

JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE

Court, Position, and Seat # for which you are applying:  
Master In Equity of Abbeville County

1. NAME: The Honorable Curtis G. Clark  
BUSINESS ADDRESS: 414 Monument Street, Suite A  
Greenwood, SC 29646  
or  
Post Office Box 3045  
TELEPHONE NUMBER: (office): 864-223-8907
2. Date and Place of Birth: 1953; McCormick, SC
3. Are you a citizen of SC? Yes  
Have you been a resident of this state for at least the immediate past five years? Yes, I am a lifelong resident.
5. Family Status: Married to Paula Kate McCutcheon Clark on May 15, 1982; never divorced; four children
6. Have you served in the military? I have never served in the military.
7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.
  - (a) Clemson University - 1971-74 (3-year graduate) – BA a Major in Political Science and Minor in Sociology;
  - (b) USC – summer courses 1972 and 1973 for credit for early graduation from Clemson University;
  - (c) USC School of Law – 1974-77 – JD.
8. List the states in which you have been admitted to practice law and the year of each admission. Also list any states in which you took the bar exam but were never admitted to the practice of law. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state.

SC, 1977 after taking the SC Bar Exam only 1 time.
9. List the significant activities in which you took part during your attendance at college, graduate, and law school. Give the dates you were involved in these activities and list any leadership positions you held.

While at Clemson University, I ran for Student Senate in 1971, but was unsuccessful in a run-off election.

I served as a student legal advisor (student attorney) and was on the dormitory council during my other two years, 1972-73 and 1973-74.

While at USC School of Law, I worked part-time, first with Bill East, Attorney at Law during the summer of 1975; second with SC Industrial Commission (now S. C. Workers Compensation Commission) part-time from July, 1975 to November 1975; third I clerked with the law firm of Bryan,



Crosby, and Bates of West Columbia, SC, from November 1975, until being sworn in as a member of the SC Bar in November, 1977.

10. Describe your continuing legal or judicial education during the past five years.

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) 2006 Master In Equity Council Annual Meeting	02-24-2006;
(b) 2006 Title Insurance Seminar	08-23-2006;
(c) SC Bar, Elder Law in SC	09-29-2006;
(d) 2006 S C Bar Master In Equity Bench Bar	10-13-2006;
(e) 2007 Master In Equity Council Annual Meeting	02-23-2007;
(f) 2007 SC NAELA Summer Elderlaw Seminar	06-08-2007;
(g) 2007 Annual Judicial Conference	08-22-2007;
(h) SC Bar, 2007 Master In Equity Bench/Bar	10-12-2007;
(i) 2008 SC Bar Convention	01-25&26-2008;
(j) 2008 Master in Equity Council Meeting	03-14-2008;
(k) 2008 Annual Judicial Conference	08-07&08-2008;
(l) 2008 Title Insurance Seminar	09-17-2008;
(m) 2008 S C Bar Master In Equity Bench/Bar	10-10-2008;
(n) Conservation Agreements CLE	01-06-2009;
(o) 2009 S C Bar Convention	01-22-24 -2009;
(p) 2009 Master in Equity Council Meeting	03-06-2009;
(q) 2009 S C Assn of Justice Conference	08- 06-08 -2009;
(r) 2009 Title Insurance Procedures Workshop	09-16-2009;
(s) 2009 S C Bar Master In Equity Bench/Bar	10-09-2009;
(t) 2010 S C Bar Convention	01- 21 -23 -2010;
(u) 2010 Master in Equity Council Meeting	03-12-2010;
(v) 2010 Association of Justice Conference	08- 05-07 -2010;
(w) SC Bar 18 <sup>th</sup> Annual Probate Bench/Bar	09-10-2010;
(x) 2010 SC Bar Master In Equity Bench/Bar	10-08-2010;
(y) 2011 SC Bar Convention	01- 21-22 -2011;
(z) 2011 SC Master in Equity Council Meeting	03-11-2011;
(aa) 2011 Association of Justice Conference	08-04-2011;
(ab) 19 <sup>th</sup> Annual Probate Bench/Bar	09-09-2011;
(ac) 2011 S C Bar Master In Equity Bench/Bar	10-14-2011;
(ad) 2012 S C Bar Convention	01- 20&21 -2012;
(ae) 2012 S C Master in Equity Council Meeting	03-09-2012.

11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?

