

No. _____

In the Supreme Court of the United States

BEVERLY HENNAGER,
Petitioner,

v.

MARY E. DEARDON,
Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF SOUTH CAROLINA

APPENDIX

Beverly Hennager

315 Wood Ln
Corvallis, MT 59828
hennagerbev@gmail.com
(406) 361-0796

Pro Se Petitioner

FEBRUARY MMXXVI

United States Commercial Printing Company • www.uscpc.us • (202) 866-8558

App-i

APPENDIX

TABLE OF CONTENTS

Appendix A

Order, Supreme Court of South Carolina, *In Re: Estate of M. K. Jennings: Beverly Hennager v. Mary E. Deardon*,
No. 2025-001793 (Nov. 19, 2025) App-1

Appendix B

Notice, Supreme Court of South Carolina, *In Re: Estate of M. K. Jennings: Beverly Hennager v. Mary E. Deardon*,
No. 2025-001793 (Nov. 24, 2025) App-2

Appendix C

Opinion, South Carolina Court of Appeals, *In Re: Estate of M. K. Jennings: Beverly Hennager v. Mary E. Deardon*,
No. 2024-001152 (Jun. 11, 2025) App-4

Appendix D

Order, South Carolina Court of Appeals, *In Re: Estate of M. K. Jennings: Beverly Hennager v. Mary E. Deardon*,
No. 2024-001152 (Aug. 20, 2025) App-9

Appendix E

Order, Kershaw County Circuit Court, *In Re: Estate of M. K. Jennings: Beverly Hennager v. Mary E. Dearden*,
Lower Court Case No. 2021CP2800795
(Sep. 4, 2025) App-10

App-ii

Appendix F

Notice, South Carolina Court of Appeals, *In Re: Estate of M. K. Jennings: Beverly Hennager v. Mary E. Deardon*,
No. 2024-001152 (Dec. 16, 2025) App-13

Appendix G

Order, South Carolina Kershaw County Probate Court, *In the Matter of the Estate of M. K. Jennings*,
No. 2010-ES-28-00169 (Jun. 13, 2013) App-15

Appendix H

Order, South Carolina Kershaw County Probate Court, *Louis A. Hennager, Jr. and Beverly L. Hennager v. Mary E. Deardon*,
No. 2010-ES-28-00169 (Oct. 27, 2016) App-18

Appendix I

Notice, South Carolina Kershaw County Probate Court, *Re: Estate of M. K. Jennings*,
No. 2010-ES-28-00169 (Jul. 20, 2021) App-30

Appendix J

Notice, South Carolina Kershaw County Probate Court, *Re: Estate of M. K. Jennings*,
No. 2010-ES-28-00169 (Jul. 29, 2021) App-31

Appendix K

Order, South Carolina Kershaw County Probate Court, *In Re: Estate of M. K. Jennings*,
No. 2010-ES-28-00169 (Sep. 3, 2021) App-32

App-iii

Appendix L

Order, South Carolina Kershaw County Circuit Court, *In Re: Estate of M. K. Jennings: Beverly Hennager v. Mary E. Deardon*, No. 2011-CP-28-00795 (Jun. 19, 2024) App-35

Appendix M

Excerpt from M. Burns' Post Hearing Memorandum, South Carolina Kershaw County Probate Court, *In Re: Estate of M. K. Jennings*, No. 2010-ES-28-00169 (Apr. 7, 2021) App-38

Appendix N

Respondent's Principal Payments Summary Exhibit, (Apr. 7, 2021) App-39

Appendix O

Excerpt from Discovery Requests and Answers for Loans, (Jan. 2016) App-40

Appendix P

Excerpt from First Motion to Compel Production, (Jul. 13, 2021) App-44

Appendix Q

Second Motion to Compel Production, South Carolina Kershaw County Probate Court, *Beverly Hennager v. Mary Dearden*, No. 2010-ES-28-00169 (Jul. 26, 2021) App-46

App-iv

Appendix R

Excerpt from Reply to Respondent's Final Brief:
Objections to I & II, South Carolina Court of
Appeals, *In Re: Estate of M. K. Jennings: Beverly
Hennager v. Mary E. Dearden*,
No. 2024-001152 (Oct. 19, 2024) App-47

Appendix S

Excerpt from Supplemental Petition for Re-
hearing, South Carolina Court of Appeals, *In
Re: Estate of M. K. Jennings: Beverly Hennager
v. Mary E. Dearden*,
No. 2024-001152 (Aug. 18, 2025) App-51

Appendix T

Excerpt from Notification of Filing Rule 60 Mo-
tions, South Carolina Court of Appeals, *In Re:
Estate of M. K. Jennings: Beverly Hennager v.
Mary E. Dearden*,
No. 2024-001152 (Sep. 8, 2025) App-58

Appendix U

Petition for Writ of Mandamus with exhibits,
South Carolina Court of Appeals, *In Re: Estate
of M. K. Jennings: Beverly Hennager v. Mary E.
Dearden*,
No. 2024-001152 (Sep. 11, 2025) App-59

Appendix V

Refusal Email of Deputy Clerk of Circuit Court
for Kershaw County, South Carolina,
(Sep. 9, 2025) App-62

App-v

Appendix W

Excerpt from Rule 60(b)(4) Motion, South Carolina Circuit Court, *Beverly Hennager v. Mary Dearden*,
No. 2021-CP-28-00795 (Sep. 3, 2025) App-63

Appendix X

Excerpt from Rule 60(b)(4) Motion, South Carolina Kershaw County Probate Court, *Beverly Hennager v. Mary Dearden*,
No. 2010-ES-28-00169 (Sep. 3, 2025) App-66

Appendix Y

Motion for Formal Ruling to Lower Court, South Carolina Court of Appeals, *Beverly Hennager v. Mary Dearden*,
No. 2024-001152 (Sep. 11, 2025) App-68

Appendix Z

Limited Remand Sought in SC Supreme Court to File Rule 60 motions, *Beverly Hennager v. Mary Dearden*,
No. 2010-ES-28-00169 (Sep. 11, 2025) App-69

Appendix AA

Response to Respondent's Motion for Fees, South Carolina Court of Appeals, *In Re: Estate of M. K. Jennings: Beverly Hennager v. Mary E. Dearden*,
No. 2024-001152 (Dec. 10, 2025) App-71

Appendix BB

Excerpt from November 29, 2012 Hearing Transcript: Louis Jennings' Testimony – PR

App-vi

Failed to Respond to Discovery Requests, South Carolina Kershaw County Probate Court, *Beverly Hennager v. Mary Dearden*, No. 2010-ES-28-00169 (Nov. 29, 2012) App-74

Appendix CC

Excerpt from July 2016 Hearing Transcript: Petitioner Testified PR Ignored Discovery Requests Seeking Payment Status of Note, South Carolina Kershaw County Probate Court, *Beverly Hennager v. Mary Dearden*, No. 2010-ES-28-00169 (Jul. 2016) App-79

Appendix DD

Excerpt from July 2016 Hearing Transcript: PR Admitted Untruthful Oaths, South Carolina Kershaw County Probate Court, *Beverly Hennager v. Mary Dearden*, No. 2010-ES-28-00169 (Jul. 2016) App-86

Appendix EE

Excerpt from July 2016 Hearing Transcript: PR Testified that She Intended to Submit Corrections, South Carolina Kershaw County Probate Court, *Beverly Hennager v. Mary Dearden*, No. 2010-ES-28-00169 (Jul. 2016) App-89

Appendix FF

Excerpt from May 29, 2024 Hearing Transcript: Respondent: “My volume is—this is the first time I’ve ever done this”, South Carolina Kershaw County Probate Court, *Beverly Hennager v. Mary Dearden*, No. 2010-ES-28-00169 (May 29, 2024) App-93

App-vii

Appendix GG

Excerpt from May 29, 2024 Hearing Transcript:
Petitioner: “it was hard to hear what he was saying—so difficult to respond”, South Carolina Kershaw County Probate Court, *Beverly Hennager v. Mary Dearden*,
No. 2010-ES-28-00169 (May 29, 2024) App-95

Appendix HH

Excerpt from May 29, 2024 Hearing Transcript:
Respondent Telling the Court Petitioner Refused Final Distribution, South Carolina Kershaw County Probate Court, *Beverly Hennager v. Mary Dearden*,
No. 2010-ES-28-00169 (May 29, 2024) App-97

Appendix II

Waiver of Due Process Rights, South Carolina Kershaw County Probate Court, *Beverly Hennager v. Mary Dearden*,
No. 2010-ES-28-00169 (Jul. 15, 2022) App-99

Appendix JJ

Exhibit 1: Promissory Note, Springfield Toyota, INC.,
(Jul. 15, 2022) App-101

Appendix KK

Exhibit 2: November 2006 Email Stipulated at 2016 Hearing Stating the Note Was Not Fully Paid,
(Nov. 2006) App-104

App-viii

Appendix LL

Email from Judge Coble's Clerk Acknowledging
Receipt of Attached Excerpt to Objections to
June 19, 2024 Order,
(Jun. 25, 2024) App-106

Appendix MM

Exhibit 4: M. K. Jennings Death Certificate
Showing Resident of Virginia,
(Date Issued: Apr. 1, 2010) App-109

App-1
Appendix A
[Filed: Nov. 19, 2025]

The Supreme Court of South Carolina

In Re: Estate of M.K. Jennings 2010ES2800169

Beverly Hennager, Petitioner,

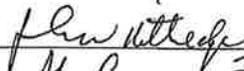
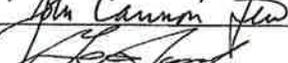
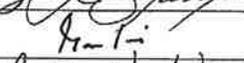
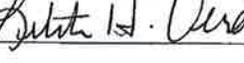
v.

Mary E. Deardon, as Personal Representative of the
Estate of M.K. Jennings, Respondent.

Appellate Case No. 2025-001793

ORDER

The petition for a writ of certiorari is denied. The motion for limited remand and supplement to the motion for limited remand are denied as moot.


_____ C.J.

_____ J.

_____ J.

_____ J.

_____ J.

Columbia, South Carolina
November 19, 2025

cc:
Moultrie B. Burns, Jr.
Beverly Hennager
The Honorable Jenny Abbott Kitchings

App-2

Appendix B



The Supreme Court of South Carolina

PATRICIA A. HOWARD
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY
CLERK

BLAIRE CANN
CHIEF DEPUTY
CLERK

POST OFFICE BOX
11330
COLUMBIA, SOUTH
CAROLINA 29211
1231 GERVAIS STREET
COLUMBIA, SOUTH
CAROLINA 29201
TELEPHONE:
(803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

November 24, 2025

Beverly Hennager
315 Wood Ln
Corvallis, MT 59828

Re: Beverly Hennager v. Mary E. Deardon
Appellate Case No. 2025 -001793

Dear Ms. Hennager

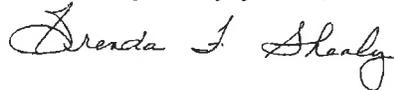
This responds to your "Motion to Vacate and Remedy Void Orders" and Petition for Rehearing, both filed on November 24, 2025. Please be advised that the remittitur was sent in this case on November 19, 2025, thereby ending appellate jurisdiction over this matter. *Stogsdill v. S.C. Dep't of Health & Human*

App-3

Servs., 415 S.C. 568, 784 S.E.2d 669 (2016); *Wise v. S.C. Dept. of Corr.*, 372 S.C. 173, 642 S.E.2d 551 (2007). Accordingly, no action will be taken on your motion and petition by this Court.

In addition to the remittitur being sent, pursuant to 221 of the South Carolina Appellate Court Rules (SCACR), “no petition for rehearing shall be allowed from an order denying a petition for a writ of certiorari under Rule 242, SCACR.”

Very truly yours,

A handwritten signature in cursive script that reads "Brenda I. Shalby".

CHIEF DEPUTY CLERK

cc Moultrie B. Burns, Jr.
The Honorable Jenny A. Kitchings

App-4

Appendix C

[Filed: Jun. 11, 2025]

**THIS OPINION HAS NO PRECEDENTIAL
VALUE. IT SHOULD NOT BE CITED OR
RELIED ON AS PRECEDENT IN ANY
PROCEEDING EXCEPT AS PROVIDED BY
RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

In Re: Estate of M.K. Jennings 2010ES2800169
Beverly Hennager, Appellant,

v.

Mary E. Deardon, as Personal Representative of the
Estate of M.K. Jennings, Respondent.

Appellate Case No. 2024-001152

Appeal From Kershaw County
Daniel Coble, Circuit Court Judge

Unpublished Opinion No. 2025-UP-196
Submitted May 1, 2025 — Filed June 11, 2025

AFFIRMED

Beverly Hennager, of Corvallis, Montana, pro se.

Moultrie B. Burns, Jr., of Savage Royall & Sheheen,
of Camden, for Respondent.

PER CURIAM: Beverly Hennager appeals the circuit court's order affirming the probate court's order approving the amended accounting conducted by Mary E. Deardon, as personal representative of the estate of M.K. Jennings (the Estate).

Hennager argues (1) the circuit court's 2024 order is void because Deardon's attorney acted without authority, intentionally falsified the record, and failed to respond to discovery requests; (2) the probate court's 2016 order was interlocutory and subject to review and amendment; (3) the circuit deprived her of due process; and (4) it was in the best interest of the Estate to remove Deardon as personal representative. We affirm pursuant to Rule 220(b), SCACR.

1. As to issue one, we find this issue is not preserved for appellate review because Hennager failed to file a motion pursuant to Rule 60(b) of the South Carolina Rules of Civil Procedure with the circuit court either asserting the circuit court's 2024 order was void or alleging Deardon's attorney acted in a fraudulent manner. *See Wilder Corp. v. Wilke*, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998) ("It is axiomatic that an issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the trial [court] to be preserved for appellate review."); Rule 60(b)(3)-(4), SCRCP ("On 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 . . . fraud, misrepresentation, or other misconduct of an adverse party [or] . . . the judgment is void.").

App-6

2. As to issue two, we find Hennager’s argument is without merit because she appealed the probate court’s 2016 order to the circuit court and failed to appeal the circuit court’s 2020 order affirming the 2016 order to this court. Accordingly, the probate court’s findings in its 2016 order are the law of the case. *See Shirley’s Iron Works, Inc. v. City of Union*, 403 S.C. 560, 573, 743 S.E.2d 778, 785 (2013) (“An unappealed ruling is the law of the case and requires affirmance.”); *E. Cherry Grove Co., LLC v. State*, 443 S.C. 617, 630, 905 S.E.2d 421, 429 (Ct. App. 2024) (“[T]he law of the case doctrine . . . applies only to subsequent proceedings in the same litigation following an appellate decision...” (alterations in original) (quoting *Lifschultz Fast Freight, Inc. v. Haynsworth, Marion, McKay & Guerard*, 334 S.C. 244, 245, 513 S.E.2d 96, 96-97 (1999))). Therefore, whether the probate court’s 2016 order was interlocutory has no effect on Hennager’s appeal of the circuit court’s 2024 order. Moreover, to the extent Hennager argues the probate court’s 2016 order is void for lack of personal jurisdiction, we find this issue is not preserved for appellate review because she failed to file a Rule 60(b)(4) motion. *See Wilder Corp.*, 330 S.C. at 76, 497 S.E.2d at 733 (“It is axiomatic that an issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the trial [court] to be preserved for appellate review.”); Rule 60(b)(4), SCRCP (“On 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.”); *Stearns Bank Nat. Ass’n v. Glenwood Falls, LP*, 373 S.C. 331, 337, 644 S.E.2d 793, 796 (Ct.

