

JUDICIAL MERIT SELECTION COMMISSION )

In the Matter of:  
Candidate for

Judge Martin R. Banks  
Re-Election as Master  
in Equity, Calhoun County  
S.C.

WITNESS AFFIDAVIT  
FORM

I will appear to testify concerning the qualifications of the above-named candidate and will produce all documents in my possession, if any, which will further develop or corroborate my testimony.

I understand that this written statement must be completed and returned to the Judicial Merit Selection Commission at least five (5) days prior to the hearing at which I wish to testify in order for the commission to hear my testimony and that the deadline for complaints is **Tuesday, October 21, 2014 at 12 noon.**

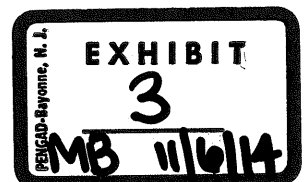
In regard to my intended testimony, I will offer information as to the following:

- (1) Set forth your full name, age, address, and both home and work telephone numbers.

Ronnie Frederick Judy, Age 71  
1872 Sandridge Rd.  
Dorchester, S.C. 29437  
843-563-3630 (H)  
843-701-6394 (CP)

- (2) Set forth the names, addresses, and telephone numbers (if known) of other persons who have knowledge of the facts concerning your testimony.

J. Todd Judy, 119 Fairway Ct. St  
George S.C. 843-563-9025 (H)  
843-560-6494 (CP)  
Ryan L. Judy, Kayla Dr. St George  
S.C. 29477 843-560-0074 (CP)



(3) State the nature of your testimony regarding the qualifications of the above-named judicial candidate, including:

(a) specific facts relating to the candidate's character, competency, or ethics, including any and all allegations of wrongdoing or misconduct on the part of the candidate;

5/ No reasons in awarding (1) He disregarded deeds that was recorded Nov. 18, 1998 with No judgements on that date, some 9 years later  
Atty Fees in the Amt of 75,000 (2) Change the Court record of Trial Transcript Tape was missing from the record  
2) ~~Deny~~ (3) Accuse me of cussing in his Court Room  
all motions for Recrossing Trial transcript shows different

(b) specific dates, places, and times at which or during which such allegations took place;

(1) July 18, 2011 Calhoun County Court Rm.  
(2) January 23, 2011 Calhoun County Court Rm.  
(3) Atty Carrs Fee File List  
(4) January 31, 2012

(c) names of any persons present during such alleged actions or possessing evidence of such alleged actions; and

J. Todd Judy  
Ronnie F. Judy  
Ryan C. Judy

(d) how this information relates to the qualifications of the judicial candidate.

His disregard; He betrayed the trust and faith in the judicial Sys.  
His unfairness and disrespect to those who appear before him Pro. Se.  
He is unfit to sit on the bench!  
No records can be found in Dorchester & Calhoun County courthouse as of 10-20-2014

- (4) Set forth a list of and provide a copy of any and all documents to be produced at the hearing which relate to your testimony regarding the qualifications of the judicial candidate.

- (1) Order (Case # 2007-CP-18-1794)
- (2) Motion to Reconsider (Case # 2007-CP-18-1794)
- (3) Order (Case # 2007-CP-18-1794)
- (4) Execution Against Property (2007-18-1794)

- (5) State any other facts you feel are pertinent to the screening of this judicial candidate.

- (1) The good old boy system is not to be condoned!
- (2) Her ruling only stated we owe \$800.00 master in equity fee & \$7000 atty fees not \$45,000 in atty fees (Robbery)
- (3) His scolding me before court for being late & low & behold he was late his self.
- (4) No record of the tape, that the transcript was ~~made~~ made from.
- (5) Transcript altered; No excuse for a judge.

I understand that the information I have provided herein is confidential and is not to be disclosed to anyone except the Judicial Merit Selection Commission, the candidate and counsel.

## WAIVER

I further understand that my testimony before the Judicial Merit Selection Commission may require the disclosure of information that would otherwise be protected by the attorney-client privilege. Therefore, in order that my complaint may be fully investigated by the commission,

I hereby waive any right that I may have to raise the attorney-client privilege as that privilege may relate to the subject of my complaint. I further understand that by waiving the attorney-client privilege for this matter, I am authorizing the commission to question other parties, including my attorney, concerning the facts and issues of my case.