- (a) Piedmont Technical College -taught Courses "Constitutional Law for Police Officers" and "Business Law" 1978-80;
- (b) Newberry College - Piedmont Tech - taught "Constitutional Law for Police Officers" 1980;
- (c) Lander College - taught "Business Law" 1979-84;
- (d) Greenwood County Bar - Seminar "The New SC Probate Code" June 25, 1987

- Prepared material and made presentation recognized for 3.0 CLE's hours by the S. C. Bar Association  
 - Versions of the same presentation were made three times, for the medical community, the business community, and law office staff in the community;
- (e) Probate Court JCLE - 1988;  
One of three Probate Court Judges to prepare materials on jury trials and put on a Mock Trial as part of JCLE;
  - (f) Court Administration - Training instructor for New Probate Judges training session of 1989. Topic for my session was judicial commitments (for mental illness and chemical dependency);
  - (g) Probate Court JCLE - 1989  
Discussion Group leader and topic preparer;
  - (h) Probate Court JCLE - 1990  
Planned and co-ordinated annual Probate Judges JCLE at the request of the Judicial Education Council;
  - (i) Court Administration - 1991  
Training lecturer for New Probate Court Judges;
  - (j) Court Administration - 1992  
Lead training sessions on Guardianships and Health Care Proceedings for Associate Probate Judges and Probate Court personnel;
  - (k) Probate Judges Bench/Bar JCLE - 1993  
Discussion leader and panel member;
  - (l) Court Administration - 1993  
Lecturer to new Probate Court Judges and court staff on Guardianships and Health Care Proceedings;
  - (m) Court Administration - 1995  
Training Lecturer for new and existing Probate Court Judges on "Laws Other Than Probate and Commitment Laws That Affect the Probate Court";
  - (n) Probate Judges JCLE - 1995  
Co-planner and co-moderator of the Third Annual Bench/Bar JCLE;
  - (o) SC Probate Court Judges Association Meeting - 1996  
Prepared materials and presented "The Elective Share under the Uniform Probate Code";
  - (p) SC Probate Judges Association Meeting - 1997  
Prepared materials and presented "The Omnibus Adult Protection Act".
  - (q) Probate Judges Bench/Bar JCLE - 1997  
Discussion group leader and panel discussion member;
  - (r) SC Bar CLE - "That was the Year That Was" - 1998  
Prepared and presented 1997 highlight materials on the probate area;
  - (s) SC Probate Court Judges and Staff Seminar - 1998  
Prepared and presented 1997 new cases and law highlights materials;
  - (t) SC Chapter of National Academy of Elderlaw Attorneys (NAELA) - 2001

- Prepared and presented materials on hearings in the Probate Court;
  - (u) SC Chapter of National Academy of Elderlaw Attorneys - 2002  
Prepared and presented materials on use of discovery for hearings;
  - (v) Master in Equity Bench/Bar JCLE - 2004  
Course Planner and Moderator for the S C Masters JCLE.
12. List all published books and articles you have written and give citations and the dates of publication for each.
- I have no law related publications. The SC Bar CLE Division asked, and I agreed to serve, on the editorial board to review the CLE Division publication, *SC Foreclosure Law Manual*, that published in conjunction with the October, 2006 Master In Equity JCLE. A second edition has since been published by the Bar CLE Division.
13. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.
- SC Courts, 1977  
Federal District Courts for SC, 1979
14. Describe chronologically your legal experience since graduation from law school and include a list of all law firms with which you have been associated. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years.
- 14.(c) If you are a candidate for Master-In-Equity, please provide a brief written description of your experience in the Master's court, including any cases handled over the past five years and include a brief description of the issues involved. Please include the frequency of your appearances before a Master-In-Equity.
- January 1978 - I opened a sole practitioner law office in Ninety Six, SC, for the general practice of law. Being the only attorney in the town, I quickly developed a good practice with the majority of the practice being in the fields of real estate and domestic cases. The rest of the practice was in personal injury, worker's compensation, wills and estate planning, collection matters, and social security claims. During this time, I tried an occasional summary court level criminal case.
- January 1984 - I joined with another younger attorney, Billy J. Garrett, Jr., and moved my main law office from Ninety Six to Greenwood, SC, sharing office space with Mr. Garrett. I still kept my office in Ninety Six on a part-time basis. The focus of my practice remained primarily the same with real estate and domestic cases constituting the largest percentage of my practice. My practice continued to grow, and the demand to represent people in civil cases and minor criminal matters increased. Because of the case load in Greenwood, I spent less and less time in Ninety Six and soon into this time gave up teaching law on the side. My duties as (part-time) Associate Probate Judge also increased, and I eventually closed my Ninety Six office.
- January 1987 - During 1986 I successfully ran for and was elected to the Office of Probate Judge for Greenwood County upon the retirement of the

sitting judge. I assumed office at the beginning of 1987 and stopped practicing law. I was re-elected probate judge without opposition in 1990, 1994, and 1998. I resigned from office in May, 1999. During this time, the SC Probate Code came into existence, reforming the probate laws and estate process. While serving the people of Greenwood County; I also tried to contribute to the law in general, going beyond serving just my county. In less than two years of becoming judge I was elected President of the SC Probate Judges Association and was an officer or major committee chairman the entire time I served as probate judge, placing me on the association executive committee the entire time. I served for four years on the Court Administration advisory committee for probate courts. I was part of a statewide committee to draft the Adult Health Care Consent Act, chaired the probate judges committee to revise the probate court fee statute, and served twice (each) on committees to review and revise the SC Probate Code and revise the probate forms. During my time as probate judge, I also served as special referee on a number of cases, hearing circuit equity, or non-jury civil, cases in the absence of a Greenwood county Master-in-Equity. A special referee acts in the place of a Master when that office is vacant or does not exist in a county. A referee is appointed on a case by case basis, and has the authority to act as the judge of the case under the terms stated in the order of reference issued in that case.

