. We had Thanksgiving. We had
14 Christmas.

15 Finally, we got Mr. Oberly, who's here
16 today. He's representing Ms. Mevers in a
17 capacity. He's a lawyer. He called and talked
18 to me, and we talked. And we talked about him
19 getting an opportunity to talk to Ms. Mevers who
20 was out of town and get back with us.

21 And he -- and I reached out to the
22 AG's -- Illinois AG's Office. Mr. Oberly is
23 highly respected, so that was good. I knew I was
24 dealing with somebody I could deal with on an
25 above-board basis.

1 So when Mr. Oberly -- I'm just giving
2 you a reason why we had to do a TRO -- Mr. Oberly
3 got back with me. He had talked to his client,
4 and then he wanted to talk to the probate
5 attorney, and she was out. So I said, okay.
6 Now, I said, we've got to get -- we've got to get
7 the status quo on this because we've got to make
8 sure everybody's staying where they are.

9 We'll work with you and try to get it
10 resolved if we can, but we've got to keep a level
11 playing field here, because I'm getting calls
12 from my Chief Deputy and Solicitor General, and
13 they were about to try it as the AG. This is a
14 serious matter if on its face it is what it is,
15 and we think it is.

16 So I sent an e-mail to Mr. Oberly after
17 that conversation on Wednesday before -- week and
18 a half before the Friday we did a TRO. And I
19 mentioned to him on a call that we're going to
20 have to do what we've got to do. And I sent an
21 e-mail to him saying, per our conversation, we'll
22 maintain the status quo until you get back. So I
23 was good with that. I sort of advised the front
24 office.

25 Then the following Tuesday or Wednesday

1 I think he got back with me. I sent an e-mail to
2 him because my office was concerned they hadn't
3 heard back. So I sent an e-mail, and we talked
4 on the phone. And he had talked to Ms.
5 Wentworth, and we had a difference of what the
6 case was about. There's no problem with that.

7 And we're thinking about how to move
8 forward. And I said, okay, if we're going to try
9 to resolve something here and see what our
10 differences are, I need to make sure there's a
11 status quo. And he apprises me that, wait a
12 minute. I don't think she's going to do
13 something. I said -- and I picked up on the
14 "think".

15 I said, wait a minute. If you can't
16 guarantee while we're talking and trying to
17 resolve it that nothing is going to be
18 transferred, we've got to do what we've got to do
19 here. He said, okay.

20 So with that in mind, I consulted with
21 my Chief Deputy and Solicitor General, and they
22 apprised the Attorney General. And we worked
23 with Young Clement, and we came up with the
24 proposed TRO and emergency petition to open the
25 case, which is -- on reviewing it now, it's 1,000

1 percent the correct thing to do. And we're
2 standing here right now trying to protect the
3 assets. So that's a little history of what this
4 office was trying to do and work with people.

5 In the memo that was filed by opposing
6 counsel, they -- well, first of all, it was
7 addressed that Ms. Mevers never would sell
8 anything, and she wouldn't sell the house, the
9 one on The Battery.

10 And you see in the memo that's addressed
11 again said that house has been in the family
12 125 years. Nobody is going to sell that house.
13 Well, the fact of the matter is, with all due
14 respect, she's been married two years, and we've
15 seen that she changed her last name from Mevers
16 to Newman. It's gone back and forth. We don't
17 really know.

18 So that issue about, she's not going to
19 sell anything, that's fine, but that's not good
20 enough for this office to apprise the Court. So
21 we have immediate harm at this extant
22 circumstances. We've got irreparable harm
23 because the fact of the matter is you look at the
24 probate record, we see a lot of property. We see
25 a lot of money. And we don't know where it is.

1 If anybody has an IRA or retirement, you
2 know where some of yours isn't. And if the trust
3 had this property a year ago or two years ago,
4 which it should have had, it may have had
5 conservative investments that would keep it with
6 CDs and so forth, with the Prudent Man Investment
7 Rule. It would be different than maybe what Ms.
8 Mevers has.

9 So we don't know what's there. We do
10 know that during the course of probate, the piece
11 of property in Greenville I believe was sold --
12 Walgreens rented it or something. It was sold
13 for 1.3 million ballpark. The records will
14 reflect the price. And then after the probate
15 was closed, there was a house in Mount Pleasant
16 sold for 1.8 million. And that was from
17 Ms. Mevers personally.

18 Now, Mr. Brown is going to address in a
19 minute some of these properties and the LLCs she
20 has this money in and these houses in and so
21 forth. So we're concerned about access to -- who
22 has access, who has control over these
23 properties. And it's a valid concern.

24 The likelihood of success on the merits.
25 Well, in estates 101, we're just looking at the

1 four corners. Epworth case, 2005, argued -- I
2 think it came out in July. And the Court went on
3 the four corners. And that's just not the
4 Epworth case. On all these things, you go to the
5 four corners of documents. You don't pick a
6 phrase out.

7 So you look at the likelihood of success
8 on the merits, it says, look first at the will.
9 And that was in November -- two years before he
10 passed away, unfortunately -- of 2015. He had
11 Ms. Minnie -- if I may call her Ms. Minnie -- Ms.
12 Minnie as the PR. He gave her \$350,000 along
13 with some other things. Made her -- he would
14 nominate her -- that's a question that I'll tell
15 you about in a second -- as the director of -- to
16 replace him in his residuary, in which his
17 foundation had been in existence since 2005.

18 Keep in mind, Your Honor, from the memos
19 and the affidavits they submitted, they say it
20 vested. They say it vested with the foundation
21 the date of death, which is -- that's what
22 probate law is. That's probate law everywhere.

23 They differ on, well, it's got a
24 condition subsequent. If it qualifies on the
25 date of death and makes the tax requirements, it

1 was impressible with a charitable trust for that
2 foundation. Okay?

3 What they're talking about is if I give
4 money to Steve, but if Steve's not alive when I
5 die, it goes to Mike. That's the issue they're
6 kind of bringing up. But that issue that we're
7 talking about, we're solid on it. But there's
8 another way that I'll address that issue also
9 about the charity. So he did an amendment --
10 excuse me -- a codicil, which he reaffirmed it.

11 Now, this is not 20 years ago. First of
12 all, he married Ms. Minnie in September of '16.
13 He did his will in November of '15. And then
14 comes April of '17, about seven months later, six
15 months later, he does an amendment and makes her
16 a secondary beneficiary.

17 Then in August of '17, before he dies
18 two months later, he gives her personal property.
19 Okay? Well, I'm thinking as general probate law
20 the residuary gets the personal property, which
21 would have been the foundation. So it wouldn't
22 have gone to her. So he specifically pointed out
23 the personal property to Ms. Minnie.

24 They made some argument about the
25 fact -- they being the petitioner -- the memos

1 and the affidavits, that maybe he did this to
2 Ms. Minnie with the personal property and also
3 putting her secondary because he didn't think the
4 foundation was valid.

5 Well, he said, I'll redo my whole will
6 and reassert it. So he didn't change anything.
7 He had an opportunity to change it. Four
8 corners. Okay? And they really don't disagree
9 with that in this sense because when he died on
10 the 3rd of November, if I'm correct, of '17 and
11 his funeral was on the 10th, then on the 13th of
12 November, she had her first filing as the PR.
13 She was approved as PR by this Court.

14 She did her filing. And she had as a
15 residuary the foundation. That's in your
16 records. It's not in dispute. And even in their
17 affidavits from their accountant and from her
18 lawyer and from the memo, it seems to think that
19 it vested. But wait a minute. You didn't read
20 the second part of the paragraph. I asked Your
21 Honor to read the whole section. And there's no
22 question it vested, but we'll get in a second
23 another way on that.

24 So what happens after that? Well,
25 November the 15th, that's the date that the

1 IRS -- of '17 -- revoked the tax ID number for
2 the foundation. Okay? We never got an answer
3 how anybody on Ms. Mevers' side found out about
4 that. You see, from the affidavits, if you read
5 carefully, they held their positions, and then
6 they say it was supported -- it came out by the
7 thing from the IRS.

8 It's somewhat curious. Are they saying,
9 that's what started things or what? But you know
10 what the address for the foundation is? The
11 Battery, the same house that Sonny Mevers lived
12 in and Ms. Minnie lived in.

13 So if a notice came out, which it did,
14 it's mailed somewhere, which it was, it was
15 received at The Battery, where she lived. Okay?

16 Then, of course, we're -- I'm just
17 giving you information for the record here,
18 because this is not really a merits hearing. You
19 talk about when it goes over to TRO or whatever,
20 but just follow the facts on its face.

21 And from the information provided, she
22 got rid of her first lawyer, for whatever reason,
23 early November -- excuse me -- early December.
24 And from the affidavits of Ms. Wentworth and from
25 Mr. Moss, she hired them for advice.

1 Okay. It doesn't say -- it's
2 interesting -- if she had hired them for the
3 estate or she hired them individually. I got to
4 look back and see who paid for it. But if she
5 hired for the estate and they were paid from the
6 estate, they have -- those two, in addition to
7 Ms. Minnie, have fiduciary responsibilities to
8 look out for all beneficiaries.

9 And so what happened then -- you saw
10 from the affidavits on what the affidavits say,
11 that it failed to meet the qualification and
12 their interpretation or whatever. You can read
13 those.

14 So there's also an issue -- this is
15 important -- that the will says that if I die,
16 Sonny Mevers, I nominate Ms. Minnie to replace
17 me. Okay. That means she would be acting.

18 When I mentioned that to opposing
19 counsel, he said, wait a minute. It doesn't
20 say -- and I first said, she is the director. He
21 said, no, no. It says, nominated. I said, okay,
22 I'll give you that. I don't have the facts. But
23 it does say nominate. But the rules -- bylaws
24 say, if you are nominated and you don't accept,
25 you can nominate somebody else. So it's a

1 question.

2 But there is no question that in January
3 of 2018 that there was a meeting to dissolve the
4 foundation by telephone. Apparently Ms. Mevers
5 is a director by that time, or she's listed.

6 And you've got another guy -- if I've
7 got his name right -- Scott Meyer. That's the
8 first time from the records I've seen he
9 surfaces. Okay? You noticed on the affidavit
10 they talked about all these businesspeople,
11 conflicts of interest, whatever it might be. But
12 the only person -- we're trying to locate one.
13 We can't locate Mr. Russell, whatever his name
14 is. I apologize.

15 But you've got Scott Meyer, and you've
16 got Ms. Minnie, and you've got Mr. Moss, her
17 hired CPA, who is the secretary. I'm not sure if
18 they're a voting member or not. I'm not sure
19 if -- how the votes would -- they voted, and they
20 dissolved the corporation -- foundation. And
21 then they submitted it to the Secretary of
22 State's office the next day.

23 We got no notice. We, being the
24 Attorney General's Office. The statute requires
25 notice. The statute says, within 20 days

1 after -- before you dissolve, you let the AG's
2 office know. We get two or three of these a
3 week. We go through them, we look at them and
4 see what information we want.

5 Typically, a form-type letter says, what
6 assets did you have six months ago, because some
7 of the cases we had, they got rid of it eight
8 months ago. So we start looking in detail of
9 what's happened. We got nothing on this one.

10 The code says, it notifies the AG. You
11 look at 1202 -- 33-31-1202 and 1403 and you look
12 in the comments, and they talk about, if you
13 don't give the AG notice, then you're selling
14 property at your own peril.

15 You're not -- might not be able to pass
16 title because we're not notified. And what that
17 means is, going back, Your Honor -- and the AG's
18 office, over the years from the King of England,
19 has been the person that answers to this Court --
20 didn't mean to point -- this Court to protect
21 charities. And all the treatises talk about the
22 AG's Office can't be anywhere -- everywhere.
23 Excuse me.

24 So that's why you've got trustees,
25 you've got some settlors, you've got a special

1 interest, which is hard to do, to come in and
2 enforce obviously to help the AG.

3 So we -- and the reason is that we're a
4 necessary but not indispensable party, meaning
5 that you can go forward in a case without the AG,
6 but you're doing it at your own peril.

7 First thing these people want to do when
8 they call, they want to ask Mary Frances, are you
9 agreed with this? Can you sign off? No, I've
10 got to see the pleadings. I've got to do this,
11 got to do that. Run it by the Chief Deputy.

12 And so every one of these cases that
13 we're notified on, we turn it around and do
14 something with it.

15 You see the Watson v. Wall case, 1953,
16 June. I wasn't quite with the office at that
17 time, but that was a case in which the AG was not
18 notified. It had to do with charitable property.
19 The AG found out about it on appeal. He
20 intervened on appeal for the first time, and he
21 prevailed on his issue.

22 So the point is the Court has recognized
23 that the AG has a part in these. And it's not
24 just Sonny Jones coming up here or writing a
25 letter or an affidavit saying all you have in

1 that statute is we give notice to you; you can't
2 do anything but read what we send you. That
3 didn't follow any law or any common sense.

4 So what we have is irreparable harm and
5 a likelihood of success on the merits. And as
6 far as adequate remedy at law -- and Mr. Brown is
7 going to touch on this in a second. It's been
8 addressed that in the Wellin case -- and I think
9 Your Honor was involved in that case from what I
10 saw; I haven't read the case -- about a TRO that
11 was overturned by Judge Norton because it was
12 involving money.

13 Well, we don't know what we have here or
14 what's left or if we've got more. It could have
15 been a charitable trust property that was
16 increasing the value. And we know it wouldn't be
17 with the rental income if the business had stayed
18 open. So we don't know what we have, and we're
19 not looking for, Your Honor, a temporary
20 injunction from here to kingdom come.

21 All we're looking for is a time for Mr.
22 Duggan to go by the direction of this Court and
23 find out what's there, come back and report.
24 Protect it. Preserve and protect. That's all
25 we're trying to do. And we're not trying to take

1 everything, so to speak.

2 We're aware that Ms. Mevers received
3 \$350,000. It was a gift. That's fine. There
4 was a joint account. Some more money. And so we
5 realize -- those matters we're fine with, as long
6 as we get some protection on the major property
7 about -- the 18 million property.

8 Now, keep in mind, there are other
9 matters that could be brought up with this Court
10 or another Court that could involve punitives.
11 And so other monies might be coming back if we
12 prevail in addition to what we recover for the
13 charity. So those are criteria for the temporary
14 injunction. Our position is we met those.

15 Now, what's somewhat kind of curious on
16 this -- as Professor Medlin would teach to his
17 fiduciaries class, there's two types. There's a
18 permissible conflict of interest, and there is
19 impermissible. Permissible would be if I'm the
20 PR of a will and it's my father and I can get
21 money through it because he trusts me and the
22 money he gives to other people. That's kind of
23 permissible. It's a conflict because I'm kind of
24 taking care of her money.

25 But it's impermissible in this case.

1 Okay? She started out giving to the charity. No
2 one has questioned the fact it vested at that
3 time. There's a question about unvesting. Okay?
4 And from what I'm seeing from their side, when
5 the funds were disbursed -- would be disbursed,
6 it hadn't qualified. Interesting. So she
7 dissolved the corporation to make sure it wasn't
8 around.

9 She is -- this is about as many
10 conflicts as I can think of. She's the PR of the
11 estate. She's a major -- she's a beneficiary of
12 the estate. And she ultimately accepted the
13 position of the foundation. Keep in mind we've
14 seen nothing about anybody for the foundation
15 doing any work as far as the tax issues.

16 And while Mr. Moss and Ms. Wentworth are
17 entitled to have their opinion -- IRS's opinion I
18 would look for -- no effort was made. And what
19 is even better or worse than all of that, they
20 did not come to Your Honor and say, we've got an
21 issue here. We've got to appoint somebody
22 because I'm getting money and I'm the head of
23 this foundation and this is a conflict.

24 They didn't come to us. That's why
25 we're here now. We're trying to go back and

1 preserve things and get things like they're
2 supposed to be. So with our position that the
3 trust assets vested with the foundation at death,
4 which is the law and it was qualified at that
5 time, you know what happens, Your Honor, if the
6 foundation dissolves? It goes to another charity
7 that this Court oversees. That's in Exhibit A.

8 So by dissolving, trying to keep the --
9 I'm just looking at what the facts show -- trying
10 to get rid of, kill the foundation so it's not
11 around on distribution, there's no question.
12 They in ^ effect any assets of that foundation
13 at that time -- it was before the disbursement in
14 January of '18 -- goes to a charity to be
15 recognized and overseen by a Court of competent
16 jurisdiction, which is this Court.

17 What we would do in that case, Your
18 Honor, if in fact the foundation did dissolve, is
19 come in -- and actually, the Wall -- the Wall
20 case mentions this. It's come up. You can't
21 have too broad of a beneficiary range.

22 But with the Court's work and looking
23 back, we've had a list of the gifts, charitable
24 gifts, that Mr. Mevers had given out over the
25 years. He had a list of them. Give them out.

1 Typically, as I understand, the foundation
2 doesn't load up with a bunch of money on the
3 front end.

4 And contrary to what was in the memo,
5 they do run out of your house. We're not talking
6 about the Billy Graham Foundation. We're talking
7 about a foundation that's set up, and so when he
8 dies, his money goes into it. And he's been
9 active enough through it. What reason he did not
10 file the tax returns, I don't know. We haven't
11 had time to look into that yet.

12 But what we've got now is another gotcha
13 moment on the other side. You dissolve the
14 foundation, and what happened? They said,
15 nothing was in the foundation except the cemetery
16 plot, that maybe it's Ms. Minnie's. They just
17 said earlier on it vested and subsequent to
18 disbursement. We were right here in the middle.

19 Okay. That's kind of where we are.
20 That's what the facts support. It's got so many
21 errors pointing in different directions.

22 And as far as I see this thing, as far
23 as the AG's office and due respect to the Court,
24 is it fool me once, shame on you, fool me twice,
25 shame on me? And I'm not in the mood to get

1 fooled. I'm not in the mood to talk -- not that
2 my mood concerns anybody. I'm not in the mood to
3 talk to somebody saying we're going to do status
4 quo to protect the assets, and I never get any
5 answer back.

6 We were trying to work arm's-length
7 because it's an important matter to come before
8 this Court. We are here today to try to protect
9 these assets, and we've met all the
10 qualifications for those, and we would ask the
11 Court to let us intervene. I don't think I
12 addressed that, but I think common sense would
13 dictate that we're in it.

14 Special administrator. Give Mr. Duggan
15 directions. Do a scheduling order. And Mr.
16 Brown is going to, if he would be able to, talk
17 about the assets we're looking at getting this
18 Court's sense of direction for protecting.

19 And Mr. Branham has a thought -- he's a
20 tax lawyer, a good one, he's recognized
21 everywhere -- about this tax qualification even
22 if it wasn't dissolved. Steven?

23 MR. BROWN: May it please the
24 Court.

25 THE COURT: Yes.

1 MR. BROWN: Your Honor, in your
2 records -- and I have a copy if you need it -- is
3 amended inventory and appraisement number two
4 that was filed with this Court I believe on the
5 25th of May 2018.

6 And in that, there was a recapitulation
7 that showed a gross value of the probate estate
8 of \$19.962 million and then a total probate
9 estate value of \$18,862,700. And I meant to say
10 19 million. If I said something different on the
11 first, I apologize, but it's an 18 plus million
12 dollars estate.

13 When I got the memos and the affidavits,
14 they said that Ms. Newman had not sold any of the
15 property and there was nothing to worry about.
16 Well, we know she sold the house on Sullivan's
17 Island. It was sold for 1. --

18 MR. JONES: 87.

19 MR. BROWN: -- 87 -- 1.81 million.
20 But here is what has happened with multiple
21 properties, Your Honor, not just that one. The
22 deed of distribution went to Ms. -- at that point
23 Ms. Newman-Mevers, as a deed of distribution
24 would do. She, in turn, has moved those
25 properties into single-purpose entity LLCs or at

1 least two of them that we've found so far.

2 The house that she lives in on East
3 Battery is in something called Ms. Grace Family,
4 LLC. And Ms. Grace Family, LLC was set up, Your
5 Honor, December 6, 2017, with Mr. Mevers having
6 died in November of 2017.

7 The house wasn't placed there in that
8 LLC until such time that there was a deed of
9 distribution. And as Your Honor is well aware,
10 other commercial properties that were in Mr.
11 Mevers' estate and that we believe passed through
12 the residuary to the foundation have been placed
13 in Newman Rentals, LLC.

14 Now, both of these -- and that LLC was
15 set up effective January 11, 2018, both of which
16 were set up by Mr. Moss, the gentleman who gave
17 the affidavit outlining the advice that he was
18 giving to Ms. Newman as to what she should and
19 shouldn't do with regard to the foundation.

20 And Your Honor, these properties are set
21 forth, and the ones that we know haven't been
22 sold but are in other LLCs, the house has a value
23 of over \$6 million. We've got a property up in
24 Murrells Inlet that has a Walgreens that's over
25 \$5 million. Various other properties up in North

1 Carolina, 1.3. And then in Dorchester, a Dollar
2 General at 1.4 million, and then another Dollar
3 General up in North Carolina.

4 Apparently there's some mountain
5 property, and then there's a Dollar General up
6 there. The mountain property was assessed at
7 350 -- 350,000, but the Dollar General was 1
8 million, one.

9 And as Your Honor is aware, our big
10 concern is once you put something in an LLC, you
11 can assign your rights as an LLC, and we may
12 never know that. That's different than following
13 a deed, as you can go down to the Register of
14 Deeds, I believe now they're called, and follow
15 the chain of title.

16 The ones that we have been able to
17 pull -- and we can't pull all of them yet because
18 some of them we need to go to the actual
19 Register's Office in North Carolina or what have
20 you; they're not available online.

21 But we do know that the Sullivan's
22 Island property was sold. So that's \$1.8 million
23 in cash that went to Ms. Newman that would have
24 come under the residuary clause.

25 We know that the Dorchester County

1 property, where the Dollar General is,
2 transferred from Mr. Mevers' estate through a
3 deed of distribution to Ms. Mevers and has been
4 put in Newman Rentals, LLC. The same thing, Your
5 Honor, with regard to the Horry County property.
6 Same thing with regard to the Henderson, North
7 Carolina property, the Dollar General. And then
8 the East Battery home is the one that's not in
9 Newman Rentals, but it's in the Ms. Grace Family,
10 LLC.

11 So that's our concern. They say nothing
12 has been sold. Everything has been transferred.
13 And that's a very large concern, Your Honor.

14 So I'm happy to answer any questions on
15 that, but I think that's a slightly disingenuous
16 point to put in the affidavit to this Court that
17 none of the properties have been sold when we
18 don't know who has the interest in these LLCs.

19 THE COURT: Thank you.

20 MR. BROWN: Thank you, Your Honor.

21 THE COURT: Mr. Blanchard, any
22 objection to hearing from the different
23 attorneys?

24 MR. BLANCHARD: I'm willing to
25 listen to them all, Your Honor.

1 THE COURT: Okay. Thank you.

2 MR. BRANHAM: May it please the
3 Court. There were actually three conditions of
4 the foundation to take under the will. One of
5 them, it had to be in existence at the time,
6 which it was. I don't think the other side
7 disputes that.

8 But the other two provisions indicate
9 that it has to be an organization as charitable
10 under section 20-55.

11 And the last one is it has to be
12 permitted in charitable reductions from the
13 estate for federal estate tax purposes. The
14 Internal Revenue Code under Section 25A(2) states
15 that to get a charitable reduction, it has to be
16 to or for the use of any corporation organized
17 and operated exclusively for charitable purposes.
18 So it does not have to be a tax exempt
19 organization.

20 And there's a lot of discussion in a lot
21 of the documents that were filed about the fact
22 that the corporation lost the tax exempt status,
23 which we only understand they lost the status
24 because the Form 990s weren't filed for three
25 years. But it's not really a requirement under

1 the 2055 section that you actually have to be tax
2 exempt.

