

STATE OF SOUTH CAROLINA
COUNTY OF COLLETON
IN RE: ESTATE OF
TERRY LEWIS
SHIRRESE BROCKINGTON, ESC
Special Administrator

IN THE PROBATE COURT

CASE NO. 2020-ES-15-00007

ORDER

The matter is before the Court upon a status conference held in connection with the above-referenced matter. Participating in the conference were Special Administrator Shirrese Brockington, Esq.; Margie Bright Matthews, attorney for Craig Lewis; and Andrew Shepherd, attorney for Leigh Ann Kellam. During the conference, the attorneys discussed a number of issues and agreed that the terms of the discussion be incorporated into an Order of this Court.

Therefore, it is ORDERED, ADJUDGED, AND DECREED that:

1. Leigh Ann Kellam or her attorney will forward at least two original death certificates for Terry Lewis to the Special Administrator.
2. Attorney Shepherd will forward the sum of \$650.00 to the Special Administrator for the cost of the appraisal of the real estate.
3. Leigh Ann Kellam shall have two weeks (until December 4, 2020) to retrieve sentimental items, such as yearbooks, from the former residence of Terry Lewis.
4. Beginning on December 5, 2020, Craig Lewis shall have access to the home for a period not to exceed 30 days and shall be allowed to take possession of any personal property remaining in the home and shall be responsible for cleaning out the residence and readying it for sale.

5. Attorney Bright Matthews will notify the Special Administrator when Mr. Lewis has completed cleaning out the property.

6. The Special Administrator is not responsible for the disposition of the contents of the home aside from providing access to the parties as set forth herein.

7. The Special Administrator shall have the authority to identify a real estate agent to list the residence located on Wade Hampton Avenue and shall further be authorized to sign a listing agreement and any other documents as may be necessary to list the home for sale. She shall list the home for sale by January 31, 2021. Taxes will be paid from the sales proceeds.

8. Upon sale of the real estate, half of the proceeds will be held in escrow pending a determination about whether the funds should be part of the estate.

9. The Special Administrator shall obtain a copy of the title for the Ford Explorer to confirm the name(s) in which it is titled. If it is in the name of Terry Lewis, the Special Administrator is authorized to sell or otherwise dispose of the vehicle in the best interest of the estate. Any sales proceeds shall be deposited into an estate bank account.

10. There exists a safe deposit box at South State Bank, in the name of Terry Lewis and Craig Lewis. It is necessary that the Special Administrator access the box to inventory its contents so that it may be determined whether any contents belong to the Estate.

11. Anyone in possession of the key to the safe deposit box shall provide the key to the Special Administrator no later than December 4, 2020. Whomever is in possession of the key, including but not limited to Betty Hewitt, may satisfy this requirement by delivering the key to the office of Margie Bright Matthews. Craig Lewis shall confirm the location of the box, including the box number, with the Special Administrator via Attorney Bright

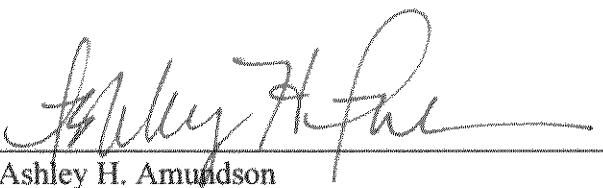
*AK
11-19-20*

Matthews. Attorney Bright Matthews shall provide a copy of this Order to Mr. Lewis and his mother so that this provision may be satisfied.

12. The Special Administrator is specifically authorized to obtain any information regarding the safe deposit box from the bank.
13. The Special Administrator shall coordinate the inventorying of the contents of the safe deposit box with Attorneys Bright Matthews and Shepherd so that they may accompany her to the bank if they desire.
14. The Special Administrator shall prepare an inventory of the contents of the box so that the court may make a later determination about the ownership of the contents. **No one other than the Special Administrator may access the safe deposit box until such determination is made.**

IT IS SO ORDERED!

*AMH
11-19-20*



Ashley H. Amundson
Judge of Probate, Colleton County

Walterboro, South Carolina
November 19, 2020

A copy of this Order was sent this day to Margie Bright Matthews, Esq.; Andrew Shepherd, Esq.; and Shirrese Brockington, Esq. via email only.