May 1999-Present - I resigned as Probate Judge and re-opened my law practice which has continued to present. Having served as a probate judge, the demand for my law office services has been heavy in the areas of estates, estate planning, elder law, conservatorships and (adult) guardianships. I also have a number of real estate closing requests, and a few domestic and personal injury cases. I also have continued to act as special referee in Greenwood and sometimes other surrounding counties during this time to present. The number of requests for services as special referee have increased dramatically over the last decade.

April 2001-Present - I was sworn in as Master in Equity for Abbeville County. This is a part time circuit equity court position, for which I am currently seeking another term. I hold about 100-125 hearings, sometimes more, a year as Master, and many more outside Abbeville County as special referee. During the last six to eight years I probably have heard at least 400, and quite possibly 500 or more hearings a year in both capacities (Master in Equity and Special Referee). I now act as Master/Special Referee about one-half of my work time, and the other one-half is devoted to practicing law, or my attorney work. Most of my hearings are on mortgage foreclosure cases, but I also have heard other equity cases - easements, partition, quiet title and determination of title, judgment collection or supplemental proceedings, injunctions, condemnations, and similar equity cases.

15. What is your rating, if any, by any legal rating organization, such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who's Who Legal, Super

Lawyers, etc.? If you are currently a member of the judiciary, list your last available rating, if any.

I do not know if I am rated in Martindale-Hubbell, or by any other legal rating organization. I was a full time judge and out of the practice of law for over twelve years, and have been a part-time judge and practiced law effectively only part-time since returning to practice, so this may have possibly contributed to my not being rated, if I am not rated. I do not lack for clients, so I have not actively sought to be rated by any organization.

I am applying for reelection to my current position of Master In Equity for Abbeville County.

22. Have you ever held judicial office? If so, list the periods of your service, the courts involved, and whether you were elected or appointed. Describe the jurisdiction of each of the courts and note any limitations on the jurisdiction of each court.

I served as Associate Probate Judge for Greenwood County, SC, which was a part-time position, from November 9, 1978, until I was sworn in as Probate Judge in January, 1987.

As Associate Probate Judge, I was appointed by the Probate Judge and served at her pleasure. An associate probate judge has the same authority in a case as the probate judge.

I was elected Probate Judge for Greenwood County in 1986, and took office in January, 1987. I was popularly re-elected without opposition for a second, third and fourth term in 1990, 1994 and 1998. I resigned as Greenwood County Probate Judge in May, 1999.

The Probate Courts are courts of limited jurisdiction. The jurisdiction changed in 1987 due to the passage of the SC Probate Code. As it currently exists, subject matter jurisdiction for the Probate Courts is found in Section 62-1-302, as amended; and includes estate administration - including will contest and determination of heirs; guardianships over the person of incapacitated adults to make health care and homemaking decisions for them; conservatorship of the funds and assets of incapacitated adults and minors; trusts - both life-time and testamentary; wrongful death settlements; minor settlements up to \$10,000.00 (by Supreme Court order); Uniform Gifts to Minors Act cases; involuntary commitments for mental illness; chemical dependency, mental retardation, pulmonary tuberculosis, and AIDS treatment; Veteran's guardianships; regulation of powers of attorney and actions of the attorney in fact; health care matters including Declarations of Desire for a Natural Death (living wills) and Health Care Powers of Attorney, and the Adult Health Care Consent Act; and issuance of marriage licenses.

In 2001, I was elected by the General Assembly as Master in Equity for Abbeville County, and have served on a part time basis in that capacity since that date.

I also have performing similar duties as special referee for the circuit courts in Greenwood and sometimes other counties since January, 1987, and continue to do so to date. A special referee acts when there either there is

no Master-in-Equity for a county, or a vacancy in that office exists (pursuant to Rule 53 of the *SC Rules of Civil Procedure*). A Referee is appointed by an Order of Reference on a case by case basis, similar to a Master.

Jurisdictionally, a Master in Equity or special referee can hear most any non-jury circuit level civil case (and if appointed, even some for the Supreme Court). Under section 14-11-15 of the SC Code of Laws, as amended, a master-in-equity is a judge of the circuit court. Under section 14-11-60, a special referee has all the powers of a master. Most of the master or special referee's powers are derived from the applicable statutes, court rules (particularly *SC Rules of Civil Procedure*, Rules numbers 53 and 71), and a rich history of case law; as limited by the Order of Reference issued in that case. The vast majority of the cases heard by masters or referees are mortgage foreclosure, land title dispute or land use (partition, quiet title, easement and similar actions) cases, and judgment collection (supplemental proceedings) cases.