3 And to give you a nice quote from the
4 BNA tax portfolio 839-2, estate and gift tax
5 charitable deductions, and I quote, it is not
6 necessary that the recipient be an exempt
7 organization so long as the property transferred
8 is to be used exclusively for charitable, et
9 cetera, purposes.

10 And in this case, the foundation was
11 there when you look back at all the 990s. Money
12 went into the foundation each year. It got
13 distributed back out of the foundation. I
14 understand that Mr. Mevers had done that
15 consistently over the years. Why he didn't file
16 the Form 990s, we don't know.

17 But when you look at all the criteria
18 and the fact that it does not have to be an
19 exempt organization, the foundation qualified and
20 should have received the residuary of the estate.

21 THE COURT: Thank you, Mr. Branham.
22 Mr. Blanchard?

23 MR. BLANCHARD: Good morning, Your
24 Honor. May it please the Court.

25 THE COURT: Good morning.

1 MR. BLANCHARD: I just want to
2 introduce -- I have Ms. Mevers with me here this
3 morning.

4 THE COURT: Good morning.

5 MR. BLANCHARD: Also in the
6 courtroom in the very back is Jennifer Wentworth.
7 You've heard her name mentioned. Chris Moss,
8 he's also been mentioned, as well as Ryan Oberly.

9 THE COURT: Good morning.

10 MR. BLANCHARD: Pleased to be here
11 before Your Honor. I know that you were not
12 originally scheduled to hear this matter. I'm
13 going to assume that you've had a chance to read
14 through the considerable materials that were
15 filed. But if not, please let me know, and I
16 can --

17 THE COURT: For the most part, but
18 you can re-educate me.

19 MR. BLANCHARD: Okay. Well, let me
20 start by, I guess, pointing out what may be the
21 obvious. I mean, we're simply here at the
22 pleadings stage. You've heard a lot of argument
23 this morning from opposing counsel that basically
24 make it seem like it assumes that they've won the
25 case. We're a long ways away from that.

1 So we're operating right now simply
2 based on allegations at this point. And the sole
3 issue before the Court right now is whether or
4 not a temporary restraining order should be
5 granted or possibly extended.

6 We submit that the motion should be
7 denied primarily for two reasons. One, the
8 matter is actually moot. There's nothing before
9 you today, and I'll explain why that is.

10 But secondarily, even if you assume that
11 this motion for a TRO has somehow been magically
12 converted into a motion for a preliminary
13 injunction, that they don't meet the elements for
14 a preliminary injunction, and I'll go through
15 those in some detail.

16 So let's talk about -- well, let me
17 actually say one thing in the outset here. You
18 know, ordinarily, in my experience, the Attorney
19 General's Office is in the business of trying to
20 shut down charitable organizations that do not
21 qualify. This is sort of the rare case where the
22 Attorney General's Office is actually trying to
23 prop up a charitable organization that does not
24 qualify. I'm going to go through that in some
25 detail also.

1 One of the things that I did not hear
2 much on from opposing counsel is exactly what
3 were the charitable operations that occurred to
4 this foundation in the years before Mr. Mevers
5 died. The people who have looked into that or
6 have filed affidavits that are before the Court
7 show that it did not qualify as a charitable
8 organization. It did not have charitable
9 operations. It didn't look, smell, or actually
10 constitute a charity. And so it was treated as
11 such when Mr. Mevers' will was probated back in
12 2018.

13 So Ms. Mevers is the widow of Sonny
14 Mevers. He died on November 3, 2017. They had
15 been married since September of 2016, and they
16 had known each other and dated for a period of
17 time, several years I believe, before that.

18 In 2004, before Mr. Mevers had even met
19 Minnie, he had an accountant file paperwork with
20 the Secretary of State's Office to form the Sonny
21 Mevers Foundation. It was formed as a charitable
22 acts organization. In actuality, what has
23 happened over the years is that it never
24 performed any real charitable functions.

25 We submitted affidavits of Mr. Moss

1 attesting to this. And he looked at the
2 charitable foundation's operations so to speak in
3 early 2018, late 2017, and came to the conclusion
4 that it really was a sham, and that there's no
5 way it would qualify for any kind of federal tax
6 deduction if you made a gift to it; that it did
7 not qualify as a charitable organization under
8 the Internal Revenue Code provisions that were
9 cited in the will.

10 There's been no evidence offered to this
11 Court to refute that. You've heard some
12 arguments here today, but there's actually been
13 no affidavit, testimony, or any evidence
14 submitted to the Court to that. And the first
15 time we're actually hearing this argument from
16 Mr. Branham is today. So we certainly haven't
17 had a chance to respond to that with affidavits
18 on our part.

19 But Mr. Mevers did leave behind a will.
20 He executed a will. He then did two codicils to
21 it. The will made specific devises to Minnie,
22 his wife, at the time of his death.

23 It also had a residuary clause. And
24 that residuary clause, initially, would leave his
25 residuary estate to this foundation, provided it

1 met three express conditions.

2 Those were that it exists, that it be an
3 organization that existed at the time of Mr.
4 Mevers' death, that it qualified as a charitable
5 organization under the Internal Revenue Code
6 section 2055, and that a gift to the foundation
7 would be submitted as a charitable deduction from
8 Mr. Mevers' estate for federal estate tax
9 purposes.

10 We vehemently disagree with the
11 assertion today that this supposed gift to the
12 foundation vested at the time of Mr. Mevers'
13 death. It did not, because the foundation did
14 not qualify or meet the conditions at the time of
15 Mr. Mevers' death, and it also did not meet those
16 conditions later on, when the estate assets were
17 distributed in 2018.

18 So I want to be clear on that. We have
19 not conceded or said that the disposition or
20 gifts to the foundation vested at the time of
21 Mr. Mevers' death. What we've said is that it
22 either did not vest or that if it did vest that
23 it was subsequently lapsed or canceled because of
24 the failure to meet conditions at the time that
25 the assets were distributed from the estate.

1 So I hope that's clear. I think there
2 are both conditions precedent and conditions
3 subsequent built into Mr. Mevers' will.

4 Now, Ms. Mevers did not simply act on
5 her own when she was probating this estate. She
6 hired highly qualified attorneys. She hired
7 Ms. Wentworth, who was acting as the attorney for
8 the estate is my understanding. I'll let her
9 clarify that if there's some confusion about
10 that. I think that is what will be reflected in
11 the Probate Court file.

12 She also hired Mr. Moss to provide
13 advice to her on some tax issues involving the
14 estate, including this question about whether or
15 not the foundation met the qualification in
16 Mr. Mevers' will that we just went over.

17 So Mr. Moss looked at that, did an
18 investigation, reviewed information, reviewed
19 documents or lack of documentation -- and that's
20 one of the big problems here, there's a lot of
21 lack of documentation. The foundation did not
22 file reports, tax returns for at least three
23 years. It did not have the documentation that a
24 charity would have or be expected to have.

25 There were other issues with it. Mr.

1 Jones I think mentioned the conflict of interest
2 with board members. Many of the people who were
3 supposedly board members -- and we can't find
4 documentation where a lot of this is actually
5 shown in a meeting minutes or something like
6 that, where somebody was appointed to a position.
7 We're assuming that happened because it's
8 reflected maybe later on, but showing
9 documentation that it actually did happen has
10 been very difficult.

11 But if you assume these people were
12 appointed to the board, there were conflicts --
13 these were people that were Sonny's close
14 friends, business associates, things like that.
15 So there are provisions in the Internal Revenue
16 Code that talk about conflicts and self-dealing,
17 those types of things. There were concerns about
18 that.

19 But the determination was made in 2018
20 as part of the probate of this estate that the
21 foundation did not qualify at the time of Mr.
22 Mevers' death, and it did not qualify when they
23 were set to distribute the estate assets. So it
24 did not meet the conditions in the will to be the
25 residuary beneficiary. That's why assets were

1 not distributed to it.

2 I also want to clarify. There's been a
3 misstatement to you about what is in our
4 submission to the Court. We have never said that
5 Ms. Mevers did not transfer any assets that she
6 received from the estate. What we have said is
7 that she has not transferred any assets or
8 planning to do so as a result of this lawsuit or
9 prior to this litigation being concluded.

10 Clearly -- I mean, the records are out
11 there -- after Ms. Mevers received the assets
12 pursuant to the probate of the estate, she then
13 set up LLCs. She set up entities and put those
14 assets in those entities. But we're not
15 contending otherwise on that. So I don't think
16 that's some kind of mystery or anything to any of
17 the parties or to the Court.

18 And I want to also be clear that in
19 hiring these attorneys who did the work that they
20 did, Ms. Mevers was being completely open and
21 transparent with the Court.

22 The foundation board of directors, these
23 other board members, they were aware of what was
24 going on with this estate. They had notice of
25 all this. They never came in once and said, you

1 know what? We have a question here about whether
2 this foundation should be residuary beneficiary.
3 They never objected to the plan of distribution
4 or the proposed distribution of the estate
5 assets. They never brought any kind of claim on
6 behalf of the foundation. And these are people
7 that are not receiving under the will.

8 So this argument about potential
9 conflict of interest, these people would not have
10 that from that standpoint. So all this was --

11 THE COURT: How many foundation
12 directors were there?

13 MR. BLANCHARD: You know, I don't
14 know at this point. It obviously -- I think it
15 changed maybe at different periods. I think at
16 the time of dissolution there were two.

17 THE COURT: Two directors?

18 MR. BLANCHARD: Ms. Mevers and one
19 other individual, I think. Prior to that there
20 had been others that had resigned.

21 THE COURT: Who was the other
22 individual?

23 MR. BLANCHARD: There were I think
24 more than one. And I can't give you their names
25 off the top of my head, but I could find that

1 out. I think Jon Russ may have been one of them.
2 He was a former officer, something like that, at
3 Community First Bank. There was a --

4 MR. OBERLY: I think there were
5 over three, maybe as much as five or six. The
6 problem was that there was no documentation for
7 appointment. And so, again, there were no
8 minutes to actually evidence this, but there were
9 at least in excess of three. To which they were
10 -- to which they --

11 THE COURT: But we don't know who
12 they are?

13 MR. OBERLY: Yeah. We have those
14 names. I don't know them off the top of my head.

15 THE COURT: Okay.

16 MR. BLANCHARD: So when the
17 investigation was -- or the foundation was looked
18 into at the time of the probate of the estate,
19 what also had happened was November 15, 2017 the
20 IRS had revoked the foundation's tax exempt
21 status.

22 Now, I don't think my client, Minnie,
23 learned about that until March of 2018. I will
24 have to confirm that with her, but I think that's
25 approximately correct.

1 We did not know that at the time in
2 November 2017. But the importance of it is that
3 the foundation's tax exempt status had been
4 revoked as of then. It has never been
5 reinstated. There has been discussion about
6 retroactively reinstating that status. We've
7 discussed that in our affidavits.

8 That process was mentioned in the
9 Attorney General's petition. It is not a simple
10 or automatic process at all. There are certain
11 certifications or statements that have to be made
12 under penalty of perjury, such as that the reason
13 the foundation did not timely file returns is
14 because the IRS had given erroneous information
15 which the organization relied on in not filing
16 them. Didn't happen here.

17 Another condition is where there were
18 certain impediments that prevented the foundation
19 from timely filing returns. Didn't exist here.
20 So there was no way that Ms. Mevers or anybody
21 else on behalf of the foundation could certify to
22 the IRS under penalty of perjury that he was
23 eligible for filing the returns in the prior
24 years and didn't do so because of these factors.

25 And if you can't meet those criteria,

1 you can't even apply for retroactive
2 reinstatement of tax exempt status. Even if you
3 do apply for it, there's no guarantee that it's
4 going to be granted to you.

5 Generally speaking, there's a --

6 THE COURT: Isn't that getting into
7 the merits?

8 MR. BLANCHARD: A little bit --

9 THE COURT: Yeah. I know they did
10 too. Is there any way just to maintain the
11 status quo until you can litigate?

12 MR. BLANCHARD: Well, the
13 difficulty in answering that is, one -- and I
14 meant to mention this earlier -- there's actually
15 nothing before you to ask that going forward.
16 But even if you assume that it was, Ms. Mevers
17 does not own any of these assets individually.

18 The temporary restraining order was
19 against her individually. So you have other
20 entities that are out there that own these assets
21 at this point. And I don't want to speak for
22 them because I don't have authorization to speak
23 for them, because you're talking about
24 restraining adjoined entities and parties that
25 are not before this Court at this time.

1 So that's why I kind of give that kind
2 of answer at this point. But --

3 THE COURT: Okay. But somebody
4 owns the -- whatever the ownership interest is
5 represented by, whether it's stock or partnership
6 agreement. And I assume that's Ms. Minnie that
7 owns those stock certificates that owns the asset
8 that was at one time --

9 MR. BLANCHARD: I don't know that
10 that's necessarily correct.

11 THE COURT: Okay.

12 MR. BLANCHARD: So I don't want to
13 tell you something that's wrong.

14 THE COURT: Right. Well, I'm just
15 asking, just to know where the assets are, if
16 they needed to be restrained, or if we could
17 maintain the status quo.

18 MR. BLANCHARD: My understanding of
19 the status quo is that the assets are not owned
20 by Minnie Mevers personally or individually.
21 That's what --

22 THE COURT: Okay. The restraining
23 order we issued didn't restrain anything is what
24 you're saying.

25 MR. BLANCHARD: That's correct.

1 And I mean, there's nothing that's been
2 restrained as of the current order because
3 Ms. Mevers does not own anything individually.

4 Let me point out this real quick. And I
5 meant to mention this earlier, and I neglected to
6 do so. The motion that's actually before you --
7 and this is what we've had notice of a hearing
8 over -- the AG's motion for temporary restraining
9 order -- and this is in the record -- if you look
10 at paragraph 6, this is what they asked for.

11 For these reasons, along with those set
12 forth under verified petition and application,
13 the Attorney General asks this Court to issue a
14 temporary restraining order effective from the
15 date and time of issuance and for a period of 10
16 days thereafter, restraining Ms. Newman -- and it
17 goes on to say what they want to restrain her
18 from doing.

19 So you've already -- the Court has
20 already granted that. A temporary restraining
21 order has already been issued for 10 days. There
22 was no motion filed for a temporary injunction or
23 a preliminary injunction, so those were not
24 noticed for our hearing today. Those are
25 different from a temporary restraining order, as

1 the Court is well aware.

2 I hear from opposing counsel that what
3 they're asking the Court to do now is to convert
4 their motion for a TRO into a motion for a
5 preliminary injunction. Well, you can do that,
6 but you also have to move the Court to do that
7 and to notice that.

8 So there has been no notice provided to
9 our client before today that they were seeking a
10 preliminary injunction or a temporary injunction.
11 And so for -- you may call it technical reasons,
12 but I'm following the Rules of Civil Procedure --
13 there is no motion before the Court today to
14 extend the TRO beyond today.

15 So our position is the TRO expires, even
16 if the Court did not dissolve it, and there's
17 nothing before the Court to go beyond that.

18 And I would cite to the Court the case
19 of Zabinski versus Bright Acres Associates. And
20 this is 346 South Carolina 580.

21 And in that case, Judge Kemmerlin, who
22 was the Master in Equity I think at the time
23 there in Beaufort County, had issued a TRO. He
24 did it when the parties walked into the courtroom
25 and were there for some matter in that same case.

1 And he sort of sua sponte issued a TRO
2 with the request of a party. There was a
3 subsequent appeal, and the Court made clear that
4 the appeal was moved because the TRO had expired
5 after 10 days. And there had been no motion made
6 to extend or enlarge it or anything like that.

7 So same situation we have here. I mean,
8 there's been no motion before the Court to extend
9 the TRO, so --

10 THE COURT: Well, let me ask you
11 this. Can they make an oral motion right now to
12 extend it?

13 MR. BLANCHARD: I think they can do
14 that, Your Honor, but we would be entitled to
15 notice, 10 days' notice of that, before that
16 motion would be heard by the Court.

17 And that's the point we made in our
18 filings that we submitted to the Court last
19 Friday. So I think -- and let me be clear about
20 this. The AG's Office has asserted that this was
21 an emergency matter.

22 So the original order that was entered
23 was an ex parte TRO. And we have shown that that
24 was improperly issued in the first place because
25 the motion -- the rule requires that in order to

1 issue an ex parte TRO -- and the language of the
2 rule is, you have to make a specific showing --
3 excuse me -- it has to have clearly appeared from
4 specific facts shown by affidavit or verified
5 complaint that irreparable harm will result to
6 the applicant before notice can be served and the
7 hearing had thereon.

8 So when you read the cases that apply
9 that provision, what they're talking about is is
10 you couldn't give notice to the other side before
11 you asked for an order because you couldn't
12 locate them or they were noncooperative or there
13 was some circumstance that prevented you from
14 providing notice to the --

15 THE COURT: Isn't that what Mr.
16 Jones was arguing earlier, that he talked to
17 someone, and they wouldn't give him information
18 or couldn't guarantee that things couldn't be
19 sold or transferred?

20 MR. BLANCHARD: He's talking about
21 communications involving whether or not
22 Ms. Mevers' counsel would agree to affirmatively
23 state that she's not going to dispose of
24 anything. That involves the merits of a request
25 for an injunction.

1 What I'm talking about is, do you have
2 the criteria to come into the Court and ask for
3 an ex parte order. That is a different issue.
4 And that issue is you have to show by affidavit
5 that you couldn't give the other side notice
6 before coming into the Court and asking for the
7 relief.

8 So I've submitted to the Court -- I
9 basically just stapled them all as one big
10 exhibit. It's probably up on your ledge in front
11 of you. I apologize, Your Honor.

12 But it's the correspondence that took
13 place between November of 2019 and well into this
14 year before the AG's Office filed their petition
15 that shows the back and forth, the communication
16 between Ms. Mevers' counsel and the AG's Office,
17 where the AG's Office would ask for information,
18 and Ms. Mevers' counsel would respond and provide
19 the information.

20 So there was no notification to our
21 client that the AG was going to be asking for an
22 ex parte order. There was no attempt to notify
23 our client or her counsel that they were going to
24 ask for an ex parte order or some kind of relief.

25 And that, again, is in the case law

1 where you're trying to certify to the Court that
2 an ex parte order is necessary. You put in the
3 affidavit that we made efforts to contact the
4 other side, and here is why we couldn't give them
5 notice of this hearing. That didn't happen here.

6 So the ex parte order should never have
7 been issued in the first place. So we have a
8 big-time problem with that. And that's why we
9 pointed out in our response memorandum filed on
10 last Friday that our client is entitled to an
11 opportunity to be heard on this. That has not
12 happened before the order was issued.

13 And if you look at the motion that is
14 being noticed for today, it is not giving anybody
15 notice that they're seeking a preliminary
16 injunction or a temporary injunction. So that's
17 not before the Court.

18 Now, to get to the merits of this. So
19 what are the factors for granting a preliminary
20 injunction? There are three. The irreparable
21 harm requirement -- and we've cited case law, and
22 I'm not going to go into this in great detail --

23 THE COURT: Well, I'm just asking,
24 you're now arguing the merits, but you're saying
25 you need notice before you can --

1 MR. BLANCHARD: Well, Your Honor,
2 if you tell me that the motion is going to be
3 denied because it's not properly before the
4 Court, I will sit down and shut up. I don't know
5 what the Court's ruling is going to be on that.
6 So to be safe --

7 THE COURT: Well, I'm here to help
8 you make your record. So why don't you go
9 forward then.

10 MR. BLANCHARD: Okay. So I --

11 THE COURT: But if you need
12 additional time, I'm willing to give you
13 additional time.

14 MR. BLANCHARD: Okay.

15 THE COURT: If you're saying you
16 need -- well, why don't you make your record, and
17 I'm going to leave it open either way, and
18 then --

19 MR. BLANCHARD: I may need some
20 additional time because we are hearing for the
21 first time today this argument about the tax
22 status of the organization, and I do think I may
23 want to respond to that.

24 THE COURT: Or is that something
25 you could submit by affidavit, or you need to

1 come in and argue or --

2 MR. BLANCHARD: I think I can
3 submit by affidavit.

4 THE COURT: Okay. Well, we'll
5 leave it open for that purpose. How about that?

6 MR. BLANCHARD: So the elements for
7 a preliminary injunction are irreparable harm,
8 likelihood of success on the merits, and
9 inadequacy of a remedy at law.

10 The irreparable harm requirement -- and
11 we've cited case law. There's numerous cases out
12 there holding that if the harm so to speak that
13 will be caused can be remedied by monetary
14 judgment, but you cannot satisfy the irreparable
15 harm requirement. Mr. Jones I think mentioned
16 the Wellin case. I was personally involved in
17 that case --

18 THE COURT: You were arguing the
19 other side, weren't you?

20 MR. BLANCHARD: Well, we were, and
21 we lost. So now if it's going to be held against
22 me, I think it should be held against the other
23 side. So we came in -- and Richard Rosen, I
24 think, argued the motion in front of you.

25 We got a temporary restraining order

1 preventing the Wellin children -- and this is a
2 situation where you had a trust with assets of
3 \$150 million. The assets comprised an interest
4 in a partnership that then, in turn, owned
5 Berkshire Hathaway shares.

6 By the time we filed our action, the
7 children, as trustees, had liquidated the
8 partnership, sold all the Berkshire Hathaway
9 shares, and distributed over \$95 million in cash
10 to themselves personally in their personal bank
11 accounts.

12 So we came to you. And they were -- we
13 knew that they were using that money to spend on
14 legal fees, expert fees, all kinds of things.
15 And just as a side note, we ended up learning
16 that they paid Nelson Mullins about \$20 million
17 in that case from that trust from those assets.
18 So a lot of money was going out.

19 We came into court, got the TRO to
20 prevent them from using the assets that they had
21 distributed to themselves during the pendency of
22 the lawsuit. The case was removed to federal
23 Court. We argued for an extension of the TRO,
24 for a preliminary injunction in front of Judge
25 Norton.

1 The federal factors are the same as the
2 state factors. There's one additional factor
3 they have in federal court which we don't have
4 here, so we're not arguing that factor.

5 But the three factors that are the same,
6 we argued all those to Judge Norton. Judge
7 Norton said, wait a minute here. You've got the
8 potential for a monetary judgment against these
9 three children. You can go get an award from
10 them and then collect your judgment after this
11 lawsuit is over.

12 We argued against that, but Judge Norton
13 ruled against us and said, no, you have -- you
14 cannot show irreparable harm because the law
15 allows you a monetary remedy. You can seek that
16 from them.

17 So there's no reason to distinguish that
18 case from this case. I mean, there really is
19 not. You've got a situation where the assets
20 have already been distributed from the estate.
21 There have been further transfers since then. If
22 the AG's Office is right, then they can get a
23 monetary judgment against Ms. Mevers and go about
24 trying to collect it.

25 I would cite to the Court the Scratch

1 Golf case, which we also mentioned in our papers.
2 Our firm was also involved in that case. I think
3 we were pretty much involved in every injunction
4 case that's been in court in the last 10 years.

5 But in Scratch Golf, we went into court.
6 Situation where a developer had filed a lawsuit
7 trying to stop the opposing party from disposing
8 of assets during the pendency of the lawsuit. We
9 knew in that case that the other side was able to
10 dispose of those assets. Our ability to collect
11 a judgment from that party was going to be
12 severely diminished.

13 So we went into court, got a preliminary
14 injunction. It went up to the South Carolina
15 Supreme Court. Judge Toal and the Supreme Court
16 reversed us and said, you know what, an
17 injunction wasn't proper. You can't use an
18 injunction to try to prevent a party from
19 transferring assets so you can try to collect
20 your judgment later on when there's another
21 remedy available to you.

22 And in that case the remedy of
23 attachment was available, according to the Court.
24 So they reversed and overturned the preliminary
25 injunction on that factor. So, to me, those

1 cases are right on point with this case.