STATE OF SOUTH CAROLINA)
COUNTY OF COLLETON)
IN RE: ESTATE OF TERRY LEWIS)
SHIRRESE BROCKINGTON, ESQ.,)
Special Administrator)
)

IN THE PROBATE COURT

CASE NO. 2020ES15-00007

MOTION TO ALTER OR
AMEND ORDER UNDER
S.C.R.C.P., Rule 59(e)

COLLETON COUNTY
PROBATE COURT
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TO: THE HONORABLE ASHLEY H. AMUNDSON, PROBATE COURT JUDGE:

NOW COMES, SHIRRESE BROCKINGTON, ESQ., Special Administrator for the Estate of Terry Lewis, Movant, who moves under S.C.R.C.P., Rule 59(e), for this Court to alter or amend its Order issued November 19, 2020, and received November 19, 2020, in the following particulars:

1. In Paragraph 8, the Court directs that "Upon sale of the real estate, half of the proceeds will be held in escrow pending a determination about whether the funds should be part of the estate."
2. During the Status Conference held on November 18, 2020, it was brought to the Court's attention that Craig Lewis, husband of the Decedent, executed a mortgage on March 12, 2020, in favor of his attorney, Margie Bright-Matthews, Esq., for \$135,000.00 which was filed of record in the Colleton County ROD Office on July 8, 2020.
3. Movant expressed concern that the mortgage referenced-above should not attach to the Fifty (50%) share of the proceeds from the sale of the real estate that may ultimately belong to the Estate.
4. Movant seeks to alter or amend the Order to reflect that Attorney Margie Bright-Matthews will not receive any funds from the Fifty (50%) share of the proceeds from

the sale of the real estate that may ultimately belong to the Estate and will execute any Release or Modification of Mortgage for any balance due on the mortgage as deemed necessary by the closing attorney for any prospective Purchaser.

5. Movant does not object to the remaining Fifty (50%) share of the proceeds from the sale to be paid to Mr. Craig Lewis.

WHEREFORE, Movant prays that the Court alter or amend the Order of November 19, 2020, and grant the relief as stated above.

Executed this 24th day of November, 2020.



Shirrese B. Brockington, Esq.,
Special Administrator

P.O. Box 31312
Charleston, SC 29417
Telephone: (843) 737-5278
Email: sbb@bonllc.net

I affirm that under S.C.R.C.P. Rule 11 (a), I have communicated, orally or in writing, with opposing counsel and have attempted in good faith to resolve the matter contained in this motion.

I hereby certify that on November 24th, 2020, I emailed or mailed with first class postage affixed, or mailed by certified mail, return receipt requested, with first class postage affixed, the ***Motion to Alter or Amend Order under S.C.R.C.P., Rule 59(e)*** to the below listed:

| | |
|---|---|
| Hon. Ashley H. Amundson, Judge of Probate | Colleton County Probate Court P.O. Box 1036 Walterboro, SC 29488-0031 Via email aamundson@colletoncounty.org |
| Margie Bright-Matthews, Esq., Attorney for Craig Lewis | P.O. Box 499 Walterboro, SC 29488 Via email Margie@BrightMatthewsLaw.com |
| Andrew Shepherd, Esq., Attorney for Leigh Ann Kellam | 204 Brighton Park Blvd., Ste. B Summerville, SC 29486 Via Email andrew@sheplawfirm.com |



SHIRRE B. BROCKINGTON, ESQ.

Charleston, South Carolina

Dated: November 24th, 2020

STATE OF SOUTH CAROLINA)
COUNTY OF COLLETON)
IN RE: ESTATE OF TERRY LEWIS)
SHIRRESE BROCKINGTON, ESQ.,)
Special Administrator)

IN THE PROBATE COURT
CASE NO. 2020ES15-00007
MOTION TO
BE RELIEVED AS
SPECIAL ADMINISTRATOR
7021 FEB - 8 PM 02

COLLETON COUNTY
PROBATE COURT

**TO: THE HONORABLE ASHLEY H. AMUNDSON, PROBATE COURT JUDGE,
MARGIE BRIGHT MATTHEWS, as Attorney for Craig Lewis, and ANDREW
SHEPHERD, as Attorney for Leigh Ann Kellam:**