App-7

App. 2007) (“A judgment is void if a court acts without personal jurisdiction.” (quoting *BB & T v. Taylor*, 369 S.C. 548, 551, 633 S.E.2d 501, 503 (2006))).

3. As to issue three, we find Hennager’s argument is without merit because she presented evidence regarding the promissory note at the 2012 evidentiary hearing, at the 2016 merits hearing, and in her appellate brief challenging the probate court’s 2016 order. She further failed to appeal the circuit court’s 2020 order affirming the probate court’s 2016 order. Furthermore, the probate court did consider the merits of her claim concerning the promissory note and found in its 2021 order the note was satisfied before M.K. Jennings’s death and Deardon’s inventory was correct in not listing the debt as an estate asset. Hennager failed to appeal the probate court’s refusal to consider her 2021 motions to compel production and she failed to file a motion pursuant to Rule 60(b)(4), SCRPC. *See Wilder Corp.*, 330 S.C. at 76, 497 S.E.2d at 733 (“It is axiomatic that an issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the trial [court] to be preserved for appellate review.”). Moreover, South Carolina has not adopted Rule 60(d) of the Federal Rules of Civil Procedure. *See Fed. R. Civ. P. 60(d)* (“Other Powers to Grant Relief. This rule does not limit a court’s power to: (1) entertain an independent action to relieve a party from a judgment, order, or proceeding; (2) grant relief under 28 U.S.C. § 1655 to a defendant who was not personally notified of the action; or (3) set aside a judgment for fraud on the court.”).

App-8

4. As to issue four, we find the findings in the probate court's 2016 order and the circuit court's 2020 order concerning whether Deardon should continue to serve as personal representative of the Estate and the accounting of the Estate are the law of the case. See *Shirley's Iron Works, Inc.*, 403 S.C. at 573, 743 S.E.2d at 785 ("An unappealed ruling is the law of the case and requires affirmance"); *E. Cherry Grove Co., LLC*, 443 S.C. at 630, 905 S.E.2d at 429 ("[T]he law of the case doctrine . . . applies only to subsequent proceedings in the same litigation following an appellate decision...." (alterations in original) (quoting *Lifschultz Fast Freight, Inc. v. Haynsworth, Marion, McKay & Guerard*, 334 S.C. 244, 245, 513 S.E.2d 96, 96-97 (1999))).

ATFIRMED.¹

¹ After careful consideration, Hennager's motion to waive oral argument is granted because oral argument would not assist the court. We decide this case without oral argument pursuant to Rule 215, SCACR.

App-9

Appendix D

The South Carolina Court of Appeals

In Re: Estate of M.K. Jennings 2010ES2800169

Beverly Hennager, Appellant,

v.

Mary E. Deardon, as Personal Representative of the
Estate of M.K. Jennings, Respondent.

Appellate Case No. 2024-001152

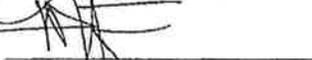
ORDER

Appellant has filed a motion to amend Appellant's petition for rehearing. After careful consideration, the motion to amend is granted.

After careful consideration of the amended petition for rehearing, the court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the amended petition for rehearing is denied.

 C.J.

 J.

 J.

Columbia, South Carolina

FILED
Aug 20 2025

App-10

Appendix E

[Filed: Sep. 4, 2025]

FORM 4

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

JUDGMENT IN
A CIVIL CASE
CASE NUMBER
2021CP2800795

M K Jen-
nings Es-
tate of

Louis A
Jennings
Jr

Mary E
Dearden
Pr

Beverly
Hennager

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for:
	<input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**
- Rule 12(b), SCRCP; Rule 41(a), SCRCP (Vol. Nonsuit);
- Rule 43(k), SCRCP (Settled); Other: _____
- ACTION STRICKEN (CHECK REASON):**
- Rule 40(j) SCRCP; Bankruptcy;
- Binding arbitration, subject to right to restore to confirm, vacate or Other: _____

App-11

modify arbitration award;

- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
- Affirmed; Reversed; Remanded; Other:

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

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

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk: **THIS WAS A PROBATE APPEAL WHICH ENDED WITH THE PROBATE COURT BEING AFFIRMED. MY DECISION WAS APPEALED TO THE COURT OF APPEALS WHERE THE LOWER COURT WAS UPHELD, ORDER ATTACHED. THERE IS NO JUDGMENT IN THIS CASE AND NO PAPERWORK WILL BE ADDED TO THIS ENDED APPEAL.**

INFORMATION FOR THE JUDGMENT INDEX

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

Judgment in Favor of (List name(s))	Judgment Against (List name(s))	Judgment Amount To be Enrolled (List amount(s))
----------------------------------------	------------------------------------	----------------------------------------------------

App-12

below)	below)	below)
If applicable, describe the property, including tax map information and address, referenced in the order:		

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

Note: Title abstractors and researchers should refer to the official court order for judgment details.

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

Circuit Court Judge Judge Code Date

App-13

Appendix F



The South Carolina Court of Appeals

JENNY ABBOTT
KITCHINGS
CLERK

CATHERINE S.
HARRISON
CHIEF DEPUTY
CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CARO-
LINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CARO-
LINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

December 16, 2025

Beverly Hennager
315 Wood Ln
Corvallis MT 59828

Re: Beverly Hennager v. Mary E. Deardon
Appellate Case No. 2024-001152

Dear Counsel:

We are in receipt of your Motion to Expedite Ruling on Petition for Writ of Mandamus filed on December 10, 2025. This appeal was remitted on November 19, 2025, thereby ending this Court's jurisdiction over this matter. Therefore, no further action will be taken on your motion to expedite.

App-14

Very truly yours,

Jasmine D. Smith, Deputy

CLERK

cc: Moultrie B. Burns, Jr., Esquire
The Honorable Daniel Coble

Appendix G

[Filed: Jun. 13, 2013]

STATE OF SOUTH	)	IN THE PROBATE
CAROLINA	)	COURT
COUNTY OF	)	ORDER REMOVIING
KERSHAW	)	PERSONAL
	)	REPRESENTATIVE AND
	)	APPOINTING SPECIAL
	)	ADMINISTRATOR
IN THE MATTER)	
OF THE ESTATE OF	)	CASE NUMBER:
M. K. JENNINGS	)	2010-ES-28-00169

This matter came before the Court on the Petition of Louis Jennings and Beverly Hennager for the removal of Mary E. Dearden as Personal Representative of the Estate of M.K. Jennings. The Petition was filed on December 12, 2011, after which the Petitioners changed counsel and retained Kenneth B. Wingate, Esquire, to represent them in this pending matter.

After various discovery hearings and status conferences, this matter came before the Court for an evidentiary hearing on November 29, 2012. Present at the hearing were the Petitioner Louis Jennings, his attorney, Kenneth B. Wingate, Esquire, the Personal Representative Mary E. Dearden, and her attorney, Moultrie B. Burns, Esquire. Petitioner Beverly Hennager was not able to attend the hearing but was represented by Mr. Wingate.

The Personal Representative has filed an accounting and proposal for distribution. Louis Jennings and Beverly Hennager timely filed objections

App-16

to the proposal for distribution and demanded a review of the actions of the personal representative for a number of reasons. They allege that assets may have been improperly omitted from the Inventory and Appraisement which should have been included in the probate estate; that items of tangible personal property were not properly valued by the personal representative for distribution purposes; that certain joint accounts and transfer on death accounts may have been established at a time when the decedent lacked the capacity or may have been unduly influenced to establish such accounts; that the personal representative enjoyed a confidential relationship as the attorney-in-fact for the decedent under a durable power of attorney during her lifetime; and that the personal representative made certain cash payments to herself and her husband while she was serving as attorney-in-fact, as set forth in the petition. Finally, this Court also notes that certain discovery requests by Petitioners were not answered in a timely manner, requiring Petitioners to file a Motion to Compel Production.

Based upon the testimony and evidence at the hearing, this Court finds and concludes that it would be in the best interest of the estate to appoint a special administrator pursuant to Section 63-3-611(b) of the South Carolina Probate Code. This Court further finds and orders that Angela M. Kirby, Esquire with an office at 1039 Broad Street, in Camden, South Carolina is hereby appointed as Special Administrator of the Estate with all the powers of a general personal representative, without the necessity of posting bond. The Special Administrator is directed to secure the assets of the estate, review the inventory and ap-

App-17

praisement for the proper inclusion of assets belonging to the decedent at the date of her death, review the accounting submitted by Mary E. Dearden, and to make recommendations to this Court in the form of a proposal for distribution in accordance with the terms of the decedent's last will and testament.

As Special Administrator, Ms. Kirby shall be entitled to receive a fee at the hourly rate of \$225 and for her paralegal at the hourly rate of \$100, and may submit a request for payment of fees and costs as and when she deems appropriate.

The Personal Representative shall transfer the estate account and other assets on hand to the special administrator and file a final accounting for such assets transferred on or before June 30, 2013.

IT IS SO ORDERED.

/s/ Harriett S. Pierce
Harriett S. Pierce,
Probate Judge

June 13, 2013

App-18

Appendix H

[Filed: Oct. 27, 2016]

STATE OF SOUTH CAROLINA	)	IN THE
COUNTY OF KERSHAW	)	PROBATE
	)	COURT
Louis A. Hennager, Jr. and	)	CASE NO.
Beverly L. Hennager,	)	2010-ES-28-
Petitioners,	)	00169
)	
vs.)	
)	
Mary E. Deardon, as Personal	)	ORDER
Representative of the Estate of)	
M.K. Jennings,)	
Respondent.)	

This matter came before the court, by remand of the Circuit Court, for a hearing on the merits of the Petition for the Appointment of Special Administrator, with Attachment, filed by Louis Jennings and Beverly Hennager. The hearing was held on July 20th and 21st, 2016. Petitioner Beverly Hennager was present at the hearing, represented by Arthur E. White III and Jonathan B. Spitz. Respondent Mary E. Deardon, as Personal Representative of the Estate of M.K. Jennings, was present, represented by Moultrie Burns. Also present at the entire hearing was Michael Jennings, a beneficiary of the Estate. Another Estate beneficiary, Katherine R. Dauphin (“Randy”), was only present on July 20th for the morning portion of the hearing.

I. PROCEDURAL HISTORY

On December 12, 2011 Louis Jennings (“Louis”) and Beverly Hennager (“Beverly”) filed a Petition for

the Appointment of Special Administrator, with Attachment. Answer to the Petition was filed by Mary Deardon, as Personal Representative of the Estate of M.K. Jennings (“PR”)(“Estate”). An evidentiary hearing was held on the Petition on November 29, 2012 before the prior Probate Court Judge, Harriett S. Pierce. Judge Pierce issued and entered an order removing the PR and Appointing a Special Administrator on June 13, 2013 (“2013 Order”). The PR appealed the 2013 Order to the Circuit Court. Oral arguments were heard by the Circuit Court on May 20, 2014 and thereafter an Order of Remand was entered on September 17, 2015 remanding the matter back to the Kershaw County Probate Court for more specific findings of fact and conclusions of law.

At the beginning of the merits hearing on July 20, 2016, counsel for the PR and Beverly advised the Court that they had stipulated to the admissibility of evidence and the Court accepted the same. The hearing then proceeded on the merits of the Petition, and the Attachment incorporated therein by reference.

II. FINDINGS OF EACT AND CONCLUSIONS OF LAW

1. Decedent was a resident of Kershaw County. She died on March 31, 2010. At the time of her death, she was widowed and had five children: Mary, Michael, Randy, Beverly, and Louis.

2. The Last Will and Testament of the Decedent dated September 17, 1999 (“Will”) provided, pursuant to Item III, that the Decedent’s Estate would pass to her five children in equal shares All five children survived the Decedent.

3. the Will, pursuant to Item IV, provides for Mary to be appointed as PR, or in the alternative, for Randy to be appointed and serve as PR.

Contractual Capacity

4. Contractual capacity in South Carolina is defined as “a person’s ability to understand, at the time the contract is executed, the nature of the contract and its effects.” *In re Thames*, 344 S.C. 564, 570 (S.C. App. 2001).

5. “The party alleging incompetence bears the burden of proving incapacity at the time of the transaction by a preponderance of the evidence. *Id.*, “Where a transaction is challenged on the ground of mental incompetency, the individual’s competency on the date of transaction must be determined.” *Id.*

6. The Petitioner presented Dr. William Brannon, who was qualified as an expert during the trial, and he testified that he reviewed the Decedent’s medical records, and he held an opinion to a reasonable degree of medical certainty that the Decedent Lacked the capacity to enter into contractual arrangements from May 2005 until her death.

7. The PR did not offer any expert testimony of her own as to the Decedent’s capacity on the date of the various purported contractual transactions which took place between January of 2007 and March 31, 2010 (date of the Decedent’s death).

8. Testimony by Albert Wright, III, financial advisor to the Decedent for many years, was that when he visited with the Decedent at the time she made the decision to change the CDs’ POD to her grandchildren was “she seemed to be the person that I al-

ways knew and admired and respected for having a completely brilliant mind and very discerning spirit.

9. Testimony was given by Mary Wannamaker as to her observations of the Decedent who she fondly referred to as "Baby Girl." Wannamaker lived next door to the Decedent's sister and brother and knew the Decedent a little over a decade. The Decedent resided next door during the remodeling of her home and after breaking her ankle. Wannamaker testified that she visited with the Decedent two to three times a week and the Decedent "spoke very clearly, never any hesitation to answer when we talked about things. Always contributed to the conversation and it made totally good sense." She further testified that she saw the Decedent drive her car which was a Toyota.

10. Testimony by Albert Melvin Wight, III, and Jo Marie Wannamaker as to the Decedent's capacity, which were presented by the PR, were persuasive because of the personal interaction with the Decedent over numerous years up to the time that she moved to Virginia in January of 2008.

11. Mr. Wright, the Decedent's financial advisor testified that he did not assist the Decedent, in person or over the telephone, in carrying out the changing of the CDs, but it was done by a banker. No other testimony or evidence of Bank of America regarding the Decedent's capacity at the time of the various transactions was introduced.

12. The Court takes notice to the Decedent selling her house in July of 2005 (Exhibit MD 00012), she renewed her driver's license on August 12, 2005, as indicated on the Account Information Sheet at The Fauquier Bank (Exhibit BH, 0119), and in July of

App-22

2007, she executed a Buyer's Order taking possession of a Toyota Automobile (Exhibits MD00015-17) with her sister Mary which she drove according to testimony of Wannamaker.

Joint Accounts

13. S.C. Code Ann. § 62-6-201(A), 1976, as amended stated that “[d]uring the lifetime of all parties, an account belongs to the parties in proportion to the net contribution of each to the sums on deposit, unless there is clear and convincing evidence of a different intent.”

14. The South Carolina Supreme Court, in *Vaughn v. Bernhardt*, 345 S.C. 196 (S.C. 2001), addressed the use of funds from a joint account holder who does not contribute to the account, finding that the non-contribute party severs their right of survivorship to the funds and such joint account funds are assets of the Estate. The Court finds that based on *Vaughn*, the actions of Mary and Randy severed their survivorship relationship and the funds in the Fauquier Account and Bank of America Account and funds improperly withdrawn therefrom are assets of the Estate.

15. There were two joint accounts between Mary and Decedent (Fauquier Bank X-6307 (“Fauquier Account”)) and Mary, Randy and the Decedent (Bank of America Account X-1284 (“BOA Account”)).

16. The Decedent contributed all the funds to the joint accounts.

17. Although, the Court finds that the Decedent indirectly benefited from the use of the funds in dispute by affording Mary and Randy the financial support needed to provide care for the Decedent them-

selves rather than placing the Decedent in an assisted living facility, the Supreme Court in *Vaughn v. Bernhardt*, 345 S.C. 196 (S.C. 2001), set out that by using the funds severed the right of survivorship and the money withdrawn are assets of the estate.