2 The likelihood of success on the merits,
3 we certainly disagree with the AG Office's
4 position on whether or not this foundation ever
5 qualified or met the condition in Mr. Mevers'
6 will. It certainly did not meet them at the date
7 of death or when the assets were distributed
8 later on.

9 And I want to be clear on that too. I
10 mean, it's not just date of death determination
11 because you could have a situation where
12 charitable organizations would qualify on date of
13 death, and if you made a gift on that day, it
14 would be tax deductible or meet the deduction.
15 But by the time you got to actually distributing
16 the estate, it no longer qualified.

17 And so if you went to distribute assets
18 to that organization and then take a tax
19 deduction, at that point there's no way you could
20 do it. So our position is that you have to have
21 the conditions met, not only the date of death,
22 but also when the distributions were actually to
23 be made to the foundation. That did not exist in
24 this case.

25 We submitted affidavits on that. There

1 is nothing before the Court, affidavit or
2 evidence-wise, to refute any of that.

3 This question about devolving, I did
4 want to mention that very briefly. There's a
5 statute they cite in their paper, 62-3-101. It
6 does not talk about vesting. It talks about when
7 things would devolve, a transfer of real
8 property -- it's limited to real property.

9 And it says that real property devolves
10 to the persons to whom it is devised upon date of
11 death or upon death of a person. But then it
12 also goes on to say, or to those indicated as
13 substitutes for it in cases involving lapse,
14 renunciation, or other circumstances affecting
15 the devolution of testate devises.

16 So if this condition was not met and
17 then you go to lapse, the estate -- the residuary
18 estate would have devolved at the time of Mr.
19 Mevers' death to Ms. Mevers, not to the
20 foundation. And that's the position that we've
21 stated in our papers, and we've backed it up with
22 law.

23 As far as the retroactive reinstatement,
24 I mentioned that a little bit. I just want to
25 add to that. One, it is not an automatic

1 process, which I've already stated, but there's a
2 revenue procedure that's in place that's 2014-11,
3 which the IRS has I think promulgated in 2014 to
4 establish procedures for requesting retroactive
5 reinstatement.

6 It says that generally you must apply
7 not later than 15 months after the date of the
8 revocation letter or the posting date. We're
9 long past that. That deadline has expired.

10 Even if you can meet the timing
11 requirements, you still have to show that the
12 organization was eligible to file as a tax exempt
13 organization for each of the three years it
14 failed to file. We know that this foundation
15 could not have done that.

16 And again, the representation to the IRS
17 has to be under penalty of perjury, which neither
18 Minnie nor any CPA was going to sign that.

19 The inadequacy of remedy requirement is
20 the final element under Rule 65. In the
21 MailSource case, which we've cited to the Court,
22 that involved a situation where an employer had
23 sued to enforce a noncompete agreement. They had
24 sought injunction relief. They had also had a
25 claim for damages.

1 The Court said, you have an adequate
2 remedy of law. You can rectify any breach of the
3 agreement by monetary relief, and so there is an
4 adequate remedy. That goes hand-in-hand with
5 that Scratch Golf case I mentioned to you earlier
6 where attachment was the remedy that was
7 available, so the Court upheld an order of
8 denying an injunction.

9 One of the things that has been missing
10 from this argument that was made by the Attorney
11 General -- and I mentioned earlier that, during
12 the probate or estate administration process,
13 Ms. Mevers was very open and transparent about
14 what she was doing.

15 The will was obviously on file with the
16 Court. She filed a plan of distribution and
17 proposal of distribution that gave notice that
18 the residuary estate was going to be distributed
19 to her, not to the foundation --

20 THE COURT: Let me ask you there
21 though. Did she give notice to the Attorney
22 General of those closing documents?

23 MR. BLANCHARD: It was not sent to
24 the Attorney General because there was no
25 obligation to send it to the Attorney General.

1 THE COURT: Well, then don't -- I
2 mean, you're saying it's full disclosure, but on
3 that proof of delivery, I do not see the Attorney
4 General listed there.

5 MR. BLANCHARD: It was not listed
6 there, and that's because the Attorney General
7 was not entitled to notice. There's no statutory
8 requirement that you send a notice to the
9 Attorney General in order to probate an estate
10 where a charitable organization arguably or
11 possibly may be a beneficiary.

12 THE COURT: But in your
13 verification that she signed, in the initial
14 application, she indicated they were going to
15 receive the residuary beneficiary.

16 MR. BLANCHARD: Well, that was
17 filed by a different lawyer, understand that,
18 Irvin Slotchiver. But on the face of the will,
19 that's who's stated as the initial residuary
20 beneficiary.

21 By the time they got to the point of
22 actually probating -- or excuse me --
23 distributing the assets, that determination had
24 been made that that -- that the foundation was
25 not the residuary beneficiary.

1 I think that form that was filed
2 initially to open the estate -- and that was when
3 I think it was filed was the date the estate
4 opened -- or as part of that application, it
5 listed the fact that the foundation was named as
6 the initial residuary beneficiary.

7 THE COURT: And I didn't see any
8 affidavit filed by Mr. Slotchiver. I mean, your
9 client was the personal representative. Couldn't
10 she get an opinion from him whether the
11 foundation would be the taker?

12 MR. BLANCHARD: Potentially. It
13 was Irvin Slotchiver, who you know is 90-some
14 years old. It's somewhat complicated there,
15 because Mr. Slotchiver sued the estate. He
16 asserted a \$300,000 attorney's fee as part of the
17 record in the case.

18 It's a very interesting situation. He
19 asserted that -- he was the attorney for the
20 estate for about two weeks, and he initially, as
21 I understand it, asserted he was entitled to a
22 \$600,000 fee. Agreed to discount that or to cut
23 it in half initially to 300. Filed a claim with
24 the Probate Court over that. It was contested.

25 They went through the creditor's claim

1 process. A hearing was noticed for that. I
2 think it was in October of 2018, and I think
3 literally on the -- either the day of the hearing
4 or on the eve of it, they settled. There was an
5 order entered where he was paid some amount of
6 money, much less than what he was asking for, and
7 that was resolved.

8 But because of that, you know, Mr.
9 Slotchiver was antagonistic to the personal
10 representative in the estate process. So I don't
11 know how cooperative he will be in this case, but
12 we'll certainly try to find out. So I hope that
13 did some benefit on that question.

14 But I think maybe AG as getting notice
15 conflicted here about two different issues.
16 There certainly is a notice requirement to the AG
17 when a charitable foundation dissolves. When
18 they submit their articles of dissolution to the
19 Secretary of State, there is a notice
20 requirement, and we can see that that notice was
21 not sent.

22 The statute does not say that the
23 dissolution is dependent on that notice being
24 sent. So the organization still dissolves. The
25 AG has authority over the plan of distribution,

1 in essence, for the charitable organization's
2 assets. And so that's the purpose of the notice.

3 That notice is completely different from
4 a notice in a probate administration process.
5 And they've cited no statute that I've been able
6 to find where Ms. Mevers was required to provide
7 notice to the Attorney General's Office of the
8 plan of distribution for this estate. And that
9 took place in 2018.

10 So I think it's very important to keep
11 those separate because they involve different
12 purposes and different obligations. The people
13 that were entitled to the statutory notice as
14 part of the estate administration process were
15 given it.

16 You'll see in the file, I think there
17 were 28 different individuals that received
18 notice of the plan of distribution. I believe
19 all of the beneficiaries signed waivers and
20 releases that were filed with the Court. There
21 was no demand for a hearing.

22 The other so-called members of the board
23 of directors of the foundation were aware of what
24 was going on with this estate. None of them came
25 in and said, no, you can't dispose of assets in

1 this manner because the foundation is supposed to
2 receive them.

3 There were other people that were there
4 that could have done that, but that did not
5 happen. I mentioned that Mr. Slotchiver himself
6 filed a claim in the Probate Court. If he
7 thought the foundation should have been residuary
8 beneficiary, he could have filed something on
9 behalf of the foundation. He was the attorney
10 for the foundation is my understanding. That
11 never happened.

12 So the point here -- the overriding
13 point is notice was given to those that were
14 entitled to it, and this estate was administered
15 completely properly in an open, transparent
16 manner. Certainly if the Probate Court -- and
17 I'm not pointing any fingers at the Probate Court
18 at all. Don't take it that way.

19 But if Judge Curry -- I think she signed
20 the order closing the estate -- if she had had
21 some question about, wait a minute here, you've
22 got an initial application showing the residuary
23 beneficiary as being the foundation, but yet
24 you're now showing a plan of distribution that's
25 showing Minnie Mevers as being the residuary

1 beneficiary, you know, how did we get there?
2 Explain that to me. I'm sure that would have
3 been answered.

4 But that didn't happen. Instead, the
5 estate was closed. So I don't qualify myself --

6 THE COURT: Well, that would have
7 been an estate clerk as to your knowledge. An
8 estate clerk would have looked at that and seen
9 who has filed, and nobody objected in the
10 30 days. We've got 3,600 open estates, 2,200 a
11 year. It would have been an estate clerk taking
12 a look at the closing documents.

13 MR. BLANCHARD: Understood, Your
14 Honor. Understood. And I'm just simply pointing
15 out that it's not a situation where Ms. Mevers is
16 trying to hide anything. I mean, she's very open
17 about what she's doing with this estate. And
18 she's doing this because, again, she's hired
19 lawyers to look into this.

20 And lawyers came to the determination
21 that this foundation is a -- it's a sham. I
22 mean, I think that's what Mr. Moss mentioned in
23 his affidavit. That's what he concluded, that
24 there's no way in the world this foundation --

25 THE COURT: Is he concluding that

1 as an attorney?

2 MR. BLANCHARD: I think he was
3 hired as an attorney, yes. He's a CPA and a tax
4 attorney.

5 THE COURT: Okay. Well, if he's an
6 attorney, is he licensed in this state?

7 MR. BLANCHARD: He's not licensed
8 in South Carolina.

9 THE COURT: That's all I wanted to
10 know.

11 MR. BLANCHARD: But, Your Honor,
12 I'm not -- I'm certainly not trying to argue with
13 the Court. The point is is that this was not
14 simply a situation where Ms. Mevers was coming in
15 and saying, okay, this is what I'm going to do,
16 and I'm doing this on my own. I think she did
17 the right thing. She hired people to look into
18 these issues. They came to conclusions. She
19 acted based upon those conclusions.

20 And I haven't seen anything that the
21 AG's Office has submitted to the Court so far
22 that shows that those conclusions were wrong or
23 improper.

24 THE COURT: Let me ask you this.
25 Did she have counsel in her capacity as president

1 of the foundation?

2 MR. BLANCHARD: I don't think
3 that -- I'm not aware of her having counsel in
4 her capacity as any kind of representative for
5 the foundation.

6 THE COURT: But she took actions to
7 dissolve the foundation.

8 MR. BLANCHARD: That was in January
9 of 2018. And I think she signed a document to
10 dissolve the corporation -- or excuse me --
11 dissolve the foundation. That was after a vote
12 by all the board of directors to do so. So
13 somebody had to sign the paperwork to submit to
14 the Secretary of State's Office to do that, and
15 she was the person who signed the paperwork.

16 THE COURT: I know she's a doctor,
17 but as a layperson, did she know how to do that,
18 or did she have counsel?

19 MS. MEVERS: I had counsel.

20 THE COURT: She indicated she had
21 counsel.

22 MR. BLANCHARD: I think she had
23 counsel. I'm not sure who was representing --

24 THE COURT: Well, let me ask her.
25 Who was your counsel?

1 MS. MEVERS: Mr. Moss and Ms.
2 Wentworth.

3 THE COURT: Who was representing
4 you based on the foundation?

5 MS. MEVERS: The only person that's
6 worked on the foundation has been Mr. Slotchiver.

7 THE COURT: But after -- after you
8 let him go in January of 2018, who was
9 representing you and the foundation?

10 MS. MEVERS: Well, Chris Moss was
11 representing me.

12 THE COURT: As lawyer for the
13 foundation?

14 MR. BLANCHARD: No, Your Honor.

15 THE COURT: As individual lawyer?

16 MS. MEVERS: Yeah.

17 MR. BLANCHARD: If Mr. --

18 THE COURT: In South Carolina?

19 MS. MEVERS: Pardon me?

20 THE COURT: In South Carolina?

21 MR. BLANCHARD: He was simply
22 advising -- giving advice to her, not
23 representing her in any kind of --

24 THE COURT: What advice?

25 MR. BLANCHARD: Advising her on tax

1 matters involving the -- Ms. Wentworth was the
2 estate -- the lawyer administering and probating
3 the estate.

4 THE COURT: Okay. She was
5 representing her as the attorney for personal
6 representative?

7 MR. BLANCHARD: Personal
8 representative. As part of that process --

9 THE COURT: You're here
10 representing her today individually, Mr.
11 Blanchard?

12 MR. BLANCHARD: Yes, I'm
13 representing her individually.

14 THE COURT: And then if I
15 understand it correctly, Mr. Moss was
16 representing her concerning the foundation.

17 MR. BLANCHARD: No, I do not
18 believe so.

19 THE COURT: Well, she just
20 indicated that was the case.

21 MS. MEVERS: Well, I took advice
22 from Mr. Moss as to the foundation not being
23 qualified to receive the residuary estate.

24 MR. BLANCHARD: I do not believe
25 Mr. Moss ever represented the foundation.

1 MS. MEVERS: No.

2 MR. BLANCHARD: I want to be clear
3 on that.

4 THE COURT: But he represented you
5 as an individual or as president of the
6 foundation?

7 MS. MEVERS: As an individual.

8 MR. BLANCHARD: I don't want to say
9 something to the Court that's incorrect to this
10 point. I'll have to clarify --

11 THE COURT: You see what I'm
12 driving at, Mr. Blanchard. You've got many
13 conflicts here. You've got -- well, I know we're
14 not here on the merits, but there's some
15 conflicts going on here.

16 MR. BLANCHARD: Well, I'm not
17 sure --

18 THE COURT: It was in her best
19 interest, individually, for that foundation to
20 fail. Is that not correct?

21 MR. BLANCHARD: Well, I'm not
22 sure --

23 THE COURT: If it fails, then she
24 gets, what, 19 million?

25 MR. BLANCHARD: If the foundation

1 is disqualified.

2 THE COURT: Disqualified, right.

3 MR. BLANCHARD: She is the
4 alternative residuary beneficiary.

5 THE COURT: And she gets the 19
6 million.

7 MR. BLANCHARD: Pursuant to the
8 terms of the will, that's the way --

9 THE COURT: That's correct.

10 MR. BLANCHARD: -- it would be
11 probated, correct.

12 THE COURT: And she's also then
13 president of the foundation.

14 MR. BLANCHARD: I don't know that
15 that's correct. I don't think she was ever --

16 THE COURT: Do you have the
17 documents that were signed dissolving the
18 foundation?

19 MR. BLANCHARD: I think it's
20 attached as Exhibit H to the Attorney General's
21 petition.

22 MR. JONES: I don't have it in
23 front of me, Your Honor, but she did sign it.

24 MR. BROWN: I can hand you one,
25 Your Honor, if it helps.

1 THE COURT: Actually, we're trying
2 to follow the Court of Appeals' order, which is
3 quarantine all documents --

4 MR. BLANCHARD: I have a copy I
5 can --

6 THE COURT: I have Mr. Blanchard's
7 filing here. I'm going to get you to scan that
8 and e-mail that to me.

9 MR. BLANCHARD: Oh, okay. Your
10 Honor, I have a copy. I could just show it to
11 you if you don't want to touch it.

12 THE COURT: Since we've been
13 sharing documents for the last week, we'll --

14 MR. BROWN: When you find it, it's
15 on page 2. And it shows Ms. Newman as president
16 and chairwoman.

17 THE COURT: I guess the Court's
18 wondering, Mr. Blanchard, is how would a
19 layperson know to file that document without
20 taking advice, legal advice from someone.

21 MR. BLANCHARD: Well, I don't have
22 the answer to that question. I don't know
23 whether she did it based on legal advice or not,
24 I don't, as I'm sitting here now. And
25 understand, this case, to me, is a week old.

1 THE COURT: I understand.

2 MR. BLANCHARD: So I've been trying
3 to get up to speed on a lot of this very quickly.

4 But I kind of got lost where we were on
5 this when we got a little bit off tangent, but --

6 THE COURT: I think we had started
7 off -- we were just here for temporary
8 injunction, and then we --

9 MR. BLANCHARD: Right.

10 THE COURT: And you were indicating
11 that the -- your client gave notice to all who
12 should get notice.

13 MR. BLANCHARD: Correct.

14 THE COURT: And that there was no
15 sham here.

16 MR. BLANCHARD: That's absolutely
17 correct.

18 THE COURT: Okay. But she was --
19 individually, she would receive close to 20
20 million if she as personal representative
21 potentially did not give notice to the Attorney
22 General that there was a foundation to protect.

23 And then as president of the foundation,
24 in her capacity as president, she took steps here
25 to dissolve that foundation. Is that -- I mean,

1 that's what appears is in this filing here.

2 MR. BLANCHARD: My understanding is
3 she did sign the articles of dissolution on
4 behalf of the foundation. That is correct.

5 THE COURT: Okay. And then it
6 appears she indicated her counsel was Mr. Moss,
7 who is not licensed to practice here in South
8 Carolina. And that's who she took the advice
9 from.

10 MR. BLANCHARD: Well, I don't think
11 that's -- I'm not sure that's correct. I don't
12 know whether she was relying upon advice from Mr.
13 Moss as far as filing that document.

14 What my understanding was --

15 THE COURT: I'm not sure either,
16 but I'm just -- that's what it indicates it looks
17 like.

18 MR. BLANCHARD: I'm not sure the
19 document mentions a lawyer, but I'll have to come
20 back --

21 THE COURT: Based upon the
22 affidavit that's been filed by Mr. Moss.

23 MR. BLANCHARD: Right. He
24 indicates that he's aware that the foundation did
25 dissolve. No doubt about it. That's mentioned

1 in his affidavit.

2 THE COURT: I mean, I can simply
3 ask your client. Did you -- whose advice did you
4 take to file the dissolution notice for the
5 foundation?

6 MS. MEVERS: Mr. Moss.

7 MR. BLANCHARD: Okay. Well, that
8 clarifies that. I'm just careful about not
9 trying to make statements to the Court that end
10 up -- I learn later on that are not correct.

11 So I guess where I'm maybe having a
12 disconnect with the Court right now is, as far
13 as --

14 THE COURT: Well, I guess what
15 we're trying to do is maintain the status quo so
16 you can litigate it in this court or another
17 court. We've got this Wellin case and we've got
18 the Scratch Golf case we need to look at. We've
19 got a special administrator appointed. You're
20 indicating that nothing has been disposed of but
21 it's been transferred to different LLCs.

22 MR. BLANCHARD: Well, let me
23 clarify on that. I think --

24 THE COURT: It's not --

25 MR. BLANCHARD: I think, as part of

1 the actual administration of the estate, they had
2 to sell one of the pieces of property, the
3 Walgreens, in order to generate the cash needed.
4 There were a number of specific devisees that I
5 think maybe total over a million dollars.

6 So that property was sold I want to say
7 during the estate administration process to raise
8 cash because, otherwise, they couldn't have made
9 the gifts.

10 That happened. I think there may be
11 another piece of property that was sold at some
12 point. I'm not sure the timing of that, was that
13 before or after the estate was closed.

14 But what I was trying to say earlier
15 was, as far as any assets being distributed or
16 sold, transferred, whatever, from the time the
17 Attorney General's Office reached out to
18 Ms. Mevers in November of 2019 until now, I'm not
19 aware of any assets being disposed of or
20 transferred during that time period.

21 THE COURT: Okay.

22 MR. BLANCHARD: I am aware that
23 there were assets before then that were
24 transferred either into an entity of some sort --
25 I think it was a part of estate planning by Ms.

1 Mevers after she received the assets. That was
2 the purpose of it.

3 There may have been some other assets,
4 real estate in particular, that were sold prior
5 to that point, which I've just mentioned. That's
6 about what I'm aware of at this point.

7 And I haven't actually seen, you know, a
8 lot of the documents involving the transfers,
9 so -- I have seen a number of the deeds that went
10 out from the estate, deeds of distribution. But
11 things subsequent to that, I haven't seen those.

12 So I'm not trying to be evasive in
13 answering your questions. I'm trying to be clear
14 on what I know and don't know. But --

15 THE COURT: I understand.

16 MR. BLANCHARD: So, Your Honor, I
17 mean, to wrap it up on the TRO part, I mean,
18 really, there's a -- I mean, a big hurdle as far
19 as notice and opportunity to be heard on what is
20 before you today, and the only thing that's
21 before you is a motion for a TRO, where they ask
22 in their motion for it to be in place for 10
23 days. That's been granted. It would expire by
24 its terms today.

25 There's nothing before the Court to go

1 beyond that. But even if you put all that aside
2 and you deal with the three elements of a
3 preliminary injunction -- and before I get there,
4 let me back up.

5 The way we do this, when we file for a
6 TRO, it's part of a lawsuit in which you have
7 also either filed a motion or a petition or
8 complaint of some sort, where you seek a
9 preliminary and permanent injunction as part of
10 the relief you're asking for.

11 Their petition that they filed in this
12 case doesn't do that. So it's not what you can
13 go back and say, okay, well, if that's as far as
14 the complaint of the petition so the Court will
15 treat that as being alleged or before the Court.
16 That doesn't exist here. It's simply a motion
17 for TRO. No motion for preliminary injunction.

18 So that's a big hurdle. To get into the
19 elements of it, I mean, real quickly, irreparable
20 harm, if you find that Ms. Mevers received any
21 assets improperly, you can certainly enter a
22 judgment against her for money. Say, look,
23 compensate the charity, foundation, whatever you
24 may find for that damage. That can happen.

25 The likelihood of success on the merits,

1 again, the Court is supposed to make its ruling
2 based on evidence record. But the only evidence
3 in the record are the affidavits showing that
4 this foundation did not qualify in the conditions
5 of the will.

6 And at the end of the day -- Your Honor
7 certainly has expressed concerns about conflicts.
8 But at the end of the day, if the answer to the
9 question is, did this foundation qualify as
10 residuary beneficiary to the will and it did not,
11 then whether or not there were conflicts really
12 becomes meaningless because the end result would
13 have been the same.

14 And what we've submitted to the Court is
15 evidence showing that that would have been the
16 end result. Even if you had appointed any
17 independent person, that there was no way they
18 could take the position and certify to the IRS
19 that this was a charitable organization that
20 qualified under the Internal Revenue Code and a
21 gift to it would have been tax deductible.

22 That's the only evidence before the
23 Court at this point. So if you're looking at the
24 likelihood of success on the merits, the AG's
25 Office has not demonstrated to the Court that it

1 is likely to succeed on the merits. They've
2 raised questions, but they have not shown
3 likelihood of success.

4 And the final, the inadequate remedy at
5 law, there is a remedy at law. It's either an
6 award of damages or attachment or these other
7 remedies that are mentioned in these Court cases.

8 So they have not satisfied their burden.
9 We ask that the motion be denied. And, Your
10 Honor, I have talked way too long, but if you
11 have any questions, I'll be glad to answer them.

12 THE COURT: Thank you, Mr.
13 Blanchard.

14 MR. JONES: Couple comments, Your
15 Honor?

16 THE COURT: Yes.

17 MR. JONES: Okay. Let's just start
18 from the end. If she has no money, then we have
19 no adequate remedy at law. So we satisfied that
20 one to start off with.

21 The other thing we've got here is, I've
22 yet to hear -- I don't understand why Mr.
23 Blanchard started off with all the AG's Office
24 does is go after bad charities and we're just
25 propping this one up. I don't think he knows

1 what the AG's Office does. He doesn't know what
2 we do in this court and courts like this.