NOW COMES, SHIRRESE BROCKINGTON, ESQ., Special Administrator for the Estate of Terry Lewis, Movant, who moves to be relieved as Special Administrator for the Estate of Terry Lewis as it has become impossible to effectively administer the Estate and to comply with the Court's Order issued November 19, 2020, and received November 19, 2020, due primarily to Mr. Craig Lewis' failure to follow the directives in the Court's Order, in particular, his failure to properly clean out the residence to ready it for sale although Mr. Lewis had more than 30 days to do so, Mr. Lewis' failure to offer to personally complete the clean out, failure by both parties to provide or offer to provide funds so that a professional cleaning service can be hired by Movant to complete the clean out of the house, Mr. Lewis' failure to provide the odometer reading for the Ford Explorer, and in general, a lack of cooperation with the Special Administrator in the following particulars:

PROVISIONS OF COURT ORDER

1. In Paragraph 4, the Court directs that "Beginning on December 5, 2020, Craig Lewis shall have access to the home for a period not to exceed 30 days and shall be allowed to take possession of any personal property remaining in the home and shall be responsible for cleaning out the residence and readying it for sale."

2. In Paragraph 5, the Court directs “Attorney Bright Matthews will notify the Special Administrator when Mr. Lewis has completed the cleaning out of the property.”
3. In Paragraph 7, the Court directs “The Special Administrator shall have the authority to identify a real estate agent to list the residence located on Wade Hampton Avenue and shall further be authorize sign a listing agreement and any other documents as may be necessary to list the home for sale. She shall list the home for sale by January 31, 2021.”
4. In Paragraph 9, the Court directs “The Special Administrator shall obtain a copy of the title for the Ford Explorer to confirm the names(s) in which it is titled. If it is in the name of Terry Lewis, the Special Administrator is authorized to sell or otherwise dispose of the vehicle in the best interest of the estate.”

DEVELOPMENTS SINCE COURT ORDER WAS ISSUED

5. On January 5, 2021, Attorney Margie Bright Matthews notified Movant that her client, Craig Lewis, needed additional time to clean out the residence at Wade Hampton Ave. Movant agreed to extend the time until Friday, January 8, 2021. See *Exhibit 1*, Email dated January 5, 2021.
6. Three days later, on Monday, January 11, 2021, Movant met with Realtors Rilee Westbury and Cassy Hardy of Colleton Realty, LLC, at the residence for their review and inspection to determine if they would be willing to list the property for sale as the Court directed that the property be listed by January 31, 2021.
7. Although Mr. Lewis has removed much of the furniture, appliances, and personal property from the residence, it is still full of discarded, broken furniture, numerous boxes of personal effects, kitchenware, clothing, accumulated trash and debris, all of

which is covered with mold and mildew. See *Exhibit 2*, Photos of residence taken January 11, 2021.

8. The realtors advised Movant that additional deep cleaning and disposal of the accumulated broken furniture, debris and trash was needed in order to make the house ready for sale before it could be listed. Realtors offered to have a professional cleaning crew review the residence and provide an estimate for the extensive cleaning that needs to take place. Movant has now been advised that the cleaning crew that was contacted cannot undertake the work as the job is too large. In addition, as a safety matter, the Realtors advised Movant that the house would need to have all three (3) locks changed before they would agree to list the property for sale.

9. By email dated January 12, 2021, Movant communicated with Attorney Bright Matthews and Attorney Shepherd regarding the unacceptable condition of the house and the realtors' professional recommendations that a total clean out was needed and the locks must be changed. Further, Movant advised counsel that the parties would need to be responsible to pay for the expenses since the estate has no funds and Movant would not advance any additional costs for the estate. In addition, Movant advised Attorney Bright Matthews that she needed for Mr. Lewis to provide the odometer reading of the Ford Explorer which is located at his residence so the duplicate title could be requested from the SCDMV by Movant. See *Exhibit 3*, Email dated January 12, 2021.

10. Seven (7) days later, on January 19, 2021, Movant followed up with another email to counsel on these issues. See *Exhibit 4*, Email dated January 19, 2021.

