

STATE OF SOUTH CAROLINA

COUNTY OF AIKEN

IN THE MATTER OF:

MARY MARGARET WENZEL CRANDALL,
☒ Decedent ☐ Alleged Incapacitated Individual
☐ Minor ☐ Other: _____

WANDA F SCOTT and WILLIAM RAY MASSEY,
 Petitioner(s),

vs.

CODY LEE ANDERSON, THOMAS ALLEN BATEMAN,
JR., GEORGE FUNERAL HOME AND CREMATION
CENTER, INC., ELEANOR O. KOSTOLNI, PHILIP H.
WENZEL, K. WENDY MIEREK, W. LEN PILOT,
MARTIN SCHNEIDER, GAYE E. GINDY, KEITH A.
BEGLEY, ALFRED CACICI, FAYE T. GRANTHAM,
STEVEN SCHNEIDER, LELAND N. KELLEY, WILLIAM
P. REYNOLDS, NEALE STORMS, RANDY STORMS,
CHRIS STORMS, SCOTT STORMS, MARK STORMS,
TONI STORMS LAWSON, JEFFREY W. MIZE,
WERNER NIEDERBERGER, JOSEPHINE G. SMITH,
IRMGARD FLECKENSTEIN, MARTHA JUNGHANS,
KARL-HEINZ NIEDERBERGER, MARIA ROSA
NIEDERBERGER, OTTO ADOLFO NIEDERBERGER,
CHRISTA M. JANSSENS, AUGUSTA GENEALOGICAL
SOCIETY, CRANDALL FAMILY ASSOCIATION,
HERITAGE SYLVANIA AKA HERITAGE CENTER
MUSEUM, NEW ENGLAND HISTORIC
GENEALOGICAL SOCIETY, ST. ALOYSIUS ROMAN
CATHOLIC CHURCH, AIKEN SYSTEMS UNLIMITED,
INC., MASSACHUSETTS INSTITUTE OF
TECHNOLOGY, THE NATURE CONSERVATORY AKA
SOUTH CAROLINA NATURE CONSERVATORY,
SMITH COLLEGE, THE HOTCHKISS SCHOOL, and
OUR LADY OF THE VALLEY ROMAN CATHOLIC
CHURCH.

Respondent(s).*

IN THE COURT OF COMMON PLEAS

CASE NUMBER 2022-CP-02- 00232

AMENDED SUMMONS

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

TO THE RESPONDENT(S) LISTED ABOVE:

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

[SIGNATURE PAGE TO FOLLOW]

Please Type or Print.

William G. Newsome III, Esquire

Meagan L. MacBean, Esquire

(Name of Petitioner/Attorney for Petitioner)

1501 Main Street, Suite 601

(Street Address or Mailing Address)

Columbia, SC 29201

(City, State, and Zip Code)

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

s/ William G. Newsome III

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

Date: March 21, 2022

STATE OF SOUTH CAROLINA

COUNTY OF: AIKEN

IN THE MATTER OF:
MARY MARGARET WENZEL CRANDALL
(Decedent)

IN THE COURT OF COMMON PLEAS

CASE NUMBER: 2022 CP02 00232

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

* WANDA F. SCOTT and WILLIAM RAY MASSEY,
Petitioner(s)
vs.

* CODY LEE ANDERSON, THOMAS ALLEN BATEMAN, JR.,
GEORGE FUNERAL HOME AND CREMATION CENTER,
INC., ELEANOR O. KOSTOLNI, PHILIP H. WENZEL, K.
WENDY MIEREK, W. LEN PILOT, MARTIN SCHNEIDER,
GAYE E. GINDY, KEITH A. BEGLEY, ALFRED CACICI,
FAYE T. GRANTHAM, STEVEN SCHNEIDER, LELAND N.
KELLEY, WILLIAM P. REYNOLDS, NEALE STORMS,
RANDY STORMS, CHRIS STORMS, SCOTT STORMS,
MARK STORMS, TONI STORMS LAWSON, JEFFREY W.
MIZE, WERNER NIEDERBERGER, JOSEPHINE G. SMITH,
IRMGARD FLECKENSTEIN, MARTHA JUNGHANS, KARL-
HEINZ NIEDERBERGER, MARIA ROSA NIEDERBERGER,
OTTO ADOLFO NIEDERBERGER, CHRISTA M.
JANSSENS, AUGUSTA GENEALOGICAL SOCIETY,
CRANDALL FAMILY ASSOCIATION, HERITAGE SYLVANIA
AKA HERITAGE CENTER MUSEUM, NEW ENGLAND
HISTORIC GENEALOGICAL SOCIETY, ST. ALOYSIUS
ROMAN CATHOLIC CHURCH, AIKEN SYSTEMS
UNLIMITED, INC., MASSACHUSETTS INSTITUTE OF
TECHNOLOGY, THE NATURE CONSERVATORY AKA
SOUTH CAROLINA NATURE CONSERVATORY, SMITH
COLLEGE, THE HOTCHKISS SCHOOL, and OUR LADY OF
THE VALLEY ROMAN CATHOLIC CHURCH,

Respondent(s)

**AMENDED PETITION
(JURY TRIAL DEMANDED)**

APPLICATION FOR INFORMAL

(check any that apply)

- ☐ PROBATE OF WILL
☐ APPOINTMENT

***PETITION FOR FORMAL**

- ☒ TESTACY
☒ APPOINTMENT

If this is a formal filing, please explain on page 4 or attach pleadings pursuant to *SC Rules of Civil Procedure*.