3 Also, I feel lucky. He said, good luck
4 on getting money from Ms. Mevers because she's
5 transferred it all away. Well, I feel lucky. I
6 think our office feels lucky. There are a lot of
7 avenues that, with the Court's cooperation, that
8 we can find these assets and bring them home.
9 Because if assets are illegally obtained, it's
10 different than they're valid assets you're hiding
11 in an LLC.

12 There are different sections of the
13 office that work on different matters, but I'm
14 sure there's a section that can work on that
15 part.

16 But getting back to the motion, as we
17 read the motion on 65, TROs can be converted into
18 a temporary injunction. Goodness knows Mr.
19 Blanchard has argued all those criteria to the
20 courts -- to the Court. And you can -- the Court
21 can make its own determination.

22 As far as good luck on getting money
23 from Ms. Mevers, there's also malpractice
24 insurance somewhere here. The charity is going
25 to get their money from somewhere. Okay? If she

1 had spent all the money, we'll try to get it from
2 somewhere. But the charity is not going to lose
3 \$20 million. And they basically said to the
4 Court, good luck.

5 And the only sham I see is, a-ha, every
6 turn you take, we've taken care of that. You
7 can't get to it. Well, I voted to dissolve
8 before it could go to the charity. You're
9 talking about a scheme and a plan. This is --
10 this is -- I want to ask for the book rights to
11 start off with here on this thing because this is
12 unbelievable.

13 Doing this 40 years. People have done
14 it, and I never have seen someone come to court,
15 make a mockery of this Court and the AG's Office,
16 saying, aha, good luck.

17 So we're going to ask Your Honor -- this
18 is what we'd ask you to do, because we don't know
19 what's there because apparently Mr. Blanchard is
20 still looking, himself, to find out where it is,
21 and maybe Ms. Mevers knows where it is. Let's do
22 this.

23 I will request the Court give us the
24 temporary injunction on what assets that she has
25 she can't transfer and authorize a special

1 administrator to go out with authority of this
2 Court and find out where the assets went and who
3 has them. She may say, I don't control them, but
4 she can tell us where they went.

5 And when she tells us where they went,
6 then we can find out the next step because
7 there's one thing that apparently we're missing
8 here on the charitable trust law because we're
9 propping up charities rather than going after bad
10 charities. It's hornbook law.

11 If you don't notify the Attorney General
12 and you transfer a property without giving notice
13 to them, whoever gets the property is taking
14 suspect title. Look it up. There's a lot of law
15 in that. And that's where we are. And you know
16 why that law is there, Your Honor, and why you
17 and I are here today is because of this. It's
18 because of this very type of situation.

19 So -- and also, we would like on the
20 special administrator the cost be paid for by
21 Ms. Mevers. The special administrator -- and one
22 needs to be appointed. You've already done that.
23 We need to open up the AG's Office getting in
24 this case, find out where the money is, follow
25 the money.

1 And we need to get back with you on our
2 next steps. But the first thing is that
3 temporary injunction should continue until we've
4 located this and report back to the Court and
5 then find an avenue of approach.

6 So it won't be good luck to Your Honor
7 and good luck to the AG's Office. I apologize,
8 but this is beyond anything I've ever seen, to
9 come into a courtroom and say, we've hid it, good
10 luck on getting it. Unbelievable.

11 So that's where we are, and we
12 appreciate Your Honor's guidance on that. And
13 I'm kind of -- and on reflection, this was the
14 type of case that needs to be held in these dire
15 circumstances that our nation is in. You could
16 not have seen this over a phone.

17 So, Your Honor, going back home, and I
18 have my 98-year-old mother in the house. And my
19 wife said, why you going to Charleston for? I
20 said, we've got a big case. And I said -- I'll
21 go back to her and say, listen, this is why I've
22 been put in this office. This is why I practice
23 law. This is why I'm in the AG's Office.

24 So I would leave some guidance for Your
25 Honor on the next step, and we'll be more than

1 happy to take care of our responsibility and work
2 with the special administrator, and we'll get
3 this thing moving and get back with you.

4 THE COURT: Thank you. Mr.
5 Blanchard?

6 MR. BLANCHARD: Your Honor, just
7 briefly. I have never said at any time during
8 this hearing good luck to this Court or good luck
9 to the AG's Office in collecting a judgment.

10 What I said was that at this point
11 before their filing their petition, this lawsuit,
12 the fact of the situation is that the assets were
13 distributed from the estate, and they are no
14 longer in Ms. Mevers' hands, individual hands.

15 That's just a fact of the situation.
16 That's all I was trying to point out. I am not
17 thumbing a nose at the Court by any means, and
18 neither is Ms. Mevers.

19 We think we have clearly shown Your
20 Honor that the AG's Office has not met the
21 requirements for a preliminary injunction
22 assuming that that's properly before the Court.
23 We ask that the Court deny it.

24 THE COURT: Mr. Blanchard, I'm
25 going to let you file -- you've got, you say,

1 some other affidavits or something else you
2 wanted to file?

3 MR. BLANCHARD: I would like to at
4 least have the option. If you could give me a
5 certain number of days. I don't know whether we
6 will file affidavits or not, but I would like to
7 have the opportunity to do so to deal with the
8 new matters that were raised today about the tax
9 issue.

10 THE COURT: Okay. Is there a time
11 period that you-all want to agree upon?

12 And I'm going to go ahead and ask your
13 client, you know, where is the 20 million? You
14 need to lay out where that is, you know, and go
15 ahead and be able to trace where that is so our
16 special administrator doesn't have to run up a
17 lot of costs tracking that down in the event --
18 depending on which way the Court rules.

19 MR. BLANCHARD: Can I have just two
20 minutes?

21 THE COURT: Sure.

22 (A recess was taken.)

23 THE COURT: Mr. Blanchard?

24 MR. BLANCHARD: Your Honor, to
25 answer your question, I think I could get it to

1 you in five days if that would be sufficient with
2 the Court.

3 THE COURT: You mean the --

4 MR. BLANCHARD: The additional
5 affidavits.

6 THE COURT: Okay. And so today is
7 Monday. You're talking the end of the week, or
8 are you talking Monday of next week?

9 MR. BLANCHARD: If you can give me
10 until Monday, I'm not sure with some of the
11 coronavirus stuff --

12 THE COURT: I understand.

13 MR. BLANCHARD: -- closures. But I
14 will work to get it before the end of the week if
15 I can for sure.

16 THE COURT: Okay. And then if you
17 can just -- we're going to leave that there, but
18 if you can just e-mail whatever you have. Our
19 Court of Appeals is quarantining any paper
20 filings for 48 hours, and any mail is quarantined
21 also for a period of time.

22 MR. BLANCHARD: Gotcha.

23 THE COURT: So we're just trying to
24 take the same precautions.

25 MR. BLANCHARD: I had copies of

1 some case law with me, but it sounds like you
2 would not want me to give them to you.

3 THE COURT: You can leave it for
4 us, and I'll look at it in two days.

5 MR. BLANCHARD: Okay. It's the
6 Scratch Golf case that we cited.

7 THE COURT: Yeah, we've got that.
8 Okay. If you've got something else --

9 MR. BLANCHARD: No. It's just the
10 cases that we had already cited.

11 THE COURT: Okay.

12 MR. JONES: Your Honor, to make
13 sure I understand, in his affidavits he's going
14 to look at all the properties and apprise the
15 Court?

16 THE COURT: I think he's indicating
17 the law part.

18 Would you also be able to have your
19 client list where the assets -- where the
20 \$20 million went, I guess?

21 MR. BLANCHARD: I did not actually
22 discuss that part, but I thought -- I thought the
23 Court was going to issue a ruling, and then that
24 may or may not be part of it.

25 THE COURT: That's true. Okay.

1 MR. BLANCHARD: I will say this.
2 We will cooperate in providing documentation as
3 far as where assets went if we get to that point.
4 I think we certainly will cooperate. We're not
5 going to fight that.

6 THE COURT: Okay. That would be
7 very helpful, particularly to limit the expenses
8 of the special administrator if that occurs. So
9 we'll keep the restraining order in place until
10 the Court rules. Mr. Blanchard, you're fine with
11 that?

12 MR. BLANCHARD: I don't want it to
13 be deemed my consent to --

14 THE COURT: But I don't want you to
15 say today it expires -- since this is the 10th
16 day, that it expires today at 5 or something.

17 MR. BLANCHARD: I understand that's
18 the Court's ruling. I'll say it that way.

19 THE COURT: Okay. Well, what
20 you're not saying is you're not -- you're going
21 to come back and appeal that, or are you going to
22 say --

23 MR. BLANCHARD: Have no idea how to
24 answer that question.

25 THE COURT: Okay.

1 MR. BLANCHARD: You know, I think
2 it --

3 THE COURT: Are you telling the
4 Court we've got to rule today, otherwise, it
5 expires? One of your counsel back there is
6 shaking his head yes. If that being the case,
7 Rule 65(b) I think does turn this temporary
8 restraining order hearing into a hearing for a
9 temporary injunction, if I read that correctly.

10 MR. BLANCHARD: Judge, I'm going to
11 comply with your order.

12 THE COURT: Okay. And we're going
13 to impose the temporary injunction, and we're
14 going to appoint the special administrator, Mr.
15 Duggan. And I'm ordering your client to detail
16 where the assets are, where the \$20 million are.
17 Okay?

18 You know, if it's in a different
19 corporation or who it's owned by, if the house is
20 in a different corporation, if things have been
21 sold.

22 MR. BROWN: Yes.

23 THE COURT: And we'll also look at
24 the inherent power of the Court to order this,
25 not only just under this injunction.

1 MR. BLANCHARD: Your Honor, it
2 sounds like you've ruled on the motion, so I'm
3 kind of --

4 THE COURT: I have ruled because
5 you indicated that you were going to let this
6 thing expire today at 5. And if you are going to
7 agree to continue the restraining order to me,
8 you can submit whatever affidavit you may have.
9 Is that a fair statement?

10 MR. BLANCHARD: Your Honor, well,
11 what I was trying to express to the Court is our
12 position is that the motion should not be
13 granted. So I do not want to be deemed as
14 consenting to the motion. But if the Court was
15 going to order that it stay in place until we had
16 five days to submit affidavits, I am going to
17 comply with that and not take a position that the
18 TRO would expire.

19 THE COURT: Well, your other
20 counsel was shaking his head when I asked if it
21 was going to expire today at 5, and he was
22 indicating yes.

23 MR. OBERLY: I mean, me shaking my
24 head I don't think is an affirmative statement to
25 you, in all due respect.

1 THE COURT: Okay. Well, what is
2 your ruling -- what is your feeling on the law
3 then?

4 MR. OBERLY: Well, I'm going to
5 defer to Frank as lead counsel. I'm back here
6 from a tax perspective, Your Honor.

7 THE COURT: Okay. Well, I'll make
8 it clear then that the temporary injunction will
9 continue. I want your client to list the assets
10 and give those to the special administrator.

11 And let me ask the Attorney General's
12 Office, anything else for today?

13 MR. JONES: No, sir, Your Honor. I
14 think that will get us started. And per that --

15 THE COURT: And also, you need to
16 look at -- I think your office investigates the
17 unauthorized practice of the law?

18 MR. JONES: Yes, sir.

19 THE COURT: Then you need to look
20 at Mr. Moss for that.

21 MR. JONES: Okay.

22 MR. BROWN: Can I clarify a
23 question just for clarity, Your Honor?

24 THE COURT: Yes.

25 MR. BROWN: Your temporary

1 injunction remains in effect until further order
2 from Your Honor?

3 THE COURT: That is correct.

4 MR. BROWN: Thank you, sir. And
5 would you like any sort of draft sent to your
6 e-mail?

7 THE COURT: Yes. Even if you could
8 get it to --

9 MR. BROWN: E-mail.

10 THE COURT: E-mail only.

11 MR. MOSS: Your Honor, may I
12 address the Court? I am Chris Moss.

13 THE COURT: I understand.

14 MR. MOSS: I am a tax attorney. I
15 was hired to give a tax opinion. I am not
16 practicing law in any capacity in South Carolina.

17 THE COURT: Mr. Moss, I'll allow
18 you to make a statement, but I think you need to
19 consult with your own counsel. But if you want
20 to make a statement, go right ahead. It's on the
21 record.

22 MR. MOSS: I'd like to make a
23 statement. I was hired as a tax attorney. I am
24 not practicing law in South Carolina. I will
25 cooperate in any way I can, but I'd never do

1 that.

2 THE COURT: Okay. And Mr. Moss,
3 you gave advice to Ms. Minnie here on the
4 foundation?

5 MR. MOSS: I did not.

6 THE COURT: You gave her no advice
7 on the foundation?

8 MR. MOSS: I only was hired to tell
9 her if the foundation qualified as a tax
10 deduction. That's the advice I gave her as a tax
11 attorney.

12 THE COURT: And let me ask, Ms.
13 Minnie. Did you just indicate that you took
14 advice from Mr. Moss?

15 MS. MINNIE: I did. He informed me
16 that the foundation --

17 MR. BLANCHARD: Hold on. Hold on.
18 Judge --

19 THE COURT: We'll stop it here. I
20 understand. I think each of you need to consult
21 your attorneys.

22 Anything else for today? If you get us
23 that proposed -- or the order, proposed order,
24 we'll get it out to the parties.

25 (The hearing was adjourned at 12:44 PM.)

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REPORTER'S CERTIFICATE

I, Mackenzie Allen, court reporter and Notary Public in and for the State of South Carolina at Large, do hereby certify that I correctly reported the within-entitled matter and that the foregoing is a full, true and correct transcription of my shorthand notes of the testimony and/or other oral proceedings had in the said matter.

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 2nd day of April, 2020, at Charleston, Charleston County, South Carolina.

MACKENZIE ALLEN

My commission expires
August 30, 2029



ALAN WILSON
ATTORNEY GENERAL

November 14, 2019

Minnie Lee Newman Mevers
17 East Battery
Charleston, SC 29401

Re: The Sonny Mevers Foundation

Dear Ms. Mevers:

It has come to the attention of this Office that Articles of Dissolution were filed with the South Carolina Secretary of State's Office on January 24, 2018, in connection with The Sonny Mevers Foundation. Section 33-31-1403 of the South Carolina Code states that a nonprofit organization "shall give the Attorney General written notice that it intends to dissolve at or before the time it delivers articles of dissolution to the Secretary of State. The notice shall include a copy or summary of the plan of dissolution." See also S.C. Code Ann. § 1-7-130.

We have been unable to locate a copy of any notification to this Office regarding the dissolution of the Sonny Mevers Foundation. Accordingly, we ask that you provide the Office with the following within 20 days: (1) the amount and type of assets in possession of the corporation when it dissolved and 6 months prior; (2) were there any restrictions placed on gifts of personal or real estate in those assets; (3) a copy of the Articles of Incorporation, specifically pointing out which provision allows for the transfer of assets; (4) a listing of the Board of Directors of The Sonny Mevers Foundation and any entities which received funds upon dissolution; (5) a copy of the minutes authorizing the dissolution and transfer of the assets; and (6) any other information you think is pertinent in this review.

Yours very truly,

A handwritten signature in cursive script that reads "Mary Frances Jowers".

Mary Frances Jowers
Assistant Deputy Attorney General

cc:
Shannon Wiley, General Counsel
South Carolina Secretary of State's Office

R_0356

URGENT FAX MESSAGE!

To:**From:** H Christopher Moss, CPA

H Christopher Moss CPA

210 Wingo Way

Mount Pleasant

SC 29464

Phone**Phone** (843) 768-7100 * 100**Fax** (803) 253-6283**Fax** 18437687100**Date** 11/25/2019**Pages:** 18**Note:**

Att: Mary Frances Jowers
Assistant Deputy Attorney General

URGENT FAX MESSAGE!

H. CHRISTOPHER MOSS, CPA

Attorney At Law

H Christopher Moss CPA
210 Wingo Way, Suite 303
Mt Pleasant, SC 29464

Infinite Partnerships Inc.
211 North Union Street, Suite 100
Alexandria, Va. 22314

Mailing Address
193 N. Shelmore Blvd
Mt. Pleasant SC 29464

chris@chrismosscpa.comchrismoss@infinitepartnerships.com

Attorney At Law (DC, VA) _____ CPA (SC, DC, VA, CA)

Phone (843) 768-7100

Phone: (703) 675-5317

CONFIDENTIAL FAX (843) 768-5400

November 25, 2019

By Fax 803 253 6283

Ms Mary Frances Jowers
Assistant Deputy Attorney General
PO Box 11549
Columbia SC 29211

Re: The Sonny Mevers Foundation

Dear Ms. Jowers,

I hope this fax finds you well today. Minnie asked me to respond to your letter to her of November 14, a copy of which is attached for your convenience.

I have also attached in order of your requests our response to those requests.

I am not in the office this Thanksgiving week, so please call me on my cell 703 675 5317 and I would be happy to answer any further questions you may have.

Kindest regards

Chris

H Christopher Moss

Digitally signed
by H Christopher
Moss
Date: 2019.11.25
08:01:50 -05'00'

PS can you please confirm receipt chris@chrismosscpa.com



ALAN WILSON
ATTORNEY GENERAL

November 14, 2019

Minnie Lee Newman Mevers
17 East Battery
Charleston, SC 29401

Re: The Sonny Mevers Foundation

Dear Ms. Mevers:

It has come to the attention of this Office that Articles of Dissolution were filed with the South Carolina Secretary of State's Office on January 24, 2018, in connection with The Sonny Mevers Foundation. Section 33-31-1403 of the South Carolina Code states that a nonprofit organization "shall give the Attorney General written notice that it intends to dissolve at or before the time it delivers articles of dissolution to the Secretary of State. The notice shall include a copy or summary of the plan of dissolution." See also S.C. Code Ann. § 1-7-130.

We have been unable to locate a copy of any notification to this Office regarding the dissolution of the Sonny Mevers Foundation. Accordingly, we ask that you provide the Office with the following within 20 days: (1) the amount and type of assets in possession of the corporation when it dissolved and 6 months prior; (2) were there any restrictions placed on gifts of personal or real estate in those assets; (3) a copy of the Articles of Incorporation, specifically pointing out which provision allows for the transfer of assets; (4) a listing of the Board of Directors of The Sonny Mevers Foundation and any entities which received funds upon dissolution; (5) a copy of the minutes authorizing the dissolution and transfer of the assets; and (6) any other information you think is pertinent in this review.

Yours very truly,

A handwritten signature in cursive script that reads "Mary Frances Jowers".

Mary Frances Jowers
Assistant Deputy Attorney General

cc:
Shannon Wiley, General Counsel
South Carolina Secretary of State's Office

R 0359

#1

No assets to my knowledge on date of Dissolution on January 24, 2018.

Six months prior on July 24, 2017 \$1,005.11 in cash checking.

(There is some issue with Minnie's Burial plot held by the Roman Catholic Diocese of Charleston however I do not believe this is an "asset".)

#2

There were no assets on the date of dissolution other than the burial plot mentioned in Document #1. Therefore, I believe and it appears this answer is not applicable.

CERTIFIED TO BE A TRUE AND CORRECT COPY
AS TAKEN FROM AND COMPARED WITH THE
ORIGINAL ON FILE IN THIS OFFICE

JUL 23 2004

Mark Hammond

SECRETARY OF STATE OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA
SECRETARY OF STATE
NONPROFIT CORPORATION
ARTICLES OF INCORPORATION

COPY

FILED

JUL 23 2004

TYPE OR PRINT CLEARLY IN BLACK INK

Pursuant to Section 33-31-202 of the South Carolina Code of Laws, as amended, the undersigned corporation submits the following information:

1. The name of the nonprofit corporation is THE "SONNY MEVERS" FOUNDATION
2. The initial registered office of the nonprofit corporation is 17 East Battery

<u>Charleston</u>	<u>Charleston</u>	<u>South Carolina</u>	<u>29401</u>
City	County	State	Zip Code

The name of the registered agent of the nonprofit corporation at that office is

ROY E. MEVERS, JR.

Print Name

I hereby consent to the appointment as registered agent of the corporation.

Roy E. Mevers Jr

Agent's Signature

3. Check "a", "b", or "c" whichever is applicable. Check only one box:
 - a. ☒ The nonprofit corporation is a public benefit corporation.
 - b. ☐ The nonprofit corporation is a religious corporation.
 - c. ☐ The nonprofit corporation is a mutual benefit corporation.
4. Check "a" or "b", whichever is applicable:
 - a. ☐ This corporation will have members.
 - b. ☒ This corporation will not have members.
5. The address of the principal office of the nonprofit corporation is

<u>17 East Battery</u>	<u>Charleston</u>	<u>Charleston</u>	<u>SC</u>	<u>29401</u>
Street Address	City	County	State	Zip Code
6. If this nonprofit corporation is either a public benefit or religious corporation (when box "a" or "b" of paragraph 3 is checked), complete either "a" or "b", whichever is applicable, to describe how the remaining assets of the corporation will be distributed upon dissolution of the corporation.
 - a. ☐ Upon dissolution of the corporation, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future Federal tax code, or shall be distributed to the Federal government, or to a state or local government, for a public purpose. Any such asset not so disposed of shall be disposed of by the Court of Common Pleas of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said court shall determine, which are organized and operated

R_0362

THE "SONNY MEVERS" FOUNDATION

Name of Corporation

exclusively for such purposes.

- b. ☒ Upon dissolution of the corporation, consistent with the law, the remaining assets of the corporation shall be distributed to

SEE ATTACHED - Exhibit A

7. If the corporation is a mutual benefit corporation (when box "c" of paragraph 3 is checked), complete either "a" or "b", whichever is applicable, to describe how the (remaining) assets of the corporation will be distributed upon dissolution of the corporation.

- a. ☐ Upon dissolution of the mutual benefit corporation, the (remaining) assets shall be distributed to its members, or if it has no members, to those persons to whom the corporation holds itself out as benefiting or serving.

- b. ☐ Upon dissolution of the mutual benefit corporation, the (remaining) assets, consistent with the law, shall be distributed to

8. The optional provisions which the nonprofit corporation elects to include in the articles of incorporation are as follows (See 33-31-202(c) of the 1976 South Carolina Code of Laws, as amended, the applicable comments thereto, and the instructions to this form)

SEE ATTACHED - Exhibit B and Exhibit C

9. The name and address of each incorporator is as follows (only one is required)

Roy E. Mevers, Jr.	17 East Battery, Charleston, SC	29401
Name	Address	Zip Code
Name	Address	Zip Code
Name	Address	Zip Code

10. Each original director of the nonprofit corporation must sign the articles but only if the directors are named in these articles:

ROY E. MEVERS, JR.

Name (Only if named in articles)

BRANDON HOFFMAN

Name (Only if named in articles)

DAVID B. HOOD

Name (Only if named in articles)

Roy E. Mevers Jr.
Signature of director

Brandon J. Hoffman
Signature of director

David B. Hood
Signature of director

11. Each incorporator must sign the articles.

Signature of incorporator

Signature of incorporator

Signature of incorporator

R_0363

THE "SONNY MEYERS" FOUNDATION

Name of Corporation

FILING INSTRUCTIONS

1. Two copies of this form, the original and either a duplicate original or a conformed copy, must be filed.
2. If space in this form is insufficient, please attach additional sheets containing a reference to the appropriate paragraph in this form, or prepare this using a computer disk, which will allow for expansion of space on the form.
3. This form must be accompanied by the filing fee of \$25.00 payable to the "Secretary of State."

Return to: Secretary of State
P.O. Box 11350
Columbia, SC 29211
4. If this organization is a Political Association it must also be accompanied by the First Annual Report of Corporations and an additional \$25.00 fee is required.

NOTE

THE FILING OF THIS DOCUMENT DOES NOT, IN AND OF ITSELF, PROVIDE AN EXCLUSIVE RIGHT TO USE THIS CORPORATE NAME ON OR IN CONNECTION WITH ANY PRODUCT OR SERVICE. USE OF A NAME AS A TRADEMARK OR SERVICE MARK WILL REQUIRE FURTHER CLEARANCE AND REGISTRATION AND BE AFFECTED BY PRIOR USE OF THE MARK. FOR MORE INFORMATION, CONTACT THE TRADEMARKS DIVISION OF THE SECRETARY OF STATE'S OFFICE AT (803) 734-1728.