Ronnie F. Judy  
Signature

Sworn to me this 20<sup>th</sup> day of Oct., 2014

Claudia H. Paulling  
Notary Public of South Carolina

My commission expires: Nov. 5, 2014





STATE OF SOUTH CAROLINA  
COUNTY OF DORCHESTER

) IN THE COURT OF COMMON PLEAS  
)  
) CASE NO: 2007-CP-18-1794

JAMES T. JUDY, BOBBY JUDY,  
and KEVIN JUDY,

Plaintiffs,

vs.

RONNIE F. JUDY, J. TODD JUDY,  
RYAN C. JUDY, and WANDA B. JUDY,

Defendants.

ORDER

FILED - RECORDED  
2011 DEC 28 PM 1:07  
CHERYL GRANHAM  
CLERK OF COURT  
DORCHESTER COUNTY

This case was tried before me in St. Matthews on July 18, 2011. Plaintiffs James T. Judy and Bobby Judy were present and represented by Capers G. Barr, III of the Charleston Bar. Defendants Ronnie F. Judy, J. Todd Judy, and Ryan C. Judy appeared, *pro se*. Plaintiff Kevin Judy and Defendant Wanda B. Judy did not appear.

Procedural History. This is a Dorchester County case that was referred to this Court by Order of the Honorable Edgar W. Dickson filed April 16, 2010, the Master in Equity for Dorchester County having recused himself from hearing the matter.

The Complaint of the Plaintiffs seeks to set aside certain conveyances of real property by the Defendant Ronnie F. Judy to his sons, and to restore title to his name under the Statute of Elizabeth, Sections 27-23-10, *et seq.* of the Code of Laws of South Carolina for 1976, as amended. Plaintiffs also seek an award of attorney fees and for the costs of the action. The Lis Pendens filed in the case describes ten parcels of real property more fully described therein as Parcels "A" through "J", which comprise the lands at issue in the case. Exhibit "1" to this Order sets forth their complete legal descriptions.

The initial Complaint, filed 09/26/07, named as Defendants Ronnie F. Judy, J. Todd Judy, and Ryan C. Judy. Based upon a conveyance made by Defendant J. Todd

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Judy to Wanda B. Judy after the filing of the case, Plaintiffs were permitted to amend their Complaint to add Wanda B. Judy as a party Defendant.

At the trial the court heard testimony of seven witnesses and received into evidence exhibits from Plaintiff and exhibits from Defendants. Additionally, certain exhibits tendered by the Defendant were not admitted but were marked for identification only.

I conclude that Plaintiffs are entitled to the relief sought in their complaint, based upon the following findings of fact and conclusions of law<sup>1</sup>:

#### FINDINGS OF FACT

Plaintiffs Are Creditors. On May 2, 2007, judgment was awarded on a jury verdict in favor of Plaintiff Bobby Judy against Defendant Ronnie F. Judy for the amount of \$37,668.00, by order of the Dorchester Court of Common Pleas. The Judgment was affirmed by the Court of Appeals of South Carolina, and the case was remitted by the Court of Appeals to the Dorchester County Clerk of Court on December 22, 2009.

Likewise, judgment was rendered against Ronnie F. Judy in favor of Plaintiff James T. Judy by order of the Dorchester County Court of Common Pleas on April 11, 2007. However, that judgment was reversed by the Court of Appeals and the decision of the Court of Appeals has been affirmed by the Supreme Court of South Carolina. At the time of the trial before me, a Petition for Rehearing by James T. Judy to the Supreme Court was pending.

The Conveyances at Issue. Four deeds are at issue in this case. Two of them were signed and recorded by Ronnie Judy in 1998, conveying lands respectively to his son

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<sup>1</sup> Because all parties to this case carry the surname "Judy" they will be referred to from time to time by their first names, for the sake of clarity.

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Todd and to his sons Todd and Ryan, jointly. (Trial Exhibits 3 and 3-A). The third conveyance is a deed from Ronnie Judy to his son Todd recorded February 7, 2007 (Trial Exhibit 15), and the fourth conveyance is from Todd to Wanda Judy, recorded December 31, 2008. (Trial Exhibit 16.)