18. From August of 2008 to March of 2010, Mary wrote checks or was loaned money in the amount of \$ 54,650.00 from the Bank of America Account as shown on Exhibit B. The Court excluded from the total, check number 3056 written to Mary Deardon and executed by the Decedent in the amount of \$ 1000.00 from the total on the exhibit because the Court finds that the Decedent executed said check and had the capacity to do so at that time. From said total, the Court excludes check number 3075 and 3103 totaling \$1200.00 as testimony given these checks were cash for the Decedent. The Court further excludes \$200.00 from check number 3057 which is the difference from the amount of the check written and the loan amount to Mary from the total. The Court excludes check number 3133 from the total because the \$5,000.00 was transferred to the Fauquier Bank Account. Mary owes \$47,250,00 from the Bank of America Account

19. From September 2009 to March of 2010, Mary wrote checks to herself or to Cash totaling \$24,200.00 from the Fauquier Account as shown on Exhibit C. Excluded from this total by this Court are the following: check number 1002 as testimony reflects that the \$500.00 was cash for the Decedent; check numbers 1035 and 1039 each in the amount of \$500.00; check number 1044 for \$400.00 and check number 1045 for \$600.00 were payment to Joann who helped sit with Decedent. The Court finds that

App-24

Mary Deardon owes the Estate \$21,700.00 from the Fauquier Bank Account.

20. Randy Dauphin wrote checks to herself or to Cash in the amount of \$10,790.00 from the BOA Account as shown on Exhibit E. The Court excludes check numbers 3049, 3047, 3055, 3073 and 3076 totaling \$790.00 from the total. Randy Dauphin owes the estate \$10,000.00.

21. From January 2009 to March 26, 2010, Mary also wrote checks to her husband, Ziba Deardon, from the BOA Account in the amount of \$13,000.00 (such amount excludes the \$1,320.00 from the Fauquier Account written to Ziba with "Joanne" written in the memo line). Therefore, Ziba and Mary, jointly, owe the Estate \$13,000.00 for the amounts written to Ziba.

22. The Court finds that Mary Deardon shall be given credit for the \$20,000.00 payment into the Bank of America Account on or around May 18, 2009.

23. The Court further finds that Mary Deardon shall be given credit for the \$16,500.00 payment to the Estate Account.

Power of Attorney

24. The Decedent executed a Power of Attorney on March 13, 2008 which named Mary as the Decedent's Agent and such Power of Attorney was recorded in the Kershaw County Register of Deeds in Book 2332 and Page 26 ("Power of Attorney").

25. *Gordon v. Busbee*, 723 S.E.2d 822 provides that "in order to prevent fraud and abuse, the Court adopts a ruling barring a gift by an attorney in fact to himself or a third party absent clear intent to the contrary evidenced in writing." The Power of

Attorney did not contain a provision allowing Mary, as attorney in fact, to make gifts on the Decedent's behalf. Although the Decedent indirectly benefited from use of the funds in dispute by affording Mary and Randy the financial support needed to provide care for the Decedent themselves rather than placing the Decedent in an assisted living facility, no other written authorization by the Decedent was presented into evidence. Therefore, any funds of the Decedent given to her, Ziba or Randy by POA was an improper use of the Power of Attorney and such amounts should not have been given and those funds are considered an asset of the estate.

Removal of Personal Representative

26. S.C. Code Ann. § 62-3-611(b), 1976, as amended, states in relevant part that “[c]ause for removal exists when removal would be in the best interests of the estate, [...] has become incapable of discharging the duties of his office, or has mismanaged the estate or failed to perform any duty pertaining to the office.” The power to remove a personal representative “should be executed with great caution, and not at all, unless it is made to appear to be necessary for the protection of the estate, to prevent loss or injury to it from misappropriation, maladministration or fraud.” *Blackmon v. Weaver*, 366 S.C. 245, 251, 621 S.E.2d 42, 45 (Ct.App.2005).

27. The Personal Representative was slow to administer or timely file the required documents in the estate; however, the timeliness of the filing was addressed by prior order of this Court and the Personal Representative complied.

28. The longevity of this litigation was not all of Personal Representative's doing. The parties changed attorneys several times during the pendency of this matter was a factor.

29. The opportunity for the parties to investigate their allegations was allowed in the discovery period as set out by this Court and the Court believes that all of their allegations or speculation should have been answered during the discovery process.

30. The Court finds that it is not in the best interest of the estate and the beneficiaries herein to remove the Personal Representative, but it is in the best interest of the estate and the parties herein to bring finality to the estate so that the beneficiaries can find closure and move on with their lives.

Certificates of Deposit

31. Prior to November of 2007, the Decedent had two CDs at Bank of America that were cashed in November of 2007 on which the five children of the Decedent were named the beneficiaries. The total value of these two CDs was approximately \$537,000.00. In November 2007, such CDs were changed at the request of the Decedent, to name five of the Decedent's grandchildren as beneficiaries.

32. Prior to November of 2007, the Decedent had another CD worth approximately \$429,000.00 at Bank of America. In November 2007, such CD was changed at the request of the Decedent to name three of the Decedent's grandchildren as beneficiaries receiving \$100,000.00 each and the remainder to estate.

33. The Court finds that the Decedent had capacity in 2007 to make said changes.

34. Such CD matured in July of 2009 at which time it was changed into four CDs of \$100,000.00 each (3 at Bank of America and 1 at Fauquier) naming three of the Decedent's grandchildren as beneficiaries. Mary took the Decedent to the bank in 2009 to change the \$429,000.00 CD into four separate CDs as provided above.

35. Although the Court finds that the Decedent lacked the capacity to make said changes in 2009, the end result was the same as 2007 when the Decedent made the changes in beneficiary and when she had capacity to do so.

Personal Property and Shipping Costs

36. The Personal Representative testified that she had the jewelry appraised by a jeweler in Virginia and other personal property was appraised by an auction house near her in Virginia. The property was divided taking in consideration the expressed desired items and based on the value of the appraisal.

37. Beverly L. Hennager presented an appraisal of the jewelry she received with a lower value; however, it was an estate appraisal verses the fair market value appraisal that the Personal Representative had.

38. The Court finds that the division was fair and equitable based on the one appraised value acquired by the Personal Representative.

39. As for the shipping costs, the Court finds that the shipping costs are an estate expense and should not be charged to any particular beneficiary.

Fees and Costs

40. The Personal Representative is entitled to the Personal Representative's fee.

41. The Personal Representative has requested that she be reimbursed for legal fees she incurred from a Virginia Attorney. The Court takes notice of the fact that Mary had South Carolina counsel who was representing her as Personal Representative at the time she incurred legal fees in Virginia. The Court finds that the Virginia attorney's fees are/were a personal expense of Mary Deardon. For those reasons, the Court finds that her request for payment of those fees is denied.

42. The Court finds that the appearance fees of the Court Reporter for this trial is an expense of the estate and shall be paid with estate funds.

43. The Petitioners are responsible for their respective attorneys' fees.

**THEREFORE, IT IS HEREBY ORDERED
THAT:**

- A. Mary E. Deardon shall remain the Personal Representative of the Estate of M.K. Jennings and shall receive any commission, compensation, or payment for her service as personal representative for the Estate.
- B. Mary E. Deardon shall pay into the Estate from her funds, outside of any joint funds previously held with the Decedent, the amount of **\$32,450.00**.
- C. Mary E. Deardon and Ziba Deardon, under joint and several liability, shall pay into the Estate from his or her funds, an additional **\$13,000.00**.
- D. Randy Dauphin shall pay into the Estate from her funds, outside of any joint funds previously held with the Decedent, the amount of

App-29

\$10,000.00.

- E. Any funds remaining on deposit at the death of the Decedent in the BOA Account and the Fauquier Accounts shall be paid into the Estate by Mary.
- F. Mary E. Deardon's request for reimbursement of attorney's fees she incurred by hiring a Virginia attorney are **DENIED**.
- G. The shipping costs shall be paid by the estate.
- H. The Court Reporters fees for appearance for this trial shall be paid by the Estate. Petitioner shall provide a copy of the invoice for the appearance fee of the Court Reporter to the Personal Representative.
- I. The Petitioners are responsible for their respective attorney's fees.
- J. The Personal Representative shall prepare an Amended Accounting showing the above ordered expenses, additional expenses of the estate and recalculation of the beneficiaries' final disbursements. Said Amended Accounting, Proposal for Distribution and other closing documents shall be filed with the Court along with a Proof of Delivery.
- K. No funds shall be disbursed or fees paid as ordered hereinabove until time has expired to appeal this Order.

IT IS SO ORDERED.

/s/ Debra B. Branham
Debra B. Branham
Probate Judge
for Kershaw County

Camden, South Carolina
October 27, 2016

App-30

Appendix I



KERSHAW COUNTY PROBATE COURT

Debra B. Branham
Probate Judge

Kershaw County Courthouse
1121 Broad Street, Room 225
Camden, South Carolina 29020
PHONE: (803) 425-1503
FAX: (803) 425-1526

July 20, 2021

Beverly Hennager
315 Wood Lane
Corvallis MT 59828

Re: Estate of M. K- Jennings
2010-ES-28-00169

Dear Ms. Hennager:

Your Motion to Compel Production is being returned to you. This filing can not be accepted because there is no pending litigation.

Sincerely,

/s/ Debra B. Branham
Debra B. Branham
Probate Judge

Enclosure

cc: Moultrie Bums, Esquire

App-31

Appendix J



KERSHAW COUNTY PROBATE COURT

Debra B. Branham
Probate Judge

Kershaw County Courthouse
1121 Broad Street, Room 225
Camden, South Carolina 29020
PHONE: (803) 425-1503
FAX: (803) 425-1526

July 29, 2021

Beverly Hennager
315 Wood Lane
Corvallis MT 59828

Re: Estate of M. K- Jennings
2010-ES-28-00169

Dear Ms. Hennager:

Your Motion to Compel Complete Evidence Pursuant to Rule 106 is being returned to you. This filing can not be accepted because there is no pending litigation.

Sincerely,

/s/ Debra B. Branham
Debra B. Branham
Probate Judge

Enclosure

cc: Moultrie Bums, Esquire

App-32

Appendix K

[Filed: Sep. 3, 2021]

STATE OF SOUTH CAROLINA	)	IN THE
COUNTY OF KERSHAW	)	PROBATE
	)	COURT
IN RE:		
ESTATE OF M.K. JENNINGS		ORDER
CASE NO. 2010-ES-28-00169		

This matter came before the Court for a hearing as a result of Beverly L. Hennager's filing a Demand for Hearing for "failure to provide accurate complete accounting" in response to the closing documents filed by the Personal Representative (PR).

A two-part hearing by zoom was held on March 16, 2021, and on June 2, 2021. All interested parties, Ms. Hennager, Louis A. Jennings, Jr., Katherine R. Dauphin, Michael F. Jennings, and Mary E. Dearden (also PR) were in attendance as well as Moultrie B. Burns, Jr., attorney for this Estate.

As background, the Order of this Court dated October 27, 2016 (2016 Order) was appealed by both parties and Judge Alison Renee Lee's Order on Appeal dated July 10, 2020 (2020 Order) affirmed my 2016 Order which mandated in Paragraph J the following:

"The Personal Representative shall prepare an Amended Accounting showing the above ordered expenses of the estate and recalculation of the beneficiaries' final disbursements. Said Amended Accounting, Proposal for Distribution and

App-33

other closing documents shall be filed with the Court along with a Proof of Delivery.” (emphasis added)

Ms. Hennager made issue with the accounting, particularly the absence of a promissory note from Michael Jennings to the decedent, as well as other allegations, including omissions of the transactions of stopped payments and questions as to value of the personal property.

Based upon arguments and the prior record and the zoom proceeding, I find and conclude the following:

Findings of Fact

- 1) The promissory note of Michael Jennings was satisfied before the decedent’s death and the Inventory is correct in not listing such debt as an asset.
- 2) The PR’s Amended Final Accounting as submitted to this Court is approved, as being accurate, complete and in compliance with the 2016 Order.

A CERTIFIED COPY:

ATTEST /s/ Debra B. Branham
PROBATE JUDGE
KERSHAW COUNTY, S.C.

Conclusions of Law

- 1) Ms. Hennager chose not to appeal 2020 Order. My 2016 Order is plain and specific and Ms. Hennager’s arguments to here would require the re-trial of issues already litigated and not appealed.

App-34

2) The PB. shall advise the Court when the disbursements from the estate checking account (which total \$86,303.22) have been made and this Estate will then be closed.

AND IT IS SO ORDERED.

/s/ Debra B. Branham

Debra B. Branham

Probate Judge for Kershaw County

Camden, SC

~~August~~ Sept. 3, 2021

App-35

Appendix L

[Filed: Jun. 19, 2024]

STATE OF	)	IN THE COURT
SOUTH CAROLINA	)	OF COMMON
COUNTY OF KERSHAW	)	PLEAS
	)	FIFTH
In re: Estate of M.K. Jennings	)	JUDICIAL
2010ES2800169	)	DISTRICT
Beverly Hennager,	)	Civil Action No.
Appellant,	)	2021-CP-28-00795
vs.)	
Mary E. Deardon, as Personal	)	ORDER ON
Representative of the Estate	)	APPEAL
of M.K. Jennings,)	
Respondent.)	

This matter came before the court upon an appeal of the Kershaw County Probate Court's September 3, 2021 Order. A virtual hearing was held on appeal via WebEx on May 29, 2024 before the undersigned. Appearing before the court were Beverly Hennager, pro se, on behalf of the Appellant and Moultrie B. Burns, Jr. on behalf of the Respondent, the Estate of M.K. Jennings and its Personal Representative (PR), Mary E. Deardon.

After carefully reviewing the record and considering all arguments raised by the parties, I find and conclude as follows:

BACKGROUND

App-36

The merits hearing in this matter was held July 20 and 21, 2015 resulting in Probate Judge Debra B. Branham's October 27, 2016 Order.

After appeal by both parties, the 2016 Order was affirmed by Circuit Court Judge Alison Renee Lee's July 10, 2020 Order On Appeal.

When neither party appealed further, the 2016 Order became the law of the case. It mandated that the PR amend the accounting in compliance with the findings therein and recalculate the final distributions to the estate beneficiaries in order for the estate to be closed. The PR filed the estate closing documents, including the Amended Final Accounting.

Upon Ms. Hennager's Demand for Hearing in Probate Court the parties were heard at a two-part zoom hearing, resulting in the September 3, 2021 Order of Probate Judge Debra B. Branham, which approved the PR's Amended Final Accounting and specified steps to be taken by the PR to close the estate. The Order is appealed here.

DISCUSSION

Preparing the Amended Final Accounting in compliance with paragraph's A - K of the 2016 Order is fundamentally a mathematical task. Consequently, no discretion was granted to the PR. Judge Branham's 2021 Final Order approved the accounting submitted as being accurate, complete and in compliance with the 2016 Order.

On her appeal here, Ms. Hennager raised no questions contesting any of the PR's calculations as not being in compliance with paragraphs A - K of the 2016 Order. Instead, as the 2021 final Order con-

cludes, Appellant's arguments would require the re-trial of issues already litigated and not appealed.

Ms. Hennager has also attempted on this appeal to raise allegations and speculations that should have been investigated during discovery. Both the 2016 Order and the 2020 Order on Appeal confirm that there was ample opportunity to do so. An example is her allegation of unpaid promissory note from Michael Jennings to decedent. Ms. Hennager speculated about an unpaid balance as a possibility when she testified in 2016.