EXHIBIT A-Articles of Incorporation
(The "Sonny Mevers" Foundation)

Upon the dissolution of the Corporation, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or corresponding provisions of any subsequent federal tax laws, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by a court of competent jurisdiction for the county in which the principal office of the Corporation is then located, exclusively for such purposes, or to such organization or organizations, as said court shall determine, which are organized and operated exclusively for such purposes.

(END OF EXHIBIT A)

EXHIBIT B-Articles of Incorporation
(The "Sonny Mevers" Foundation)

The Corporation's Board of Directors shall be appointed by Roy E. Mevers, Jr., or by his nominee; and any such nominee shall in turn have the right to nominate his successor. Otherwise, in the event of the death or incapacity of Roy E. Mevers, Jr., the Corporation's Board of Directors shall be appointed alternatively by the Board of Directors of R.E. Mevers, Inc., a South Carolina business corporation, or by its nominee; and any such nominee shall in turn have the right to nominate his successor. Any appointed director may be removed without cause by giving written notice pursuant to the procedures set forth in Section 33-31-809 (b) of the South Carolina Nonprofit Corporation Act.

(END OF EXHIBIT B)

EXHIBIT C-Articles of Incorporation
(The "Sonny Mevers" Foundation)

(a) To receive and maintain a fund or funds of real or personal property, or both, and, subject to the restrictions and limitations hereinafter set forth, to use and apply the whole or any part of the income therefrom and the principal thereof exclusively for charitable, religious, scientific, testing for public safety, literary, or educational purposes either directly or by contributions to organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code and its Regulations as they now exist or as they may hereafter be amended.

(b) No part of the net earnings of the Corporation shall inure to the benefit of, or be distributable to, its members, trustees, officers, or other private persons, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in (a) hereof. No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these articles, the Corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, or corresponding provisions of any subsequent federal tax laws, or (b) by a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code, or corresponding provisions of any subsequent federal tax laws.

(c) The Corporation shall distribute its income for each taxable year at such time and in such manner as not to become subject to the tax on undistributed income imposed by Section 4942 of the Internal Revenue Code or corresponding provisions of any subsequent federal tax laws.

(d) The Corporation shall not engage in any act of self-dealing as defined in Section 4941 (d) of the Internal Revenue Code or corresponding provisions of any subsequent federal tax laws.

(e) The Corporation shall not retain any excess business holdings as defined in Section 4943 (c) of the Internal Revenue Code or corresponding provisions of any subsequent federal tax laws.

(f) The Corporation shall not make any investments in such manner as to subject it to tax under Section 4944 of the Internal Revenue Code or corresponding provisions of any subsequent federal tax laws.

(g) The Corporation shall not make any taxable expenditures as defined in Section 4945 (d) of the Internal Revenue Code or corresponding provisions of any subsequent federal tax laws.

(h) Notwithstanding any other provision of these articles, the Corporation shall not conduct or carry on any activities not permitted to be conducted or carried on by an organization exempt under Section 501(c)(3) of the Internal Revenue Code and its Regulations as they now exist or as they may hereafter be amended, or by an organization contributions to which are deductible under Section 170(c)(2) of such Code and Regulations as they now exist or as they may hereafter be amended.

(END OF EXHIBIT C)

*BYLAWS
OF
THE "SONNY MEVERS" FOUNDATION.*

ARTICLE I

NAME AND OFFICE

SECTION 1. Name. The name of this Corporation is THE "SONNY MEVERS" FOUNDATION ("Corporation").

SECTION 2. Office. The principal office of the Corporation will be in Charleston, South Carolina at an address to be designated by the Board of Directors. The principal office may be at the residence of any officer of the Corporation. The Corporation may also maintain offices at such other places as the Board of Directors may from time to time determine.

ARTICLE II

BOARD OF DIRECTORS

SECTION 1. Appointment. The business and property of the Corporation shall be managed and controlled by a Board of Directors ("Board") appointed as set forth in Exhibit B of the Corporation's Articles of Incorporation ("Articles").

SECTION 2. Numbers. The number of directors of the Corporation ("directors") shall consist of no less than three or more than nine individuals.

SECTION 3. Duties, Powers, and Committees.

a) The Board shall be responsible for the control and management of the affairs, property and interests of the Corporation, and for making recommendations and suggesting programs.

b) The Board may create and appoint committees to assist in the conduct of the Corporation's affairs.

SECTION 4. Annual Meetings. Annual meetings ("Annual Meeting" or "Annual Meetings") of the Board for each year shall be held on November 1, if not a legal holiday, or if a legal holiday, then on the next succeeding day not a holiday, for the purpose of electing officers and transacting such business as may properly come before the meeting.

SECTION 5. Special Meetings Notice. Special meetings ("Special Meeting" or "Special Meetings") of the Board shall be held when called by the President.

SECTION 6. Quorum. A majority of the directors shall constitute a quorum for the transaction of business, and all actions of the Board shall be taken by a majority vote.

SECTION 7. Teleconference Meeting. Any meeting of the Board of Directors may be held by telephone or other telecommunications means so long as directors can hear the others and participate in the discussion.

SECTION 8. Chair. The President of the Corporation shall preside at all meetings of the Board of Directors.

ARTICLE III

CONTRACTS AND COMPENSATION

SECTION 1. Contracts and Services. The directors and officers of the Corporation may be interested directly or indirectly in any contract relating to or incidental to the operations conducted by the Corporation, and may freely make contracts, enter transactions, otherwise act for and on behalf of the Corporation, notwithstanding that they may also be acting as individuals, or as trustees of trusts, or as agents for other persons or corporations, or may be interested in the same matters as stockholders, directors, or otherwise; provided, however, that any contract, transaction or act on behalf of the Corporation is a matter in which the directors or officers are personally interested as stockholders, directors or otherwise shall be at arm's length with full disclosure of such interest to the Board of Directors, and not violative of the prescriptions in the Articles of Incorporation against the Corporation's use or application of its funds for private benefit.

SECTION 2. Compensation. Directors shall not receive any stated salary for their services as such, but by resolution of the Board a fixed reasonable sum or expenses of attendance at each regular meeting or special meeting of the Board.

ARTICLE IV

OFFICERS

SECTION 1. Appointment and Term of Office.

a) The officers of the Corporation shall consist of a President, a Secretary, and a Treasurer, and such other officers ("officers") with such powers and duties not inconsistent with these Bylaws as may be appointed by the Board of Directors. Any two or more offices may be held by the same person.

b) Each officer shall hold and serve until his successor shall have been elected and qualified.

SECTION 2. President. The President shall:

a) Be the chief executive officer of the Corporation, shall have general charge of the business affairs and property of the Corporation in its general operations, and shall do and perform such other duties as may be assigned to him or her by the Board;

- b) Be an ex-officio member of all committees; and
- c) In general perform all duties incidental to be office of President.

SECTION 3. Secretary. The Secretary shall:

- a) Prepare minutes of all meetings of the Board; and
- b) In general, perform all duties incidental to the office of the Secretary.

SECTION 4. Treasurer. The Treasurer shall:

- a) Keep, or cause to be kept, all the books of account of all the business and transactions of the Corporation;
- b) Render to the President or the Board, whenever requested, a statement of the financial condition of the Corporation and of all his transactions as Treasurer, and he shall render a full financial report, based on the books and accounts, at the annual meeting of the Board; and
- c) In general, perform all duties incidental to the office of the Treasurer.

SECTION 5. Vacancies. Any vacancy in any office shall be filled by the Board at any Annual Meeting or Special Meeting.

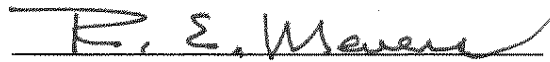
ARTICLE V

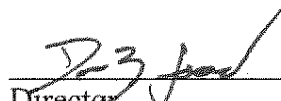
AMENDMENTS

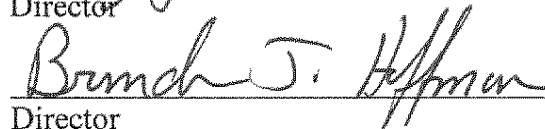
The Board of Directions shall have the power to amend or alter the Bylaws by the unanimous vote of the entire Board, at a Special Meeting called for that specific purpose

CERTIFICATION

WE CERTIFY THAT THE ABOVE BYLAWS OF THE CORPORATION WERE ADOPTED BY THE UNANIMOUS VOTE OF THE BOARD OF DIRECTORS ON JULY ____, 2004.


Director


Director


Director

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: JUL 21 2005

THE SONNY MEYERS FOUNDATION
17 E BATTERY
CHARLESTON, SC 29401

Employer Identification Number:
14-1912699

DLN:

17053175030045

Contact Person:

GARY L BOTKINS

ID# 31463

Contact Telephone Number:

(877) 829-5500

Accounting Period Ending:

JUNE 30

Effective Date of Exemption:

JUNE 23, 2004

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a private foundation within the meaning of section 509(a) of the Code. You are required to file Form 990-PF annually.

Please see enclosed Information for Private Foundations Exempt Under Section 501(c)(3) for some helpful information about your responsibilities as an exempt organization. You can obtain information about private foundation status by requesting Publication 578, Tax Information for Private Foundations and Foundation Managers.

Sincerely,



Lois G. Lerner

Director, Exempt Organizations
Rulings and Agreements

Enclosure: Information for Private Foundations Exempt Under Section 501(c)(3)

Letter 1076 (DO/CG)

R_0372

#4

Sonny Mevers Foundation

Listing of the two (2) Board of Directors on the day of dissolution January 24, 2018

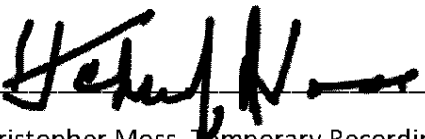
Minnie Newman voted to dissolve January 23, 2018

Scott Myers voted to dissolve January 23, 2018

Minutes authorizing Dissolution of the Sonny Mevers Foundation

On or about January 23, 2018 Minnie Newman and Scott Myers representing the members of the Foundation Board unanimously voted to Dissolve the Foundation via telephone conference with Chris Moss on the phone recording the minutes as temporary Secretary appointed by Minnie Newman.

I hereby certify that I spoke with both Minnie Newman and Scott Myers via telephone on January 23, 2018 and witnessed via telephone their recorded votes as per these minutes voting in favor of dissolving the Foundation.



H Christopher Moss, Temporary Recording Secretary



ALAN WILSON
ATTORNEY GENERAL

December 4, 2019

H. Christopher Moss
H. Christopher Moss, CPA
193 N. Shelmore Blvd.
Mt. Pleasant, SC 29464

Re: The Sonny Mevers Foundation

Dear Mr. Moss:

I am writing in response to your letter dated November 25, 2019, regarding the dissolution of The Sonny Mevers Foundation. A review of the Last Will and Testament of Sonny Mevers, filed with the Charleston County Probate Court, indicates that Mr. Mevers left the residuary of his estate to The Sonny Mevers Foundation. Based on the materials you provided, as well as the records on file with the Charleston County Probate Court, it does not appear that this occurred. Please explain why this did not occur.

Yours very truly,

Mary Frances Jowers
Assistant Deputy Attorney General

cc:

Shannon Wiley, General Counsel
South Carolina Secretary of State's Office

Chris Moss CPA

From: Chris Moss Tax Attorney <chrismoss@infinitepartnerships.com>
Sent: Wednesday, December 11, 2019 8:46 PM
To: 'Chris Moss CPA'; 'Mary Frances Jowers'
Subject: RE: Your letter of December 4th

Ms Jowers,

To correct a typo in my previous email to you below, I realize that the Codicil was executed by Roy Mevers on April 12, 2017 and the will was executed on November 15, 2015.

Please let me know by return email that you received my response to your December 4th letter, as we are leaving town on Monday and wanted to make sure you received my response.

Kindest regards
Chris

From: Chris Moss CPA <chris@chrismosscpa.com>
Sent: Wednesday, December 11, 2019 11:00 AM
To: 'Mary Frances Jowers' <mfjowers@scag.gov>
Cc: Chris Moss CPA Tax Attorney <chrismoss@infinitepartnerships.com>
Subject: Your letter of December 4th

Ms. Jowers,

Hope you are having a good week and are well today.

In response to your letter of December 4th 2019, it was my understanding from the probate attorney representing Minnie that under Article XII of the will if the Foundation did not qualify "as an organization that is charitable within the meaning of Section 2055 of the IRS Code" then "otherwise Minnie received the entire residuary estate as per the Codicil executed by Roy Mevers on November 16, 2015.

Based on the revocation of the 501(3)(C) status by the IRS effective on November 15, 2017, I communicated to Minnie and her probate attorney that it appeared to me the Foundation was not an organization that is charitable within the meaning of Section 2055 and that as a result of the IRS revocation of 501(3)(C) status, the gift could not under Federal law be "permitted as a charitable deduction from the Estate for Federal Estate Tax purposes, absolutely and in fee simple, forever".

I hope my explanation has been responsive to your letter of the 4th and look forward to working with you further in any way I can be of assistance. Just to let you know we are traveling for the Christmas holiday starting December 16th and returning on December 27th. Best way to reach me will be my cell phone 703 675 5317.

Merry Christmas Happy New Year 2020.

Kindest regards

Chris

H Christopher Moss CPA Tax Attorney
Attorney at Law (DC VA)
210 Wingo Way, Suite 303
Mount Pleasant SC 29464
(843) 768-7100 phone
(843) 768-5400 fax
www.chrismosscpa.com
chris@chrismosscpa.com

Washington DC office
Infinite Partnerships
H Christopher Moss CPA Tax Attorney
211 N. Union Street, Suite 100
Alexandria, Va. 22314
www.infinitepartnerships.com
chirmoss@infinitepartnerships.com

Chris Moss Tax Attorney

From: Mary Frances Jowers <mfjowers@scag.gov>
Sent: Thursday, December 12, 2019 8:41 AM
To: chrismoss@infinitepartnerships.com; 'Chris Moss CPA'
Subject: RE: Your letter of December 4th

Mr. Moss,

I am writing to confirm that I received your response.

We will review here and follow-up. With the holidays coming up and your travel, it could be January before we are able to connect.

Thanks.

Mary Frances

Mary Frances Jowers
Assistant Deputy Attorney General
803-734-3996

From: Chris Moss Tax Attorney <chrismoss@infinitepartnerships.com>
Sent: Wednesday, December 11, 2019 8:46 PM
To: 'Chris Moss CPA' <chris@chrismosscpa.com>; Mary Frances Jowers <mfjowers@scag.gov>
Subject: RE: Your letter of December 4th

Ms Jowers,

To correct a typo in my previous email to you below, I realize that the Codicil was executed by Roy Mevers on April 12, 2017 and the will was executed on November 15, 2015.

Please let me know by return email that you received my response to your December 4th letter, as we are leaving town on Monday and wanted to make sure you received my response.

Kindest regards
Chris

From: Chris Moss CPA <chris@chrismosscpa.com>
Sent: Wednesday, December 11, 2019 11:00 AM
To: 'Mary Frances Jowers' <mfjowers@scag.gov>
Cc: Chris Moss CPA Tax Attorney <chrismoss@infinitepartnerships.com>
Subject: Your letter of December 4th

Ms. Jowers,

Hope you are having a good week and are well today.

In response to your letter of December 4th 2019, it was my understanding from the probate attorney representing Minnie that under Article XII of the will if the Foundation did not qualify "as an organization that is charitable within the meaning of Section 2055 of the IRS Code" then "otherwise Minnie received the entire residuary estate as per the Codicil executed by Roy Mevers on November 16, 2015.

Based on the revocation of the 501(3)(C) status by the IRS effective on November 15, 2017, I communicated to Minnie and her probate attorney that it appeared to me the Foundation was not an organization that is charitable within the meaning of Section 2055 and that as a result of the IRS revocation of 501(3)(C) status, the gift could not under Federal law be "permitted as a charitable deduction from the Estate for Federal Estate Tax purposes, absolutely and in fee simple, forever".

I hope my explanation has been responsive to your letter of the 4th and look forward to working with you further in any way I can be of assistance. Just to let you know we are traveling for the Christmas holiday starting December 16th and returning on December 27th. Best way to reach me will be my cell phone 703 675 5317.

Merry Christmas Happy New Year 2020.

Kindest regards

Chris

H Christopher Moss CPA Tax Attorney
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H Christopher Moss CPA Tax Attorney
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Alexandria, Va. 22314
www.infinitepartnerships.com
chirmsoss@infinitepartnerships.com

Chris Moss CPA

From: Mary Frances Jowers <mfjowers@scag.gov>
Sent: Friday, January 10, 2020 5:05 PM
To: Chris Moss CPA Attorney; chrismoss@infinitepartnerships.com
Cc: Sonny Jones; Kristin Simons
Subject: Re: Your letter of December 4th

Mr. Moss,
Thanks for your response below and for letting us know about the travel.
We will look to hear back in the next few weeks.
Mary Frances

Mary Frances Jowers
Assistant Deputy Attorney General
803-734-3996

From: Chris Moss CPA Attorney <chris@chrismosscpa.com>
Sent: Friday, January 10, 2020 4:03 PM
To: Mary Frances Jowers; chrismoss@infinitepartnerships.com
Cc: Sonny Jones; Kristin Simons
Subject: RE: Your letter of December 4th

Ms. Jowers,

Thanks again for quick response.

Minnie is traveling right now. I hope we will have a foundation law attorney retained in the next few weeks to better work with you all in this matter.

Thank you for your patience.

Kindest regards,
Chris

Chris Moss CPA Attorney
210 Wingo Way
Suite 303
Mt Pleasant SC 29464
843 768 7100 P
843 768 5400 F
703 675 5317 C

211 N Union Street
Suite 100
Alexandria VA 22314
703 675 5317

----- Original message -----

From: Mary Frances Jowers <mfjowers@scag.gov>
Date: 1/10/20 3:19 PM (GMT-05:00)
To: Chris Moss CPA <chris@chrismosscpa.com>, chrismoss@infinitepartnerships.com
Cc: Sonny Jones <SJones@scag.gov>, Kristin Simons <ksimons@scag.gov>
Subject: RE: Your letter of December 4th

Ms. Moss, Please see the attached.

Thanks.

From: Chris Moss CPA <chris@chrismosscpa.com>
Sent: Thursday, January 9, 2020 5:02 PM
To: Mary Frances Jowers <mfjowers@scag.gov>; chrismoss@infinitepartnerships.com
Cc: Sonny Jones <SJones@scag.gov>; Kristin Simons <ksimons@scag.gov>
Subject: RE: Your letter of December 4th

Ms. Jowers,

Thank you in turn for your prompt response and hope you are well today.

Your various factual assumptions in your email are unfortunately not correct. In response I state the following:

1. I do not now, nor have I ever legally represented the Foundation in any capacity whatsoever.
2. I do not now, nor have I ever legally represented Minnie Newman in this matter.
3. The Codicil according to the probate attorney allows Minnie not the Foundation to receive the residuary estate.
4. The Will in Article XII according to the probate attorney requires that "this gift be permitted as a charitable deduction from my Estate for Federal Estate Tax purposes" which based on the facts of this case in my opinion would not be allowed.
5. The IRS has no automatic guaranteed procedure to have a revoked tax-exempt status retroactively reinstated.

I realize that you all would like to talk by phone or at some point in person. It would be an honor for me to meet you all especially the legendary Sonny Jones.

Let's get all our facts straight first--ok?

With kindest regards

Chris

From: Mary Frances Jowers <mfjowers@scag.gov>
Sent: Thursday, January 9, 2020 4:12 PM
To: Chris Moss CPA <chris@chrismosscpa.com>; chrismoss@infinitepartnerships.com
Cc: Sonny Jones <SJones@scag.gov>; Kristin Simons <ksimons@scag.gov>
Subject: RE: Your letter of December 4th

Mr. Moss,

Thank you for the prompt email response below. However, it is the Office's preference to talk with you initially via conference call, and then, pending our discussion, possibly in person. Our request is based upon the understanding that you represent Ms. Mevers in connection with the Sonny Mevers Foundation and as to possible issues surrounding the Foundation's tax exempt status being revoked. We would like to discuss these issues and would also like to be advised as to any efforts made to reinstate that status, in that the Foundation was designated to receive the "entire residuary estate" per ARTICLE XII of Mr. Mevers' will. It is our understanding that the IRS provides a procedure to have a revoked tax exempt status retroactively reinstated.

If there is someone else that we should talk to regarding these issues, please let us know.

As background, a concern regarding the Sonny Mevers Foundation and the Codicil recently came to the attention of the Office. From our review, at the date of death, November 3, 2017, it appears the Foundation was tax exempt and therefore qualified as the residuary beneficiary and that those funds are/were impressed with a charitable trust. As I'm sure you know, the Attorney General, in his parens patriae capacity, has the duty to protect the public interest and the authority to do so as granted to him by the constitution, statutory law, and common law. Concerning charitable trusts, the Attorney General has the statutory and common law duty to represent the interests of the unspecified charitable beneficiaries and the interests of the public at large. *Epworth Children's Home v. Beasley*, 365 S.C. 157, 616 S.E.2d 710 (2005); *see also* S.C. Code Ann. § 1-7-130 (2005) ("The Attorney General shall enforce the due application of funds given or appropriated to public charities within the State."); *Watson v. Wall*, 229 S.C. 500, 93 S.E.2d 918 (1956) (allow Attorney General intervention at the appellate stage of litigation). Because of the duties and obligations related to charitable trusts, the Office reviewed the situation.

Please advise as to a time that we may further discuss these issues.

Mary Frances Jowers

Assistant Deputy Attorney General

803-734-3996

From: Chris Moss CPA <chris@chrismosscpa.com>

Sent: Wednesday, January 8, 2020 12:16 PM

To: Mary Frances Jowers <mfjowers@scag.gov>; chrismoss@infinitepartnerships.com

Cc: Sonny Jones <SJones@scag.gov>; Kristin Simons <ksimons@scag.gov>

Subject: RE: Your letter of December 4th

Ms. Jowers,

Thank you for the follow up and hope you had a great Christmas and a Happy New Year 2020.

I appreciate your offer of a conference call however, if you have no objection, I prefer to keep communicating via email.

Look forward to working with you.

Kindest regards

Chris

From: Mary Frances Jowers <mfjowers@scag.gov>
Sent: Wednesday, January 8, 2020 9:48 AM
To: chrismoss@infinitepartnerships.com; 'Chris Moss CPA' <chris@chrismosscpa.com>
Cc: Sonny Jones <SJones@scag.gov>; Kristin Simons <ksimons@scag.gov>
Subject: RE: Your letter of December 4th

Good morning Mr. Moss,

I am writing to follow-up to set up a time to discuss the Mevers matter you and I emailed about in December. Would next Wednesday, Thursday, or Friday morning work for you?

I expect that Sonny Jones, Kristin Simons, and I will all be on the call, as we are the attorneys in the Office who have reviewed this. I am copying them on this email.

If the proposed times next week do not work on your end, we are glad to find another time.

Thank you.

Mary Frances

Mary Frances Jowers

Assistant Deputy Attorney General

803-734-3996

From: Chris Moss Tax Attorney <chrismoss@infinitepartnerships.com>
Sent: Wednesday, December 11, 2019 8:46 PM
To: 'Chris Moss CPA' <chris@chrismosscpa.com>; Mary Frances Jowers <mfjowers@scag.gov>
Subject: RE: Your letter of December 4th

Ms Jowers,

To correct a typo in my previous email to you below, I realize that the Codicil was executed by Roy Mevers on April 12, 2017 and the will was executed on November 15, 2015.

Please let me know by return email that you received my response to your December 4th letter, as we are leaving town on Monday and wanted to make sure you received my response.