Chronological Facts. On or about July 22, 1997 judgment was entered in the Dorchester County Court of Common Pleas in favor of Larry Thomas Mills against the Defendant Ronnie F. Judy for the sum of \$9,424.00. Ronnie Judy appealed the judgment to the Court of Appeals, and the Appeal was pending in 1998.

Plaintiff James T. Judy, who is a brother of Defendant Ronnie Judy, testified that in 1998, when he and Ronnie were on otherwise good terms, they had a conversation in which Jimmy advised Ronnie that his divorce attorney had recommended that Jimmy convey his lands to his children, most of which had been inherited, in order to avoid the lands being considered as marital property in Jimmy's pending divorce case. At that time, Ronnie had also been involved in a court action alleging Ronnie's removal of an agricultural combine from the lands of another person, in which he was acquitted, as well as the case brought against him by Larry Mills. Jimmy testified that Ronnie was concerned that the owner of the combine might file civil suit against him because the motor of the combine, a \$10,000 dollar item, had been burned up in the transaction.

Jimmy testified that Ronnie told him in 1998, after the conversation between them about the advice given to Jimmy by his divorce lawyer, that he intended to convey title to his lands to his sons in order to avoid his potential liabilities from a lawsuit arising from the burned up combine motor. According to Jimmy, when he asked Ronnie whether he

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could "trust your boys", Ronnie replied "Don't worry about that. I'll have deeds already made up and signed and all I've got to do is date them."

The 1998 conveyances. *The First Deed.* On November 16, 1998, Ronnie executed three conveyances, the consideration for each of which was "five dollars, love and affection." By deed recorded in Book 2007, Page 096, Dorchester County Register of Deeds, Ronnie conveyed to his son, Defendant J. Todd Judy, his undivided one-half interest in tracts more fully described in the deed as 259 acres, 133 acres, 2.06 acres, 75 acres, 100 acres, 143 acres, and 10.9 acres. (Trial Exhibit 3). *The Second Deed.* On the same day, he conveyed to both of his sons, Defendants J. Todd Judy and Ryan C. Judy jointly, title to tracts of 87.78 acres and 59 acres, by deed recorded in Book 2077, Page 092. (Trial Exhibit 3-A). The lands described in the two 1998 deeds comprised lands that formed, after partitions hereafter discussed, Parcels C, D, E, F, G, H, I and J in the Lis Pendens filed with this action. On the same day, that is November 16, 1998, Ronnie also transferred to his sons, Defendants Todd Judy and Ryan Judy "all farm equipment, including combines, tractors, trucks and all equipment relating to farming." The consideration recited in each of the conveyances was five dollars, love and affection.

The testimony by Jimmy Judy about his 1998 conversation with Ronnie was not denied by Ronnie in his testimony. Rather, Ronnie's explanation for the 1998 conveyances was that he had deeded lands over to his two sons just like his granddaddy had deeded his lands over to his daddy and his daddy had deeded his lands to Ronnie and his brothers when they (the grantors) reached ages in their fifties.

Having observed the witnesses as they testified, I find and conclude that Jimmy's version of the 1998 conversation is more believable, particularly considering the uses and

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profits of the lands that later inured to Ronnie's benefit as hereafter discussed. Moreover, Jimmy's version of the conversation was somewhat against his interests, inasmuch as he implicated himself in a fraudulent transfer, albeit upon the advice of an attorney, giving his version indicia of reliability.

Ronnie Judy's uses of the lands. Ronnie continued to use the lands conveyed to his sons in 1998 for farming, from which he derived substantial income and for which he incurred debt for farming operations until at least 2008.

Frank West is an employee of Meherrin Agriculture & Chemical Company, a supplier of fertilizer, agricultural chemicals and seeds located in Bowman, South Carolina. Mr. West identified a credit application submitted to Meherrin on February 7, 2006 by Ronnie Judy in which Ronnie represented to Meherrin that he was the owner of 554 acres, of which 250 acres were farmed in corn, soybeans, oats and hay. (Trial Exhibit 42). Mr. West further identified Meherrin records reflecting substantial transactions with Ronnie Judy for the sale of agricultural products during the period from February 23, 2000 to April 30, 2007. Mr. West testified that although he had seen Ronnie's sons, Todd and Ryan, before, he testified that he had only done business with Ronnie.