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

I. ALL APPLICANTS/PETITIONERS MUST COMPLETE THIS SECTION.

1. Applicant/Petitioner(s):	Wanda F. Scott	William Ray Massey
Address:	125 Park Avenue SW, Aiken, SC 29801	210 Colony Parkway, Aiken, SC 29803
Telephone (Work):	(803) 648-6047	(803) 643-4110
(Home):		
(Cell):		
Email:	wscott@smecpa.com	rmassey@smbgm.com
Relationship to Decedent:	CPA	Attorney

FORM #300ES (09/2020)

62-2-504, 62-3-102, 62-3-203, 62-3-301, 62-3-302, 62-3-303, 62-3-308, 62-3-311, 62-3-401, 62-3-402,
62-3-404, 62-3-409, 62-3-414, 62-3-601, 62-3-602, 62-3-704, 62-3-804, 44-22-100, 44-23-1120

Page 1 of 6

ELECTRONICALLY FILED - 2022 Mar 21 7:09 PM - AIKEN - COMMON PLEAS - CASE#2022CP0200232

2. Decedent Information:

Full Legal Name
(including all known names): Mary Margaret Wenzel Crandall a/k/a Margaret Crandall

Date of Birth: 02-01-1933

Date of Death: 01-05-2022

Age at Date of Death: 88

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

- ☒ Decedent was domiciled in this County at date of death:
Address: Shadow Oaks 108 Gregg Avenue NW, Aiken, SC 29801 County: Aiken State: South Carolina.
- ☐ Decedent was **not** domiciled in **South Carolina**, but property of Decedent was located in this County at date of death at:
Address: _____ County: _____ State: South Carolina
- ☐ Decedent has a right to take legal action in this County because:

If the above address is the address of a nursing home, prison, or other residential facility, please give the last address of the Decedent prior to entering a facility: 204 Laurel Circle, Graniteville, SC 29829

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

Full Legal Name (including all known names)	Year of Birth	Full Address	Email Address	Relationship to Decedent
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_____	_____	_____	_____	_____
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☒ See attached for additional devisees (check if applicable).

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

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

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

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

☐ YES ☒ NO If no, please explain on page 4.

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

☐ NO ☒ YES If yes, please explain, on page 4.

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

☒ NO ☐ YES If yes, please explain, on page 4.

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

☒ NO ☐ YES If yes, please explain on page 4.

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

☒ NO ☐ YES If yes, please state details, including name and address of such Personal Representative on page 4.

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

☒ NO ☐ YES If yes, please state details, including names and addresses on page 4.

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

☒ NO ☐ YES If yes, please state circumstances authorizing tardy probate on page 4.

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

☐ NO ☒ YES If yes, an approximate value of \$Greater than \$25,000.00 (Note: A complete inventory of probate assets with fair market values is to be filed after Personal Representative is appointed.)

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

☐ NO ☒ YES If yes, an approximate value of \$Greater than \$25,000.00 (Note: A complete inventory of probate assets with fair market values is to be filed after Personal Representative is appointed.)

11(c). Are you seeking appointment as Personal Representative in order to pursue civil litigation on behalf of the Decedent's estate? Is there a civil litigation attorney?

☒ NO ☐ YES If yes, please provide the name of the civil litigation attorney: _____

11(d). At the time of Decedent's death, was he or she involved in any pending civil litigation? Is there a civil litigation attorney?

☒ NO ☐ YES If yes, please state the circumstances and name of attorney on page 4.

11(e). If you answered NO to questions 11(a) - 11(d) above, but are seeking the appointment of a Personal Representative, please explain why the appointment is requested on page 4.

12. Have you made a diligent search for a Will of the Decedent?

☒ YES
☐ NO If no, please explain on page 4.

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

1. Regarding the Decedent's Will:

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

2. The execution date of the Will was: 10-17-2001
Codicil(s): N/A

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

☒ NO ☐ YES If yes, attach hereto.

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

☒ YES ☐ NO If no, please explain on page 4.

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

☒ NO ☐ YES If yes, please explain on page 4.

COMPLETE EXPLANATION(S) FOR QUESTIONS IN SECTIONS I and II HERE.

The Decedent's husband, John Lou Crandall, died on December 10, 2012 and his estate was administered under Aiken County Probate Case Number 2013 ES02 00320.

Petitioners are aware that the following devisees predeceased the Decedent:

Louise C. Hayden
Christa M. Janssens
Gertrude O. Kling
Harriett B. Storms
Philip W. Wenzel

Petitioners are not aware if the following devisees predeceased the Decedent and are investigating. Petitioners will supplement this Amended Petition with information regarding these devisees when their investigation is complete:

Werner Niederberger
Irmgard Fleckenstein
Martha Junghans
Karl-Heinz Niederberger
Maria Rosa Niederberger
Otto Adolfo Niederberger

Petitioners are also attempting to identify the intestate heirs of the Decedent and will supplement this Amended Petition with information regarding the intestate heirs of the Decedent when they have been identified.

See attached Addendum to Petition.

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

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

2. Priority for appointment of the proposed Personal Representative (whether applicant or nominee) is:

- ☐ named as Primary Personal Representative in Will
- ☒ named as Alternate Personal Representative in Will
- ☐ nominee of Primary Personal Representative in Will
- ☐ nominee of Alternate Personal Representative in Will
- ☐ surviving spouse of Decedent who is devisee of Decedent or nominee of said spouse
- ☐ other devisee of Decedent (describe): _____ or nominee of said devisee
- ☐ surviving spouse of Decedent or nominee of said spouse
- ☐ other heir of Decedent (describe): _____ or nominee of said heir
- ☐ creditor (forty-five (45) days after death must have passed) or nominee of creditor; written statement of claim, FORM 371ES, is attached

☐ other (describe): _____

3. List below the name(s) of any other person(s), if any, having an equal or higher priority of appointment than the proposed Personal Representative:
John Lou Crandall died on December 10, 2012 and his estate was administered under Aiken County Probate Case Number 2013 ES02 00320.

IV. ALL APPLICANTS/PETITIONERS MUST COMPLETE VERIFICATION.

VERIFICATION

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

SWORN to before me this 21st day
of March, 2022

Signature of
Applicant/Petitioner: Wanda J Scott

[Signature]
Notary Public for South Carolina
My Commission Expires: July 16, 2023

SWORN to before me this _____ day
of March, 2022

Signature of Co-
Applicant/Co-Petitioner: _____

Notary Public for South Carolina
My Commission Expires: _____

ORDER OF INFORMAL PROBATE

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

- ☐ Codicil executed _____ and
☐ Memorandum

be informally ☐ GRANTED ☐ DENIED.