Kindest regards

Chris

From: Chris Moss CPA <chris@chrismosscpa.com>
Sent: Wednesday, December 11, 2019 11:00 AM
To: 'Mary Frances Jowers' <mfjowers@scag.gov>
Cc: Chris Moss CPA Tax Attorney <chrismoss@infinitepartnerships.com>
Subject: Your letter of December 4th

Ms. Jowers,

Hope you are having a good week and are well today.

In response to your letter of December 4th 2019, it was my understanding from the probate attorney representing Minnie that under Article XII of the will if the Foundation did not qualify “as an organization that is charitable within the meaning of Section 2055 of the IRS Code” then “otherwise Minnie received the entire residuary estate as per the Codicil executed by Roy Mevers on November 16, 2015.

Based on the revocation of the 501(3)(C) status by the IRS effective on November 15, 2017, I communicated to Minnie and her probate attorney that it appeared to me the Foundation was not an organization that is charitable within the meaning of Section 2055 and that as a result of the IRS revocation of 501(3)(C) status, the gift could not under Federal law be “permitted as a charitable deduction from the Estate for Federal Estate Tax purposes, absolutely and in fee simple, forever”.

I hope my explanation has been responsive to your letter of the 4th and look forward to working with you further in any way I can be of assistance. Just to let you know we are traveling for the Christmas holiday starting December 16th and returning on December 27th. Best way to reach me will be my cell phone 703 675 5317.

Merry Christmas Happy New Year 2020.

Kindest regards

Chris

H Christopher Moss CPA Tax Attorney

Attorney at Law (DC VA)

210 Wingo Way, Suite 303

Mount Pleasant SC 29464

(843) 768-7100 phone

(843) 768-5400 fax

www.chrismosscpa.com

chris@chrismosscpa.com

Washington DC office

Infinite Partnerships

H Christopher Moss CPA Tax Attorney

211 N. Union Street, Suite 100

Alexandria, Va. 22314

www.infinitepartnerships.com

chirmsoss@infinitepartnerships.com



ALAN WILSON
ATTORNEY GENERAL

January 10, 2020

Minnie Lee Newman Mevers
17 East Battery
Charleston, SC 29401

Re: The Sonny Mevers Foundation

Dear Ms. Mevers:

I am writing as a follow-up to my letter of November 14, 2019. The Office received a response to that letter from H. Christopher Moss, and we have communicated with him in an effort to gain additional information regarding The Sonny Mevers Foundation, though he has declined to speak with us by telephone. Yesterday Mr. Moss advised that he does not represent, nor has he ever represented, you or The Sonny Mevers Foundation in a legal capacity. Accordingly, while we appreciate that Mr. Moss has offered some information in response to our inquiry, we invite you to respond to our areas of concern, as outlined below.

First, as I stated in the letter of November 14, 2019, the Office was not notified of the dissolution of The Sonny Mevers Foundation as required by S.C. Code Ann. § 33-31-1403. Furthermore, it appears that you were appointed as the President of the Foundation's Board of Directors, pursuant to ARTICLE XI of Mr. Mever's will, and that the Foundation was designated to receive the "entire residuary estate" per ARTICLE XII of the will. At the time of Mr. Mevers death on November 3, 2017, the Foundation was in existence, and it appears any gift would have qualified as a charitable deduction at that time. We understand that the IRS subsequently revoked the Foundation's tax-exempt status on November 15, 2017 for failure to file annual returns. It is also our understanding that the IRS provides a procedure to have a revoked tax-exempt status retroactively reinstated.

The Attorney General, in his *parens patriae* capacity, has the duty to protect the public interest and the authority to do so as granted to him by the constitution, statutory law, and common law. Concerning charitable trusts, the Attorney General has the statutory and common law duty to represent the interests of the unspecified charitable beneficiaries and the interests of

the public at large. *Epworth Children's Home v. Beasley*, 365 S.C. 157, 616 S.E.2d 710 (2005); *see also* S.C. Code Ann. § 1-7-130 (2005) ("The Attorney General shall enforce the due application of funds given or appropriated to public charities within the State."); *Watson v. Wall*, 229 S.C. 500, 93 S.E.2d 918 (1956) (allow Attorney General intervention at the appellate stage of litigation).

Again, we would like to talk to you, or an attorney representing you, in connection with these matters.

Yours very truly,

A handwritten signature in black ink, reading "Mary Frances Jowers". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Mary Frances Jowers

Assistant Deputy Attorney General

cc (via email only):

H. Christopher Moss

Shannon Wiley, General Counsel, South Carolina Secretary of State's Office

FW: Sonny Mevers Foundation

Ryan K Oberly <ryan@wagenmakerlaw.com>

Tue 2/4/2020 10:49 AM

To: Jonathan S Hwang <jonathan@wagenmakerlaw.com>

—
RYAN OBERLY | [Attorney at Law](#)
[Wagenmaker & Oberly](#) | *Trusted Advisors to Nonprofits*
312.626.1600 (Main) | 312.626.1602 (Direct)

Schedule a meeting [here](#)

CONFIDENTIALITY NOTICE: This email and any attachments are confidential and may constitute PRIVILEGED ATTORNEY/CLIENT information. If you believe that it has been sent to you in error, please reply to the sender that you received the message in error. Then delete it. Thank You.

From: Chris Moss CPA <chris@chrismosscpa.com> on behalf of Chris Moss CPA <chris@chrismosscpa.com>

Date: Tuesday, February 4, 2020 at 8:03 AM

To: 'Sonny Jones' <SJones@scag.gov>, Ryan Oberly <ryan@wagenmakerlaw.com>, "jessica@ikonlawfirm.com" <jessica@ikonlawfirm.com>, "swiley@sos.sc.gov" <swiley@sos.sc.gov>

Cc: 'Mary Frances Jowers' <mfjowers@scag.gov>, 'Kristin Simons' <ksimons@scag.gov>

Subject: RE: Sonny Mevers Foundation

Sonny,

Happy Tuesday and hope you are well today.

Thank you for the courtesy copy of the correspondence.

In Washington DC where I lived for most of my life, I sadly learned that if a politician tells a lie enough people start to believe it is true.

The facts are true and clear regarding Roy Mevers Jr "Will":

1. **The Codicil according to the probate attorney allows (and in fact requires) Minnie to receive the residuary estate if**
2. **The "gift (meaning the transfer of assets from the estate to the Foundation) would not be "permitted as a charitable donation from the Estate for Federal Tax purposes absolutely and in fee simple, forever"**

Sonny, even if the Foundation could have retroactively received it's 501(c) status back (which I am 99% certain it would not have), and you could magically bring the Foundation back to life—and magically re-open probate--- I nor any other CPA or Tax Attorney could have a "good faith" belief and "realistic possibility" of prevailing if questioned under IRS audit that the "gift would be permitted as a charitable donation" from the Mevers estate.

2/4/20, 3:19 PM

You might get some corrupt and unethical CPA to file the false return for you, but it would be Minnie who would be legally and criminally liable at the end of the IRS audit. I love Minnie as do all the former Board members too much to disgrace Sonny Mevers and his legacy of charitable giving by filing a false tax return.

Please proceed with your investigation, but let's get our facts straight ok?

With kindest regards and respect,

Kindest regards

Chris

H Christopher Moss CPA Tax Attorney
Attorney at Law (DC VA)
210 Wingo Way, Suite 303
Mount Pleasant SC 29464
(843) 768-7100 phone
(843) 768-5400 fax
www.chrismosscpa.com
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H Christopher Moss CPA Tax Attorney
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Alexandria, Va. 22314
www.infinitepartnerships.com
chirmsoss@infinitepartnerships.com

From: Sonny Jones <SJones@scag.gov>
Sent: Monday, February 3, 2020 12:06 PM
To: 'Ryan K Oberly' <ryan@wagenmakerlaw.com>; 'Chris Moss CPA' <chris@chrismosscpa.com>; 'jessica@ikonlawfirm.com' <jessica@ikonlawfirm.com>; 'swiley@sos.sc.gov' <swiley@sos.sc.gov>
Cc: Mary Frances Jowers <mfrjowers@scag.gov>; Kristin Simons <ksimons@scag.gov>
Subject: Sonny Mevers Foundation

Good afternoon. Please find attached your courtesy copy of the attached correspondence. The three Directors of the Foundation will be personally served.

Thanks.

Sonny Jones

C. Havird Jones, Jr.
Senior Assistant Deputy Attorney General
Consumer Protection and Antitrust Section
Office of the South Carolina Attorney General
1000 Assembly Street
Columbia, S. C. 29201
(803)734-3654

2/4/20, 3:19 PM



ALAN WILSON
ATTORNEY GENERAL

February 3, 2020

Minnie Newman
17 East Battery Street
Charleston, South Carolina 29401

Brandon J. Hoffman, CPA
7 Gamecock Avenue
Charleston, South Carolina 29407

John D. Russ
1475 Harborsun Dr.
Charleston, South Carolina 29412

John D. Russ
793 Post Oak Dr.
Mt. Pleasant, SC 29412-8289

Dear Ms. Newman and Messrs. Hoffman and Russ,

I write to you in regard to your roles as Directors of the Sonny Mevers Foundation. It recently came to the attention of our Office that the Foundation was dissolved on January 24, 2018. As the Office of the Attorney General was not notified of the dissolution as required by South Carolina Code Section 33-31-1403, the Office does not consider the Foundation to be properly dissolved, and by copy of this letter we are hereby notifying the South Carolina Secretary of State's Office of the same. (See also *Watson v. Wall*, 229 S.C. 500, 93 S.E.2d 918 (1956) allowing Attorney General intervention at the appellate stage of litigation).

The Attorney General, in his *parens patriae* capacity, has the duty to protect the public interest and the authority to do so as granted to him by the constitution, statutory law, and common law. Concerning charitable trusts, the Attorney General has the statutory and common law duty to represent the interests of the unspecified charitable beneficiaries and the interests of the public at large. *Epworth Children's Home v. Beasley*, 365 S.C. 157, 616 S.E.2d 710 (2005); see also S.C. Code Ann. § 1-7-130 (2005) ("The Attorney General shall enforce the due application of funds given or appropriated to public charities within the State.")

Our preliminary review of this matter indicates that upon his death, Mr. Mevers' wife Minnie Newman Mevers replaced him as president of the Board of Directors of the Foundation. The Foundation was the primary beneficiary of the residuary of Mr. Mevers' estate, and Ms. Newman (who was also appointed as personal representative of the estate) was the contingent beneficiary of the residuary. It further

appears that on the date of Mr. Mevers' death, November 3, 2017, the Foundation met the conditions to receive the gift, in that it was in existence, and qualified as a 501(c)(3) tax-exempt private foundation. It is the position of this Office that on that date, November 3, 2017, that the charitable gift vested, and was impressed with a charitable trust. Indeed, the Application for Probate of Mr. Mevers' will, filed on November 13, 2017, indicates that the Foundation is to receive the residue of the estate. It is noted that ultimately that this residuary charitable gift was to total over \$19 million.

It appears that after Ms. Newman became President of the Foundation, the Internal Revenue Service revoked the Foundation's tax-exempt status on November 15, 2017, for failure to file Form 990 returns for three consecutive years with a Revocation Posting Date of March 12, 2018. It is our understanding that the IRS provides a procedure to have a revoked tax exempt status retroactively reinstated (see IRC Section 6033(j)(3)). Instead of availing itself of this opportunity, it appears that the Board of Directors of the Foundation voted to dissolve Foundation on January 24, 2018, with the charitable gift having already vested, and residuary distribution pending. It is further the position of this Office that the Directors of the Foundation, in addition to the personal representative of the estate, had the duty and responsibility to preserve and protect the charitable trust property, which includes the duty to protect the tax-exempt status of the trust. However, it additionally appears that the Proposal for Distribution of Mr. Mevers' Estate filed November 21, 2018, indicates that Ms. Newman received the residuary distribution.

It should be further noted, that by not giving the required notice to the Attorney General, that any buyer or receiver of trust property, could question if they had received good title.

Based upon that background and authority, please find an initial REQUEST FOR PRODUCTION in regards to The Sonny Mevers Foundation.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Havird Jones, Jr.", is written over the typed name.

C. Havird Jones, Jr.
Senior Assistant Deputy Attorney General
Office of the Attorney General of the State of South Carolina

cc (via email only):

Shannon Wiley, General Counsel, South Carolina Secretary of State's Office
H. Christopher Moss, CPA
Ryan Oberly, Esq.
Jessica M. Wentworth, Esq.

**STATE OF SOUTH CAROLINA
OFFICE OF ATTORNEY GENERAL**

IN THE MATTER OF: The Sonny Mevers Foundation

REQUEST FOR INFORMATION

TO: The Sonny Mevers Foundation

Alan Wilson, Attorney General for the State of South Carolina ("Attorney General"), pursuant to his authority under the South Carolina Nonprofit Corporations Act, as codified in S. C. Code Ann. § 33-31-101, *et. seq.*, requests that you furnish and make available for examination and copying the requested documentary materials and information described herein to the Office of the South Carolina Attorney General. The request for information is being made pursuant to the Attorney General's Authority pursuant to S.C. Code Ann. § 33-31-171.

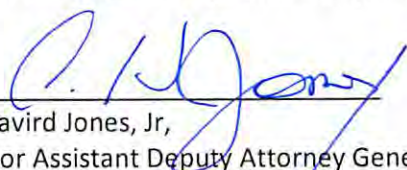
The requested documentary materials are to be produced to C. Havird Jones, Jr., Senior Assistant Deputy Attorney General, at the South Carolina Attorney General's Office, 1000 Assembly Street, Room 519, Columbia, South Carolina 29201, no later than 4:00 p.m. on Friday, February 7, 2020, either electronically or by hand delivery.

REQUESTS FOR PRODUCTION

1. The Mevers Foundation's ("Foundation") organizing and governing documents, including by-laws and any amendments.
2. The dates of all Board Meetings for the last ten years and minutes from all Foundation Board meetings for the last ten years.
3. The Foundation's bank records for its last five years of operation.
4. All financial statements of the Foundation for its last five years of operation.
5. Any total compensation for key personnel and Board Members of the Foundation for the last five years of operation.
6. Copies of IRS Form 990 since 2005.
7. List of Donations made to the Foundation after Mr. Mevers death through Holly Edwards at Crescom Bank, as mentioned in the obituary, or any other source. The list should include donor name, date of donation, and amount of donation.

8. All communications with the funeral home and/or newspaper(s) about the provenance of the obituary asking for contributions to the Foundation.
9. All correspondence with Crescom Bank, including authorization to receive funds on behalf of the Mevers Foundation.
10. A list of all Board members since 2005 and the dates of their tenure.
11. Copies of all correspondence and communication with the IRS, including but not limited to correspondence regarding the Foundation's tax exempt status, application for recognition of tax exempt status, determination letter recognizing tax exempt status, and notice of revocation of tax exempt status.
12. All correspondence regarding the Estate of Sonny Mevers.
13. All correspondence with Steve Hiott and M&H CPAs.
14. All correspondence with Christopher Moss, CPA.

SIGNED THIS 3rd day of February, 2020


C. Havird Jones, Jr,
Senior Assistant Deputy Attorney General
Office of the Attorney General of the State of South Carolina
PO Box 11549
Columbia, SC 29211
803-734-3654
sjones@scag.gov

Subject: RE: Request for Additional Legal Authority for the Requests for Information dated February 3, 2020 for The Sonny Mevers Foundation
Date: Tuesday, February 11, 2020 at 2:30:22 PM Central Standard Time
From: Sonny Jones <SJones@scag.gov>
To: Garry Arkema <garry@wagenmakerlaw.com>
CC: Ryan K Oberly <ryan@wagenmakerlaw.com>
Attachments: LTR.2020-02-11.To SC AG.Re RFP.FINAL.PDF

Receipt acknowledged. We will be back with you shortly on scheduling a call.

Thanks.

Sonny

C. Havird Jones, Jr.
Senior Assistant Deputy Attorney General
Consumer Protection and Antitrust Section
Office of the South Carolina Attorney General
1000 Assembly Street
Columbia, S. C. 29201
(803)734-3654

From: Garry Arkema [mailto:garry@wagenmakerlaw.com]
Sent: Tuesday, February 11, 2020 2:42 PM
To: Sonny Jones
Cc: Ryan K Oberly
Subject: Request for Additional Legal Authority for the Requests for Information dated February 3, 2020 for The Sonny Mevers Foundation

Dear Assistant Deputy Attorney General Jones,

Attached please find correspondence and documents from Ryan Oberly.

Best regards,
--Garry

GARRY ARKEMA | Senior Paralegal / Office Manager
[Wagenmaker & Oberly, LLC](#) | *Trusted Advisors to Nonprofits*

CONFIDENTIALITY NOTICE: This email and any attachments are confidential and may constitute PRIVILEGED ATTORNEY/CLIENT information. If you believe that it has been sent to you in error, please reply to the sender that you received the message in error. Then delete it. Thank You.

February 11, 2020

C. Havird Jones, Jr.
Senior Assistant Deputy Attorney General
Office of the Attorney General of the State of South Carolina
P.O. Box 11549
Columbia, SC 29211-1549

Sent via email to sjones@scag.gov

Re: Request for Additional Legal Authority for the Requests for Information dated February 3, 2020 for The Sonny Mevers Foundation

Dear Assistant Deputy Attorney General Jones:

We received a copy of your letter dated February 3, 2020, directed to Ms. Minnie Newman, as well as Mr. Brandon J. Hoffman and Mr. John D. Russ. *See* Attachment 1 (“Letter dated February 3, 2020”). The listed recipients are former directors of The Sonny Mevers Foundation (“Foundation”), a South Carolina nonprofit corporation which, as you know, was dissolved by the South Carolina Secretary of State on January 24, 2018. The Letter indicated that the Attorney General’s Office is seeking requests for information in light of the Foundation’s alleged failure to notify the Attorney General’s Office pursuant to § 33-31-1403 of the South Carolina Nonprofit Corporation Act (“Act”).

On November 14, 2019, we understand that the Attorney General’s Office sent the Foundation a letter informing the Foundation that when it was dissolved in January 24, 2018, it failed to file a notice prior to dissolution under § 33-31-1403. *See* Attachment 2 (“Letter dated November 14, 2019”). This Letter asked for the information routinely requested in the notice, including the Foundation’s assets at the time of dissolution, and six months prior.

On November 25, 2019, a response was sent to the Attorney General providing all information requested. *See* Attachment 3 (“Response dated November 25, 2019”). The Foundation confirmed that it held no assets on the date of dissolution or six months prior. The Foundation thus did not transfer any assets or have any creditors or liabilities at the time of dissolution that would trigger additional oversight or direction under § 33-31-1403 by the Attorney General. It is unclear how the most recent requests to review the list of documents, records, and information—in some cases which date back ten to fifteen years—are relevant to § 33-31-1403.

The Attorney General’s Office’s Letter dated November 14, 2019 specifically requested information about assets “in possession of the corporation *when it dissolved* and 6 months prior” (emphasis added). Yet the most recent correspondence states that the Attorney General’s Office now does not consider the Foundation to be dissolved, and that the Attorney General’s Office will be notifying the Secretary of State of this position. Thus, we have mixed indicators from the Attorney General whether the Foundation is considered in fact dissolved, not dissolved, or is currently dissolved, but can be “un-dissolved” at the Attorney General’s instruction to the Secretary of State. Please provide greater clarity on this front, especially as to the provision under the South Carolina Nonprofit Corporation Act authorizing this action, so we can better understand what, if any, necessary corporate actions our client may need to undertake. Is this based on the failure to provide notice, which has since been addressed?

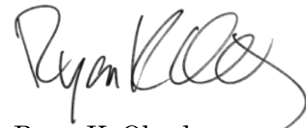
The cases cited as authority for the Attorney General's additional requests for information in the letter, *Epsworth Children's Home v. Beasley*, 365 SC 157 (2005) and *Watson v. Wall*, 229 SC 500 (1956), involve pending actions at law, and open probate matters. Neither of those cases apply here. We note especially that the probate process is complete, with the court having found the estate's distribution in accordance with South Carolina law, and having ordered the estate closed.

The letter also references § 33-31-171 concerning the authority to investigate the Foundation but we have yet to review any documentation of the Attorney General's authorization of this investigation. Moreover, this section focuses on the acts taken by a corporation in existence and operational, not by one that ceased to operate years prior. What specific acts or conduct are being alleged are in violation of [the Foundation's] charter rights and privileges or in violation of any law of South Carolina? Is this solely related to the notice under § 33-31-1403?

We are generally amenable to providing information but we think it is legally important understand the scope and authority behind the Attorney General's requests. The bulk of the letter seems to be primarily focused on the prudent judgment and reasonable care of the Personal Representative of an estate, *see* SC Code Ann. § 62-3-703, the tax advice provided by the Representatives' attorneys and accountants, and the final administration of the estate which was judicially approved and closed by court order over a year ago. These decisions were made *regarding* the Foundation, not by the Foundation.

At this juncture, a phone call to discuss these matters further may be most effective.

Sincerely,



Ryan K. Oberly
Attorney for Minnie Newman

(312) 626-1600

ryan@wagenmakerlaw.com

Attachments:

1. Letter dated February 3, 2020
2. Letter dated November 14, 2019
3. Response dated November 25, 2019

ATTACHMENT 1
LETTER DATED FEBRUARY 3, 2020



ALAN WILSON
ATTORNEY GENERAL

February 3, 2020

Minnie Newman
17 East Battery Street
Charleston, South Carolina 29401

Brandon J. Hoffman, CPA
7 Gamecock Avenue
Charleston, South Carolina 29407

John D. Russ
1475 Harborsun Dr.
Charleston, South Carolina 29412

John D. Russ
793 Post Oak Dr.
Mt. Pleasant, SC 29412-8289

Dear Ms. Newman and Messrs. Hoffman and Russ,

I write to you in regard to your roles as Directors of the Sonny Mevers Foundation. It recently came to the attention of our Office that the Foundation was dissolved on January 24, 2018. As the Office of the Attorney General was not notified of the dissolution as required by South Carolina Code Section 33-31-1403, the Office does not consider the Foundation to be properly dissolved, and by copy of this letter we are hereby notifying the South Carolina Secretary of State's Office of the same. (See also *Watson v. Wall*, 229 S.C. 500, 93 S.E.2d 918 (1956) allowing Attorney General intervention at the appellate stage of litigation).

The Attorney General, in his *parens patriae* capacity, has the duty to protect the public interest and the authority to do so as granted to him by the constitution, statutory law, and common law. Concerning charitable trusts, the Attorney General has the statutory and common law duty to represent the interests of the unspecified charitable beneficiaries and the interests of the public at large. *Epworth Children's Home v. Beasley*, 365 S.C. 157, 616 S.E.2d 710 (2005); see also S.C. Code Ann. § 1-7-130 (2005) ("The Attorney General shall enforce the due application of funds given or appropriated to public charities within the State.")

Our preliminary review of this matter indicates that upon his death, Mr. Mevers' wife Minnie Newman Mevers replaced him as president of the Board of Directors of the Foundation. The Foundation was the primary beneficiary of the residuary of Mr. Mevers' estate, and Ms. Newman (who was also appointed as personal representative of the estate) was the contingent beneficiary of the residuary. It further

appears that on the date of Mr. Mevers' death, November 3, 2017, the Foundation met the conditions to receive the gift, in that it was in existence, and qualified as a 501(c)(3) tax-exempt private foundation. It is the position of this Office that on that date, November 3, 2017, that the charitable gift vested, and was impressed with a charitable trust. Indeed, the Application for Probate of Mr. Mevers' will, filed on November 13, 2017, indicates that the Foundation is to receive the residue of the estate. It is noted that ultimately that this residuary charitable gift was to total over \$19 million.