Under the law of the case doctrine, a party is precluded from relitigating, after an appeal, matters that were either not raised on appeal, but should have been, or raised on appeal, but expressly rejected by the appellant court. *Sloan Construction Co., Inc. vs. Southco Grassing, Inc.*, 395 S.C. 164, 717 S.E.2d 603 (2011); *Judy vs. Martin*, 381 S.C. 455, 458-59, 674 S.E.2d 151, 153 (2009).

ORDER

Based upon the foregoing, IT IS ORDERED that the Probate Court Order dated September 3, 2021 is AFFIRMED.

AND IT IS SO ORDERED.

The Honorable Daniel Coble

June 19, 2024

ELECTRONIC SIGNATURE TO FOLLOW

App-38

Appendix M

[Filed: Apr. 7, 2021]

STATE OF SOUTH	)	IN THE PROBATE
CAROLINA	)	COURT
COUNTY OF KERSHAW	)	POST-HEARING
IN RE:		MEMORANDUM
ESTATE OF M. K.		(on behalf of the
JENNINGS		Personal
CASE NO.		Representative)
2010-ES-28-00169		

At the zoom hearing on March 16, 2021, the Court decided to consider rescheduling, for evidence as to whether a debt to the decedent from Michael Jennings was satisfied prior to his mother's death, since Beverly Hennager speculated that it had not. The Inventory does not list such, and neither the 2016 Order nor the 2020 Order require further evidence. On that basis, the undersigned objected and requests that his objection be preserved on the record.

After the hearing, the PR requested an opinion from Edward Rudden, CPA, whose letter, dated March 31, 2021 (with his 13 exhibits) is attached hereto as Exhibit A. It is submitted that his opinion confirms the fact that the debt was satisfied and is not a probate asset requiring amendment of the Inventory.

Respectfully submitted this 7th day of April, 2021.

/s/ Moultrie B. Burns, Jr.

Moultrie B. Burns, Jr.

Attorney for Mary E. Deardon, PR

App-39

Appendix N

[Filed: Apr. 7, 2021]

EXHIBIT I

**Sale of 17,787 Shares of Common Stock of
Jennings Motor Company, Inc.**

Date	Principal Received	Principal Outstanding	Exhibit #
3/29/1994		1,111,688	II
9/1994-12/1994	24,551	1,087,137	III
1/1995-12/1995	77,690	1,009,447	IV
1/1996-12/1996	84,139	925,308	V
1/1997-12/1997	91,122	834,186	VI
1/1998-12/1998	98,686	735,500	VII
1/1999-12/1999	106,877	628,623	VIII
1/2000-12/2000	115,747	512,876	IX
1/2001-12/2001	125,354	387,522	X
1/2002-12/2002	135,759	251,763	XI
1/2003-12/2003	147,027	104,736	XII
1/2004-12/2004	<u>104,736</u>	0	XIII

**Total Principal
Received by
Mrs. Jennings 1,111,688**

App-40

Appendix O
[Jan. 2016]

**Excerpt from Discovery Requests and
Answers for Loans**

[Pages 3 to 4]

Decedent's decision. The bank account numbers are being sought.

11. Decedent also created or changed designated Payees on Bank of America CD's in 2007. Did Decedent make changes to the accounts by herself? List who was present when changes were made? Did you or anyone you know participate or assist Decedent in making the changes?

Respondent has no recollection of being present when her Mother created or changed CD's in 2007. Respondent believes that decisions concerning the CD's were solely her Mothers.

12. Decedent changes the designated Payees on five Bank of America CD's (Account numbers 910 000 8898 7329, 910 000 8898 7332, 910 000 8898 7345, 910 000 8898 7387 910 000 8898 7400) in 2009. Did Decedent make changes to the account by herself? List who was present when changes were made? Did you or anyone you know participate or assist Decedent in making the changes?

These five BOA CD account numbers are not 2009 CD's (see answer to number 10 above), these five having been set up by Decedent and Respondent did not participate in that decision and has no recollection of being present.

App-41

13. Was Decedent mentally competent to make changes to the Bank of America CD's in 2007 and 2009?

Respondent believes that the Decedent was mentally competent to make decisions concerning her CD's in 2007 (although Respondent was not present) and in 2009.

14. Set forth a list of all loans made by Decedent to her family members, including but not limited to, the Decedent's children, grandchildren, and siblings from 2001 to 2010. Confirm the amount, interest rate charged and repayment schedule of each loan made. Provide any documentation evidencing said loans.

Other than the loans to Louis listed on the Inventory Schedule C 2, which Louis repaid, Respondent can only speak for herself.

Respondent borrowed money several times, totaling \$20,000.00, which was repaid by her Fauquier Bank check to Decedent dated May 18, 2009 (check no. 0323). Respondent cannot recall the details of the loans, which were always repaid in full.

There were informal loans years ago that Respondent cannot remember as to specifics, but they were always repaid in full. Respondent does remember that her mother was staying with her on 9/11/2000. Roofers at her house needed immediate payment at the end of the week, but the insurance company could not respond as planned, due to the national crisis. Decedent loaned Respondent the money needed (perhaps \$10,000.00) which was repaid to Decedent when the insurance company resumed business

App-42

as usual.

Item in Schedule G 1 on the estate inventory indicates the \$16,500.00 due the estate was a loan to Respondent. As Respondent testified at trial, this item was not a "loan" but rather Respondent's voluntary contribution to the estate, since the joint BOA funds had gone for improvements to Respondent's home (to benefit Decedent) just shortly before her death. (see transcript p. 73 lines 22-25; p. 74 lines 1-3; p. 75 lines 1-8). Respondent considered this a matter of fairness and not an obligation such as a loan, resulting in her Fauquier Bank check #6536 dated July 15, 2010 payable to Decedent's estate.

15. Describe how all loans listed in Answer to Interrogatory 14 were repaid. Was each loan repaid in full? What there a repayment schedule? Provide any documentation regarding repayment

See 14 above

16. Set forth a list of all loans made by Decedent to members of Respondent's family members, including husband and children. Confirm the amount, interest rate charged and repayment schedule for each loan made. Provide documentation evidencing said loans.

See 14 above

17. Describe how all loans listed in Answer to Interrogatory 16 were repaid. Was each loan repaid in full? Was there a repayment schedule? Provide any documentation regarding repayment

See 14 above

App-43

18. Describe nature of amounts given to Ziba Deardon for the years 2009-2010. See the attached checks to Ziba Deardon written by you, from the Decedent's funds, for your reference.

As with the checks payable to Respondent these checks were to help the Deardon family expenses, Decedent's care and expenses and for improvements to Defendant's living situation.

19. Set forth a list of all contributions made by the Decedent, for any purpose, to any and all family members and charities from 2001 to 2010. Provide who the

[End of Page 4]

App-44

Appendix P
[Jul. 13, 2021]

**Excerpt from First Motion
to Compel Production**

8. Findings of fact must be produced. The Petitioner moves the Court to Compel the Decedent's entire tax returns (not just certain pages) to determine whether Michael Jennings paid the interest on the promissory note, as the note required.

9. The Petitioner moves the Court to find Michael Jennings own testimony, as well as that of his CPA, cannot be relied upon as he is the debtor with motivation to protect his financial interests.

10 The Petitioner moves the Court to Compel documents and answers to Interrogatories and admissions to show cause for both Randy Dauphin and Mary Dearden to protect Michael Jennings whose financial interests are clearly aligned with themselves and their families financial interests.

11. The Petitioner moves the Court to Compel discovery requests to determine what became of valuable estate assets and possibly whether other assets of the Decedent were misappropriated.

These discovery requests will assist the Court in determining it is in the best interests of the Estate to remove Mary Dearden as personal representative and to appoint a special administrator.

Respectfully Submitted,

App-45

/s/ Beverly Hennager Date July 13, 2021
Beverly Hennager
315 Wood Lane
Corvallis; MT 59828
b@nefferdun.digitalspacema123.net

App-46

Appendix Q

[Filed: Jul. 26, 2021]

STATE OF SOUTH	)	IN THE PROBATE
CAROLINA	)	COURT
COUNTY OF KERSHAW	)	CASE NO:
Beverly Hennager	)	2010-ES-28-00169
Petitioner	)	In the matter of:
vs.	)	The Estate of
Mary Dearden	)	MK Jennings
Respondent)	_____

**MOTION TO COMPEL COMPLETE EVIDENCE
PURSUANT TO RULE 106**

South Carolina Rule of Evidence 106 REMAIN-
DER OF OR RELATED WRITINGS OR STATE-
MENTS. When a writing or statement is introduced
by a party, the adverse party may require the in-
troduction of any other part of the document.

Petitioner requires the Decedent's complete tax
returns for the years 1994 through 2004.

Respectfully submitted,

/s/ Beverly Hennager
Beverly Hennager
315 Wood Lane
Corvallis, MT 59828

date 7.26.21

App-47
Appendix R

Oct 21 2021

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM KERSHAW COUNTY
District Court

Honorable Daniel Coble, Circuit Court Judge

Court of Appeals Case No. 2024-001152

In Re: Estate of M.K. Jennings 2010ES2800169

Beverly Hennager Appellant
Mary E. Dearden, Personal Representative
of the Estate of M.K.Jennings Respondent

REPLY TO RESPONDENT'S FINAL BRIEF

October 19, 2024

Beverly Hennager
315 Wood Lane
Corvallis, MT 59828
406-361-0796
hennagerbev@gmail.com
PRO SE

Section 62-3-810 directs the PR to keep adequate records of her administration with all incoming and outgoing transactions.

An action to remove a Personal Representative is equitable in nature. **Dean v. Kilgore, 313 S.C. 257, 259, 437 S.E.2d 154, (Ct.App. 1993).**

Appellate reviews of cases in equity are by the findings of fact in accordance with the court's own view of the preponderance of the evidence. **Townes Assoc. Etc v. City of Greenville, 266 SC 81,86, 221 S.F.2d 773,775 (1976).**

When a claim for fraud on the court is made, it is an action in equity that must be plead with specificity as required by **Rule 9(c) SCRPC.**

OBJECTIONS TO ARGUMENT

Issue No. I Is not Vague.

“Whether the June 19, 2024 Order is void because Moultrie Burns acted without authority, intentionally falsified the record and failed to respond to Discovery Requests”.

Throughout the fourteen (+) years this case has languished in the South Carolina Courts, Moultrie Burns falsified the record and concealed/failed to produce documents requested in discovery, that would jeopardize a favorable outcome for his client. In the proceeding leading to his client's appointment Burns intentionally falsified the record, telling the Court the Decedent was a resident of SC (to establish jurisdiction). During the 2011 hearing, Louis Jennings testified our discovery requests were ignored; *“We haven't gotten them and that's why we*

are here today". As found in the 2013 Order, and not overturned by the Probate 2016 Order, Burns ignored discovery requests, including medical records (evidence of incompetency) and the decedent's tax returns (that would prove the interest on the promissory note was never paid)(R.P. 7). When Dearden was re-instated in 2016, Burns and Dearden ignored 2016 and 2021 supplementary discovery requests asking her to record missing SC assets and provide complete tax returns to verify whether Michael Jennings' promissory note was fully paid (R.P. 142-145 & P 207).

In **Chewing v. Ford Motor Company**, the S.C. Supreme Court found the intentional concealment of documents or failure to produce documents sought in discovery are actions by an attorney which constitute fraud on the court 346 S.C. 28, 550 S.E.2d 548 Ct.App. 2001. Relief is granted on the theory that because the fraud prevented a party from fully exhibiting and trying his case, there has never been a real contest before the court on the subject matter of actions. **Hilton Head Car. Of S.C. v. Public Serv. Comm.** 294 S.C. 9, 11, 362 S.E.2d 176, 177 (1987).

Burns' blatant falsification of the record reaches abysmal depths in his deceitful action during the May 29, 2024 zoom appellate hearing. Burns turned his volume so low (R.p. 139 L 10-11) it was impossible to hear most of what he was saying (R.P. 141 L 24-25) so that I was unaware that he had changed the first finding of fact in the order under appeal, from the debt "*was satisfied before the decedent's death*" (R.P. 42), to Ms. Hennager "*attempted on this appeal to raise allegations and speculations that should have been investigated during discovery*"..."An

App-50

example is her allegation of unpaid promissory note from Michael Jennings to decedent” R.P. 45-46). Burns had the audacity to suggest my attorneys and I failed to avail ourselves of discovery to ask for proof of payment of the note when he ignored all of our requests for fourteen years. My Appellant Briefs for 2016 Order, the 2021 Order, as well as the 2024 Order document many requests that were ignored.

An attorney is an officer of the court with a duty of honesty towards the court.

Rule 3.3 Candor Toward the Tribunal

App-51

Appendix S

[Filed: Aug. 18, 2025]

APPEAL FROM KERSHAW COUNTY
District Court

Honorable Daniel Coble, Circuit Court Judge

Court of Appeals Case No. 2024-001152

In Re: Estate of M.K. Jennings 2010ES2800169

Beverly Hennager Appellant

Mary E. Dearden, Personal Representative
of the Estate of M.K.Jennings Respondent

SUPPLEMENTAL PETITION
FOR REHEARING

Pursuant to Rule 221, SCACR

Appellant Beverly Hennager, pro se, respectfully submits this supplemental petition for rehearing to address material facts and controlling law misapprehended or overlooked in the Court's June 11, 2025 opinion (Unpublished Op. No. 2025-UP-196). These clarifications are necessary to ensure compliance with due process and preservation principles.

I. Rule 60 (b) Motion Versus Direct Appeal

Opinion, p. 1:

“As to issue one, we find this issue is not preserved for appellate review because Hennager failed to file a motion pursuant Rule 60(b) of the South Carolina

Rules of Civil Procedure with the circuit court either asserting the circuit court's 2024 order was void or alleging Dearden's attorney acted in a fraudulent manner."

1. Direct appeals are for errors apparent on the record. Here, the record unequivocally shows that the finding of fact under appeal was changed-from "*the note was satisfied*" to Appellant first raised the issue of payment in appeal. My objections to this change were received by the judge's clerk, but left unanswered (see Exhibit 1). When objections are preserved in the record, the issue is appropriately reviewable on direct appeal.

2. In response to the Court of Appeals finding, I submitted a Rule 60(b) motion to the Circuit Court for fraud on the court and due process violations (the Respondent's argument was inaudible); it was neither filed on the docket nor responded to, despite prompt payment of the filing fee. I request this Court either:

- find the record sufficient to review the claim, or
- grant leave to file the Rule 60(b) motion anew.

3. A Rule 60 motion was also sent to Probate Court and rejected. South Carolina law permits litigants to raise due process violations on direct appeal when errors are reflected in the record and appeals are timely (see, e.g., *Anthony Green v. William D. Catoe*, Fourth Circuit). The record shows the order was entered after depriving the Appellant of the opportunity to present evidence.

II Material Facts Misapprehended

Opinion, p. 3:

“Hennager presented evidence regarding the promissory note at the 2012 evidentiary hearing, at the 2016 merits hearing, and in her appellate brief challenging the probate court’s 2016 order

Response:

4. The record conclusively shows the Virginia promissory note owed by Michael Jennings was mentioned in 2012 and 2016 but was never adjudicated until the probate court’s September 3, 2021 order.

Correct Procedural History of Hearings and Orders

5. **2012 Hearing** (R. 128-129): The note was identified (R147-148); testimony established discovery requests for tax/payment records had not been answered (R 128; P. 57; L22-25; P58; L1); PR was removed in 2013 partly for ignoring those requests (R7).