Notably, Meherrin obtained judgment against Ronnie on December 17, 2008, for unpaid balances on his account in the sum of \$27,295.33.

David Cantley testified that he operates Holly Hill Farm Center in Holly Hill, which is a supplier of fertilizer, agricultural chemicals and seed. Holly Hill transacted business with Ronnie Judy, alone, for two years ending in July of 2009. Apparently, after Ronnie Judy and Meherrin came into dispute about his account there, Ronnie began

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utilizing the Holly Hill Farm Center. The dollar magnitude transacted by Ronnie Judy with Holly Hill Farm Center during the two year period was \$24,424.53.

Barbara Dantzler testified that she operates a tax preparation service in St. George. She identified income tax returns of Ronnie Judy for the years 2004, 2005, 2006, 2007, and 2008, which were admitted into evidence without objection. (Trial Exhibits 23-27). Ms. Dantzler prepared tax returns for Todd Judy for the years 2005, 2006, 2007, and 2008 (Trial Exhibits 28-31), which were admitted into evidence. She prepared Ryan Judy's tax return for 2008 (Trial Exhibit 37), which was also admitted into evidence.

The tax returns admitted into evidence reflect that Ronnie Judy reported farm income for 2004 of \$42,405.00 and expenses of \$50,938.00; income for 2005 of \$27,006.00 and expenses of \$49,357.00; income for 2006 of \$16,111.00 and expenses of \$24,381.00; farm income for 2007 of \$20,688.00, plus timber income of \$22,772.00 and expenses of \$52,733.00; farm income for 2008 of \$22,220.00, plus timber income of \$12,177.00 and expenses of \$39,390.00.

Todd Judy's tax returns for 2005, 2006, 2007 and 2008 report a nominal farm income for each of those years of one hundred dollars per year. Todd reported a farm depreciation deduction for each of those years of \$8,542.00 per year.

The only tax return for Ryan Judy in evidence was for 2008, which reported \$90,536.00 in farm income and \$95,081.00 in expenses.

An analysis of the tax returns further reflect that Ronnie Judy deducted on his tax returns the *ad valorem* real property taxes on farmland as farm expenses for the years 2005-2008, whereas Todd and Ryan Judy deducted none.

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On cross examination Ronnie admitted that between 1995 and 2006, he was paid farm subsidies by the federal government totaling \$50,111.00. He admitted further to transacting and receiving income from the timber sales reflected on his tax returns. Ronnie Judy admitted that he had engaged in substantial transactions involving the purchase and sale of farm equipment and that he has farm equipment stored on the 9.69 acres upon which he resides, which is a tract of land at issue in this case, although he claimed that the equipment was owned by his sons. He admitted to transacting soy bean sales with Carolina Soya in his own name in 2008, and to the sale of corn to Orangeburg Milling in 2009, totaling 76,080 lbs. He admitted to transacting sales of livestock with Orangeburg Stockyards in 2007 and 2008.

Based upon the evidence recounted above, I find and conclude that, whereas he had conveyed title to his lands to his sons in 1998 for \$5.00, love and affection, Ronnie Judy nevertheless retained and enjoyed the full and complete beneficial use and control of those same lands. I conclude that Ronnie conveyed the lands to his sons in 1998 with the intent to avoid their being subject to claims of his creditors.

The 2007 and 2008 Conveyances. On September 10, 2004 Bobby Judy filed suit against Ronnie Judy in the Dorchester County Court of Common Pleas, seeking actual and punitive damages because of Ronnie's alleged destruction of a corn crop on Bobby's lands. The case was non-suited and re-filed in 2005. Jimmy Judy also filed suit against Ronnie on September 10, 2004, alleging Ronnie's malicious destruction of a pond dam on lands that they jointly owned, and seeking actual and punitive damages. That case was also non-suited and re-filed November 28, 2005.