Executed this _____ day of _____, 2022.

_____, Probate Court Judge

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

☐ other (describe): _____

3. List below the name(s) of any other person(s), if any, having an equal or higher priority of appointment than the proposed Personal Representative:
John Lou Crandall died on December 10, 2012 and his estate was administered under Aiken County Probate Case Number 2013 ES02 00320.

IV. ALL APPLICANTS/PETITIONERS MUST COMPLETE VERIFICATION.

VERIFICATION

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

SWORN to before me this _____ day
of March, 2022

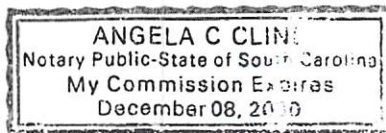
Signature of
Applicant/Petitioner: _____

Notary Public for South Carolina
My Commission Expires: _____

SWORN to before me this 21st day
of March, 2022

Signature of Co-
Applicant/Co-Petitioner: W. R. M. J.

Angela C. Cline
Notary Public for South Carolina
My Commission Expires: 12-8-2030



ORDER OF INFORMAL PROBATE

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

- ☐ Codicil executed _____ and
☐ Memorandum

be informally ☐ GRANTED ☐ DENIED.

Executed this _____ day of _____, 2022.

_____, Probate Court Judge

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

ORDER OF INFORMAL APPOINTMENT

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

Bond

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

Notice to Creditors

- ☐ Required
- ☐ Not Required

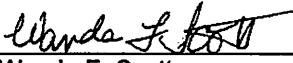
Executed this _____ day of _____, 2022.

_____, Probate Court Judge

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

QUALIFICATION AND STATEMENT OF ACCEPTANCE

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

Signature: 
 Print Name: Wanda F. Scott
 Address: 125 Park Avenue SW
Aiken, SC 29801
 Telephone (Work): (803) 648-6407
 (Home): _____
 (Cell): _____
 Email: wscott@wscottcpa.com

Signature: _____
 Print Name: William Ray Massey
 Address: 210 Colony Parkway
Aiken, SC 29803
 Telephone (Work): (803) 643-4110
 (Home): _____
 (Cell): _____
 Email: rmassey@smbgm.com

*Attorney: William G. Newsome III, Esquire
Meagan L. MacBean, Esquire
 Address: 1501 Main Street, Suite 601
Columbia, SC 29201
 Telephone: (803) 218-9441
 Email: billy@newsomelawsc.com

ORDER OF INFORMAL APPOINTMENT

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

Bond

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

Notice to Creditors

- ☐ Required
- ☐ Not Required

Executed this _____ day of _____, 2022.

_____, Probate Court Judge

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

QUALIFICATION AND STATEMENT OF ACCEPTANCE

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

Signature: _____

Print Name: Wanda F. Scott

Address: 125 Park Avenue SW

Aiken, SC 29801

Telephone (Work): (803) 648-6407

(Home): _____

(Cell): _____

Email: wscott@wscottcpa.com

Signature: _____

Print Name: William Ray Massey

Address: 210 Colony Parkway

Aiken, SC 29803

Telephone (Work): (803) 643-4110

(Home): _____

(Cell): _____

Email: rmassey@smbgm.com

*Attorney: William G. Newsome III, Esquire

Meagan L. MacBean, Esquire

Address: 1501 Main Street, Suite 601

Columbia, SC 29201

Telephone: (803) 218-9441

Email: billy@newsomelawsc.com

STATE OF SOUTH CAROLINA

COUNTY OF: AIKEN

IN THE MATTER OF:
MARY MARGARET WENZEL CRANDALL
(Decedent)

IN THE COURT OF COMMON PLEAS

ADDITIONAL DEVISEES/HEIRS/SUCCESSORS

CASE NUMBER: 2022 CP02 00232

The following names are additional ☒ Beneficiaries (Devisees) ☐ Intestate Heirs ☐ Successors :

Full Legal Name (including all known names)	Year of Birth	Full Address	Relationship to Decedent	If Additional Successors, list Percentage
Begley, Keith A.	Adult	615 NW Oleander St, Unit 101 Stuart, FL 34994		
Cacici, Alfred	Adult	466 Harman Street Brooklyn, NY 11237		
Fleckenstein, Irmgard	Adult	Hauptstrasse 18, 6452 Hainburg, Germany		
Gindy, Gaye E.	Adult	6526 Erie Street Sylvania, OH 43560		
Grantham, Faye T.	Adult	1225 Huntcliff Trace Aiken, SC 29803		
Hayden, Louise C.	Adult	Deceased		
Janssens, Christa M.	Adult	Deceased		
Junghans, Martha	Adult	Schillerstr 63, 78713 Schramberg, Germany		
Kelley, Leland	Adult	222 Autumn Street Woodruff, SC 29388		
Kling, Gertrude O.	Adult	Deceased		
Kostolni, Eleanor O.	Adult	25 Lawrence Street Hicksville, NY 11801		
Mierek, K. Wendy	Adult	216 Betsinger Road Sherill, NY 13461		
Niederberger, Karl-Heinz	Adult	Annostr 11, Cologne, Germany		
Niederberger, Maria Rosa	Adult	R. Carlos Gomes, 78 Erechim RS Brazil		
Niederberger, Otto Adolfo	Adult	Rua Alemanha 97, Apt 3, Erechim RS, Brazil		
Niederberger, Werner	Adult	Rua Alemanha 97, Apt 3, Erechim RS, Brazil		
Pilot, W.L. "Len"	Adult	120 Daley Drive Warrenville, SC 29851		