6. **2016 Hearing:** Parties stipulate 2006 email from Katherine Dauphin stating the note was not fully paid (R146); PR admitted she had not provided discovery requests for tax/payment documents of the note (R131; P 283; L17-24); Appellant testified the PR was unresponsive to discovery requests asking about the note (R 130; P266). Appellant’s attorney told the court he needed tax returns to *“do the calculations to see if it’s actually paid off”*. (R131; P284); PR admitted her documents were inaccurate and incomplete (R 136; p 455-456); PR testified she intended to make corrections (R136, 454-457).

7. Other than brief reference to unanswered discovery requests regarding the note, the hearing and

subsequent order were silent on the note. The PR was ordered to produce amended documents.

8. 2016 Appeal Brief Referenced continued failure to provide tax evidence on note payment. (R 76; paragraph 7).

9. 2021 Proceedings: Appellant requested hearing after PRs September 2020 amended document failed to correct omissions and inaccuracies or record the note. The probate court and counsel agreed the note's payment had never been decided: *"The Court decided to consider rescheduling for evidence as to whether a debt to the decedent from Michael Jennings was satisfied prior to his mother's death"* (Burns R180); Burns produced partial tax pages showing only the principal was paid (R 181-203); Appellant responded *"Mr. Burns exhibit actually provides evidence to show Michael Jennings did not pay the interest as required"* (R 206).

10. When re-opened discovery requests were ignored, Appellant moved to compel complete tax returns (R. 105-109 & 110). The motions were intercepted and returned by the judge with letters stating, *"no pending litigation"* (R. 38 & 41). Five weeks later the Court's order found the note "satisfied" (R 42-43).

11. The Court of Appeals mistakenly treated earlier mentions of the note and complaints of failure to respond to discovery as if the probate court had already made a final decision about it. This mistake led the court to misunderstand what stage the case was in when the denial of due process occurred.

Chewing v. Ford Motor Company, 346 S.C. 28, 550 S.E.2d 584 (Ct. App. 2001) Supreme Court

Affirmed. When an attorney conceals or withholds critical documents it constitutes fraud upon the court.

III. Overlooked Due Process Principle

12. The opinion does not address that in 2021—the first time the note’s satisfaction was decided—the probate court denied Appellant access to the complete tax records essential to prove nonpayment of interest.

13. Under *Logan v. Zimmerman Brush Co.*, 455 U.S. 422 (1982), the right to present one’s case includes presenting the evidence necessary to decide the claim at the proceeding in which the decision is made.

14. The Court’s suggestion that earlier mentions of the note satisfied due process overlooks that the deprivation occurred when the merits were actually decided, making the 2021 order void under *Schwartz v. U.S.*, 976 F.2d 213 (4th Cir. 1992) (“judgment void if entered in manner inconsistent with due process”).

IV. Improper Reliance on Altered Finding

15. The probate court’s September 3, 2021 finding was:

“The promissory note of Michael Jennings was satisfied before the decedent’s death...”

The circuit court June 19, 2024 order drafted by opposing counsel—during this appeal—altered it to state:

Ms Hennager “attempt on this appeal to raise allegations and speculation that should have been investigated during discovery...there was ample opportuni-

ty...An example is her allegation of unpaid promissory note...

16. This language asserts Appellant “should have” investigated earlier, contradicting the record that payment information was repeatedly sought from 2012 forward. It also changes an appealable issue, due process violations, to an unappealable issue. It falsely presents a previously unaddressed issue as a finding.

17. Relying on this altered, non-record finding to support affirmance violates *Whaley v. CSX Transp., Inc.*, 362 S.C. 456, 609 S.E.2d 286, 299 (2005), which prohibits appellate reliance on issues not raised and ruled upon below. The order is void because the substituted finding is non-existent.

V. Errors in Applying Law of the Case

18. The opinion holds that the 2016 order is “law of the case” because no appeal was taken from the 2020 affirmance.

19. However: The April 7, 2021 memorandum by opposing counsel—and the probate court’s own agreement—confirmed the note was unresolved in 2016 and would now be heard. *“The Court decided to consider rescheduling for evidence as to whether a debt to the decedent from Michael Jennings was satisfied prior to his mother’s death”* (R180). Clearly the issue of the promissory note could not be addressed from the 2016 order when it was not adjudicated until 2021.

20. Where an issue remains pending and is later adjudicated, prior appeals on unrelated issues do not

App-57

render the old orders the law of the case. See *Link v. Sch. Dist. of Pickens Cnty.*, 302 S.C. 1 (1990); Rule 54(b), SCRCP.

21. The September 2021 order was the first adjudication of the note. Given the promissory note was decided in proceedings held in 2021, then the 2016 Order was interlocutory and subject to review. This includes the removal of the PR.

VI. Relief Requested

Appellant respectfully requests that the Court:

1. Grant rehearing and amend its opinion to correct the misstatement that the promissory note was decided in 2012 or 2016;
2. Recognize that denial of critical discovery before the 2021 merits adjudication constitutes a due process violation;
3. Disregard the altered June 19, 2024 “finding” not made by the probate court;
4. Vacate the September 3, 2021 order as void for denial of due process; and
5. Remand for a hearing with full production of tax/payment records before adjudication.
6. Reverse and remand for complete review.

Respectfully submitted

/s/ Beverly Hennager date 8-15-2025

Beverly Hennager

315 Wood Lane

Corvallis, MT 59828

hennagerbev@gmail.com

PRO SE

App-58

Appendix T

[Filed: Sep. 8, 2025]

APPEAL FROM KERSHAW COUNTY

District Court

Honorable Daniel Coble, Circuit Court Judge

Court of Appeals Case No. 2024-001152

In Re: Estate of M.K. Jennings 2010ES2800169

Beverly Hennager Appellant

Mary E. Dearden, Personal Representative
of the Estate of M.K.Jennings Respondent

**NOTICE OF FILING OF RULE 60(b)(4)
MOTIONS UPDATE ON STATUS OF APPEALS
AND REQUEST FOR APPELLATE OVERSIGHT**

To the Honorable South Carolina Court of Appeals:

Petitioner respectfully notifies the Court of recent procedural developments and requests guidance and oversight.

Status of Post-Judgment and Appeal

On June 11, 2025, the Court of Appeals affirmed the Circuit Court's order, directing Petitioner to pursue post-judgment relief through Rule 60. In reliance on this directive, Petitioner filed Rule 60(b)(4) motions for relief from judgment in both the Circuit and Probate Courts on September 3, 2025. These filings were made to comply with the Court's instructions and preserve all appellate rights.

App-59

Appendix U

[Filed: Sep. 11, 2025]

APPEAL FROM KERSHAW COUNTY

District Court

Honorable Daniel Coble, Circuit Court Judge

Court of Appeals Case No. 2024-001152

In Re: Estate of M.K. Jennings 2010ES2800169

Beverly Hennager..... Appellant

v.

Mary E. Dearden, Personal Representative
of the Estate of M.K.Jennings Respondent

**Notice of Rule 60(b) Filing and Request for
Oversight and Mandamus
For the Purpose of Appellate Preservation**

To the Honorable Judges of the South Carolina
Court of Appeals:

I, Beverly Hennager, pro se appellant, respectfully submit this notice and request for oversight-and for the extraordinary writ of mandamus-directly to the Court of Appeals, regarding the procedural status of my post-judgment filings in the above-captioned matter.

Following the Court's June 11, 2025 opinion (Unpublished Opinion No. 2025-UP-196), which affirmed the circuit court's order on grounds that is-

App-60

sues including fraud on the court, void judgment, and due process concerns were not preserved for appellate review absent a properly filed and ruled-upon Rule 60(b) motion in the circuit court, I attempted to cure this deficiency by filing multiple Rule 60(b) motions in both the Circuit and Probate Courts for Kershaw County. These motions assert both fraud on the court and voidness/due process violations under Rule 60(b)(3) and (4).

Despite these efforts, the Clerk of Court (Kershaw County) has refused to docket or transmit these motions, citing a “closed case” and referencing a closure order. Notably, the first Rule 60 motions refused by the court were emailed and mailed on June 16, 2025 (Exhibit 8), nearly three months before the Circuit Court’s September 4, 2025 order closing the case. Prevailing law allows a party to challenge a void judgment at any time, regardless of a case’s administrative closure.

South Carolina rules and established caselaw—including *Kassel v. Kassel*, *Coleman v. Dunlap*, and *Redmond v. Lexington*—require parties to seek judicial intervention and permit the appellate courts to issue a writ of mandamus when a clerk refuses to perform a mandatory duty and all other remedies have been exhausted.

Because the lower courts have refused to accept, docket, or rule on my Rule 60(b) motions and related filings—despite clear legal authority requiring the clerk and supervisory judge to do so—I am compelled to present the complete evidentiary record to the Court of Appeals. Under South Carolina law, mandamus may be invoked only when the petitioner

App-61

has demonstrated exhaustion of all available remedies and when appellate intervention is necessary to compel performance of a ministerial duty. The enclosed documentary evidence substantiates that every reasonable means for relief has been pursued and establishes the factual predicate for the relief requested.

ATTACHMENTS

1. Circuit court order closing case	6
2. Clerk's refusal emails	8
3. Notice to Clerk of Court	10
4. Copy of Rule 60 Motion to Circuit Court	12
5. Copy of Rule 60 Motion to Probate Court	21
6. Copy of Motion for Formal Ruling to Circuit Court	31
7. Copy of Motion for Formal Ruling to Probate Court	35
8. June 16, 2025 email attempting to file Rule 60 motions	8

App-62

Appendix V

Cheryl Truesdale
<cheryl.truesdale@kershaw.sc.gov>

Tue, Sep 9, 12:39 PM (2 days ago)

to me

Dear Ms. Hennager,

We received your request for copies. Please note that we do not generate and send copies as they are available online at sccourts.org. You have accessed these documents previously through this portal.

Additionally, please be aware that the Chief Administrative Judge's most recent order states that this case has concluded, and no further paperwork will be accepted. A copy of this order was mailed to you. Your case in our court is now closed.

Yours Sincerely,

Cheryl Truesdale
Deputy Clerk of Circuit Court
for Kershaw County
PO Box 1557
Camden, SC 29020
(803)425-7223 ext 5366
(803)425-1505 fax

App-63

Appendix W

[Filed: Sep. 3, 2025]

STATE OF SOUTH CAROLINA

In the Circuit Court

APPEAL FROM KERSHAW COUNTY

Probate Court

Honorable Debra Branham, Probate Judge

Probate Court Cast No 2010-ES-28-00169

Circuit Court Case No. 2021-CP-28-00795

Beverly Hennager Appellant

Mary Dearden, as Personal Representative
of M.K. Jennings Estate Respondent

MOTION BY RULE 60(b)(4) TO VACATE

JUDGMENT FOR:

FRAUD ON THE COURT AND DUE PROCESS
VIOLATION

On June 11, 2025, the appellate court affirmed the July 19, 2024 Circuit Court Order stating in its written opinion that relief should be sought via Rule 60 rather than appeal. Accordingly, Petitioner now files this Rule 60 motion in compliance with the appellate court's guidance, and is forwarding a copy to the appellate court for administrative notice.

I. Fraud on the Court

App-64

Movant respectfully asserts that the order issued under appeal contains a falsified finding of fact. Specifically, the Probate Court's September 3, 2021 order originally found:

"The promissory note of Michael Jennings was satisfied before the decedent's death and the Inventory is correct in not listing such debt as an asset." (Exhibit 1 - Sept. 3, 2021 Probate Order).

However, during the subsequent appellate phase, the finding was altered by Moultrie Burns Esquire—without notice to Movant, and outside the record-to state:

"Ms. Hennager attempted on this appeal to raise allegations and speculations that should have been investigated during discovery... An example is her allegation of unpaid promissory note." (Exhibit 2 - July 19, 2024 Circuit Court Order).

This change materially misrepresents the essential issue under review—transforming an adjudicated finding into an unappealable procedural assertion—and directly prejudices the Movant's rights. The alteration contradicts the record, which documents Movant's repeated, unsuccessful discovery requests for payment information on the note from 2012 through 2021.

1. Findings Must Be Supported by the Record

Golini v. Bolton, 326 S.C. 341, 482 S.E.2d 785 (Ct. App. 1997):

The courts are required to ensure that findings of fact are supported by the record; appellate courts

App-65

may disturb probate findings if the record reveals no supporting evidence.

EXHIBITS LIST

Exhibit No.	Description
Exhibit 1	September 3, 2021 Probate Court Order
Exhibit 2	July 19, 2024 Circuit Court Order
Exhibit 3	May 29, 2024 Transcript - Appellate Tells Court Respondent Is Inaudible
Exhibit 4	Judge's Clerk Acknowledges Receipt of Objection Pursuant Rule 46

App-66

Appendix X

[Filed: Sep. 3, 2025]

STATE OF SOUTH	)	IN THE PROBATE
CAROLINA	)	COURT
COUNTY OF KERSHAW	)	CASE NO:
Beverly Hennager	)	2010-ES-28-00169
Petitioner	)	In the matter of:
Mary Dearden	)	The Estate of
Respondent	)	MK Jennings

**RULE 60(b)(4) MOTION FOR RELIEF FROM
ORDER:**

**DUE PROCESS VIOLATION AND FRAUD ON
THE COURT**

On June 11, 2025, the appellate court affirmed the July 19, 2024 Circuit Court Order stating in its written opinion that relief from the September 3, 2021 Order should be sought via Rule 60 rather than appeal. Accordingly, Petitioner now files this Rule 60 motion in compliance with the appellate court's guidance, and is forwarding a copy to the appellate court for administrative notice.

Movant, Beverly Hennager, appearing pro se, respectfully moves this Court pursuant to Rule 60(b)(4), South Carolina Rules of Civil Procedure, for relief from the September 3, 2021 Final Order. Relief is sought on the grounds that the judgment is void for violation of procedural due process and for fraud upon the court.

I. GROUNDS FOR RELIEF

App-67

Movant asserts that the Court's judgment regarding the satisfaction of the promissory note owed by Michael Jennings to Decedent is void because Movant was

Exhibit No.	Description
Exhibit 1	2013 Probate Court Order (PR Discovery Failure)
Exhibit 2	2016 Probate Court Order (No adjudication of Note)
Exhibit 3	Jan. 2016 Supplemental Discovery Requests
Exhibit 4	Note was not recorded
Exhibit 4	Court informed Tax Documentation Essential
Exhibit 5	PR admitted 2011 accounting inaccurate and incomplete
Exhibit 6	PR testified she planned to make corrections
Exhibit 7	2011 Accounting
Exhibit 8	2020 Accounting with same inaccuracies
Exhibit 9	Burns April 7, 2021 Post Hearing Memorandum
Exhibit 10	Petitioner's April 13, 2021 Response
Exhibit 11	June 10, 2021 Renewed Discovery Requests
Exhibit 12	First Motion to Compel
Exhibit 13	Second Motion to Compel
Exhibit 14	Returned - "no pending litigation"
Exhibit 15	Returned - "no pending litigation"
Exhibit 16	September 3, 2021 Probate Order
Exhibit 17	Promissory Note

App-68
Appendix Y
[Unfiled]

STATE OF SOUTH CAROLINA
In the Circuit Court

APPEAL FROM KERSHAW COUNTY
Probate Court

Honorable Debra Branham, Probate Judge

Probate Court Cast No 2010-ES-28-00169
Circuit Court Case No. 2021-CP-28-00795

Beverly Hennager Appellant
Mary Dearden, as Personal Representative
of M.K. Jennings Estate Respondent

**MOTION FOR FORMAL RULING ON RULE 60
MOTION**

**TO: The Honorable Daniel Coble, Circuit
Court Judge, and All Parties of Record**

COMES NOW the Movant, Beverly Hennager, and respectfully requests that this Court enter a formal ruling on the Rule 60 motion filed on September 3, 2025. In support thereof, Movant states as follows:

1. On September 3, 2025, Movant timely filed a motion pursuant to Rule 60, SCRCF, seeking relief from the judgment entered in the above-captioned case.
2. Rule 60(b)(4) Motions may be filed after the case is closed.