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The cases filed by Bobby and Jimmy were first called for trial at the January 29, 2007 term of Common Pleas Court in Dorchester County. Jimmy Judy testified that he appeared for trial on January 29<sup>th</sup> with his attorney and with his witnesses, but that Ronnie did not appear because he had been admitted to the hospital. Accordingly, the cases were continued.

*The Third Deed.* On February 7, 2007, nine days after the lawsuits by Bobby and Jimmy Judy were first called up for trial, Ronnie Judy executed and recorded a deed conveying to Defendant Todd Judy the lands consisting of 10.9 acres and 9.69 acres, Parcels "A" and "B" described in Exhibit "1" to this Order, for a consideration of \$5.00, love and affection. (Trial Exhibit 15).

The case tried before me was originally filed September, 27, 2007, naming as Defendants Ronnie F. Judy, J. Todd Judy, and Ryan C. Judy. *The Fourth Deed.* On December 31, 2008 the Defendant Todd Judy recorded a deed conveying to Wanda Judy, who is the wife of Ronnie Judy, the same 10.9 acre and 9.69 acre tracts that had been conveyed to him by Ronnie in February, 2007. The consideration for the conveyance was \$5.00, love and affection. (Trial Exhibit 16). Plaintiffs amended their complaint to add Wanda Judy as a party defendant following that conveyance.

Ronnie Judy testified that after the conveyance to his son Todd of the 9.29 acre and 10.9 acre parcels, he owned no more real property in his name. He further testified that he pays no rent to Todd in exchange for living in the home on the 9.69 acre parcel now titled in Todd's name.

The \$100,000 Loan to Ronnie. On January 20, 2006, Ronnie signed and filed with the Citizens Bank of St. George, a personal financial statement. On the statement,

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Ronnie represented that his net worth was \$1,309,540.00, of which \$1,000,075.00 was real estate. One parcel of real estate was identified as 1872 Sandridge, Ronnie's home which is located on the 9.29 acre tract he inherited from Vesta Rumph, and which he later conveyed to his son Todd on February 7, 2007, a conveyance which is challenged in this case. The other parcels identified on the financial statement consisted of one-half interests in 257 acres and 168 acres, respectively. (Trial Exhibit 39-A).

On August 31, 2006, Ronnie borrowed \$100,000.00 from the Citizen's Bank, secured by a mortgage on the 9.29 acre home parcel. Six months later, he conveyed the parcel to his son, Todd. Ronnie Judy admitted to taking out this loan "because y'all had filed so many lawsuits against me, Mr. Barr, and I have hired so many lawyers, I had spent in excess of \$100,000.00". When asked who was paying on the mortgage, Ronnie replied, "either me or Todd...we all make it...whoever got the money in the bank".

Ronnie further testified that he pays no rent to Todd in exchange for living in the home located on the 9.69 acres.

Identification of the lands at issue.

a. The 1998 deed from Ronnie to Todd Judy (Exhibit 3; recorded in Deed Book 2007, Page 092). This deed conveyed Ronnie's undivided one half interest in tracts which consist of 259, 133, 2.06, 75, 100, 143 and 10.9 acres. The 259 acre tract was thereafter partitioned, as Ronnie held a one-half interest, and Ronnie's former interest in that tract now consists of the 119.44 acre parcel described as parcel "D" and the 10.562 acre parcel described as parcel "E", in Exhibit "1" to this Order.

The 133 acre tract, which was found to actually contain approximately 180 acres, was thereafter partitioned because Ronnie held a one-half interest, and Ronnie's former

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interest in that tract now consists of the 36.63 acre parcel described as parcel "F" and the 52.21 parcel described as parcel "G" in Exhibit "1" to this Order. The 143 acre and 10.9 acre tracts described in the 1998 deed to Todd were portions of the Vesta Rumph estate, and those conveyances were implicitly set aside in the Order of the Probate Judge which are exhibits of record in this case.

b. The 1998 conveyances to Todd and Ryan Judy, jointly. (Exhibit 3-A; Deed Book 2077, Page 092). The lands described in this deed, consisting of tracts of 87.78 acres, 59 acres, and .9 acres, were titled in the name of Ronnie Judy, alone, prior to the 1998 conveyance. They are described as parcels "H", "I" and "J" in Exhibit "1" to this Order.

c. The 2007 conveyance to Todd Judy; and Todd's 2008 conveyance to Wanda Judy. The Probate Judge restored title to Ronnie, and by deed conveyed title to him, to the 9.29 acre and 10.9 acre tracts, in partition of the lands of the estate of Vesta Rumph. (Trial Exhibits 13 & 14). The 9.29 acre and 10.9 acre tracts are described as parcels "A" and "B" in Exhibit "1" to this Order.