Reynolds, William P.	Adult	231 Marlboro Street SE Aiken, SC 29801		
Schneider, Martin	Adult	4704 Woodview Street Arlington, TX 76013		
Schneider, Steven	Adult	3 Westwood Avenue Deer Park, NY 11729		
Smith, Josephine G.	Adult	18 Damin Drive Farmingdale, NY 11735		
Storms, Harriet B.	Adult	Deceased		
Wenzel, Philip H.	Adult	3712 Hogan Road Vernon Center, NY 13477		
Wenzel, Philip W.	Adult	Deceased		
Aiken Systems Unlimited	Charity	231 Marlboro Street SE Aiken, SC 29801		
Augusta Genealogical Society	Charity	1058 Claussen Road, Suite 108 Augusta, GA 30907		
Crandall Family Association	Charity	P.O. Box 1472 Westerly, RI 02891		
Daughters of Charity, Our Lady of the Valley RC Church	Charity	2429 Augusta Road Gloversville, SC 29828		
Heritage Center Museum	Charity	5717 North Main Street Sylvania, OH 43560		
Hotchkiss School	Charity	P.O. Box 800 Lakeville, CT 06039		
Massachusetts Institute of Technology	Charity	77 Massachusetts Avenue Cambridge, MA 02139		
New England Genealogical Society	Charity	101 Newbury Street Boston, MA 02116		
Smith College	Charity	33 Elm Street Northampton, MA 01063		
South Carolina Nature Conservatory	Charity	4245 North Fairfax Drive Arlington, VA 22203		
St. Aloysius RC Church	Charity	382 Onerdonk Avenue Ridgewood, NY 11385		

STATE OF SOUTH CAROLINA

COUNTY OF AIKEN

IN THE MATTER OF MARY MARGARET
WENZEL CRANDALL

WANDA F. SCOTT and WILLIAM RAY
MASSEY,

Petitioners,

vs.

CODY LEE ANDERSON, THOMAS
ALLEN BATEMAN, JR., GEORGE
FUNERAL HOME AND CREMATION
CENTER, INC., ELEANOR O. KOSTOLNI,
PHILIP H. WENZEL, K. WENDY MIEREK,
W. LEN PILOT, MARTIN SCHNEIDER,
GAYE E. GINDY, KEITH A. BEGLEY,
ALFRED CACICI, FAYE T. GRANTHAM,
STEVEN SCHNEIDER, LELAND N.
KELLEY, WILLIAM P. REYNOLDS,
NEALE STORMS, RANDY STORMS,
CHRIS STORMS, SCOTT STORMS,
MARK STORMS, TONI STORMS
LAWSON, JEFFREY W. MIZE, WERNER
NIEDERBERGER, JOSEPHINE G. SMITH,
IRMGARD FLECKENSTEIN, MARTHA
JUNGHANS, KARL-HEINZ
NIEDERBERGER, MARIA ROSA
NIEDERBERGER, OTTO ADOLFO
NIEDERBERGER, CHRISTA M.
JANSSENS, AUGUSTA GENEALOGICAL
SOCIETY, CRANDALL FAMILY
ASSOCIATION, HERITAGE SYLVANIA
AKA HERITAGE CENTER MUSEUM,
NEW ENGLAND HISTORIC
GENEALOGICAL SOCIETY, ST.
ALOYSISUS ROMAN CATHOLIC
CHURCH, AIKEN SYSTEMS
UNLIMITED, INC., MASSACHUSETTS
INSTITUTE OF TECHNOLOGY, THE
NATURE CONSERVATORY AKA SOUTH
CAROLINA NATURE CONSERVATORY,
SMITH COLLEGE, THE HOTCHKISS
SCHOOL, and OUR LADY OF THE
VALLEY ROMAN CATHOLIC CHURCH,

Respondents.

IN THE COURT OF COMMON PLEAS

Case No. 2022 CP02 00232

**ADDENDUM TO AMENDED
PETITION FOR FORMAL TESTACY
AND APPOINTMENT
(JURY TRIAL DEMANDED)**

The Petitioners, Wanda F. Scott and William Ray Massey (“Petitioners”), by and through their undersigned counsel, complaining of Respondents Cody Lee Anderson, Thomas Allen Bateman, Jr., and George Funeral Home and Cremation Center, Inc., and including the devisees under the Last Will & Testament of Mary Margaret Wenzel Crandall dated October 17, 2001 as interested parties to this action, and supplementing the Amended Petition for Formal Testacy and Appointment allege as follows:

1. The allegations of the Amended Petition for Formal Testacy and Appointment are realleged and incorporated herein by reference as if fully set forth.

2. Petitioners are residents of Aiken County, South Carolina and are named as Co-Personal Representatives in the Last Will and Testament of Mary Margaret Wenzel Crandall (the “Decedent”) dated October 17, 2001 (the “October 17, 2001 Will”). The October 17, 2001 Will is attached hereto as Exhibit A.

3. The Decedent died on January 5, 2022, a resident of Aiken County, South Carolina, at the age of 88 years.

4. The Decedent’s husband, John L. “Jack” Crandall, predeceased her on December 10, 2012 and his estate was administered in Aiken County Probate Case No. 2013-ES-02-0320. A copy of Mr. Crandall’s obituary is attached hereto as Exhibit B.

5. The Decedent and her husband did not have children. See Exhibit B.

6. Respondent Cody Lee Anderson is named as Personal Representative in a South Carolina Last Will and Testament which is dated May 1, 2020 and was purportedly signed by the Decedent (the “Illegitimate Will”). The Illegitimate Will is attached hereto as Exhibit C.

7. Upon information and belief, the Illegitimate Will was not signed on May 1, 2020, as is discussed more thoroughly below.

8. Despite being no relation to the Decedent and only having a brief friendship with

her, Respondent Thomas Allen Bateman, Jr. is the sole beneficiary of the Illegitimate Will.

9. Respondent George Funeral Home and Cremation Center, Inc. (“George Funeral Home”) is owned by Respondent Anderson and handled both the Decedent’s husband’s funeral arrangements in 2012 and the Decedent’s funeral arrangements in 2022.