It appears that after Ms. Newman became President of the Foundation, the Internal Revenue Service revoked the Foundation's tax-exempt status on November 15, 2017, for failure to file Form 990 returns for three consecutive years with a Revocation Posting Date of March 12, 2018. It is our understanding that the IRS provides a procedure to have a revoked tax exempt status retroactively reinstated (see IRC Section 6033(j)(3)). Instead of availing itself of this opportunity, it appears that the Board of Directors of the Foundation voted to dissolve Foundation on January 24, 2018, with the charitable gift having already vested, and residuary distribution pending. It is further the position of this Office that the Directors of the Foundation, in addition to the personal representative of the estate, had the duty and responsibility to preserve and protect the charitable trust property, which includes the duty to protect the tax-exempt status of the trust. However, it additionally appears that the Proposal for Distribution of Mr. Mevers' Estate filed November 21, 2018, indicates that Ms. Newman received the residuary distribution.

It should be further noted, that by not giving the required notice to the Attorney General, that any buyer or receiver of trust property, could question if they had received good title.

Based upon that background and authority, please find an initial REQUEST FOR PRODUCTION in regards to The Sonny Mevers Foundation.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Jones, Jr.", is written over the typed name.

C. Havird Jones, Jr.
Senior Assistant Deputy Attorney General
Office of the Attorney General of the State of South Carolina

cc (via email only):

Shannon Wiley, General Counsel, South Carolina Secretary of State's Office
H. Christopher Moss, CPA
Ryan Oberly, Esq.
Jessica M. Wentworth, Esq.

**STATE OF SOUTH CAROLINA
OFFICE OF ATTORNEY GENERAL**

IN THE MATTER OF: The Sonny Mevers Foundation

REQUEST FOR INFORMATION

TO: The Sonny Mevers Foundation

Alan Wilson, Attorney General for the State of South Carolina ("Attorney General"), pursuant to his authority under the South Carolina Nonprofit Corporations Act, as codified in S. C. Code Ann. § 33-31-101, *et. seq.*, requests that you furnish and make available for examination and copying the requested documentary materials and information described herein to the Office of the South Carolina Attorney General. The request for information is being made pursuant to the Attorney General's Authority pursuant to S.C. Code Ann. § 33-31-171.

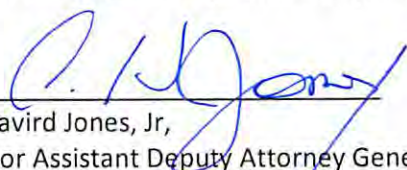
The requested documentary materials are to be produced to C. Havird Jones, Jr., Senior Assistant Deputy Attorney General, at the South Carolina Attorney General's Office, 1000 Assembly Street, Room 519, Columbia, South Carolina 29201, no later than 4:00 p.m. on Friday, February 7, 2020, either electronically or by hand delivery.

REQUESTS FOR PRODUCTION

1. The Mevers Foundation's ("Foundation") organizing and governing documents, including by-laws and any amendments.
2. The dates of all Board Meetings for the last ten years and minutes from all Foundation Board meetings for the last ten years.
3. The Foundation's bank records for its last five years of operation.
4. All financial statements of the Foundation for its last five years of operation.
5. Any total compensation for key personnel and Board Members of the Foundation for the last five years of operation.
6. Copies of IRS Form 990 since 2005.
7. List of Donations made to the Foundation after Mr. Mevers death through Holly Edwards at Crescom Bank, as mentioned in the obituary, or any other source. The list should include donor name, date of donation, and amount of donation.

8. All communications with the funeral home and/or newspaper(s) about the provenance of the obituary asking for contributions to the Foundation.
9. All correspondence with Crescom Bank, including authorization to receive funds on behalf of the Mevers Foundation.
10. A list of all Board members since 2005 and the dates of their tenure.
11. Copies of all correspondence and communication with the IRS, including but not limited to correspondence regarding the Foundation's tax exempt status, application for recognition of tax exempt status, determination letter recognizing tax exempt status, and notice of revocation of tax exempt status.
12. All correspondence regarding the Estate of Sonny Mevers.
13. All correspondence with Steve Hiott and M&H CPAs.
14. All correspondence with Christopher Moss, CPA.

SIGNED THIS 3rd day of February, 2020


C. Havird Jones, Jr,
Senior Assistant Deputy Attorney General
Office of the Attorney General of the State of South Carolina
PO Box 11549
Columbia, SC 29211
803-734-3654
sjones@scag.gov

ATTACHMENT 2
LETTER DATED NOVEMBER 14, 2019



ALAN WILSON
ATTORNEY GENERAL

November 14, 2019

Minnie Lee Newman Mevers
17 East Battery
Charleston, SC 29401

Re: The Sonny Mevers Foundation

Dear Ms. Mevers:

It has come to the attention of this Office that Articles of Dissolution were filed with the South Carolina Secretary of State's Office on January 24, 2018, in connection with The Sonny Mevers Foundation. Section 33-31-1403 of the South Carolina Code states that a nonprofit organization "shall give the Attorney General written notice that it intends to dissolve at or before the time it delivers articles of dissolution to the Secretary of State. The notice shall include a copy or summary of the plan of dissolution." See also S.C. Code Ann. § 1-7-130.

We have been unable to locate a copy of any notification to this Office regarding the dissolution of the Sonny Mevers Foundation. Accordingly, we ask that you provide the Office with the following within 20 days: (1) the amount and type of assets in possession of the corporation when it dissolved and 6 months prior; (2) were there any restrictions placed on gifts of personal or real estate in those assets; (3) a copy of the Articles of Incorporation, specifically pointing out which provision allows for the transfer of assets; (4) a listing of the Board of Directors of The Sonny Mevers Foundation and any entities which received funds upon dissolution; (5) a copy of the minutes authorizing the dissolution and transfer of the assets; and (6) any other information you think is pertinent in this review.

Yours very truly,

A handwritten signature in cursive script that reads "Mary Frances Jowers".

Mary Frances Jowers
Assistant Deputy Attorney General

cc:
Shannon Wiley, General Counsel
South Carolina Secretary of State's Office

R_0403

ATTACHMENT 3
RESPONSE DATED NOVEMBER 25, 2019

URGENT FAX MESSAGE!

To:**From:** H Christopher Moss, CPA

H Christopher Moss CPA

210 Wingo Way

Mount Pleasant

SC

29464

Phone**Phone** (843) 768-7100 * 100**Fax** (803) 253-6283**Fax** 18437687100**Date** 11/25/2019**Pages:** 18**Note:**

Att: Mary Frances Jowers
Assistant Deputy Attorney General

URGENT FAX MESSAGE!

H. CHRISTOPHER MOSS, CPA

Attorney At Law

H Christopher Moss CPA
210 Wingo Way, Suite 303
Mt Pleasant, SC 29464

Infinite Partnerships Inc.
211 North Union Street, Suite 100
Alexandria, Va. 22314

Mailing Address
193 N. Shelmore Blvd
Mt. Pleasant SC 29464

chris@chrismosscpa.comchrismoss@infinitepartnerships.com

Attorney At Law (DC, VA) _____ CPA (SC, DC, VA, CA)

Phone (843) 768-7100

Phone: (703) 675-5317

CONFIDENTIAL FAX (843) 768-5400

November 25, 2019

By Fax 803 253 6283

Ms Mary Frances Jowers
Assistant Deputy Attorney General
PO Box 11549
Columbia SC 29211

Re: The Sonny Mevers Foundation

Dear Ms. Jowers,

I hope this fax finds you well today. Minnie asked me to respond to your letter to her of November 14, a copy of which is attached for your convenience.

I have also attached in order of your requests our response to those requests.

I am not in the office this Thanksgiving week, so please call me on my cell 703 675 5317 and I would be happy to answer any further questions you may have.

Kindest regards

Chris

H Christopher Moss

Digitally signed
by H Christopher
Moss
Date: 2019.11.25
08:01:50 -05'00'

PS can you please confirm receipt chris@chrismosscpa.com



ALAN WILSON
ATTORNEY GENERAL

November 14, 2019

Minnie Lee Newman Mevers
17 East Battery
Charleston, SC 29401

Re: The Sonny Mevers Foundation

Dear Ms. Mevers:

It has come to the attention of this Office that Articles of Dissolution were filed with the South Carolina Secretary of State's Office on January 24, 2018, in connection with The Sonny Mevers Foundation. Section 33-31-1403 of the South Carolina Code states that a nonprofit organization "shall give the Attorney General written notice that it intends to dissolve at or before the time it delivers articles of dissolution to the Secretary of State. The notice shall include a copy or summary of the plan of dissolution." See also S.C. Code Ann. § 1-7-130.

We have been unable to locate a copy of any notification to this Office regarding the dissolution of the Sonny Mevers Foundation. Accordingly, we ask that you provide the Office with the following within 20 days: (1) the amount and type of assets in possession of the corporation when it dissolved and 6 months prior; (2) were there any restrictions placed on gifts of personal or real estate in those assets; (3) a copy of the Articles of Incorporation, specifically pointing out which provision allows for the transfer of assets; (4) a listing of the Board of Directors of The Sonny Mevers Foundation and any entities which received funds upon dissolution; (5) a copy of the minutes authorizing the dissolution and transfer of the assets; and (6) any other information you think is pertinent in this review.

Yours very truly,

A handwritten signature in cursive script that reads "Mary Frances Jowers".

Mary Frances Jowers
Assistant Deputy Attorney General

cc:
Shannon Wiley, General Counsel
South Carolina Secretary of State's Office

R 0407

#1

No assets to my knowledge on date of Dissolution on January 24, 2018.

Six months prior on July 24, 2017 \$1,005.11 in cash checking.

(There is some issue with Minnie's Burial plot held by the Roman Catholic Diocese of Charleston however I do not believe this is an "asset".)

#2

There were no assets on the date of dissolution other than the burial plot mentioned in Document #1. Therefore, I believe and it appears this answer is not applicable.

CERTIFIED TO BE A TRUE AND CORRECT COPY
AS TAKEN FROM AND COMPARED WITH THE
ORIGINAL ON FILE IN THIS OFFICE

JUL 23 2004

Mark Hammond
SECRETARY OF STATE OF SOUTH CAROLINA

TYPE OR PRINT CLEARLY IN BLACK INK

STATE OF SOUTH CAROLINA
SECRETARY OF STATE
NONPROFIT CORPORATION
ARTICLES OF INCORPORATION

COPY

FILED

JUL 23 2004

Mark Hammond
SECRETARY OF STATE

Pursuant to Section 33-31-202 of the South Carolina Code of Laws, as amended, the undersigned corporation submits the following information:

1. The name of the nonprofit corporation is THE "SONNY MEVERS" FOUNDATION
2. The initial registered office of the nonprofit corporation is 17 East Battery

<u>Charleston</u>	<u>Charleston</u>	<u>South Carolina</u>	<u>29401</u>
City	County	State	Zip Code

The name of the registered agent of the nonprofit corporation at that office is

ROY E. MEVERS, JR.

Print Name

I hereby consent to the appointment as registered agent of the corporation.

Roy E. Mevers Jr.
Agent's Signature

3. Check "a", "b", or "c" whichever is applicable. Check only one box:
 - a. ☒ The nonprofit corporation is a public benefit corporation.
 - b. ☐ The nonprofit corporation is a religious corporation.
 - c. ☐ The nonprofit corporation is a mutual benefit corporation.
4. Check "a" or "b", whichever is applicable:
 - a. ☐ This corporation will have members.
 - b. ☒ This corporation will not have members.
5. The address of the principal office of the nonprofit corporation is

<u>17 East Battery</u>	<u>Charleston</u>	<u>Charleston</u>	<u>SC</u>	<u>29401</u>
Street Address	City	County	State	Zip Code
6. If this nonprofit corporation is either a public benefit or religious corporation (when box "a" or "b" of paragraph 3 is checked), complete either "a" or "b", whichever is applicable, to describe how the remaining assets of the corporation will be distributed upon dissolution of the corporation.
 - a. ☐ Upon dissolution of the corporation, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future Federal tax code, or shall be distributed to the Federal government, or to a state or local government, for a public purpose. Any such asset not so disposed of shall be disposed of by the Court of Common Pleas of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said court shall determine, which are organized and operated

R_0410

THE "SONNY MEVERS" FOUNDATION

Name of Corporation

exclusively for such purposes.

- b. ☒ Upon dissolution of the corporation, consistent with the law, the remaining assets of the corporation shall be distributed to

SEE ATTACHED - Exhibit A

7. If the corporation is a mutual benefit corporation (when box "c" of paragraph 3 is checked), complete either "a" or "b", whichever is applicable, to describe how the (remaining) assets of the corporation will be distributed upon dissolution of the corporation.

- a. ☐ Upon dissolution of the mutual benefit corporation, the (remaining) assets shall be distributed to its members, or if it has no members, to those persons to whom the corporation holds itself out as benefiting or serving.

- b. ☐ Upon dissolution of the mutual benefit corporation, the (remaining) assets, consistent with the law, shall be distributed to

8. The optional provisions which the nonprofit corporation elects to include in the articles of incorporation are as follows (See 33-31-202(c) of the 1976 South Carolina Code of Laws, as amended, the applicable comments thereto, and the instructions to this form)

SEE ATTACHED - Exhibit B and Exhibit C

9. The name and address of each incorporator is as follows (only one is required)

Roy E. Mevers, Jr.	17 East Battery, Charleston, SC	29401
Name	Address	Zip Code
Name	Address	Zip Code
Name	Address	Zip Code

10. Each original director of the nonprofit corporation must sign the articles but only if the directors are named in these articles:

ROY E. MEVERS, JR.

Name (Only if named in articles)

BRANDON HOFFMAN

Name (Only if named in articles)

DAVID B. HOOD

Name (Only if named in articles)

Roy E. Mevers Jr.
Signature of director

Brandon J. Hoffman
Signature of director

David B. Hood
Signature of director

11. Each incorporator must sign the articles.

Signature of incorporator

Signature of incorporator

Signature of incorporator

R_0411

THE "SONNY MEYERS" FOUNDATION

Name of Corporation

FILING INSTRUCTIONS

1. Two copies of this form, the original and either a duplicate original or a conformed copy, must be filed.
2. If space in this form is insufficient, please attach additional sheets containing a reference to the appropriate paragraph in this form, or prepare this using a computer disk, which will allow for expansion of space on the form.
3. This form must be accompanied by the filing fee of \$25.00 payable to the "Secretary of State."

Return to: Secretary of State
P.O. Box 11350
Columbia, SC 29211
4. If this organization is a Political Association it must also be accompanied by the First Annual Report of Corporations and an additional \$25.00 fee is required.

NOTE

THE FILING OF THIS DOCUMENT DOES NOT, IN AND OF ITSELF, PROVIDE AN EXCLUSIVE RIGHT TO USE THIS CORPORATE NAME ON OR IN CONNECTION WITH ANY PRODUCT OR SERVICE. USE OF A NAME AS A TRADEMARK OR SERVICE MARK WILL REQUIRE FURTHER CLEARANCE AND REGISTRATION AND BE AFFECTED BY PRIOR USE OF THE MARK. FOR MORE INFORMATION, CONTACT THE TRADEMARKS DIVISION OF THE SECRETARY OF STATE'S OFFICE AT (803) 734-1728.

R_0412

EXHIBIT A-Articles of Incorporation
(The "Sonny Mevers" Foundation)

Upon the dissolution of the Corporation, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or corresponding provisions of any subsequent federal tax laws, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by a court of competent jurisdiction for the county in which the principal office of the Corporation is then located, exclusively for such purposes, or to such organization or organizations, as said court shall determine, which are organized and operated exclusively for such purposes.

(END OF EXHIBIT A)

EXHIBIT B-Articles of Incorporation
(The "Sonny Mevers" Foundation)

The Corporation's Board of Directors shall be appointed by Roy E. Mevers, Jr., or by his nominee; and any such nominee shall in turn have the right to nominate his successor. Otherwise, in the event of the death or incapacity of Roy E. Mevers, Jr., the Corporation's Board of Directors shall be appointed alternatively by the Board of Directors of R.E. Mevers, Inc., a South Carolina business corporation, or by its nominee; and any such nominee shall in turn have the right to nominate his successor. Any appointed director may be removed without cause by giving written notice pursuant to the procedures set forth in Section 33-31-809 (b) of the South Carolina Nonprofit Corporation Act.

(END OF EXHIBIT B)

EXHIBIT C-Articles of Incorporation
(The "Sonny Mevers" Foundation)

(a) To receive and maintain a fund or funds of real or personal property, or both, and, subject to the restrictions and limitations hereinafter set forth, to use and apply the whole or any part of the income therefrom and the principal thereof exclusively for charitable, religious, scientific, testing for public safety, literary, or educational purposes either directly or by contributions to organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code and its Regulations as they now exist or as they may hereafter be amended.

(b) No part of the net earnings of the Corporation shall inure to the benefit of, or be distributable to, its members, trustees, officers, or other private persons, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in (a) hereof. No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these articles, the Corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, or corresponding provisions of any subsequent federal tax laws, or (b) by a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code, or corresponding provisions of any subsequent federal tax laws.

(c) The Corporation shall distribute its income for each taxable year at such time and in such manner as not to become subject to the tax on undistributed income imposed by Section 4942 of the Internal Revenue Code or corresponding provisions of any subsequent federal tax laws.

(d) The Corporation shall not engage in any act of self-dealing as defined in Section 4941 (d) of the Internal Revenue Code or corresponding provisions of any subsequent federal tax laws.

(e) The Corporation shall not retain any excess business holdings as defined in Section 4943 (c) of the Internal Revenue Code or corresponding provisions of any subsequent federal tax laws.

(f) The Corporation shall not make any investments in such manner as to subject it to tax under Section 4944 of the Internal Revenue Code or corresponding provisions of any subsequent federal tax laws.

(g) The Corporation shall not make any taxable expenditures as defined in Section 4945 (d) of the Internal Revenue Code or corresponding provisions of any subsequent federal tax laws.

(h) Notwithstanding any other provision of these articles, the Corporation shall not conduct or carry on any activities not permitted to be conducted or carried on by an organization exempt under Section 501(c)(3) of the Internal Revenue Code and its Regulations as they now exist or as they may hereafter be amended, or by an organization contributions to which are deductible under Section 170(c)(2) of such Code and Regulations as they now exist or as they may hereafter be amended.

(END OF EXHIBIT C)

*BYLAWS
OF
THE "SONNY MEVERS" FOUNDATION.*

ARTICLE I

NAME AND OFFICE

SECTION 1. Name. The name of this Corporation is THE "SONNY MEVERS" FOUNDATION ("Corporation").

SECTION 2. Office. The principal office of the Corporation will be in Charleston, South Carolina at an address to be designated by the Board of Directors. The principal office may be at the residence of any officer of the Corporation. The Corporation may also maintain offices at such other places as the Board of Directors may from time to time determine.

ARTICLE II

BOARD OF DIRECTORS

SECTION 1. Appointment. The business and property of the Corporation shall be managed and controlled by a Board of Directors ("Board") appointed as set forth in Exhibit B of the Corporation's Articles of Incorporation ("Articles").

SECTION 2. Numbers. The number of directors of the Corporation ("directors") shall consist of no less than three or more than nine individuals.

SECTION 3. Duties, Powers, and Committees.

a) The Board shall be responsible for the control and management of the affairs, property and interests of the Corporation, and for making recommendations and suggesting programs.

b) The Board may create and appoint committees to assist in the conduct of the Corporation's affairs.

SECTION 4. Annual Meetings. Annual meetings ("Annual Meeting" or "Annual Meetings") of the Board for each year shall be held on November 1, if not a legal holiday, or if a legal holiday, then on the next succeeding day not a holiday, for the purpose of electing officers and transacting such business as may properly come before the meeting.

SECTION 5. Special Meetings Notice. Special meetings ("Special Meeting" or "Special Meetings") of the Board shall be held when called by the President.

SECTION 6. Quorum. A majority of the directors shall constitute a quorum for the transaction of business, and all actions of the Board shall be taken by a majority vote.

SECTION 7. Teleconference Meeting. Any meeting of the Board of Directors may be held by telephone or other telecommunications means so long as directors can hear the others and participate in the discussion.

SECTION 8. Chair. The President of the Corporation shall preside at all meetings of the Board of Directors.

ARTICLE III

CONTRACTS AND COMPENSATION

SECTION 1. Contracts and Services. The directors and officers of the Corporation may be interested directly or indirectly in any contract relating to or incidental to the operations conducted by the Corporation, and may freely make contracts, enter transactions, otherwise act for and on behalf of the Corporation, notwithstanding that they may also be acting as individuals, or as trustees of trusts, or as agents for other persons or corporations, or may be interested in the same matters as stockholders, directors, or otherwise; provided, however, that any contract, transaction or act on behalf of the Corporation is a matter in which the directors or officers are personally interested as stockholders, directors or otherwise shall be at arm's length with full disclosure of such interest to the Board of Directors, and not violative of the prescriptions in the Articles of Incorporation against the Corporation's use or application of its funds for private benefit.

SECTION 2. Compensation. Directors shall not receive any stated salary for their services as such, but by resolution of the Board a fixed reasonable sum or expenses of attendance at each regular meeting or special meeting of the Board.

ARTICLE IV

OFFICERS

SECTION 1. Appointment and Term of Office.

a) The officers of the Corporation shall consist of a President, a Secretary, and a Treasurer, and such other officers ("officers") with such powers and duties not inconsistent with these Bylaws as may be appointed by the Board of Directors. Any two or more offices may be held by the same person.

b) Each officer shall hold and serve until his successor shall have been elected and qualified.

SECTION 2. President. The President shall:

a) Be the chief executive officer of the Corporation, shall have general charge of the business affairs and property of the Corporation in its general operations, and shall do and perform such other duties as may be assigned to him or her by the Board;

- b) Be an ex-officio member of all committees; and
- c) In general perform all duties incidental to be office of President.

SECTION 3. Secretary. The Secretary shall:

- a) Prepare minutes of all meetings of the Board; and
- b) In general, perform all duties incidental to the office of the Secretary.

SECTION 4. Treasurer. The Treasurer shall:

- a) Keep, or cause to be kept, all the books of account of all the business and transactions of the Corporation;
- b) Render to the President or the Board, whenever requested, a statement of the financial condition of the Corporation and of all his transactions as Treasurer, and he shall render a full financial report, based on the books and accounts, at the annual meeting of the Board; and
- c) In general, perform all duties incidental to the office of the Treasurer.

SECTION 5. Vacancies. Any vacancy in any office shall be filled by the Board at any Annual Meeting or Special Meeting.

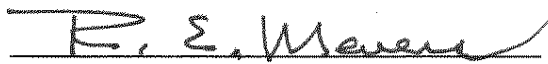
ARTICLE V

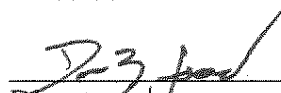
AMENDMENTS

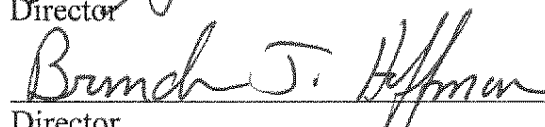
The Board of Directions shall have the power to amend or alter the Bylaws by the unanimous vote of the entire Board, at a Special Meeting called for that specific purpose

CERTIFICATION

WE CERTIFY THAT THE ABOVE BYLAWS OF THE CORPORATION WERE ADOPTED BY THE UNANIMOUS VOTE OF THE BOARD OF DIRECTORS ON JULY ____, 2004.


Director


Director


Director

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: JUL 21 2005

THE SONNY MEYERS FOUNDATION
17 E BATTERY
CHARLESTON, SC 29401

Employer Identification Number:
14-1912699

DLN:

17053175030045

Contact Person:

GARY L BOTKINS

ID# 31463

Contact Telephone Number:

(877) 829-5500

Accounting Period Ending:

JUNE 30

Effective Date of Exemption:

JUNE 23, 2004

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a private foundation within the meaning of section 509(a) of the Code. You are required to file Form 990-PF annually.