23. If the answer to question 22 is yes, describe or list five of your most significant orders or opinions and give the citations if they were reported. Also list citations to any appellate review of these orders or opinions.

- (a) Kristine Shanell Childs by her duly appointed Guardian ad Litem, Sarah Frances Childs v. Pauline Williams Norman as Personal Representative of the Estate of Odell Norman, Sr., Estate File No. 1993ES240008. This case involved a claim by an illegitimate child for an "omitted child's" statutory share of an estate. My ruling was upheld on appeal to the Circuit Court, Greenwood County Judgment Roll No. 49971. This case illustrated the need for amendment of the omitted child statute. As a member of the 1995-1996 Probate Code Revision Committee, I included an amendment to the omitted child statute (section 62-2-302) in the revisions to Probate Code that were passed in by the General Assembly as part of Act No. 152 of 1997.
- (b) Standard Federal Savings Bank vs. H & W Builders, et al. and Ruth M. Norman as Trustee of the T. H. Maxwell, Jr. Trust vs. H & W Builders, et al., Greenwood County Judgment Roll No. 44235. I heard this case as Special Referee for the Circuit Court. It involves a variety of issues, including subordination of mortgage agreements and appraisal rights pursuant to a deficiency judgment request. My opinion as to whether a party to a case, but not an obligee on the mortgage, is entitled to appraisal rights was reversed on appeal by the SC Supreme Court in its published opinion reported at 448 S.E.2d 558, 323 S.C. 24 (S.C. 1994).
- (c) In the Matter of Estate of Frank Preston Jones, Jr., deceased. In Re: Claim of Leatherwood, Walker, Todd and Mann, PC, Attorneys, Greenwood County Estate File - Drawer 548, Package 56. This case involved a claim for attorney's fees against an estate. The ruling dealt with whether a contract existed between the law firm and the estate representative and standards of entitlement for attorney fees. An

earlier ruling was appealed to the Circuit Court as Judgment Roll No. 47906, and the case was remanded back to the Probate Court for determination of attorney fees. A second Probate Court hearing was held, and I issued an order finding there was no contractual basis for attorney fees. On appeal to the Circuit Court, also filed as part of Judgment Roll 47906, the Circuit Court found attorney fees should be issued on the basis of quantum meruit. On appeal, the Court of Appeals ruled that quantum meruit did not apply; but awarded attorney fees based on implied contract in unpublished opinion no. 96-UP-380. In an opinion by (then acting) Chief Justice Toal, reported at 495 S.E.2d 450, 329 S.C. 97 (S.C. 1998), The SC Supreme Court reversed the Court of Appeals; and in its opinion upheld my denial of attorneys fees, referring to my order in its opinion.

- (d) GE Capital Mortgage Services, Inc., n/k/a GE Mortgage Services, LLC, vs. Diane S. Hagen, Abbeville Civil Case Number 2003-CP-01-10. This case was a mortgage foreclosure case. Defendant and her husband appeared, pro se. Several hearings were required to conclude the case. Diane Hagen's husband attempted to represent her pursuant to authority given him by Ms. Hagen pursuant to a Power of Attorney that she did not sign, and only had his signature accepting appointment as her attorney in fact. Defense was that the Hagens (who also appeared with a small group of non-lawyer advisers and supporters) objected to the case being heard - declaring that the state, county, and circuit court; as well as plaintiff's attorneys; lacked authority or were "incompetent" to hear her case; and filed documents to that effect along with documents entering themselves (personally or bodily) as security for the debt, and Noticing a Removal of the Case to the Federal Tribal Circuit Court of the Pembina Nation among other things. Defendant and her husband had many objections, and even reviewed the original Note with jeweler's loops and declared that the signature was not the original "wet signature" of defendant on the note. The case had quite a few unusual objections, defenses, requests, and motions from the defendant and her husband. No appeal was made in this case.
- (e) Accent Mobile Homes, Inc. d/b/a Accent Mobile Homes vs. Toby K. Ridenhour and Kathryn H. Ridenhour, Greenwood Civil Case Number 2001-CP-24-1231. This was a case for recovery of a mobile home, and quantum meruit use of the mobile home, that I heard as Special Referee. Plaintiff moved a mobile home onto a parcel of land it owned and allowed defendants to live in the mobile home and use the lot while the terms of a contract were being re-negotiated, defendants were seeking approval for a loan from plaintiff, and a closing was attempted to be scheduled. A number of months passed and no closing took place. The question of the case was determination of the amount of damages that plaintiff should be allowed to recover from



defendants from their occupancy, since plaintiff voluntarily allowed defendants to use the mobile home. No appeal was taken in this case.

24. Have you ever held public office other than judicial office?

I have not held any other public office.

25. List all employment you had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office. Specify your dates of employment, employer, major job responsibilities, and supervisor.