11. On January 26, 2021, Movant sent another follow-up email to counsel on these issues and advised she would seek a 30 day extension from the Court in an effort to comply with the Order. See *Exhibit 5*, Email dated January 26, 2021, 10:43am.

12. Attorney Bright Matthews responded by stating, “*On the house cleanup – my client did the best he could considering his medical issues.*” Attorney Bright Matthews did not offer any solution for removal of the broken and discarded furniture, trash and debris either by advising that her client would personally undertake the needed additional clean out or by offering any funds to pay for the needed clean up. As to the odometer reading for the Ford Explorer, Attorney Bright Matthews responded by stating, “*I checked with my client on the vehicle and he, once again, has explained the engine is blown on the SUV and it cannot be cranked. Therefore, he cannot get an odometer reading.*” See *Exhibit 5*, Email dated January 26, 2021, 10:57 am.

13. By reply email dated January 26, 2021, Movant asked Attorney Bright Matthews for a proposal on the clean-up and whether or not she agreed with Movant’s request for a 30 day extension. See *Exhibit 6*, Email dated January 26, 2021, 12:34 pm.

14. As of 5:00 pm on January 28, 2021, 16 days after the issues were raised, neither Attorney Bright Matthews or Attorney Shepherd have adequately responded to Movant’s repeated concerns and inquiries as set forth above.

MOVANT REQUESTS TO BE RELIEVED AS SPECIAL ADMINISTRATOR

15. Since the house cannot be listed for sale in its present condition and certainly not by January 31, 2021, Movant initially advised counsel that she would seek a 30 day

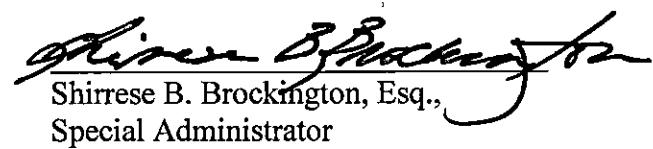
extension from the Court to accomplish the necessary cleanup and lock change, provided that the parties pay for the costs. Further, while being told that Mr. Lewis could not provide the odometer reading which is necessary to get a duplicate title, Movant also stated that she would seek to be relieved from the responsibility to obtain the duplicate title for the vehicle and trying to sell it.

16. A crucial fact known to the parties, their counsel, and the Court is that the real property taxes for the residence have not been paid for 2019 and 2020. These taxes are to be paid out of sales proceeds. However, Movant is extremely concerned that any sale by Movant, which requires court approval, could come too late as Colleton County will hold a delinquent tax sale for real properties with outstanding property taxes in March 2021 which could result in loss of the residence before it can be sold on the open market.
17. Further, with regard to the Ford Explorer, it is clear that Mr. Lewis will not provide vital information needed for Movant to obtain a duplicate title nor does the vehicle appear to have any value since it is non-operational due to the blown engine.
18. Movant has practiced law for over 35 years and since appointment in July 2020, has worked many, many hours on this estate, and tried multiple times in multiple ways to resolve difficult issues with the parties and their counsel. However, the wrongful conduct exhibited by the non-responsiveness, delay, and inaction of the parties and counsel to address immediate needs of the estate for the last 16 days prevents Movant from achieving effective, efficient, and timely administration of the estate.
19. Further, the latest failure of the parties and counsel to timely and adequately address the concerns of Movant so Movant can comply with the Court's Order follows a

recurring pattern of obstruction and delay and will likely result in potential loss of assets. Movant should not and cannot be held liable for potential loss of assets caused by the wrongful conduct of the parties and their counsel. Movant will be retiring in December 2021, and this case likely will not be resolved by year's end. Based on the facts set forth above, Movant requests that she be relieved as Special Administrator for the Estate, effective immediately.

WHEREFORE, Movant requests that she be relieved as Special Administrator for the Estate, effective immediately, and further be granted attorney's fees for time and costs expended based upon an Affidavit for Fees and Costs to be submitted separately to the Court.

Executed this 29th day of January, 2021.



Shirrese B. Brockington, Esq.,
Special Administrator

P.O. Box 31312
Charleston, SC 29417
Telephone: (843) 737-5278
Email: sbb@bonllc.net

I affirm that under S.C.R.C.P. Rule 11 (a), I have communicated, orally or in writing, with opposing counsel and have attempted in good faith to resolve the matters contained in this motion.