10. The following are devisees under the October 17, 2001 Will and are interested parties to this action pursuant to S.C. CODE ANN. § 62-1-403:

- a. Eleanor O. Kostolni, a resident of Hicksville, New York.
- b. Philip H. Wenzel, a resident of Vernon Center, New York.
- c. K. Wendy Mierek, a resident of Sherill, New York.
- d. W. Len Pilot, a resident of Aiken, South Carolina.
- e. Martin Schneider, a resident of Arlington, Texas.
- f. Gaye E. Gindy, a resident of Sylvania, Ohio.
- g. Keith A. Begley, a resident of Stuart, Florida.
- h. Alfred Cacici, a resident of New York, New York.
- i. Faye T. Grantham, a resident of Aiken, South Carolina.
- j. Steven Schneider, a resident of Deer Park, New York.
- k. Josephine G. Smith, a resident of Farmingdale, New York.
- l. Leland N. Kelley, a resident of Aiken, South Carolina.
- m. William P. Reynolds, a resident of Aiken, South Carolina.
- n. Neale Storms, a resident of Fruitport, Michigan, Randy Storms, a resident of Walkerville, Michigan, Chris Storms, a resident of Kingsley, Michigan, and Scott Storms, Mark Storms, and Toni Storms Lawson, who Petitioners believe are all residents of Michigan. The Storms are the descendants of Harriet B. Storms, who was a devisee under Article V – Specific Bequest of Account of the October 17, 2001 Will and who predeceased the Decedent.
- o. Jeffrey W. Mize, a resident of Jasper, AL. Mr. Mize is the son of Louise C.

Hayden, who was a devisee under Article V – Specific Bequest of Account of the October 17, 2001 Will and who predeceased the Decedent.

- p. Augusta Genealogical Society, a Georgia non-profit corporation.
- q. Crandall Family Association, a Rhode Island non-profit corporation.
- r. Heritage Sylvania AKA Heritage Center Museum, an Ohio non-profit corporation.
- s. New England Historic Genealogical Society, a Massachusetts non-profit corporation.
- t. St. Aloysius Roman Catholic Church, a religious organization in Ridgewood, New York.
- u. Aiken Systems Unlimited, Inc., a South Carolina corporation.
- v. Massachusetts Institute of Technology, a higher education institution in Cambridge, Massachusetts.
- w. The Nature Conservatory AKA South Carolina Nature Conservatory, a District of Columbia non-profit corporation.
- x. Smith College, a higher education institution in Northampton, Massachusetts.
- y. The Hotchkiss School, a boarding school in Lakeville, Connecticut.
- z. Our Lady of The Valley Roman Catholic Church, a religious organization in Gloverville, South Carolina.
- aa. The following beneficiaries are devisees under Article V – Specific Bequest of Account of the October 17, 2001 Will, which provides “the share of a member of the above class of beneficiaries that predeceases me shall pass to his or her issue then living at my death by representation” and Petitioners do not know if they predeceased the Decedent, and are investigating.
 - i. Werner Niederberger, a resident of Erechim, Rio Grande do Sul, Brazil.
 - ii. Irmgard Fleckenstein, a resident of Hamburg, Germany.

- iii. Martha Junghans, a resident of Hamburg, Germany.
- iv. Karl-Heinz Niederberger, a resident of Cologne, Germany.
- v. Maria Rosa Niederberger, a resident of Erechim, Rio Grande do Sul, Brazil.
- vi. Otto Adolfo Niederberger, a resident of Erechim, Rio Grande do Sul, Brazil.

11. Gertrude O. Kling and Philip W. Wenzel predeceased the Decedent and were devisees under Article III – Tangible Personal Property, Article IV – Specific Bequests of Tangible Personal Property, and Article VI – Primary Residence of the October 17, 2001 Will, and the devises to them were conditioned on their surviving the Decedent.

12. Christa M. Janssens, a resident of Chatham, New Jersey, predeceased the Decedent and was a devisee under Article IV – Specific Bequests of Tangible Personal Property and Article V – Specific Bequest of Account of the October 17, 2001 Will. Petitioners do not know if Ms. Janssens was survived by issue and are in the process of investigating.

13. Venue is proper in this Court and this Court has jurisdiction over this matter and the authority to determine the issues raised in this Petition.

14. Upon information and belief, Respondent Bateman is the former funeral director and manager at George Funeral Home and Respondent Anderson's former supervisor.

15. Upon information and belief, Respondent Bateman was the funeral director at George Funeral Home when the Decedent's husband died in 2012 and first met Decedent when he assisted her in planning her husband's funeral.

16. Upon information and belief, sometime after the Decedent's husband's funeral, Respondent Bateman left George Funeral Home to become an embalming fluid salesman.

17. Upon information and belief, when Respondent Bateman left George Funeral Home, Respondent Anderson took over as funeral director.

18. Upon information and belief, Respondent Anderson and Respondent Bateman are

both currently licensed funeral directors and embalmers.

19. Respondent Anderson purchased George Funeral Home on August 28, 2018 and is the current owner and funeral director.

20. Respondent Bateman embalmed the Decedent despite no longer being employed by George Funeral Home. The Decedent's death certificate listing Respondent Bateman as the embalmer is attached hereto as Exhibit D.

21. The Decedent suffered from mental illness, psychosis and dementia for many years prior to her death. The Decedent's Admission Nursing Assessment at Shadow Oaks Assisted Living dated June 4, 2018 listing her diagnoses as "dementia" and "psychosis" and the Decedent's Individual Care Plan at Shadow Oaks dated June 4, 2018 listing diagnoses of "unspecified dementia w/o behavior disturbance" and "psychotic disorder w/ hallucination" are attached collectively hereto as Exhibit E.

22. While a resident at Cumberland Village and also while a resident at Shadow Oaks, Decedent regularly called 911 Emergency to report that intruders were attempting to break into her residence. Police and emergency personnel would frequently respond and break in to assist the Decedent, only to find that there were no intruders and Decedent was suffering from paranoid delusions. Decedent also frequently heard music that was not playing or complained of bugs that were not there.

23. Upon information and belief, after her husband's death, the Decedent was admitted to Aurora Pavilion Behavioral Health and Cumberland Village refused to allow her to return to her patio home at Cumberland Village. Portions of Cumberland Village's records of the Decedent referencing her stay at Aurora and the Decedent's erratic behavior are attached collectively hereto as Exhibit F.