Associate Probate Judge, Greenwood County, SC, from November 9, 1978 until December, 1986. This was a part-time position and I was appointed and served at the pleasure of the presiding Probate Judge and under the supervision of that Judge (then Greenwood Probate Judge Rosemary M. Trakas). By statute, I could do anything a Probate Judge was allowed to do under the law; however, my function was to hold contested hearings or hearings that involved unusual or complex issues, give the Judge legal advise, act as a back-up on after hours (nights, weekends and holidays) commitments, and to take charge of the office and insure its continued operation during the Judge's absence due to illness, vacation, or other reasons.

Special Referee in Greenwood County and occasionally other counties. Since taking office as Probate Court Judge in January, 1987, I have served - and I still continue to serve - as Special Referee for the Circuit Court for Greenwood County, and occasionally other counties (none of which have a Master in Equity). Between the resignation of the prior Abbeville County Master at the end of 1999, and my taking office as Master in Equity in April, 2001; I heard a number of cases and conducted judicial sales in that county as Special Referee as well. My duties as Special Referee are defined in each case by an Order of Reference signed by a Circuit Court Judge or County Clerk of Court pursuant to Rule 53 of the *Rules of Civil Procedure*. Case types are normally foreclosure of mortgage proceedings, or supplementary proceedings that allow a judgment creditor to explore for assets to satisfy the judgment. However, case types may be any of a variety of non-jury civil matters. In this capacity I have heard partition suits, suits to quiet title, contract disputes, partnership dissolutions, and condemnation cases, among others. Depending upon the provisions of the Order of Reference, or order of appointment as Special Referee, I may have authority to issue an order with finality (which means any appeal made will be straight to the Supreme Court), or I may be directed to hear the testimony and make a report to the Circuit Court Judge, or some other administrative function in the case at hand. The numbers of hearings that I have held have increased greatly over the last twenty years or so. In 1995, I presided in approximately 70 hearings as Special Referee. By 2005 and 2006, the numbers had increased to approximately 350 to 400 or more hearings per year as Special Referee, and approximately 100 to 125 hearings as Master in Equity. That annual number of hearings has remained consistent, or may have even increased slightly over

the last six years. A Special Referee primarily has the same responsibilities and duties of a Master-in-Equity, however a Special Referee has to be authorized to act on a case by case basis through the Order of Reference issued by a Circuit Judge or Clerk of Court.

The above are in addition to my law practice, previously reported.

26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? If so, give details, including dates.

In 1994, I sought Seat No. 3 of the Administrative Law Judge Division, when it was first formed. I was screened, found "Qualified" by the Screening Committee, and campaigned for the seat. I withdrew my candidacy on February 23, 1994.

Also, in 1994, I filed on March 24, for Seat No. 1 of Family Court of the Eighth Judicial Circuit but withdrew on April 18 due to staffing problems in the Probate Court and consternation within the Circuit.

I filed on April 23, 1997, for Seat No. 3 of the Family Court of the Eighth Judicial Circuit, was screened and found "Qualified" by the Judicial Merit Selection Commission. I withdrew as a candidate in early June of 1997 before voting.

27. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office? If so, give details, including a description of your occupation, business, or profession, the dates of your employment, and the name of your business or employer.

In 1981, I invested in a small partnership known as WBC Trophy and Awards. I was to be a silent partner in a three way partnership. A retail awards business, it was based in the managing partner's jewelry store. In 1985 the managing partner declared bankruptcy and closed his jewelry store. WBC became a two person partnership. In 1988 the business name was changed to Southern Trophy & Awards. In 1991, my partner, who managed the business from his storefront operation, closed his business. I bought him out of the company, moved it to a building owned by my wife's parents next door to my wife's beauty shop, and my wife ran this business in addition to her beauty shop. The business name was changed to Advertising Products/Southern Trophy & Awards. In 2001 or 2002 my wife sold the business to her brother. The address for this business was 514 Ninety Six Highway, Greenwood, SC 29646.

I was a partner for a very short time in a jewelry business in 1985-86 - Greenwood Gold and Gems. This business was organized in an attempt to continue the jewelry business of the first partner in the trophy company site above. It was a three way partnership with an on-site managing partner. The business was short lived and closed after approximately 8 months.

28. Are you now an officer or director or involved in the management of any business enterprise?

I do not serve as officer, director, or in any management capacity in any business.

29. A complete, current financial net worth statement was provided to the Commission.
30. Describe any financial arrangements or business relationships you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek. Explain how you would resolve any potential conflict of interest.

I have no financial or business arrangements or relationships that I am aware could result in a conflict of interest. Should any conflict arise, I would make all parties aware of a possible conflict due to current or past dealing or relationship, and/or recuse myself from such case or cases.

31. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation, state law or regulation, or county or municipal law, regulation, or ordinance, or any other law, including another country's law? If so, give details but do not include traffic violations for which a fine of \$125 or less was imposed.

In August 1974, I was cited in Georgia with fishing without a license. I posted a \$25.00 fine as bond, and did not contest the matter.

32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? No
33. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? Have you ever defaulted on a student loan? Have you ever filed for bankruptcy? If so, give details.