App-69

Appendix Z

[Filed: Sep. 24, 2025]

STATE OF SOUTH	)	IN THE PROBATE
CAROLINA	)	COURT
COUNTY OF KERSHAW	)	CASE NO:
Beverly Hennager	)	2010-ES-28-00169
Petitioner	)	In the matter of:
v.	)	The Estate of
Mary Dearden	)	MK Jennings
Respondent)	

MOTION FOR FORMAL RULING
ON RULE 60 MOTION

**TO: The Honorable Debra Branham, Probate
Court Judge, & All Parties of Record**

COMES NOW the Movant, Beverly Hennager, and respectfully requests that this Court enter a formal ruling on the Rule 60 motion filed on September 3, 2025. In support thereof, Movant states as follows:

1. On September 3, 2025, Movant timely filed a motion pursuant to Rule 60 SCRPC, seeking relief from the judgment entered in the above-captioned case.
2. Rule 60(b)(4) Motions may be filed after the case is closed.

App-70

Bank of America v. Wells, 2005 S.C. App. LEXIS
45Direct Holding:

“Rule 60(b)(4), SCRPC, provides that a party may seek relief from judgment where the judgment is void... The rule allows for attack of a judgment after it is final, and after the time for ordinary appeal has lapsed, if the judgment is void due to lack of jurisdiction or due process.”

App-71

Appendix AA

[Filed: Dec. 10, 2025]

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

In Re: Estate of M.K. Jennings 2010ES 2900169
Beverly Hennager, Appellant

v.

Mary E. Dearden, Personal Representative of the
Estate of M.K. Jennings, Respondent

Appellate Case No: 2024-001152

Appeal from Kershaw County
Daniel Coble, Circuit Court Judge

(Amended)

**RESPONSE TO MOTION TO RECOVER COSTS
AND ATTORNEY'S FEES**

Petitioner respectfully submits that the Court should deny Respondent's motion for attorney's fees and reject his factual misrepresentation regarding final estate distributions. The 2020 personal representative's accounting (R.165) affirmatively shows that Petitioner is owed 16,734.40, and no document in the Record reflects that this amount was ever tendered or refused by Petitioner. Moreover, the September 3, 2021 order (R.43) expressly directs Moultrie Burns to make a distribution, and Burns has not complied with that order as to Petitioner. Pe-

App-72

petitioner has never received the 16,734.40 shown as due on the 2020 accounting, has never been presented with those funds for acceptance or rejection, and has never refused any distribution.

Petitioner objected on the record at the 2024 hearing when Burns asserted that Petitioner had “refused” a distribution, but the court did not inquire further or make any finding on that point. In light of the clear Record showing (1) an acknowledged amount due to Petitioner and (2) a standing court order requiring distribution that has not been obeyed, Burns’s misrepresentation that Petitioner “refused” payment underscores his lack of candor and ongoing noncompliance. Under these circumstances, it would be inequitable and inappropriate to reward Burns’s conduct with an award of appellate attorney’s fees.

Petitioner further notes that certain issues were not addressed in this appeal because the Court determined they should be raised, in the first instance, through Rule 60 motions in the lower court. Petitioner has twice attempted to file such Rule 60 motions, which raise fraud, misconduct, and due process violations by Moultrie Burns, but those motions have not yet been accepted for filing or adjudicated. Unless and until the Rule 60 motions are accepted and resolved on the merits, Moultrie Burns has not been cleared of misconduct, and it would be premature and inequitable to award him appellate attorney’s fees.

Petitioner is contemporaneously seeking mandamus relief to compel the trial court to accept and file Petitioner’s Rule 60 motions raising fraud-on-the-court and due process violations in the underlying

App-73

proceedings. Those motions seek to address serious defects in the judgment that Respondent relies upon, and further underscore that it would be unjust to award Respondent appellate attorney's fees while Petitioner is still being denied both the ordered distribution and a meaningful opportunity to obtain post-judgment relief. The pendency and non-docketing of these Rule 60 motions further demonstrate that any award of appellate fees to Burns at this stage would be unjust and would effectively reward alleged misconduct that has not yet been heard or resolved in the trial court. Respectfully Submitted,

/S/ Beverly Hennager date: December 10, 2025
315 Wood Lane
Corvallis MT 59828
hennagerbev@gmail.com
Pro Se

App-74

Appendix BB

Excerpt from November 29, 2012

Hearing Transcript

Louis Jennings' Testimony –
PR Failed to Respond to Discovery Requests
(R. 128; p.57.22-25 & 58.1)

[Pages of 56 to 61]

Dollars (\$50,000.00) that went to Mary out of the joint account. You haven't mentioned that today, but it's in your Petition. So, is that – so, what's your position on it, really?

- A. My position is that, as an Executor or whatever you call it of the Estate, that Mary should have been transparent and provided all the records, and we wouldn't be here today.
- Q. But have you told me one thing that Mary has that you've asked for that you haven't been given?
- A. Well, complete bank statements, tax records, medical records.
- Q. You said you got the 2008 and 2009 tax records?
- A. Yes, sir, we got the 2008 and 2009 tax records, but you amended the 2008 Tax Return.
- Q. And we – and we provided follow-up information, did we not?
- A. But you didn't send any of the requested 2007, '06 or '05 Tax Returns.
- Q. Why would Mary have those, necessarily?
- A. Well, you know, as – as a –
(Tape is changed at this point, and so there is something missing)

- A. – all three bank accounts on a Schedule B. So, after Mom died or shortly before Mom died, all these different bank accounts were opened up, and I'm just curious to see the 2007, 2006 and 2005 Schedule B's.
- Q. Those are all items before the date of death, are they not?
- A. Yes, sir, they are.
- Q. And she provided the 2008 and the 2009, did she not?
- A. Yes, sir, she did.
- Q. Okay. So, if she doesn't have the others, why do you expect her to provide them from the date of death?
- A. For clarity. So, that we can clearly see what she had.
- Q. You don't see why that's irrelevant to the administration of an Estate from the date of death forward?
- A. I'm not sure I understand your question.
- Q. You think that if the Estate is to administer, according to the law, the assets that your mother owned from the time of her death forward, why is it relevant, tax records before that? You certainly could have subpoenaed them, couldn't you, if we didn't have them?
- A. We asked three different attorneys, okay, for the tax records, and we asked – and we asked for the medical records and we asked for the bank statements, a complete set of bank statements and we haven't gotten them and that's why we're here today.
- Q. But you subpoenaed bank records, did you not?

App-76

A. My attorneys – I assume that my attorneys subpoenaed bank records, yes, sir.

Q. Did they subpoena medical records?

A. Yes, sir.

Q. Did they subpoena tax records?

A. Not to my knowledge. The only tax records we have are the same tax records that we got that Mary sent to us.

Q. You're complaining that Mary didn't provide stuff prior to death?

A. Prior to death – no, I'm complaining that Mary didn't provide stuff after Mom's death.

Q. What was that?

A. Her 2005, '06 and '07 Tax Returns.

Q. Your mother didn't die until 2010.

A. But it will tell the whole story.

Q. And what if she doesn't have them?

A. She can get them from the IRS through a form that the IRS has.

Q. You can subpoena them, could you not?

A. I don't think that I have the right to subpoena them.

I think it has to be done through the Estate.

Q. Did you ever ask Mary if she would consent to you getting them?

A. No, sir, we're not talking. We're talking through attorneys.

MR. BURNS: No further questions, Your Honor.

THE COURT: All right.

MR. WINGATE: A couple follow-ups, if I may.

EXAMINATION BY MR. WINGATE:

Q. Mr. Jennings, have you succeeded to this day through your attorneys in talking with represent-

atives at Bank of America despite efforts to compel those conversations?

A. No, sir.

Q. Haven't they in fact refused to talk to us?

A. Yes, sir.

Q. Questions were asked about the appraisal fees that the Estate paid for. Are there any appraiser fees other than the Fifty Dollars (\$50.00) recorded on the Proposed Final Accounting?

A. No, sir.

MR. WINGATE: Thank you. I have no further questions of this witness.

THE COURT: Okay.

MR. BURNS: Your Honor. I would make a Motion that the Petition be dismissed.

MR. WINGATE: I'm not through with my witnesses.

MR. BURNS: Oh, I thought you only had one.

MR. WINGATE: No. I said I'm through with this witness.

MR. BURNS: I'm not – I apologize. I thought you only had one witness.

MR. WINGATE: I call Mary Dearden as my second witness. Your Honor.

THE COURT: Okay. Raise your right hand. Do you solemnly swear or affirm the evidence you give will be the truth and nothing but so help you God?

MS. DEARDEN: Yes, ma'am.

THE COURT: Thank you.

EXAMINATION BY MR. WINGATE:

Q. What is your full name, please, for the record?

A. Mary Ellen Dearden.

Q. And where do you live?

- A. I live at 3534 Old Weaversville Road, Calverton, Virginia.
- Q. What do you do for a living?
- A. I'm a farmer.
- Q. What type of farm?
- A. I do horse farming. I breed and board horses.
- Q. And how long have you done that?
- A. Over twenty (20) years – about twenty-five (25) years.
- Q. You've heard your brother's testimony today including the description of the – I believe it is five family members and where they live. Do you have any disagreements with what he's testified about who is included in the family?
- A. Well, clearly, different (several words inaudible) may be wrong.
- Q. Katherine, he said was the oldest, lives in Virginia. Beverly is the second –
- A. Katherine is Douphin. Katherine is Douphin, not Daulphin.
- Q. D-O-U-P-H-I-N –
- A. Yes.
- Q. – is her last name?
- A. Yes.
- Q. And the others were correct?
- A. Correct.
- Q. When did your mother die?
- A. March 31st, 2010.
- Q. What was her cause of death?
- A. She had (word inaudible) and heart problems. She was

App-79

Appendix CC

Excerpt from July 2016 Hearing Transcript
Petitioner Testified PR Ignored Discovery Requests
Seeking Payment Status of Note
(R.130; p.266.17-20)
(R. 131; p.282.12-25 & p.283.1-23)

[Pages 265 to 268]

Q: Degeneration.

A: Is there anything in her medical records about having bad hearing? Because they usually give a person a hearing aid for that. And my mother did have corrective, you know, glasses and she had this thing she used. It was like this big magnifying glass.

Q: Do you have an aunt with the last name of Grozbean?

A: Yes, I do.

Q: Okay. What's her first name?

A: Sarah.

Q: Okay. And where is she now?

A: Florida.

Q: She's not in a retirement home in Virginia?

A: I don't know. Is she?

Q: And in your e-mail to Dr. Brannon, you said the first indication of her mental decline was in 2004. What was that based on? What was your observation? I mean, you obviously thought she was declining.

A: That's the first serious thing that I could recall.

Q: Okay.

App-80

A: But prior to that she was always confusing our names, but I think we just, you know, didn't really pay much attention. But Michael Jennings – my mother gifted \$600,000 to Michael to purchase the business and then she had a promissary note for the remainder, which was, what, 1.1 million or something like that. And he was supposed to pay \$12,000 plus a month. Randy sent us an e-mail in 2006 saying she had been going through mom's financial records and she discovered that he'd only been paying her like \$9,000 a month. So, he had short-changed her the interest on the loan.

Q: Well, you don't know that, do you?

A: Randy said that.

Q: Okay. But –

A: Randy is the person that said that.

Q: Are you saying the loan is not paid to this day?

A: We've asked about it. We get no responses. And I am saying it's a possibility.

Q: I'm not aware of you asking your sisters. Get me to help prove it.

A: I would say that that's also a fiduciary responsibility of a person in charge of an estate. If one person, Randy, sends an e-mail saying this loan has not been prepaid and there's a half a million dollars outstanding, then I would think that she has a fiduciary responsibility to find out and to pursue getting that.

Q: Your mother's given – has your mother given – been generous to you during your lifetime?

A: I think my mother was a very generous person to everyone.

Q: Has she been – including you?

A: Of course.

Q: Okay. So, what are the big things that you got?

A: The partnership.

Q: That's worth –

A: My mother gave –

Q: – two or three million your share?

A: No, no, listen. My mother gave us shares in this partnership. That was so wonderful for all of our lives. And that's what he's trying to steal away. It's a legacy that she intended for all of us and for our children and our grandchildren. My son wanted to – he was voted in his class a person most likely to help someone.

MR. BURNS: If she would just answer the question.

A: So, my daughter has given – works with mentally disabled adults. She gets sent the most severe cases in the state. This is people that can do good. And they are trying to take everything away for their own selfish purpose.

Q: So, you got a two, three million dollars worth of real estate.

A: No, I don't. What I – what they're going to sell it for will leave me with about a million and it should be about four.

MR. WHITE: Your Honor, relevancy. Again, we are here to talk about the Estate. This is something that is on the outside of the Estate.

It's not even a part of an estate tax return that we're aware of because we've asked for any an all tax information. So, there's no relevancy for this partnership to be part of the proceedings here today.

THE COURT: I think the original question was, was your mother generous to you in the past. Let's get back to the question, okay?

App-82

A: Yes. Okay.

Q: Okay. Did she make your mortgage payment for you when you were having hard times?

[End of Page 268]

[Pages 281 to 284]

Q: Before her injuries, did she like to walk?

A: When she had a dog, she would walk.

Q: Okay. And I also ask that because Mr. Burns asked you if she liked to fly in regards to you saying that your mother was afraid of flying.

A: That's what my sister, Randy, said, yes.

Q: Okay. And so, but at one point in time your mom liked to walk. Well, if you look it MKJ 336 through MKJ 339. If You would, read that last paragraph.

A: This one?

Q: Yes, ma'am. Entitled Prior Level of Function.

A: "Prior Level of Function. Patient reports that she has been falling for several years. She is unable to provide information about the reason for her falls other than to say 'fear'. She says sometimes when walking from the refrigerator to the sink while she lived in South Carolina, she would stand in one place for an hour, fearing taking any steps because she might fall."

Q: So, it's reasonable to think that just because you enjoyed doing something at one point in time, you know, something may have happened that makes you fear the same thing later.

A: Right.

Q: Thank you. All right. And then Mr. Burns also stated that we had – or you, we had not requested any documentation regarding loans from the Decedents children owed back to the Decedent. Isn't that correct?

A: Yes.

Q: All right.

MR. WHITE: I'm going to enter into evidence – what number?

COURT REPORTER: J.

MR. WHITE: J? Mr. Burns' answers to our various interrogatories through the discovery process. And specifically I'm going to go over interrogatory number 14.

(Exhibit J was marked and admitted into evidence.)

Q: Beverly, if you would, please read interrogatory number 14. And this is – and just for the record, in order to create transparency, there was a decent amount of discovery done. So, please read interrogatory 14.

A: Set forth a list of all loans made by Decedent to her family members, included, but not limited to, the Decedent's children, grandchildren, and siblings from 2001 to 2010. Confirm the amount, interest rate charged, and repayment schedule of each loan made. Provide any documentation evidencing said loans. Other than the loans to Louis – do you want me to continue?

Q: Keep going.

A: Other than the loans to Louis listed on the inventory, Schedule C-2, which Louis repaid, Respondent can only speak for herself. Respondent borrowed money several times totaling \$20,000, which was repaid by her Fauquier bank check to

Decedent dated May 18th, 2009, check number 0323. Respondent cannot recall the details of the loans, which were always repaid in full.

Q: One second. In there, does it mention the loan from Michael Jennings owed to your mother?

A: It doesn't.

Q: It doesn't mention that at all?