Sherry Brockington

From: Sherry Brockington <sbb@bonllc.net>
Sent: Tuesday, January 05, 2021 4:04 PM
To: 'margie@brightmatthewslaw.com'
Cc: 'andrew@sheplawfirm.com'
Subject: RE: Consent Order
Attachments: Shirrese B Brockington Esq 2.vcf

Margie, thank you for the update. I have no objection to giving Craig until this Friday, Jan. 8, 2021 to complete the cleaning out of the house and yard.

I now have the Death Certificates from Leigh Ann and am in the process of contacting South State Bank to obtain information and possible dates to review the safe deposit box. I will let you both know what I find out is available.

Also, I want to address the pending Motion to Amend. Andy advises that he is in agreement with my Motion. Margie, you have advised that you are now not in agreement but I am not clear on your objection. Is there any additional language that you would propose be included to which you would agree? Please advise ASAP as I am sure the Judge will be asking us if there is an accord or not. Thanks, Shirrese

Very truly yours,

Shirrese B. Brockington, Esq.

(843) 737-5278 Work
(854) 444-3145 (Fax)
sbb@bonllc.net

4 Carriage Ln., Ste. 304 / P.O. Box 31312
Charleston, SC 29407 / Charleston, SC 29...

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From: margie@brightmatthewslaw.com [mailto:margie@brightmatthewslaw.com]
Sent: Tuesday, January 05, 2021 12:04 PM
To: 'Sherry Brockington' <sbb@bonllc.net>
Cc: andrew@sheplawfirm.com
Subject: RE: Consent Order

Happy New Year:

Sherry Brockington

From: Sherry Brockington <sbb@bonllc.net>
Sent: Tuesday, January 12, 2021 4:00 PM
To: 'margie@brightmatthewslaw.com'; 'andrew@sheplawfirm.com'
Subject: Estate Update
Attachments: Shirrese B Brockington Esq .vcf; SCDMV Title App.pdf

Dear Margie and Andy, this is to update you on the status of the Terry Lewis estate and to determine how to best address some matters that have come up.

- 1) **Condition of House.** I went and inspected the house yesterday to see what Craig had removed and what was left. While he got a lot out, there is still a lot of abandoned furniture, including beds and bedframes, dresser, chairs, table, hope chest, kitchen dishes & pots and pans, also a mountain of trash, debris and discarded clothing. There is no way I can list the property for sale in its present state. The house will need to be completely emptied of all furniture and debris, and cleaned from top to bottom including ceiling fans, floors, kitchen and bathrooms for it to be presentable for showing.
- 2) **Meeting with Realtor; Cleaning Bids; Locks Changed; Payment.** Yesterday I also met with a local realtor and her associate at the house to determine if her company was interested in listing it. She expressed she is interested and will be providing me with a CMA as to value from which the listing price can be determined. She also will be obtaining bids for the cleaning needed. Further, the locks will have to be changed for safety reasons. I can get a price for that work. As you know, the estate has no money, so Craig and Leigh Ann will have to pay the money to me in advance for the cleaning cost and the cost of the lock changes. I will not advance these costs.
- 3) **Vehicle Title.** The cost to obtain a duplicate title for the 1999 Ford Explorer will be \$15. I have prepared a draft of the Form 400 that I will need to send in, a copy which is attached. Margie, I need Craig to provide me the mileage on the car ASAP so I can complete Section C, Odometer Mileage. Also, please remind me if there is any insurance on the vehicle. I don't recall that there is but I want to verify that.
- 4) **Safe Deposit Box.** I have provided copies of the Orders for me to be appointed as Spec Administrator and the Order for me to gain access to the lock box to Bruce Blanchard, the branch manager for South State Bank located at 520 N. Jeffries Blvd. Walterboro, SC. The bank's legal dept. has now approved the request to inventory the contents of the box. Mr. Blanchard and his staff are available next Thursday, Jan. 21, 2021 at 11:00 am for the inventory to take place. I am also available that day next week. The Order authorizes the attorneys to attend the opening of the box, so please advise me ASAP if you can be there so I can let Mr. Blanchard know. Also, Margie, you have the key, so I will have to obtain that from your office next week. This is also to remind you that none of the contents will be removed for distribution the day of the inventory but will be subject to further order by the Court.
- 5) **Rule 59 e Motion.** My Motion is still pending to modify the last Order. Margie, have you come up with any proposed language that would address my concern that you sign whatever is necessary as to the Release/Satisfaction of the mortgage as I do not want that to be a stumbling block when the closing is ready to take place. Please advise.