I have never had a student loan, nor have I filed bankruptcy. State tax liens were filed against me and the other partners in Greenwood Gold and Gems for the March, 1986, sales tax, which was paid immediately after notice of the lien filing in November, 1986. This was an oversight and failure to pay by the managing partner during the shutdown of the business.

A state tax lien was issued against me and my partner for WBC Trophy in April, 1987, for the July, 1986 sales tax. The Tax Commission withdrew the lien on November 4, 1987. I do not recall the exact circumstances involving this lien, but recall that the ultimate ruling was that it was issued in error.

Four state tax liens were issued simultaneously in March 1990 against WBC Trophy and its partners (including myself) for the July, August, September and October, 1989, sales tax. Before this time, WBC Trophy was located in and associated with another business. Prior to the period claimed, the other business store owner sold his business; and the trophy company changed locations, filing sales tax returns from the new location address. Upon explanation to the S. C. Tax Commission of the change of address, the claims were withdrawn and marked "filed in error".

A state tax lien was filed against me as owner of Southern Trophy and Awards in December, 2004, for the March, 2004 sales tax. As reported in Question 27 above, this business was sold approximately two years earlier by my wife to her brother (my brother-in-law). Unknown to me, the brother-in-

law did not change the record of business ownership with the S C Department of Revenue. In the summer of 2005, I found out about the tax lien, and contacted my brother-in-law, who paid the tax lien and changed ownership records for that business.

34. Have you ever been sued, either personally or professionally, that is, have you ever been named as defendant or respondent in any court of law? If so, give details, including but not limited to dates, and resolution.

I had a suit filed against me by Matthew Bender in 1987. Matthew Bender is a provider of law books. I had experienced difficulty in getting my account to accurately reflect returned books and supplements sent to me on approval, and to accurately reflect the terms quoted to me by the sales representative of their company. The sales representative left the employ of the company. After explanation to the attorney for Matthew Bender, Phillip Brown, of the Pavilack Law Firm, the matter was settled without judgment.

In 1994, a man sued, *pro se*, the Greenwood Probate Judge and others in Federal District Court for improper commitment to the State Mental Hospital. The commitment occurred prior to my becoming Probate Judge. Case No. 94CV2400-3 was dismissed on summary judgment.

In researching an answer for this question, a case management search of my name in Greenwood court cases indicates that I was a named defendant in the case of Allegiant vs. S. Craig White, Curtis G. Clark, Esquire, et al. (and others), Greenwood County Case number 2008CP2400782. I actually served as the Special Referee in this case; so I could not have been a defendant, and feel this must have been an entry error by the Clerk of Court's office.

Finally, there are two companion Greenwood common pleas cases, both captioned Robert D. Roche vs. Jeffrey P. McKinley, Curtis G. Clark, et al. (with a slight difference in the other named defendants). The first case, case number 2010CP2400034, was dismissed; and the second case, case number 2012CP2400216, took its place, but is currently "stayed". This case deals with a problem in acreage and boundary line placement. Mr. McKinley received some land pursuant to a partition/quiet title action he filed on family land that belonged to him and other members of his deceased mother's family. Some time after the partition action was heard, it was discovered that the plat used in the partition hearing, and upon which the Order was based, was incorrect in some boundaries depicted, and the amount of acreage reported as being available for partition. Mr. McKinley had sold part of his land to Robert Roche, and another portion to me. Other family members who inherited land were also named as parties to straighten out everyone's common problems with the land. This lawsuit effectively seeks to get an amended court order to correct the boundary and land allocation problem from and since the Order in the earlier partition case. The case has been complicated by the fact that one family member who received land died several years ago; and his immediate family did not come forward until quite recently in 2012 to open an estate. This was the reason the 2010 case was

dismissed - due to lack of all parties being available for hearing. Also, at least one other family member/land recipient was (and may still be) incarcerated out of state. Therefore, this case is currently "stayed". My understanding is - based on the recent plat - there is a general agreement in place changing the allocation of the land distribution, and confirming the new or amended boundaries between the parties. The parties are waiting on representatives of the deceased person's family to become fully informed on the problem and proposed agreement, and a determination on the incarceration status, before the case can be concluded at a hearing. Thus, this is NOT a lawsuit that seeks money damages from me as a defendant, but seeks the equitable remedy of correcting the problems the earlier partition Order recites, based on an incorrect plat.

36. Have you ever been investigated by the Department of Social Services? If so, give the details and the resolution. Has your name ever been enrolled on the Central Registry of Child Abuse and Neglect?

I have never been investigated by the Department of Social Services.

37. If you are in private practice, are you covered by malpractice insurance and, if so, how long have you carried malpractice insurance? If applicable, have you ever been covered by a tail policy? If so, please explain when you were covered by a tail policy. Also, if applicable, indicate your coverage and deductible for your current malpractice policy.

I am a part-time Master in Equity and currently practice law. I am covered by a malpractice, or attorney liability policy with ALPS (Attorney Liability Protection Society). My coverage with ALPS started February 12, 2001, and has been continuously in effect since then. I carried malpractice insurance prior to 2001, except for the time that I was the full time Probate Judge; however I do not readily remember what company or companies that coverage was with.