A: Not at all.

Q: But doesn't it request that information?

A: Yes, it does.

Q: So, just to clarify a misstatement there. And then

MR. BURNS: You said did we know about it? Is that what you said?

MR. WHITE: I mean, all – a 2004 income tax return from Mrs. Jennings magically appeared today showing the loan for Michael Jennings company to Mrs. Jennings. It was not provided to us before, but it magically appeared today. And we still don't have the 2010 tax return either.

MR. BURNS: Well, we would be glad to show you the 2004 return, but you won't let me admit it.

MR. WHITE: I said I got it today. I'm going to do the calculation to see if it's actually paid off. Mr. Burns has been trying to make a lot of hay. Mr. Burns has been trying to make a lot of hay about my client claiming undue influence by Ms. Mary Dearden. And, Your Honor, I look back through this petition and I don't think I saw the word undue influence at all. And I hate to keep us here a little bit longer, but ...

Q: I guess, Beverly, if you would – Ms. Hennager, if you would, please let the Court know, based upon this petition – I mean, if you want to, read the en-

App-85

tire petition. Let the Court know what you're asking for. Not what another

[End of Page 284]

App-86

Appendix DD

Excerpt from July 2016 Hearing Transcript

PR Admitted Untruthful Oaths

(R. 136; p.454.18-24; p.455.17-21; p.456.8-9)

[Pages 453 to 456]

- Q: So, they were counter – is that the same as cash?
- A: No. That means that they – I didn't have a specific checkbook for the Estate account. So, when I went in, I asked for a check with the Estate account's name on it.
- Q: Yes, ma'am.
- A: They said, well, we can give you a counter check.
- Q: Okay. But that withdraws the money automatically from the account, correct?
- A: Yeah. Just like a regular check.
- Q: No, no. A regular check you gotta cash it, the banks gotta take some time to pay.
- A: No, it was like a regular check. It wasn't –
- Q: It was?
- A: No – yes, it was.
- Q: Okay. Well, my understanding of a counter check, and you can disagree with me – you can say, I disagree with you. But my understanding of the counter check quite simply is that you go to the bank, they give you a check, the money gets automatically withdrawn from that account at that moment, and then it's same as cash.
- A: No. That's not what it was.
- Q: That's not what it was?
- A: No.
- Q: Okay. Well, if you would –

App-87

A: But I will – I'll tell you about that, because I – were you going to ask me why it wasn't on there?

Q: I'm just going to – I'm not going to ask you why it wasn't on there.

A: Okay.

Q: I'm going to ask if you can show me – I believe – what day was that? August – well, just – can you look on this Final Accounting and show me – the only question I am going to ask is, can you show me where you reported interim distribution of \$45,000 to yourself and Michael on this Accounting?

A: No. Because I made a mistake.

Q: All right. And then can you show me – so, you can't show me on the – where you reported the disbursement of \$45,000 to each you and Michael, correct?

A: Or the refund. Either one. Either the refund nor the disbursement. I made a mistake. I should have done that.

Q: Right here?

A: I agree, I should have done it.

Q: Just for the record, please read this paragraph right there.

A: I should have put all five checks on there and then made a notation of why.

Q: Please read that paragraph.

A: "The Personal Representative declares that this account has been examined and that its contents represent a correct statement of all receipts and disbursements and is true to the best knowledge and belief of the Personal Representative." It was a true statement, it just didn't include those.

App-88

Q: It was a true statement, but it didn't include something that you knew about?

A: It was a true statement as to the final value in the Estate, but I made the mistake of not putting those in and out.

Q: So, I guess –

A: It was a mistake. I agree.

Q: I guess what I'm hearing, correct me if I'm wrong – or isn't this correct that basically you can take the money, Estate money, you can move it –

A: No.

Q: – around how you want to, not report it as long as you feel, as long as you feel as though people are getting what they're supposed to get?

A: No, I just –

Q: That that's okay?

A: I just said that I thought it was a mistake that it wasn't reported on there.

Q: Okay. I know this may seem small, because the money did get back into the account. But this goes back to transparency. You got – I mean, wouldn't you agree that the failure to report the 45 and 45 out and the 45 and 45 back in is check of transparency? Wouldn't you agree with that?

A: Yeah. I would agree with that.

Q: Okay. Especially with the background in the controller of Ford – or Toyota dealership.

A: I would see where somebody would question it, yes.

Q: Do you see how that could create distrust in the beneficiaries?

A: That was created long before that \$45,000.

Q: I know there's a lot of family dynamics here,

[End of Page 456]

App-89

Appendix EE

Excerpt from July 2016 Hearing Transcript

PR Testified that She Intended to
Submit Corrections
(R.137; p.457.17-18; p.458.2-21)

[Pages of 457-460]

that there's a lot going on.

A: Yeah.

Q: But let's assume for the sake of what we're talking about right now. Even if there was no distrust, that all of a sudden would create distrust, correct?

A: Yeah, but most people would just understand, I think.

Q: But you were a controller.

A: Yeah. I'm admitting to it.

Q: Yes, ma'am. I understand.

A: And, you know, there's mistakes made on books in big companies. And when they're found and they're corrected –

Q: Well, that was never corrected. I mean, the beautiful thing –

A: That's because I realized it yesterday. It will be corrected on the –

Q: The beautiful thing about the informal probably process here in South Carolina, which is actually now in the formal process, is that you can amend accountings, you can amend the inventories.

A: And when it was brought to my attention yesterday I realized it was a mistake. And it will be –

Q: But being a controller.

A: Oh, I admit it.

App-90

Q: All right. Being a controller – and I know Mr. Burns probably prepared this based upon the information you gave him. But with being a controller, I mean, I think – wouldn't you nitpick it? Because you got to make sure that money's right. Not just controller, as a fiduciary.

A: I made a mistake. It did not affect the bottom line of the assets.

Q: That's not what I asked.

A: But I did make a mistake. It did not affect the bottom line of the assets.

Q: And there's a sworn statement – and you made a sworn statement to the Court –

A: I did.

Q: – that this was correct, right?

A: I did. I was not trying to deceive the Court or anybody else.

Q: All right. So, those checks to the contractors, I know you said you didn't 1099 them.

A: Uh-huh.

Q: Did you keep track of them for your own taxes?

A: No.

Q: No, you didn't?

A: No.

Q: All right, so, no. I mean, do you know why you might want to keep those for your own record?

A: Yeah. For when I sell my house.

Q: You'd pay those taxes, right?

A: Right. Yeah. I'm sorry. When I left the –

Q: No, no, no. That's unfortunate.

A: When I left accounting world –

Q: Yes, ma'am.

App-91

A: – I just didn't care about my own stuff like that. Now, I would take care of mom's stuff as best as I could, but I was tired.

Q: I get it. It's kind of like a lawyer who knows he needs a will, but he doesn't have one.

A: I guess.

Q: Yeah, so. Which those are fun cases to, by the way.

A: Besides sitting in –

THE COURT: Mr. White, how much longer you think you got?

MR. WHITE: I'm reviewing. I'm checking them off right now, Your Honor. Actually, if y'all want to break for lunch, I don't – I mean, just so I can clear it up, that'd be good. Or if Mr. Burns wants me to keep going, I can.

THE COURT: Mr. Burns, do you have any objection? I mean it's 1:30. We've been going at it for two hours.

MR. WHITE: Yes, ma'am.

THE COURT: And, you know, the lunch places are going to quit serving.

MR. WHITE: Yes, ma'am.

THE COURT: I'm just letting y'all know. So, do you have any objection?

MR. BURNS: To breaking now?

THE COURT: Right.

MR. BURNS: No.

THE COURT: Okay. So, let's break. Let's take a break for lunch.

MR. WHITE: Okay. Thank you.

THE COURT: Is 2:35, will that give everybody enough time to go get some lunch?

MR. WHITE: Yes, Ma'am.

THE COURT: Take a breath?

App-92

MR. WHITE: Yes, Ma'am.

THE COURT: All right. Let's take an hour lunch.

(Lunch break at 1:32 p.m.)

[End of Page 460]

App-93

Appendix FF

Excerpt from May 29, 2024 Hearing Transcript

Respondent: "My volume is--this is the first time
I've ever done this"
(R. 139.10-11)

[Page 4]

PROCEEDING

THE COURT: All right. Good morning, ladies and gentlemen. We are here, virtually, for the case of -- it's an appeal here in Kershaw County. MK Jennings, et al versus Mary Dearden, at al, 2021-CP-28-0795.

I see Ms. Hennager?

MS. HENNAGER: Yes, Your Honor.

THE COURT: Okay.

And I see Mr. Burns; is that correct?

MR. BURNS: My volume is -- this is the first time I've ever done this. I've got somebody helping me. Is my volume okay?

THE COURT: Yes, sir. Maybe you could turn it up just -- I can hear you. All right. You're good.

All right, Ms. Hennager, this is your appeal, correct?

MS. HENNAGER: Yes, Your Honor.

THE COURT: Okay. All right. You can go right ahead.

MS. HENNAGER: Okay. The first issue I want to address is the removal of Mary Dearden as the personal representative over my mother's estate for all of the causes in section 623 611(b). First of all, in the proceeding leading to her appointment she misrepresented material fact when she told the Court my

App-94

mother was a resident of Kershaw County. Her death certificate states that she was a resident of Virginia and Mary later testified that she was living Virginia the

[End of Page 4]

App-95

Appendix GG

Excerpt from May 29, 2024 Hearing Transcript

Petitioner: "it was hard to hear what he was saying—so difficult to respond"

(R.141.24-25)

[Page 22]

Thank you.

THE COURT: Thank you, sir.

MS. HENNAGER, you may briefly respond.

MS. HENNAGER: By definition it's an interlocutory appeal because it did not address all of the issues and all the claims and, for instance, it didn't address the supplementary inventory, it didn't address the promissory note and as for the icing that was a possibility it was because we've been asking and asking for the taxes to see if it had been paid and we hadn't gotten it and, you know, to date we still haven't gotten it but we can say with pretty flow certainty that since they haven't produced it in 14 years, that's because Schedule B does not exist.

Now Rule 54(b) provides that any interlocutory open order remains open and can be amended prior to final judgment and section 623068 stats that any personal representative remains liable for any omissions and inaccuracies in the estate up until even after she's terminated. So Moultrie Burns has tried to create a loophole for her to jump through so that she can escape liability when the fact is is that the laws of South Carolina, the probate laws, are there to protect the beneficiaries, not to protect the dishonest personal representatives.

App-96

Now it was hard to hear everything that he was saying and I just – so it's kind of difficult to respond but he

[End of Page 22]

App-97

Appendix HH

Excerpt from May 29, 2024 Hearing Transcript
Respondent Telling the Court
Petitioner Refused Final Distribution
(R. 140.1-3)

[Page 21]

checking account was closed. Those disbursements were made by cashier's check. All the beneficiaries accepted their check except Ms. Hennager.

MS. HENNAGER: Um-hum.

MR. BURNS: In rejecting Ms. Hennager's arguments, so it's that 2021 order that Ms. Hennager is now appealing. She is basically seeking, in her appeal, everything that Judge Branham's 2016 order denied her.

But to be specific, Ms. Hennager's demand for hearing raised, like Ms. Hennager just said, for the removal of the personal representative and the appointment of a special administrator, she wanted some items appraised for the pursuit of the alleged debt from her brother, Michael, to the estate. Wanted some jewelry professionally appraised and, of course, she wanted the personal representative not to be entitled to a fee. That's what she demanded.

About the calculations and recalculations of the amended accounting, Ms. Hennager's demand is silent.

So the relief Ms. Hennager is now seeking is the same relief that was denied in the 2016 order which we affirmed on appeal.

App-98

In summary, Judge Coble, I submit that Ms. Hennager's characterization of the 2016 order as being interlocutory should be rejected and that this appeal her bold attempt for a second bite of the apple should be dismissed.

[End of Page 21]

App-99

Appendix II

[Filed: Jul. 15, 2022]

COUNTY OF KERSHAW	)	RECEIPT AND
IN THE MATTER OF:	)	RELEASE WITH
M.K. JENNINGS AKA	)	WAIVER
MINNIE K. JENNINGS	)	CASE NUMBER:
AKA M. KAY JENNINGS	)	2010ES2800169
AKA MINNIE KATHERINE)	
JENNINGS)	
(Decedent))	

The undersigned hereby acknowledges receipt from the Personal Representative(s) in this matter of the following property:

PARTIAL CASH DIST,	\$95,000.00
JEWELRY	12,985.00
VA PER. PROP.	2,265.98
CAMDEN PER. PROP.	1,500.00
*FINAL CASH DIST.	16,734.40

In consideration of the above listed distribution, the undersigned hereby releases and forever discharges the Personal Representative and the Estate from any and all rights and claims, which the undersigned may have against the Personal Representative and the Estate and waives right to demand a hearing on all Accountings, Proposals for Distribution (if applicable) and the Application for Settlement.

Executed this day of , 2020.

Recipient Signature: _____

App-100

Print Name: BEVERLY HENNAGER

*Witness

Signature: _____

Print Name: _____

*The Personal Representative is not allowed to serve as the witness.

App-101

Appendix JJ

[Filed: Jul. 15, 2022]

EXHIBIT 1

PROMISSORY NOTE

\$1,111,687.50

Springfield, Virginia
March 29, 1994

FOR VALUE RECEIVED, the undersigned promises to pay to the order of MINNIE KATHERINE JENNINGS, 6920 Floyd Avenue, Springfield, Virginia 22150 ("Shareholder") on or by March 29, 2004, the principal sum of ONE MILLION ONE HUNDRED ELEVEN THOUSAND SIX HUNDRED EIGHTY-SEVEN DOLLARS AND FIFTY CENTS (\$1,111,687.50), plus simple interest at the rate of EIGHT PERCENT (8%) per annum, hereof until repaid, payable in lawful money of the United States of America at said address, or such other place as holder hereof may designate in writing.

Maker agrees to repay Shareholder the principal and interest in monthly payments of TWELVE THOUSAND THREE HUNDRED FORTY-TWO DOLLARS AND ONE CENT (\$12,342.01), each and every month commencing on the first day of the month following execution of this Promissory Note and each and every month thereafter until March 29, 2004 and until the principal and accrued interest is fully repaid to the Shareholder. If any payment is not paid when due it shall thereafter bear like interest as principal. If payment is not made by the fifth (5th)

App-102

day of each month, then a late payment charge of ONE HUNDRED DOLLARS AND NO CENTS (\$100.00) A DAY shall apply from the fifth (5th) day to the tenth (10th) day of the month and thereafter the principal and interest shall be accelerated and the full balance due and payable. The late charge shall continue to accrue for a period not to exceed five days. Thereafter, unless the Shareholder agrees to waive default, this Promissory Note shall be in default.

In the event of default, the entire indebtedness and balance shall accelerate and be due and payable within fifteen (15) days. Notice of default and presentment are waived. In the event the Shareholder is not paid within fifteen (15) days from date of acceleration, Maker agrees to be obligated for principal and interest due and to pay all collection costs, attorney's fees and interest from date of default at the rate of EIGHT (8%) percent per annum.

Maker reserves the right to anticipate payment, in whole or in part, of the unpaid principal amount at any time without penalty or charge.

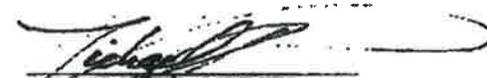
This Promissory Note shall be construed in accordance with the laws of the Commonwealth of Virginia, and each term or provision shall conform to any statutory provision that may apply, Including the Uniform Commercial Code as adopted in Virginia.