Please see enclosed Information for Private Foundations Exempt Under Section 501(c)(3) for some helpful information about your responsibilities as an exempt organization. You can obtain information about private foundation status by requesting Publication 578, Tax Information for Private Foundations and Foundation Managers.

Sincerely,



Lois G. Lerner
Director, Exempt Organizations
Rulings and Agreements

Enclosure: Information for Private Foundations Exempt Under Section 501(c)(3)

Letter 1076 (DO/CG)

R_0420

#4

Sonny Mevers Foundation

Listing of the two (2) Board of Directors on the day of dissolution January 24, 2018

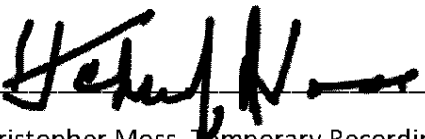
Minnie Newman voted to dissolve January 23, 2018

Scott Myers voted to dissolve January 23, 2018

Minutes authorizing Dissolution of the Sonny Mevers Foundation

On or about January 23, 2018 Minnie Newman and Scott Myers representing the members of the Foundation Board unanimously voted to Dissolve the Foundation via telephone conference with Chris Moss on the phone recording the minutes as temporary Secretary appointed by Minnie Newman.

I hereby certify that I spoke with both Minnie Newman and Scott Myers via telephone on January 23, 2018 and witnessed via telephone their recorded votes as per these minutes voting in favor of dissolving the Foundation.



H Christopher Moss, Temporary Recording Secretary

CERTIFIED TO BE A TRUE AND CORRECT COPY
AS TAKEN FROM AND COMPARED WITH THE
ORIGINAL ON FILE IN THIS OFFICE

FILE COPY

COPY

JUL 23 2004

STATE OF SOUTH CAROLINA
SECRETARY OF STATE
NONPROFIT CORPORATION
ARTICLES OF INCORPORATION

FILED

JUL 23 2004

Mark Hammond
SECRETARY OF STATE OF SOUTH CAROLINA

TYPE OR PRINT CLEARLY IN BLACK INK

Pursuant to Section 33-31-202 of the South Carolina Code of Laws, as amended, the undersigned corporation submits the following information:

1. The name of the nonprofit corporation is THE "SONNY MEVERS" FOUNDATION
2. The initial registered office of the nonprofit corporation is 17 East Battery

<u>Charleston</u>	<u>Charleston</u>	<u>South Carolina</u>	<u>29401</u>
City	County	State	Zip Code

The name of the registered agent of the nonprofit corporation at that office is

ROY E. MEVERS, JR.

Print Name

I hereby consent to the appointment as registered agent of the corporation.

Roy E. Mevers Jr
Agent's Signature

3. Check "a", "b", or "c" whichever is applicable. Check only one box:
- a. ☒ The nonprofit corporation is a public benefit corporation.
- b. ☐ The nonprofit corporation is a religious corporation.
- c. ☐ The nonprofit corporation is a mutual benefit corporation.
4. Check "a" or "b", whichever is applicable:
- a. ☐ This corporation will have members.
- b. ☒ This corporation will not have members.
5. The address of the principal office of the nonprofit corporation is
- | | | | | |
|------------------------|-------------------|-------------------|-----------|--------------|
| <u>17 East Battery</u> | <u>Charleston</u> | <u>Charleston</u> | <u>SC</u> | <u>29401</u> |
| Street Address | City | County | State | Zip Code |
6. If this nonprofit corporation is either a public benefit or religious corporation (when box "a" or "b" of paragraph 3 is checked), complete either "a" or "b", whichever is applicable, to describe how the remaining assets of the corporation will be distributed upon dissolution of the corporation.
- a. ☐ Upon dissolution of the corporation, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future Federal tax code, or shall be distributed to the Federal government, or to a state or local government, for a public purpose. Any such asset not so disposed of shall be disposed of by the Court of Common Pleas of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said court shall determine, which are organized and operated

THE "SONNY MEVERS" FOUNDATION

Name of Corporation

exclusively for such purposes.

- b. ☒ Upon dissolution of the corporation, consistent with the law, the remaining assets of the corporation shall be distributed to

SEE ATTACHED - Exhibit A

7. If the corporation is a mutual benefit corporation (when box "c" of paragraph 3 is checked), complete either "a" or "b", whichever is applicable, to describe how the (remaining) assets of the corporation will be distributed upon dissolution of the corporation.

- a. ☐ Upon dissolution of the mutual benefit corporation, the (remaining) assets shall be distributed to its members, or if it has no members, to those persons to whom the corporation holds itself out as benefiting or serving.

- b. ☐ Upon dissolution of the mutual benefit corporation, the (remaining) assets, consistent with the law, shall be distributed to

8. The optional provisions which the nonprofit corporation elects to include in the articles of incorporation are as follows (See 33-31-202(c) of the 1976 South Carolina Code of Laws, as amended, the applicable comments thereto, and the instructions to this form)

SEE ATTACHED - Exhibit B and Exhibit C

9. The name and address of each incorporator is as follows (only one is required)

Roy E. Mevers, Jr.	17 East Battery, Charleston, SC	29401
Name	Address	Zip Code
Name	Address	Zip Code
Name	Address	Zip Code

10. Each original director of the nonprofit corporation must sign the articles but only if the directors are named in these articles:

ROY E. MEVERS, JR.
Name (Only if named in articles)

BRANDON HOFFMAN
Name (Only if named in articles)

DAVID B. HOOD
Name (Only if named in articles)

Roy E. Mevers Jr.
Signature of director

Brandon J. Hoffman
Signature of director

David B. Hood
Signature of director

11. Each incorporator must sign the articles.

Signature of incorporator

Signature of incorporator

Signature of incorporator

THE "SONNY MEYERS" FOUNDATION

Name of Corporation

FILING INSTRUCTIONS

1. Two copies of this form, the original and either a duplicate original or a conformed copy, must be filed.
2. If space in this form is insufficient, please attach additional sheets containing a reference to the appropriate paragraph in this form, or prepare this using a computer disk, which will allow for expansion of space on the form.
3. This form must be accompanied by the filing fee of \$25.00 payable to the "Secretary of State."
Return to: Secretary of State
P.O. Box 11350
Columbia, SC 29211
4. If this organization is a Political Association it must also be accompanied by the First Annual Report of Corporations and an additional \$25.00 fee is required.

NOTE

THE FILING OF THIS DOCUMENT DOES NOT, IN AND OF ITSELF, PROVIDE AN EXCLUSIVE RIGHT TO USE THIS CORPORATE NAME ON OR IN CONNECTION WITH ANY PRODUCT OR SERVICE. USE OF A NAME AS A TRADEMARK OR SERVICE MARK WILL REQUIRE FURTHER CLEARANCE AND REGISTRATION AND BE AFFECTED BY PRIOR USE OF THE MARK. FOR MORE INFORMATION, CONTACT THE TRADEMARKS DIVISION OF THE SECRETARY OF STATE'S OFFICE AT (803) 734-1728.

EXHIBIT A-Articles of Incorporation
(The "Sonny Mevers" Foundation)

Upon the dissolution of the Corporation, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or corresponding provisions of any subsequent federal tax laws, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by a court of competent jurisdiction for the county in which the principal office of the Corporation is then located, exclusively for such purposes, or to such organization or organizations; as said court shall determine, which are organized and operated exclusively for such purposes.

(END OF EXHIBIT A)

EXHIBIT B-Articles of Incorporation
(The "Sonny Mevers" Foundation)

The Corporation's Board of Directors shall be appointed by Roy E. Mevers, Jr., or by his nominee; and any such nominee shall in turn have the right to nominate his successor. Otherwise, in the event of the death or incapacity of Roy E. Mevers, Jr., the Corporation's Board of Directors shall be appointed alternatively by the Board of Directors of R.E. Mevers, Inc., a South Carolina business corporation, or by its nominee; and any such nominee shall in turn have the right to nominate his successor. Any appointed director may be removed without cause by giving written notice pursuant to the procedures set forth in Section 33-31-809 (b) of the South Carolina Nonprofit Corporation Act.

(END OF EXHIBIT B)

EXHIBIT C-Articles of Incorporation
(The "Sonny Mevers" Foundation)

(a) To receive and maintain a fund or funds of real or personal property, or both, and, subject to the restrictions and limitations hereinafter set forth, to use and apply the whole or any part of the income therefrom and the principal thereof exclusively for charitable, religious, scientific, testing for public safety, literary, or educational purposes either directly or by contributions to organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code and its Regulations as they now exist or as they may hereafter be amended.

(b) No part of the net earnings of the Corporation shall inure to the benefit of, or be distributable to, its members, trustees, officers, or other private persons, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in (a) hereof. No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these articles, the Corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, or corresponding provisions of any subsequent federal tax laws, or (b) by a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code, or corresponding provisions of any subsequent federal tax laws.

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(e) The Corporation shall not retain any excess business holdings as defined in Section 4943 (c) of the Internal Revenue Code or corresponding provisions of any subsequent federal tax laws.

(f) The Corporation shall not make any investments in such manner as to subject it to tax under Section 4944 of the Internal Revenue Code or corresponding provisions of any subsequent federal tax laws.

(g) The Corporation shall not make any taxable expenditures as defined in Section 4945 (d) of the Internal Revenue Code or corresponding provisions of any subsequent federal tax laws.

(h) Notwithstanding any other provision of these articles, the Corporation shall not conduct or carry on any activities not permitted to be conducted or carried on by an organization exempt under Section 501(c)(3) of the Internal Revenue Code and its Regulations as they now exist or as they may hereafter be amended, or by an organization contributions to which are deductible under Section 170(c)(2) of such Code and Regulations as they now exist or as they may hereafter be amended.

(END OF EXHIBIT C)

BYLAWS
OF
THE "SONNY MEVERS" FOUNDATION.

ARTICLE I

NAME AND OFFICE

SECTION 1. Name. The name of this Corporation is THE "SONNY MEVERS" FOUNDATION ("Corporation").

SECTION 2. Office. The principal office of the Corporation will be in Charleston, South Carolina at an address to be designated by the Board of Directors. The principal office may be at the residence of any officer of the Corporation. The Corporation may also maintain offices at such other places as the Board of Directors may from time to time determine.

ARTICLE II

BOARD OF DIRECTORS

SECTION 1. Appointment. The business and property of the Corporation shall be managed and controlled by a Board of Directors ("Board") appointed as set forth in Exhibit B of the Corporation's Articles of Incorporation ("Articles").

SECTION 2. Numbers. The number of directors of the Corporation ("directors") shall consist of no less than three or more than nine individuals.

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a) The Board shall be responsible for the control and management of the affairs, property and interests of the Corporation, and for making recommendations and suggesting programs.

b) The Board may create and appoint committees to assist in the conduct of the Corporation's affairs.

SECTION 4. Annual Meetings. Annual meetings ("Annual Meeting" or "Annual Meetings") of the Board for each year shall be held on November 1, if not a legal holiday, or if a legal holiday, then on the next succeeding day not a holiday, for the purpose of electing officers and transacting such business as may properly come before the meeting.

SECTION 5. Special Meetings Notice. Special meetings ("Special Meeting" or "Special Meetings") of the Board shall be held when called by the President.

SECTION 6. Quorum. A majority of the directors shall constitute a quorum for the transaction of business, and all actions of the Board shall be taken by a majority vote.

SECTION 7. Teleconference Meeting. Any meeting of the Board of Directors may be held by telephone or other telecommunications means so long as directors can hear the others and participate in the discussion.

SECTION 8. Chair. The President of the Corporation shall preside at all meetings of the Board of Directors.

ARTICLE III

CONTRACTS AND COMPENSATION

SECTION 1. Contracts and Services. The directors and officers of the Corporation may be interested directly or indirectly in any contract relating to or incidental to the operations conducted by the Corporation, and may freely make contracts, enter transactions, otherwise act for and on behalf of the Corporation, notwithstanding that they may also be acting as individuals, or as trustees of trusts, or as agents for other persons or corporations, or may be interested in the same matters as stockholders, directors, or otherwise; provided, however, that any contract, transaction or act on behalf of the Corporation is a matter in which the directors or officers are personally interested as stockholders, directors or otherwise shall be at arm's length with full disclosure of such interest to the Board of Directors, and not violative of the prescriptions in the Articles of Incorporation against the Corporation's use or application of its funds for private benefit.

SECTION 2. Compensation. Directors shall not receive any stated salary for their services as such, but by resolution of the Board a fixed reasonable sum or expenses of attendance at each regular meeting or special meeting of the Board.

ARTICLE IV

OFFICERS

SECTION 1. Appointment and Term of Office.

a) The officers of the Corporation shall consist of a President, a Secretary, and a Treasurer, and such other officers ("officers") with such powers and duties not inconsistent with these Bylaws as may be appointed by the Board of Directors. Any two or more offices may be held by the same person.

b) Each officer shall hold and serve until his successor shall have been elected and qualified.

SECTION 2. President. The President shall:

a) Be the chief executive officer of the Corporation, shall have general charge of the business affairs and property of the Corporation in its general operations, and shall do and perform such other duties as may be assigned to him or her by the Board;

- b) Be an ex-officio member of all committees; and
- c) In general perform all duties incidental to be office of President.

SECTION 3. Secretary. The Secretary shall:

- a) Prepare minutes of all meetings of the Board; and
- b) In general, perform all duties incidental to the office of the Secretary.

SECTION 4. Treasurer. The Treasurer shall:

- a) Keep, or cause to be kept, all the books of account of all the business and transactions of the Corporation;
- b) Render to the President or the Board, whenever requested, a statement of the financial condition of the Corporation and of all his transactions as Treasurer, and he shall render a full financial report, based on the books and accounts, at the annual meeting of the Board; and
- c) In general, perform all duties incidental to the office of the Treasurer.

SECTION 5. Vacancies. Any vacancy in any office shall be filled by the Board at any Annual Meeting or Special Meeting.

ARTICLE V

AMENDMENTS

The Board of Directions shall have the power to amend or alter the Bylaws by the unanimous vote of the entire Board, at a Special Meeting called for that specific purpose

CERTIFICATION

WE CERTIFY THAT THE ABOVE BYLAWS OF THE CORPORATION WERE ADOPTED BY THE UNANIMOUS VOTE OF THE BOARD OF DIRECTORS ON JULY ____, 2004.

R. E. Weaver
Director

D. J. Paul
Director

Branch J. Hoffman
Director

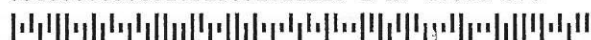


Department of the Treasury
Internal Revenue Service
Ogden UT 84201-0023

Notice	CP120A
Notice date	March 19, 2018
Employer ID number	14-1912699
To contact us	Phone 1-877-829-5500 FAX 801-620-5555

Page 1 of 2

034000.836031.515831.21210 1 AV 0.378 370



SONNY MEVERS FOUNDATION
% ROY E MEVERS JR
PO BOX 21074
CHARLESTON SC 29413-1074

034000

Important message about your failure to file an annual information return or electronic notice

Your organization's tax-exempt status was automatically revoked

We haven't received a response to the previous notice we sent asking you to file your annual information return or electronic notice.

Because you haven't filed for three consecutive years, your organization's tax-exempt status was automatically revoked by law, effective November 15, 2017.

You are no longer tax-exempt. In addition, if you were eligible to receive tax-deductible contributions, you are no longer permitted to do so. Your organization's name was added to our list of organizations that are no longer tax exempt. You can find our list at www.irs.gov/charities. It is available to the public, state charity officials, and state tax officials.

What you need to do

- Because your organization is no longer tax-exempt, you may be required to file one the following federal income tax returns:
 - Form 1120, U.S. Corporation Income Tax Return
 - Form 1041, U.S. Income Tax Return for Estates and TrustsThe instructions for both returns explain who must file and when to file. You can download the returns and instructions at www.irs.gov. You can also obtain copies by calling 1-800-TAX-FORM (1-800-829-3676).
- Visit www.irs.gov/cp120a for more information if you think you received this notice in error.
- Contact your state to determine how this revocation affects your state responsibilities and requirements.

Next steps

Do the following if you want to reinstate your tax-exempt status:

- Apply for tax-exempt status by filing the appropriate application form below:
 - Form 1023, Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code
 - Form 1024, Application for Recognition of Exemption Under Section 501(a) or for Determination Under Section 120 and Form 8718, User Fee for Exempt Organization Determination Letter Request

You must apply for reinstatement even if you did not have to apply for tax-exempt status originally.

- Send your completed application with the appropriate user fee to:

Internal Revenue Service
P.O. Box 12192
Covington, KY 41012-0192

Continued on back...

R_0433

South Carolina Secretary of State

Business Entities Online

File, Search, and Retrieve Documents Electronically

THE 'SONNY MEVERS' FOUNDATION

Corporate Information

Entity Type: Nonprofit

Status: Dissolved

Domestic/Foreign: Domestic

Incorporated South Carolina
State:

Registered Agent

Agent: ROY E MEVERS JR

Address: 17 E BATTERY
CHARLESTON, South Carolina 29401

Important Dates

Effective Date 07/23/2004

:

Expiration N/A

Date:

Term End N/A

Date:

Dissolved 01/24/2018

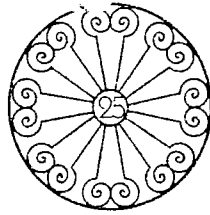
Date:

Official Documents On File

Filing Type	Filing Date
Articles of Dissolution	01/24/2018
Incorporation	07/23/2004

For filing questions please contact us at 803-734-2158

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YCRLAW

Stephen L. Brown

Direct Dial: (843) 720-5488
Direct Fax: (843) 579-1351
E-mail: sbrown@ycrlaw.com

March 13, 2020

VIA HAND DELIVERY

The Honorable Irvin G. Condon
Charleston County Probate Court
84 Broad Street
Charleston, SC 29401

Re: Alan Wilson, Attorney General for the State of South Carolina vs. Minnie Lee
Newman (Mevers)

Dear Judge Condon:

Enclosed please find the following:

1. The original and one (1) copy of the Verified Petition and Application to Re-Open Estate, Appoint Special Administrator, Impose Constructive Trust to Protect Improperly Distributed Estate Assets, and Obtain other Relief as Necessary;
2. The original and one (1) copy of the Summons for same;
3. The original and one (1) copy of the Verified Motion for Temporary Restraining Order;
4. One (1) copy of a proposed Temporary Restraining Order for your consideration; and
5. The necessary filing fee(s).

Please file the originals and return court-stamped copies to me so that we may serve the Respondent with the same.

Further, please note that we are happy to provide you with a copy of the proposed order in Word format via email.

Should you need anything further please do not hesitate to let me know.

With best wishes and kindest regards, I am

Sincerely,

YCRLAW, LLC

Stephen L. Brown

SLB/kbb
Enclosures

ROSEN | HAGOOD

Daniel F Blanchard, III
dblanchard@rosenhagood.com
843-266-8123

August 28, 2020

VIA HAND-DELIVERY:

The Honorable Irvin G. Condon
Judge of Probate for Charleston County
100 Broad Street, Suite 469
Charleston, SC 29401

Re: In re Estate of Roy E. Mevers, Jr.
South Carolina Attorney General v. Minnie Lee Newman Mevers
Case No. 2017-ES-10-01946

Dear Judge Condon:

Last Wednesday, I received a copy of Stephen Brown's letter to you of August 19, 2020 along with his proposed Order denying my client's motion to alter, amend, and/or vacate that was filed on July 10, 2020. Earlier this week, I also received in the mail an undated letter from James Duggan enclosing his reply to my client's motion, although the copy of the reply that we received is missing two of the pages. It appears we are missing pages 3 and 4. The certificate of service is not dated, thus I'm unsure of the date when the document was submitted to the Court.

Based on the submissions that we have now received from Messrs. Brown and Duggan, the resolution of the motion clearly involves several complicated and in some instances novel issues. Although we realize it is discretionary with the Court to conduct oral argument on a Rule 59(e) motion, we would respectfully request that the Court schedule and conduct a hearing on my client's motion to hear oral argument from the parties' counsel before making its ruling on the motion. The responses that we received from Messrs. Brown and Duggan raise several new arguments that were not argued or addressed at the prior hearing conducted by you in this case. We respectfully request the opportunity to present oral argument to the Court involving these issues before a ruling is made. Additionally, as discussed below, we are also filing a Rule 60(b) motion in response to Mr. Brown's procedural argument, thus we would ask that a hearing be conducted on this motion at the same time as a hearing on the Rule 59(e) motion. I will certainly work with the Court and opposing counsel to schedule a hearing as expeditiously as possible.

Please also be aware that we intend to file a reply memorandum of law in support of our client's motion that responds to each of the arguments made by Messrs. Brown and Duggan in their submissions. Unfortunately, I have been tied up taking depositions in another matter in Hilton Head and Charleston every day of last week and on Monday-Thursday of this week, thus I simply have not had an opportunity to prepare a formal reply memorandum addressing these arguments. I will endeavor to get that memorandum prepared and filed as soon as possible. I simply wanted to let the Court know that we do intend to respond to the recent filings from Messrs. Brown and Duggan.

August 28, 2020

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Mr. Browns' response makes the argument that my client should have filed his motion under Rule 60(b) rather than Rule 59(e). Although we disagree with his argument, we are hereby filing a Motion pursuant to Rule 60(b) to resolve his procedural argument.

By copy of this letter, I'm requesting that Mr. Duggan provide me with a complete copy of his reply so that we can prepare a response to it.

We thank you for your assistance in this matter.

With best regards, I am

Sincerely,

A handwritten signature in black ink, appearing to read "Frank", followed by a long horizontal flourish.

Daniel F. Blanchard, III

Enclosure as stated

Cc: Mrs. Minnie Lee Newman-Mevers (with encl.)
C. Havird Jones, Sr. Assistant Deputy Attorney General (with encls.)
C. Michael Branham, Esquire (with encls.)
Stephen L. Brown, Esquire (with encls.)
J. James Duggan, Esquire (with encls.)

From: James I. Ward <JWard@charlestoncounty.org>
Sent: Monday, March 16, 2020 3:03 PM
To: James Duggan <duggan@dugganlawfirm.com>
Cc: Brown, Stephen L. <sbrown@ycrlaw.com>
Subject: RE: Estate of Roy E. Mevers, Jr. (2017-ES-10-1946)

I have spoken with the Judge and we can amend the Order.

Thank you,

James

James I. Ward, IV, Esq.
Judicial Law Clerk
Charleston County Probate Court
84 Broad Street
Charleston, SC 29401
Phone: 843-958-5012
Fax: 843-958-5044
Email: jward@charlestoncounty.org

From: James Duggan <duggan@dugganlawfirm.com>
Sent: Monday, March 16, 2020 9:26 AM
To: James I. Ward <JWard@charlestoncounty.org>
Cc: Brown, Stephen L. <sbrown@ycrlaw.com>
Subject: Re: Estate of Roy E. Mevers, Jr. (2017-ES-10-1946)

CAUTION: This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

James, would it be possible to name "Duggan Law Firm, LLC" as the special administrator? That allows any of my partners to appear on my behalf if I have a conflict on a hearing date.

On Fri, Mar 13, 2020 at 4:54 PM James I. Ward
<JWard@charlestoncounty.org> wrote:

Attorney Brown,

Please see attached signed Temporary Restraining Order. Also attached is the Notice of Hearing for this matter. Please provide notice of the Order and the Hearing to all interested parties as soon as possible.

Attorney Duggan – also attached is a copy of your certificate of appointment. Certified copies can be picked up from our office.

Please let me know if you have any questions or concerns.

Best regards,

James

James I. Ward, IV, Esq.
Judicial Law Clerk
Charleston County Probate Court
84 Broad Street
Charleston, SC 29401
Phone: 843-958-5012
Fax: 843-958-5044
Email: jward@charlestoncounty.org