To my knowledge, I have never been covered by a tail policy.

My current liability policy has a limit of \$1,000,000.00 each claim, and \$1,000,000.00 aggregate coverage, with a \$10,000.00 deductible.

38. Are you now or have you ever been employed as a "lobbyist," as defined by S.C. Code § 2-17-10(13), or have you acted in the capacity of a "lobbyist's principal," as defined by S.C. Code § 2-17-10(14)?

I am not now, nor have I ever been, employed or acted in the capacity of a lobbyist or lobbyist's principal.

39. Since filing with the Commission your letter of intent to run for judicial office, have you accepted lodging, transportation, entertainment, food, meals, beverages, money, or any other thing of value as defined by S.C. Code § 2-17-10(1) from a lobbyist or lobbyist's principal? No.

40. S.C. Code § 8-13-700 provides, in part, that "[n]o public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated."

I am not aware of any charges or allegations under this statute against me. I am not aware of any other persons being candidates for this position at this time.

41. S.C. Code § 8-13-765 provides, in part, that “[n]o person may use government personnel, equipment, materials, or an office building in an election campaign.”

I am not aware of any charges, allegations or violations under this statute against me. I am not aware of any other persons being candidates at this time.

42. Itemize (by amount, type, and date) all expenditures, other than those for travel and room and board, made by you, or on your behalf in furtherance of your candidacy for the position you seek.

I have no expenditures at this time, and do not anticipate any.

43. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship. None.

44. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened?

I have not, directly or indirectly, requested the pledge of any legislator, nor have I asked or been promised the assistance of anyone else in my seeking another term as Master in Equity. I would refuse if assistance was offered to me by someone else, in order to stay in compliance with the rules.

45. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? If so, give details. Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf?

No.

46. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy?

Neither I nor anyone else on my behalf has solicited or collected funds for my candidacy, and I do not anticipate any funds being sought or collected.

47. Have you or has anyone acting on your behalf contacted members of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? No.

48. List all bar associations and professional organizations of which you are a member and give the titles and dates of any offices you have held in such groups.

- (a) SC Bar Association;
- (b) Greenwood County Bar Association - Secretary-Treasurer, 1984-86; President, 1999 - 2001.
- (c) SC Equity Court Council (SC Masters in Equity association).

49. List all civic, charitable, educational, social, and fraternal organizations of which you are or have been a member during the past five years and include any offices held in such a group, any professional honors, awards, or other forms of recognition received and not listed elsewhere.

Greater Greenwood United Ministry, member of Board of Directors 2000 - 08, Chairman of Board 2003-05.

50. Provide any other information that may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek.

I have been very fortunate to have the opportunity to be a part of a number of efforts or groups that were either not reported elsewhere in this questionnaire or may benefit from more explanation or clarification. Pursuant to several tragic public incidents involving the mentally ill, including the Oakland School shooting in Greenwood, SC in September, 1988, the Department of Mental Health set up a Citizens Panel on Mental Health Issues in 1989. I was asked to participate as a panel member. The group identified issues and defined goals and suggested solutions (some realistic - some not) to the issues and set those out in a concluding report. I was the only Probate Judge on the panel.

Court Administration asked me to be a member of its Probate Judges Advisory Committee for the year 1989, and I was reappointed in 1990, 1991, and 1992. This group gives input and guidance from the judges on projects and issues identified as needing attention or direction from Court Administration. We also helped revise the official probate forms to incorporate the 1990 legislative amendments.

I have been asked to serve and served on seven legislation study committees (3 sponsored by the Legislature and 3 by the SC Bar and/or Bar committees). The first study committee was set up by the Legislature's Joint Committee on Mental Health and Mental Retardation in 1987. I was one of two Probate Judges in the state serving on this committee. The purpose of the study was to review the laws and community resources to see if court ordering mental patients to outpatient (non-institution) treatment for mental illness was feasible. After a number of meetings and careful review it was determined that it was not feasible. No legislation was produced.

The second committee was the Legislative Health Care Consent Study Committee which met in 1989. I was the only Probate Judge representative along with a number of health care professionals. The purpose was to review the status of health care laws and needs in SC. The main product of this committee was the Adult Health Care Consent Act (which addresses who can make health care decisions in the absence of a health care agent appointed in writing) passed as Act No. 472 (R565,S1137) of 1990; but it also affected guardianships and durable power of attorney laws through Act No. 483 (R576,H4444) of 1990.

The third committee was the legislature's SC Probate Code Joint Study Committee, which met in 1989 and early 1990. I was one of two Probate

Court Judges from the state serving on this Committee. The purpose of this committee was to review the impact of the 1987 SC Probate Code, and to make recommendations to the legislature for changes in statutes and procedure- with an emphasis on "hands on" practical applications. The proposed revisions were many in number, and the material to be reviewed was extensive. The result was the passage of Act No. 521 (R634, S1403) of 1990.