24. As another example of the Decedent's paranoid and delusional behavior, the Decedent refused to sign a deed of distribution to convey real property from her husband's estate to herself because she believed Bank of America was trying to steal her house.

25. The South Carolina Department of Social Services initiated protective proceedings concerning the Decedent in 2017 or 2018. An Order Appointing a Guardian Ad Litem and Attorney for the Decedent dated May 15, 2018 is attached as Exhibit G.

26. The Decedent's death certificate lists her cause of death as "Adult Failure to Thrive" with "Alzheimer's Disease" as an "Other Significant Condition."

27. Upon information and belief, in the years after the Decedent's husband's death, Respondent Anderson and Respondent Bateman knew that Decedent was elderly and suffered from mental illness and dementia. Instead of helping her, Respondents Anderson and Bateman seized the opportunity to prey upon the diminished capacity of the Decedent and take advantage of her. In 2017, Respondent Bateman assisted Decedent with her pre-need arrangements, further ingratiating himself to her. Respondent Bateman was able to procure a Durable Power of Attorney from the Decedent dated June 27, 2019, naming Respondent Bateman as agent for the Decedent.¹

28. The June 27, 2019 Durable Power of Attorney revoked a Durable Power of Attorney of the Decedent dated July 18, 2018, appointing Clarence G. Paul, the Decedent's friend, as agent. The Durable Power of Attorney naming Respondent Bateman as agent is attached hereto as Exhibit H.

29. Upon information and belief, Respondent Anderson and Respondent Bateman isolated the Decedent from her friends and family members and left her with no access to her financial assets.

30. Less than one year after being named agent for the Decedent, Respondent Bateman procured the Illegitimate Will, which cut out a long list of the Decedent's relatives, friends, and favored charities and left her entire estate to Respondent Bateman, a man who was not related to the Decedent by blood or marriage and was no more than a mere acquaintance.

31. Upon information and belief, in late 2021 shortly before the Decedent's death,

¹ Petitioners are investigating whether the Illegitimate Will and the June 27, 2019 Durable Power of Attorney were actually signed by the Decedent and whether they were properly witnessed and executed.

Respondent Anderson, who was not the Decedent's agent and had no legal standing to act on her behalf, attempted to clean out and sell Decedent's home.

32. Upon information and belief, neither Respondent Anderson nor Respondent Bateman is licensed to practice law in the State of South Carolina, but nevertheless engaged in the unauthorized practice of law by drafting the Illegitimate Will using a form from the internet. *See* S.C. CODE ANN. § 40-5-310 (a person who engages in the unauthorized practice of law is guilty of a felony carrying a maximum fine of \$5,000.00, a maximum sentence of five years in prison, or both); *see also Franklin v. Chavis*, 371 S.C. 527, 532 (2007) (The Supreme Court of South Carolina, which accepted the case in its original jurisdiction to consider whether the Respondent's actions constituted the unauthorized practice of law, found that the Respondent's actions in "filling in the blanks in a computer-generated generic will constituted the practice of law.").

33. Upon information and belief, the Illegitimate Will was not signed by the Decedent on May 1, 2020. On May 1, 2020, the Decedent resided at Shadow Oaks Assisted Living in Aiken, South Carolina, which was locked down due to the COVID-19 pandemic, and the Decedent could not have left the facility or received visitors. A letter from Shadow Oaks outlining its Emergency Preparedness Plan is attached hereto as Exhibit I. Furthermore, one of the witnesses to the Illegitimate Will, Kenna Conner, was married on June 5, 2020. If the Will had been signed on May 1, 2020, Kenna Conner would have signed her maiden name, Kenna Haile.

34. Upon information and belief, the Illegitimate Will contains Respondent Anderson's handwriting, including the Decedent's printed name on page 4 of the Illegitimate Will and the Decedent's initials on one or more pages of the Illegitimate Will.

35. Upon information and belief, Respondent Bateman brought the Decedent to George Funeral Home in his vehicle sometime after May 1, 2020 to sign the Illegitimate Will. The witnesses to the Illegitimate Will, Lauren Housman and Kenna Conner, and the Notary Public, Erin Franklin, were all employed by George Funeral Home at the time they signed the Illegitimate Will.

36. Upon information and belief, the witnesses were not aware the document they witnessed was a will, remained socially distanced from the Decedent as she appeared to sign a document from the front passenger seat of Respondent Bateman's vehicle, and had no conversations with the Decedent regarding the document she appeared to sign.

37. Upon information and belief, Respondent Anderson willingly supplied false information to be used in the preparation of the Decedent's death certificate by listing the law firm of Hull Barrett as the informant. *See* S.C. CODE ANN. § 44-63-161 (willingly supplying false information to be used in a death certificate constitutes a felony, punishable by a maximum fine of \$10,000.00, a maximum sentence of five years in prison, or both). In actuality, Respondent Anderson informed Thomas Gardner, an attorney at Hull Barrett, of the Decedent's death. An Affidavit of Thomas G. Gardner, Esq. is attached hereto as Exhibit J.

38. George Funeral Home handled the arrangements for the Decedent's funeral. A Statement of Services from George Funeral Home is attached hereto at Exhibit K.

39. George Funeral Home has represented that the Decedent requested that "no paid notice of her death be published in the form of an obituary." A letter from Respondent Anderson to this effect is attached hereto as Exhibit L.

FOR A FIRST CAUSE OF ACTION
(FAILURE TO COMPLY WITH STATUTORY REQUIREMENTS FOR WILL EXECUTION)

40. Petitioners repeat and reallege the preceding paragraphs as if fully restated herein.

41. The Illegitimate Will was not duly executed in compliance with S.C. CODE ANN. §§ 62-2-502 and 62-2-503.

42. The witnesses to the Illegitimate Will, Kenna Conner and Lauren Housman: 1) did not know they were signing a will; 2) did not realize they were being asked to sign a testamentary affidavit and did not read it; 3) did not know the Decedent before or after the date they signed as witnesses to the Illegitimate Will; 4) did not see the Decedent read the Illegitimate Will; 5) did not see the Decedent initial each page of the Illegitimate Will; 6) do not know if the pages submitted

with the Illegitimate Will to probate were attached to the signature page they witnessed; 7) did not see the Decedent date the Illegitimate Will; 8) did not sign the Illegitimate Will on May 1, 2020; and 9) do not know whether the Decedent was of sound mind on the date they signed as witnesses to the Illegitimate Will because they did not speak to the Decedent except to say hello.