#### CONCLUSIONS OF LAW

The Statute of Elizabeth is codified in South Carolina Code Sections 27-23-10, et seq, and provides, in relevant part: "Every...conveyance of land...made to or for any intent or purpose to delay, hinder, or defraud creditors and others of their just and lawful actions...must be deemed...to be clearly and utterly void...".

Conveyances may be set aside for both existing creditors as well as subsequent creditors. *Mathis v. Burton*, 319 S.C. 261, 460 S.E.2d 406 (Ct.App. 1995).

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Existing Creditors. As for existing creditors, conveyances can be set aside in two instances:

a. First, where the challenged transfer was made for a valuable consideration, it will be set aside if the Plaintiff establishes that (1) the transfer was made by the grantor with the actual intent of defrauding his creditors; (2) the grantor was indebted at the time of transfer; and (3) the grantor's intent is imputable to the grantee.

b. Second, where the transfer was not made on a valuable consideration, no actual intent to hinder or delay creditors must be proven. Instead, as a matter of equity, the transfer will be set aside if the Plaintiff shows that (1) the grantor was indebted to him at the time of the transfer; (2) the conveyance was voluntary; and (3) the grantor failed to retain sufficient property to pay the indebtedness to the Plaintiff in full – not merely at the time of transfer, but in the final analysis when the creditor seeks to collect his debt. *Mathis v. Burton, supra*, 319 S.C. at 264, 265; citing *Durham v. Blackard*, 313 S.C. 432, 438 S.E.2d 259 (Ct.App. 1993).

Subsequent Creditors. For subsequent creditors a conveyance may be set aside when (1) the conveyance was “voluntary,” that is, without consideration and (2) it was made with a view to future indebtedness or with an actual fraudulent intent on the part of the grantor to defraud creditors. *Mathis v. Burton, supra*, 319 S.C. at 265; citing *Gentry v. Lanneau*, 54 S.C. 514, 32 S.E. 523 (1899); *Parker Peanut Co. v. Felder*, 200 S.C. 203, 20 S.E.2d 716 (1942). Subsequent creditors must show “actual moral fraud” rather than legal fraud. *Gentry v. Lanneau, supra*.

Transfers to members of the family shifts the burden to the transferee. In the case of *Windsor Properties, Inc. v. Dolphin Head Construction Co., Inc.*, 331 S.C. 466, 498

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S.E.2d 858 (Sup.Ct. 1998), the South Carolina Supreme Court held that where a transfer is not made on a valuable consideration, no actual intent to hinder or delay creditors needs to be proved. As for the family nature of a conveyance, the Supreme Court stated, "It is well established that where transfers to members of the family are attacked either upon the ground of actual fraud or on account of their voluntary character, the law imposes the burden on the transferee to establish both a valuable consideration and the *bona fides* of the transaction by clear and convincing testimony." 331 S.C. at 471.

Finality of judgment is not a prerequisite to a cause of action under the Statute of Elizabeth. In the case of *Brown v Butler*, 347 S.C. 259, 554 S.E.2d 431 (Ct. App. 2001), citing 37 Am Jur. 2d, *Fraudulent Conveyances*, Section 118, at p. 618 (2001), the Court of Appeals held that the language of the Statute of Elizabeth extending its protection to both creditors and "others" refers, by "others", to "persons who, like creditors, have causes of action which may be prejudicially affected by a transfer of assets by one against whom a cause of action exists." 347 S.C. at 264. (Emphasis added.)