Fourth, within the Probate Judges Association, I was chairperson of a 1992 Ad Hoc Committee to revise the statutory probate fee schedule. The act that resulted from this committee's work was Act No. 470 (R529, S886) of 1994, which resulted in a revision of the Probate Court fee statute that is still being followed today.

The fifth study committee was a joint effort of the Trusts and Estate Section of the SC Bar and the SC Probate Court Judges Association. I again was one of only two Probate Court Judges to serve. This group met regularly for about a year during 1995 and 1996 to conduct a ten year review of the SC Probate Code (originally passed in 1986). Questions and suggestions along with problem areas were solicited from the Bar and the Probate Court Judges and were reviewed for incorporation. The proposed revisions were passed by the General Assembly as Act No. 152 of 1997.

The sixth committee was the SC Bar Uniform Trust Code Study Committee. The Committee meet regularly for about two years, during 2003 and 2004. The purpose was to put together a proposed trust code, or body of laws dealing with trusts to be added to the SC Code of Laws. The resulting trust code was submitted to the SC legislature in 2005 and was passed that year as Act No. 66 (R80, S422).

The seventh committee is a committee of the Probate, Estate Planning and Trust Section of the SC Bar and the SC Probate Judges Association to review and revise the entire SC Probate Code. This committee met from approximately May, 2009 until September or October, 2011. The committee's efforts resulted in extensive amendments and additions to the SC Probate Code (including the SC Trust Code). Proposed legislation was introduced during the 2012 legislative session, but is still pending in the legislature.

Finally, while not a legislation committee, I was one of four probate judges to serve on a joint committee of lawyers and probate judges to review and revise the Probate Court forms. The group meet from 1997 to 1999. The amended forms that resulted were submitted to the Supreme Court and many were approved by the Court.

In my community, in the past I have been active in social and church activities. I have not been as active during the last twenty year period due in no small part to the prohibitions on extra-judicial activity on the part of a judge. Prior to that I was a member of the Ninety Six Jaycees for a couple of years in the late 1970's, and was a member of the Ninety Six Chamber of Commerce until shortly before taking office as Probate Judge. I served as a



member of the Board of Directors of the Chamber from 1980-1982 and as President in 1983. From 1980 to 1984 I was legal advisor to the Greenwood Area Rape Crisis Council. I am a member of St. Paul United Methodist Church in Ninety Six, where I have served in various capacities including chairperson of the Council of Ministries and Vice-chairperson of the Administrative Board for the Church. During the last several years, I have made regular presentations several times a year on estates, will, powers of attorney, etc. to families who have lost loved ones as part of the Hospice Care of the Piedmont family bereavement services. My father was in the local Hospice House immediately prior to his demise in December, 2010; so I understand what these families are experiencing.

As to any effect my life experiences have had, first I have always been grateful that I was fortunate to be able to become an attorney, an occupation that I wanted to pursue since I was young; and later, a judge. There are no lawyers in my immediate family, and I have not had the benefit of someone with experience in this field to guide me. Things have not come easy at times. I am therefore always aware that – but for the grace of God, and due to the support of good family - the roles could be reversed and I could be the person appearing before a court or judge pleading my case and seeking “justice” or help. The increased hearings in foreclosure cases, verify that the vast majority of defendants have experienced problems as a result of lost or downsized jobs, health issues, poor financial habits or knowledge, domestic problems, and other things that have negatively impacted a lot of people’s lives, particularly over the last decade. Many people feel taken advantage of by the financial industry. For many people, just having their “day in court” to hear their side is beneficial.

51. References:

- (a) Mr. David A. Tompkins, WMS, (Banker)  
Assistant Vice President/Relationship Manager  
CountyBank  
Post Office Box 3129  
Greenwood, SC 29648  
(864) 942-1558
- (b) Mr. and Mrs. Alvin D. (Deborah P.) Cathcart  
105 Sparrow Road  
Greenwood, SC 29649  
Phone - (Home) (864) 223-1699
- (c) Ms. Catherine H. Kennedy, Esquire  
Nelson, Mullins, Riley and Scarborough, LLP  
Attorneys at Law  
Post Office Box 11070  
Columbia, SC 29211  
Phone - (803) 255-9402
- (d) Mr. Brian Johnson  
1620 Highway 81 North

Calhoun Falls, SC 29628  
Phone - (864) 391-2238  
(e) Reverend Sam Thomason  
Woodfields Baptist Church  
1708 Marshall Road  
Greenwood, SC 29646  
Phone - (864) 227-1988

YOUR SIGNATURE WILL BE HELD TO CONSTITUTE A WAIVER OF THE CONFIDENTIALITY OF ANY PROCEEDING BEFORE A GRIEVANCE COMMITTEE OR ANY INFORMATION CONCERNING YOUR CREDIT.

I HEREBY CERTIFY THAT MY ANSWERS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Signature: Curtis G. Clark

Date: July 28, 2012