43. Likewise, the Notary Public who signed the Testamentary Affidavit to the Illegitimate Will, Erin Franklin, 1) did not have personal knowledge or satisfactory evidence of the identity of the Decedent pursuant to S.C. CODE ANN. § 26-1-120(A); 2) did not know whether the Decedent was “incompetent, lacking in understanding of the nature and consequences of the transaction..., acting involuntarily, under duress, or undue influence” pursuant to S.C. CODE ANN. § 26-1-120(B)(2) because she did not speak to the Decedent expect to say hello; and 3) did not sign the Illegitimate Will on May 1, 2020.

44. Because the Illegitimate Will does not meet the statutory requirements for will execution, the Court should declare it to be void and find the October 17, 2001 Will is the valid Last Will & Testament of the Decedent.

FOR A SECOND CAUSE OF ACTION
(LACK OF TESTAMENTARY CAPACITY)

45. Petitioners repeat and reallege the preceding paragraphs as if fully restated herein.

46. If the Decedent signed the Illegitimate Will, the Decedent lacked the testamentary capacity to sign it.

47. Due to her mental illness, age, and dementia, the Decedent lacked the capacity to know: 1) her estate; 2) the objects of her affection; and 3) to whom she wished to give her property. *See In re Est. of Weeks*, 329 S.C. 251, 263 (Ct. App. 1997) (“The test of whether the testatrix had the capacity to make a will is whether she knew (1) her estate, (2) the objects of her affections, and (3) to whom she wished to give her property.”).

48. Because the Decedent lacked the testamentary capacity to sign the Illegitimate Will the Court should declare it to be void and find the October 17, 2001 Will is the valid Last Will &

Testament of the Decedent.

FOR A THIRD CAUSE OF ACTION
(UNDUE INFLUENCE)

49. Petitioners repeat and reallege the preceding paragraphs as if fully restated herein.

50. If the Decedent signed the Illegitimate Will, the Will was a product of Respondent Anderson and Respondent Bateman's undue influence, which amounted to force and coercion, destroyed the Decedent's free agency, and prevented the Decedent's exercise of judgment and free choice. *See Russell v. Wachovia Bank, N.A.*, 353 S.C. 208, 217 (2003) ("For a will to be invalidated for undue influence, the influence must be the kind of mental coercion which destroys the free agency of the creator and constrains him to do things which are against his free will, and that he would not have done if he had been left to his own judgment and volition.").

51. The Decedent suffered from dementia and psychosis, including paranoid delusions. The Decedent's paranoia and distrust of others made her particularly vulnerable to undue influence.

52. Furthermore, if the Decedent signed the Illegitimate Will she did so at a time when Respondent Bateman was acting as the Decedent's agent under a Durable Power of Attorney, raising a presumption of undue influence. *Howard v. Nasser*, 364 S.C. 279, 288 (Ct. App. 2005) (where the contestants of a will provide evidence that a confidential/fiduciary relationship existed, a presumption of undue influence arises).

53. Because the Illegitimate Will was the product of undue influence the Court should declare it to be void and find the October 17, 2001 Will is the valid Last Will & Testament of the Decedent.

FOR A FOURTH CAUSE OF ACTION
(DURESS)

54. Petitioners repeat and reallege the preceding paragraphs as if fully restated herein.

55. If the Decedent signed the Illegitimate Will, it was a product of duress.

56. Upon information and belief, Respondent Bateman brought the Decedent to George

Funeral Home in his vehicle to sign the Illegitimate Will, destroying the Decedent's free agency and constituting duress. *See Cox & Floyd Grading, Inc. v. Kajima Const. Servs., Inc.*, 356 S.C. 512, 516 (Ct. App. 2003) ("Duress is a condition of mind produced by improper external pressure or influence that practically destroys the free agency of a party and causes him to do an act or form a contract not of his own volition.").

57. Because the Illegitimate Will was the product of duress the Court should declare it to be void and find the October 17, 2001 Will is the valid Last Will & Testament of the Decedent.

FOR A FIFTH CAUSE OF ACTION
(MISTAKE)

58. Petitioners repeat and reallege the preceding paragraphs as if fully restated herein.

59. If the Illegitimate Will was signed by the Decedent, she was not aware of its contents and it should be invalidated on the grounds of mistake. *See Hanahan v. Simpson*, 326 S.C. 140, 148 (1997) ("[w]here a testator is mistaken as to the contents of his will, the will may be invalidated in part.").

FOR A SIXTH CAUSE OF ACTION
(EXPLOITATION OF A VULNERABLE ADULT)

60. Petitioners repeat and reallege the preceding paragraphs as if fully restated herein.

61. The South Carolina Omnibus Adult Protection Act ("OAPA"), S.C. CODE ANN. § 43-35-5, et seq., provides for civil and criminal penalties for abuse, neglect, and exploitation of vulnerable adults in South Carolina.

62. The OAPA defines "vulnerable adult" as follows:

A person eighteen years of age or older who has a physical or mental condition which substantially impairs the person from adequately providing for his or her own care or protection. This includes a person who is impaired in the ability to adequately provide for the person's own care or protection because of the infirmities of aging including, but not limited to, organic brain damage, advanced age, and physical, mental, or emotional dysfunction. A resident of a facility is a vulnerable adult.

63. The OAPA's definition of exploitation includes "causing or requiring a vulnerable adult to engage in activity or labor which is improper, unlawful, or against the reasonable and

rational wishes of the vulnerable adult” and “an improper, unlawful, or unauthorized use of the funds, assets, property, power of attorney, guardianship, or conservatorship of a vulnerable adult by a person for the profit or advantage of that person or another person.”