#### CONCLUSIONS OF LAW AND FACT

The real property conveyances challenged in this case fall into two categories. The first category consists of the conveyance by Ronnie Judy to Todd Judy in 2007, and by Todd to Wanda Judy in 2008 of the 9.69 and 10.9 acre parcels inherited by Ronnie Judy from the Estate of Vesta Rumph. Both conveyances were made while lawsuits filed by Plaintiffs in this case were pending against Ronnie. These conveyances will be referred to hereafter as the "recent conveyances."

The second category of conveyances consists of the 1998 deeds from Ronnie to Todd and from Ronnie to Todd and Ryan. The 1998 deed from Ronnie to Todd conveyed

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lands in which Ronnie held an undivided one half interest. The 1998 deed from Ronnie to Todd and Ryan conveyed lands owned by Ronnie, outright. These will be referred to hereafter as the "remote conveyances".

The recent conveyances. Ronnie conveyed to Todd and Todd conveyed to Wanda the parcels described in Exhibit "1" to this Order as "A" and "B", consisting of 9.69 and 10.9 acres. The consideration recited in each of the deeds was "\$5.00, love and affection"; that is to say the conveyances were made without full consideration. Ronnie testified that he retained no assets following his conveyance to Todd in 2007. He further testified that he paid no rent to Todd for the 9.69 acres on which Ronnie continues to live. Ronnie represented on financial statements that he owned parcels "A" and "B", and he borrowed \$100,000 on the 9.69 acre tract six months before conveying title to Todd. He has utilized the funds for his personal purpose.

At trial, neither Todd nor Wanda, as grantees, offered to explain the conveyances to them.

At the time of the recent conveyances, lawsuits were pending against Ronnie Judy by Bobby Judy and by Jimmy Judy, as well as by Meherrin Agricultural and Chemical Co. Under the settled law of this state, as enunciated in the case of *Mathis v. Burton*, *supra.*, Ronnie was "indebted" to Bobby Judy, to Jimmy Judy, and to Meherrins by virtue of their pending lawsuits. The conveyances were voluntary; that is to say they were made to family members for no consideration. By his own admission Ronnie Judy failed to retain property to pay the indebtedness to Bobby. Although the status of the judgment held by Jimmy Judy is uncertain, it is clear that the judgment held by Bobby Judy is final.

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Moreover, the conveyance by Todd Judy to Wanda Judy of the 10.9 and 9.69 acre parcels during the pendency of this action is further evidence of an actual intent by the Defendants to evade creditors.

In the circumstances, I find and conclude that the conveyance by Ronnie Judy to Todd Judy of the 9.69 acre parcel and the 10.9 acre parcel by deed dated February 7, 2007 and recorded in Book 5844, Page 224 in the Office of the Register of Deeds for Dorchester County was a fraudulent conveyance and that the same should be set aside, and title restored to the name of Ronnie Judy. Further the conveyance by J. Todd Judy to Wanda B. Judy by deed dated December 31, 2008 and recorded in Book 6908 Page 71 should be set aside, and title restored to Ronnie Judy.

The remote conveyances. I find and conclude from the evidence that Ronnie Judy engaged in the 1998 conveyance to Todd and the 1998 conveyance to Todd and Ryan with an actual fraudulent content to evade his creditors. Accordingly, title to parcels enumerated as "C", "D", "E", "F", "G", "H", "I", and "J", in Exhibit "1", hereto should be restored to the name of Ronnie Judy.

The evidence of Ronnie Judy's fraudulent intent in consummating the 1998 conveyances was manifest from the evidence. First, as the Court has previously found, Ronnie told his brother Jimmy in 1998 that he intended to make the conveyances to his sons in order to avoid a potential judgment by the creditor with whom he was involved in the combine incident. Secondly, although title to the farmlands and to the timberlands was no longer held in Ronnie's name, he continued to enjoy the benefits of full ownership. He represented on financial statements filed with Meherrin and with Citizens Bank that he owned and farmed the lands. Ronnie incurred substantial indebtedness on

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the farmlands, as evidenced by the testimony and records from representatives of Meherrin Agricultural and Chemical Company and from Holly Hill Farm Center. Ronnie's tax returns reflect substantial farm revenues, as well as timber sales, from the lands for the years offered into evidence, 2005 through 2008. Moreover, on his tax returns for each of those years Ronnie Judy claimed deductions for payments of *ad valorem* property taxes on the farmlands. Although during the same years, Todd Judy showed a nominal \$100.00 per year farm income, the Court concludes that the nominal income was allocated to Todd to enable his claim for depreciation deductions on farm equipment, against his personal income for income tax purposes. Although significant farm income was reported for Ryan Judy for 2008, it is apparent that farming activity for that year was influenced by the filing of the case now before the Court. Moreover, neither Todd Judy nor Ryan Judy chose to testify, or to explain in any way, the nature of the farming activity or the fact that Ronnie Judy had reported the substantial farm revenues and expenses for the entire period described in the evidence.