There are no oral agreements or understandings not set forth in writing and executed by the parties hereto, and no modification or change in: any of the terms and conditions of this Promissory Note shall be effective unless in writing and signed by an au-

App-103

thorized officer of Springfield Toyota, Inc. This Prom-
issory Note is executed as of the date first set forth
above.

SPRINGFIELD TOYOTA, INC.
A Virginia Corporation


~~AUTHORIZED OFFICER
AND REPRESENTATIVE~~
AUTHORIZED OFFICER
AND REPRESENTATIVE

App-104
Appendix KK

EXHIBIT 2

**November 2006 Email Stipulated at 2016
Hearing Stating the Note Was Not Fully Paid**

Webmail 7.0 – FW: Mom's income.eml
6/21/22, 9:41 AM

FW: Mom's income

From: b@nefferdun.myrf.net
Date: 01/28/2015 07:26
To: b@nefferdun.myrf.net

– Forwarded message from Renae Jennings
<renaejennings@cfl.rr.com> –

Date: Mon, 5 May 2014 11:30:34 –0400
From: Renae Jennings <renaejennings@cfl.rr.com>
Reply-To: Renae Jennings <renaejennings@cfl.rr.com>
Subject: FW: Mom's income
To: 'Beverly Hennager' <b@nefferdun.myrf.net>
CC: 'Renae Jennings' <renaejennings@cfl.rr.com>

Randy's email regarding Mike not paying your Mom

– Original Message –
From: Renae Jennings [mailto:renaejennings@cfl.rr.com]
Sent: Wednesday, October 19, 2011 4:15 PM
To: 'Renae Jennings'
Subject: FW: Mom's income

App-105

– Original Message –

From: randy dauphin [mailto:rgdauphin@msn.com]

Sent: Wednesday, November 15, 2006 3:50 PM

To: bev@nefferdun.myrf.net; louisj@cfl.rr.com

Subject: Mom's income

Dear Louis and Beverly:

I was going thru paperwork for our case and came across some interesting information that I want to share with you.

Mom was paid only \$998,480 for her entire business (Springfield Toyota). she received payments of \$11,005.65 for 120 months and hasn't received any money to live on except her social security and military retirement for the last 2 years. Out of her pension money, she sets aside \$5000 to pay the bill on her life insurance policy (we are the beneficiaries). She has also set aside in CD's money for each of us that she is trying not to use.

The information that I am passing along to you has really humble me. For me it's not important how much Michael got for so little. It is important how little she got and how she arranged for me to have an income for the rest of my life.

No virus found in this message.

App-106
Appendix LL
[Jun. 25, 2024]

EXHIBIT 3

Excerpt to Objections to June 19, 2024 Order
(exhibit from Circuit 9/3/2025 Rule 60 Motion)

Gmail - Objections to Proposed Order
8/25/25, 9:50 AM



Objections to Proposed Order

Bev Hennager <hennagerbev@gmail.com>
Tue, Jun 25, 2024 at 1:20 PM
To: dcoblesc@sccourts.org, Renae Jennings <re-naej2@gmail.com>, MBurns@thesavagefirm.com

Attached are my objections to Moutrie Burns Proposed Order. I sent 2 hard copies but they appear to have not been delivered.

 **OPPOSITION TO PROPOSED ORDER.pdf**
105K

Coble, Daniel Secretary (Raye J. Jefferson)
<dcoblesc@sccourts.org>
Wed, Jun 26, 2024 at 4:09 AM
To: Bev Hennager <hennagerbev@gmail.com>, “Coble, Daniel Secretary (Raye J. Jefferson)”
<dcoblesc@sccourts.org>,”

App-107

Renaë Jennings <renaej2@gmail.com>,
MBurns@thesavagefirm.com
<MBurns@thesavagefirm.com>

Received. Thank you.

Get Outlook for iOS<<https://aka.ms/o0ukef>>

From: Bev Hennager <hennagerbev@gmail.com>
Sent: Tuesday, June 25, 2024 3:20:50 PM
To: dcoblesc@sccourts.org <dcoblesc@sccourts.org>;
Renaë Jennings <renaej2@gmail.com>;
MBurns@thesavagefirm.com
<MBurns@thesavagefirm.com >
Subject: Objections to Proposed Order

*** EXTERNAL EMAIL: This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

Attached are my objections to Moutrie Bums Proposed Order. I sent 2 hard copies but they appear to have not been delivered.

~~~CONFIDENTIALITY NOTICE ~~~This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

App-108

**STATE OF SOUTH CAROLINA**

In the Circuit Court

---

**APPEAL FROM KERSHAW COUNTY**

Probate Court

Honorable Debra Branham, Probate Judge

---

Probate Court Cast No 2010-ES-28-00169

Circuit Court Case No. 2021-CP-28-00795

Beverly Hennager ..... Appellant

Mary Dearden, as Personal Representative  
of M.K. Jennings Estate ..... Respondent

**OBJECTONS TO PROPOSED ORDER**

Pursuant SCRCP 46 I make the following objections to Moultrie Burns proposed order. During the May 29, 2024 hearing, Moultrie Burns had his volume tuned so low it was impossible to hear most of what he was saying. Therefore I was unable to properly respond because I was completely unaware that he had changed the findings of fact in the Probate Court's 2021 Order from "*the promissory note of Michael Jennings was satisfied before the decedent's death...*," to Ms Hennager "*attempted on this appeal to raise allegations and speculations that should have been investigated during discovery. Both the 2016 Order and the 2020 Order on Appeal confirm that there was ample opportunity to do so.*"

App-109

*Appendix MM*

[Date Issued: Apr. 1, 2010]

**EXHIBIT 4**

**M. K. Jennings Death Certificate  
Showing Resident of Virginia**

*[see the next pages]*

**CERTIFIED COPY OF A DEATH RECORD**  
**COMMONWEALTH OF VIRGINIA - CERTIFICATE OF DEATH**  
**DEPARTMENT OF HEALTH - DIVISION OF VITAL RECORDS – RICHMOND**

COPY A

|                                                               |                                  |                                                                                           |
|---------------------------------------------------------------|----------------------------------|-------------------------------------------------------------------------------------------|
| <b>REGISTRATION AREA NUMBER</b><br>130                        | <b>CERTIFICATE NUMBER</b><br>132 | <b>STATE FILE NUMBER</b>                                                                  |
| <b>FOR DIVISION OF VITAL RECORDS</b>                          |                                  |                                                                                           |
| <b>1. FULL NAME OF DECEDENT</b><br>Minnie Katherine Jennings  | (first) (middle) (last)          | <b>2. SEX</b> male female<br><input type="checkbox"/> <input checked="" type="checkbox"/> |
| <b>3. DATE OF DEATH</b><br>(mo.)(day)(year)<br>March 31, 2010 | <b>4. AGE</b><br>89 years        | <b>5. DATE OF BIRTH</b><br>(mo.)(day)(year)<br>Feb. 25, 1921                              |
| <b>IF UNDER 1 YEAR</b><br>months days                         |                                  | <b>IF UNDER 1 DAY</b><br>Hours minutes                                                    |
| <b>6. WAS DECEDENT EVER IN U.S. ARMED FORCES?</b>             |                                  | YES NO                                                                                    |

|                                    |                                                                                              |                                                                                                    |                                                                                                   |                                                                          |  |  |                                                                        |
|------------------------------------|----------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|--|--|------------------------------------------------------------------------|
|                                    |                                                                                              |                                                                                                    |                                                                                                   |                                                                          |  |  | yes no<br><input type="checkbox"/> <input checked="" type="checkbox"/> |
| <b>PLACE OF DEATH</b>              | <b>7. NAME OF HOSPITAL, OR INSTITUTION OF DEATH (if none, so state)</b><br>Fauquier Hospital |                                                                                                    | Out Pat.<br>DOA Emer Rm Inpatient<br><input type="checkbox"/> <input checked="" type="checkbox"/> | <b>8. COUNTY OF DEATH (if independent city, leave blank)</b><br>Fauquier |  |  |                                                                        |
|                                    | <b>9. CITY OR TOWN OF DEATH</b><br>Warrenton                                                 | inside city or town limits?<br>yes <input checked="" type="checkbox"/> no <input type="checkbox"/> | <b>10. STREET ADDRESS OR RT. NO. OF PLACE OF DEATH</b><br>500 Hospital Drive                      |                                                                          |  |  |                                                                        |
| <b>USUAL RESIDENCE OF DECEDENT</b> | <b>11. STATE (OR FOREIGN COUNTRY) OF DECEDENT'S RESIDENCE</b><br>Virginia                    |                                                                                                    | <b>12. COUNTY OF DECEDENT'S RESIDENCE (if independent city, leave blank)</b><br>Fauquier          |                                                                          |  |  |                                                                        |

|                               |                                                                                                                   |                                                                                                    |                                                                                                                     |
|-------------------------------|-------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
|                               | 13. CITY OR TOWN OF RESIDENCE<br>Calverton                                                                        | inside city or town limits?<br>yes <input type="checkbox"/> no <input checked="" type="checkbox"/> | 14. STREET ADDRESS OR RT. NO. OF RESIDENCE<br>3534 Old Weaversville Road<br>ZIP CODE<br>20138                       |
| PERSONAL DATA OF DECEDENT     | 15. NAME OF DECEDENT'S FATHER<br>Beverly Randolph McCreight                                                       |                                                                                                    |                                                                                                                     |
|                               | 16. MAIDEN NAME OF DECEDENT'S MOTHER<br>Sarah Katherine Sullivan                                                  |                                                                                                    |                                                                                                                     |
| 17. RACE OF DECEDENT<br>white | 18. OF HISPANIC ORIGIN?<br>Puerto Rican, etc. <input checked="" type="checkbox"/> no <input type="checkbox"/> yes | If yes, specify<br>Cuban, Mexican,                                                                 | 19. EDUCATION (Specify only highest grade completed)<br>Elementary/Secondary (0-12) _____ College (1-4 or 5+) +) +2 |
| 20. CITIZEN OF WHAT COUNTRY   | 21. BIRTHPLACE (state or country)<br>South Carolina                                                               | 22. NEVER MARRIED <input type="checkbox"/><br>MARRIED <input type="checkbox"/>                     | 23. IF MARRIED OR WIDOWED, NAME OF                                                                                  |

|                                       |                                                                                                                                                                                                                        |                                                 |                                                                                  |                                                          |
|---------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|----------------------------------------------------------------------------------|----------------------------------------------------------|
|                                       | U. S. A.                                                                                                                                                                                                               |                                                 | DIVORCED <input type="checkbox"/><br>WIDOWED <input checked="" type="checkbox"/> | SPOUSE (if divorced leave blank)<br>Louis Allen Jennings |
| 24. SOCIAL SECURITY NUMBER [redacted] | 25. USUAL OR LAST OCCUPATION<br>Owner                                                                                                                                                                                  | 26. KIND OF BUSINESS OR INDUSTRY<br>Auto Dealer | 27. INFORMANT – OR SOURCE OF INFORMATION – RELATIONSHIP<br>Mary Dearden-daughter |                                                          |
| CAUSE OF DEATH TO PHYSICIAN:          | 28. PART I. Enter the diseases, injuries, or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock, or heart failure.<br>List only one cause on each line. |                                                 |                                                                                  |                                                          |
| INTERVAL BETWEEN ONSET AND DEATH      |                                                                                                                                                                                                                        |                                                 |                                                                                  |                                                          |

|                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| <p>Complete and sign medical certification (item 28) and return both copies to funeral director as soon as possible after determination of cause.</p> <p>NOTE: if "Pending" must be</p> | <p>IMMEDIATE CAUSE (Final disease or condition resulting in death)</p> <p>(A) CARDIOPULMONARY ARREST</p> <p>DUE TO (OR AS A CONSEQUENCE OF):</p> <p>Sequentially list conditions, if any, leading to immediate cause. Enter UNDERLYING CAUSE (Disease or injury that initiated events resulting in death) LAST</p> <p>(B) DEHYDRATION, PNEUMONIA, RESPIRATORY ACIDOSIS</p> <p>DUE TO (OR AS A CONSEQUENCE OF):</p> <p>(C)</p> | <p>28a. AUTOPSY? AUTHORIZED BY: yes <input type="checkbox"/> no <input type="checkbox"/></p> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|

|                                                                                                                                         |                                                                                                                                                      |                                                                                                                            |                                                                        |
|-----------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| indicated, so state in part I and notify registrar of final decision as soon as possible.<br>-----<br>MEDICAL CERTIFICATION             | 28b. IF FEMALE, WAS THERE A PREGNANCY IN PAST 3 MONTHS?<br>yes <input type="checkbox"/> no <input type="checkbox"/> unknown <input type="checkbox"/> | 28c. IF EXTERNAL CAUSE, IT WAS PRIMARY <input type="checkbox"/> or CONTRIBUTING <input type="checkbox"/> TO CAUSE OF DEATH | 28d. DESCRIBE HOW INJURY RELATING TO DEATH OCCURRED                    |
|                                                                                                                                         | 28e. TIME OF INJURY (mo.) (day) (year)<br>A.M.<br>P.M.                                                                                               | 28f. INJURY OCCURRED while at work <input type="checkbox"/> not while at work <input type="checkbox"/>                     | 28g. PLACE OF INJURY (home, farm, factory, street, office bldg., etc.) | 28h. (city or town) (county) (state) |
| 28i. To the best of my knowledge, death occurred at 1:08 a.m. 3/31/10 (a.m.) (p.m.) on the date and place and from the cause(s) stated. |                                                                                                                                                      |                                                                                                                            |                                                                        |
| ACTUAL SIGNATURE <u>/s/ M. F. Siddiqui</u>                                                                                              |                                                                                                                                                      | DATE SIGNED: 3/31/10                                                                                                       |                                                                        |
| NAME OF ATTENDING PHYSICIAN (Type or Print)                                                                                             |                                                                                                                                                      | ADDRESS OF ATTENDING PHYSICIAN                                                                                             |                                                                        |

|                              |                                                                                                                                    |                                                                                                   |                                                    |                                   |
|------------------------------|------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|----------------------------------------------------|-----------------------------------|
|                              | Dr. M. F. Siddiqui                                                                                                                 | FAUQUIER HOSPITAL<br>500 HOSPITAL DRIVE, WARRENTON<br>VA 20186                                    |                                                    |                                   |
| FUNERAL DIRECTOR             | 29. BURIAL <input type="checkbox"/><br>REMOVAL <input type="checkbox"/><br>CREMATION <input checked="" type="checkbox"/>           | 30. PLACE OF BURIAL, REMOVAL, ETC.                                                                | (name of cemetery or crematory)<br>Moser Crematory | (city or county)<br>Warrenton, VA |
|                              | 31. (Signature of funeral director or person legally filing this certificate)<br>FUNERAL SERVICE LICENSEE / NEXT OF PIN 0429009821 | NAME OF FUNERAL HOME AND ADDRESS:<br>Moser Funeral Home, Inc.<br>233 Broadview Ave. Warrenton, VA |                                                    |                                   |
| REGISTRAR                    | 32. (signature of registrar) <i>Rei J. Larsson</i>                                                                                 |                                                                                                   | DATE RECORD FILED<br>4-1-2010                      |                                   |
| RESERVED FOR REGISTRAR'S USE |                                                                                                                                    |                                                                                                   |                                                    |                                   |

This is certify that is true and correct reproduction of the original record  
Filed with the Fauquier County Department of Health, Warrenton, Virginia.

Date Issued: 4-1-2010  
(SEAL)



Registrar or Deputy

ANY REPRODUCTION OF THIS DOCUMENT IS PROHIBITED BY STATUTE.  
DO NOT ACCEPT UNLESS THE IMPRESSED SEAL OF THE FAUQUIER COUNTY  
DEPARTMENT OF HEALTH IS CLEARLY AFFIXED.