64. There is a private cause of action for violation of the OAPA, which may be properly pursued by the Decedent’s Co-Personal Representatives. *See Fisher ex rel. Shaw-Baker v. Huckabee*, 415 S.C. 171, 161 (Ct. App. 2015); *Williams-Garrett v. Murphy*, 106 F. Supp. 2d 834, 843 (D.S.C. 2000).

65. A person who knowingly and willfully exploits a vulnerable adult as defined by the OAPA is guilty of a felony, and upon conviction, must be fined not more than \$5,000.00 or imprisoned not more than five years, or both, and may be required to by the court to make restitution.

66. Upon information and belief, Respondent Anderson and Respondent Bateman exploited the Decedent by: 1) isolating the Decedent from her friends and family members; 2) preying upon the Decedent’s diminished capacity and unduly influencing her to execute a Durable Power of Attorney, signed on June 27, 2019, naming Respondent Bateman as agent for the Decedent; and 3) less than one year later, procuring the Illegitimate Will by means of undue influence and duress at a time when the Decedent was vulnerable and unable to protect herself.

67. Respondent Anderson and Respondent Bateman have violated the OAPA and should make restitution to the Decedent’s estate.

FOR A SEVENTH CAUSE OF ACTION
(CIVIL CONSPIRACY)

68. Petitioners repeat and reallege the preceding paragraphs as if fully restated herein.

69. The elements of civil conspiracy are: “1) the combination of an agreement of two or more persons; 2) to commit an unlawful act or a lawful act by unlawful means; 3) together with the commission of an overt act in furtherance of the agreement; and 4) damages resulting proximately to the Plaintiff.” *Paradis v. Charleston County School District*, 433 S.C. 562, 574

(2021).

70. Upon information and belief, Respondent Anderson, Respondent Bateman, and George Funeral Home have engaged in a civil conspiracy aimed at financially exploiting the Decedent during her life and benefiting from her estate after her death.

71. Upon information and belief, Respondent Anderson, individually and as an agent of George Funeral Home, and Respondent Bateman, agreed to financially exploit the Decedent through both unlawful acts and lawful acts by unlawful means, committed overt acts in the furtherance of their agreement, causing damages to the Decedent and her estate. Specifically, and upon information and belief:

- a. Respondent Anderson and Respondent Bateman used their roles as licensed funeral directors and embalmers to meet the Decedent while she was grieving the death of her husband and gain her trust;
- b. Respondent Anderson and Respondent Bateman preyed upon the Decedent's diminished capacity and unduly influenced her to execute the Illegitimate Will and a Durable Power of Attorney, signed on June 27, 2019, naming Respondent Bateman as agent for the Decedent;
- c. Respondent Anderson and Respondent Bateman isolated the Decedent from her friends and family members;
- d. Respondent Anderson and Respondent Bateman engaged in the unauthorized practice of law in drafting the Illegitimate Will;
- e. Respondent Bateman engaged in the unauthorized practice of law in advising the Decedent and supervising the execution of the Illegitimate Will;
- f. Both witnesses to the Illegitimate Will and the Notary were employees of George Funeral Home who were at work and being paid by George Funeral Home at the time they witnessed and notarized the Illegitimate Will;
- g. Respondent Anderson aided and abetted Respondent Bateman in breaching his

fiduciary duties to the Decedent in procuring the Illegitimate Will; and

- h. Respondent Anderson, in his role as owner and director of George Funeral Home, falsified information on the Decedent's death certificate.

FOR AN EIGHTH CAUSE OF ACTION
(BREACH OF FIDUCIARY DUTY)

72. Petitioners repeat and reallege the preceding paragraphs as if fully restated herein.

73. As agent pursuant to the Decedent's July 27, 2019 Durable Power of Attorney, Respondent Bateman owed fiduciary duties to the Decedent, including to act in good faith, to act loyally for the Decedent's benefit, to act with care, competence, and diligence, and to attempt to preserve the Decedent's estate plan. *See* S.C. CODE ANN. § 62-8-114(a)(“Agent's duties.”).

74. Respondent Bateman also had a duty not to create a conflict of interest that impaired his ability to act impartially in the Decedent's best interest. *Id.*

75. Through his actions while serving as the Decedent's agent, including in unduly influencing the Decedent to sign the Illegitimate Will, Respondent Bateman breached his fiduciary duties to the Decedent

FOR A NINTH CAUSE OF ACTION
(ACCOUNTING PURSUANT TO S.C. CODE ANN. § 62-8-114(H))

76. Petitioners repeat and reallege the preceding paragraphs as if fully restated herein.

77. Petitioners demand an accounting of receipts, disbursements, and transactions conducted on behalf of the Decedent during the time Respondent Bateman served as the Decedent's agent.

78. Petitioners demand an accounting of all tangible personal property of the Decedent.

WHEREFORE, Petitioners pray for a judgment against Respondents, individually, jointly, severally, and/or in the alternative: 1) finding that the Decedent Mary Margaret Wenzel Crandall is deceased; 2) finding that venue is proper in Aiken County; 3) finding that Respondents cannot meet their burden of establishing the execution of the Illegitimate Will; 4) finding the Illegitimate Will is void due to lack of testamentary capacity, undue influence, duress, and mistake; 5) finding

that the Decedent duly executed her Last Will and Testament on October 17, 2001 and admit that will to probate; 6) appointing Petitioners as Co-Personal Representatives of the Decedent's estate; 7) finding Respondent Anderson and Respondent Bateman liable for violating the South Carolina Adult Omnibus Protection Act; 8) finding Respondents Anderson, Bateman, and George Funeral Home liable for civil conspiracy; 9) finding Respondent Bateman liable for breach of fiduciary duty; 10) ordering Respondent Bateman to account for receipts, disbursements, and transactions conducted on behalf of the Decedent during the time he served as the Decedent's agent and for the Decedent's personal property; 11) awarding punitive damages; 12) awarding attorney fees and other costs and expenses of this action; and 13) for such other and further relief as this Court deems just and proper.

Petitioners demand a jury trial.

Respectfully submitted,

s/William G. Newsome III
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Columbia, South Carolina