Thank you both and please let me know about next Thursday ASAP. Shirrese

Very truly yours,

Sherry Brockington

From: Margie Matthews <margie@brightmatthewslaw.com>
Sent: Tuesday, January 26, 2021 10:57 AM
To: Sherry Brockington
Cc: andrew@sheplawfirm.com
Subject: Re: Update on Estate Matters

Sherry:

I explained earlier that I need to be with you when you inventory the safety deposit box. On Feb. 4, I will be in session and cannot be present. Therefore, that date needs to be rescheduled.

I checked with my client on the vehicle and he, once again, has explained the engine is blown on the SUV and it cannot be cranked. Therefore, he cannot get an odometer reading.

On the house cleanup-my client did the best he could considering his medical issues.

Margie

Sent from my iPhone

On Jan 26, 2021, at 10:43 AM, Sherry Brockington <sbb@bonllc.net> wrote:

Dear Margie and Andy, in my last emails to you, I have notified you that I met with a realtor at the Lewis residence on Jan. 11, 2021 so that I could move forward with listing the property for sale which was to occur by Jan. 31. The house still has a great deal of trash and furnishings that must be moved/cleaned out before it can be properly listed. The realtor offered to get me some quotes on cleanup which I am still waiting to receive. She also expressed to me that the locks will need to be changed. These issues will cost money.

However, there is no money in the estate, so the parties will have to be responsible for these expenses as I am not going to advance any more funds. In addition, I still need the odometer reading on the car from Margie's client which I have requested but not yet received. Also, I have rescheduled the review of the safe deposit box at the bank for Thursday, Feb. 4, 2021 at 11:00 am. Margie, I will pick up the key that morning prior to the bank meeting.

In light of the issues with the house and car, I am not able to comply with the Court's Order that I list the house for sale by Jan. 31 nor can I obtain the duplicate vehicle title from the SCDMV. Therefore, I will be filing a Motion for a 30 day extension to comply with the Court's Order and explain the issues to the Judge. Given the circumstances, I feel confident that she will grant the Motion but your confirming your agreement would be appreciated. I would also appreciate a response from you both as to the how to solve the house clean-up and lock change matters in a timely manner. Thank you, Shirrese

Very truly yours,

<image002.jpg>

Sherry Brockington

From: Sherry Brockington <sbb@bonllc.net>
Sent: Tuesday, January 26, 2021 12:34 PM
To: 'Margie Matthews'
Cc: 'andrew@sheplawfirm.com'
Subject: RE: Update on Estate Matters
Attachments: Shirrese B Brockington Esq 2.vcf

Margie, please provide me at least 3 dates that you will be available to review the safe deposit box and then I will check with the branch manager re: his availability as he must schedule an independent notary public to be present, along with his staff person.

I will advise the Court as to the problem with the odometer reading and non-operational status ask to be relieved from having to try to get a new title and sell it. As to the clean-up, you have not addressed paying for further services if your client cannot complete the work. What do you propose on this and do you agree with my request for a 30 day extension? Shirrese

Very truly yours,

Shirrese B. Brockington, Esq.

(843) 737-5278 Work
(854) 444-3145 (Fax)
sbb@bonllc.net

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Charleston, SC 29407 / Charleston, SC 29...

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From: Margie Matthews [mailto:margie@brightmatthewslaw.com]
Sent: Tuesday, January 26, 2021 10:57 AM
To: Sherry Brockington <sbb@bonllc.net>
Cc: andrew@sheplawfirm.com
Subject: Re: Update on Estate Matters

Sherry:

I explained earlier that I need to be with you when you inventory the safety deposit box. On Feb. 4, I will be in session and cannot be present. Therefore, that date needs to be rescheduled.