Accordingly, I find and conclude that title to the lands described in the 1998 deeds, and more specifically set forth in Exhibit "1" to this Order as parcels "C", "D", "E", "F", "G", "H", "I", and "J", shall be restored to the name of Ronnie Judy.

Implementing the Court's Findings. The Statute of Elizabeth provides, in Code Section 27-23-10, that conveyances made for the purpose to delay, hinder or defraud creditors "must be deemed and taken...to be clearly and utterly void, frustrate and of no effect..."

The 2007 and 2008 conveyances (the "recent conveyances") by Ronnie Judy to Todd and by Todd to Wanda Judy may be simply rectified by declaring the underlying

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conveyances to be void. The circumstances of the 1998 conveyances (the “remote conveyances”) are more complex, inasmuch as, succeeding those conveyances, partitions were effected by Master’s Deeds and by deeds exchanged by the parties to implement partition orders. Notably, all relevant partition deeds are in evidence before the Court, and the parties to the partition deeds are also parties to this action.

The interests of equity and justice would be frustrated were the Court to void the 1998 conveyances and to thereby create questions as to the quality and marketability of the titles conveyed to the innocent parties in the partition actions.

I conclude that the equitable resolution in this case is to declare, *sua sponte*, that the respective partition deeds that were the product of fraudulent conveyances be deemed reformed, the same as if Ronnie Judy were a party to the partition actions and putative grantor or grantee, as the case may be, to the partition deeds; so that the public records of Dorchester County should reflect the partitioned conveyances to have been made in the name of and for the benefit of Ronnie F. Judy, rather than for Todd Judy and Ryan Judy. Ronnie F. Judy was the real party in interest in the partition proceedings by reason of his antecedent fraudulent conveyances.

South Carolina courts have held that “the reformation of written contracts for fraud or mistake is an ordinary head of equity jurisprudence”, meaning a distinct branch of equity jurisprudence. *Jumper vs. Queen Nab Lumber Co.*, 115 S.C. 452, 106 S. E. 473 (1921), citing *Moffett vs. Rochester*, 178 U. S. 373, 20 S.Ct. 957 (1900). Our courts have likewise recited the proposition that fraud constitutes a basis for a Court of Equity to reform an instrument. *Groce vs. Benson*, 168 S.C. 145, 167 S. E. 151 (1933); *Aiken Petroleum, Co. vs. Natural Petroleum Underwriters, etc.*, 207 S. C. 236, 36 S.E.2<sup>nd</sup> 380

MAB



(1945). Accordingly, I conclude that the mechanism to best implement the Court's previous findings that the 1998 conveyances by Ronnie Judy were fraudulent is to reform the partition conveyances that putatively named Todd Judy and Ryan Judy as grantees in the partition deeds, so that Ronnie Judy is deemed to have been a grantee of the partition deeds. The intention of this ruling is to restore to Ronnie Judy the same interests in the lands that were partitioned, as if he had originally been a named party to the partition actions and deeds.

Attorney Fees and Costs. Plaintiffs seek an award of attorney fees and costs. As for costs, as prevailing parties, Plaintiffs are entitled to recover their costs in accordance with Section 15-37-10, Code of Laws of South Carolina for 1976, as amended.

As for attorney fees, ordinarily they are not recoverable unless authorized by contract or statute. *Baron Data Systems, Inc. vs. Loter*, 297 S.C. 382, 377 S.E.2<sup>nd</sup> 296 (1989). However, the Supreme Court of the United States and the appellate courts of other states have recognized a "bad faith" exception to the so-called "American Rule" which provides that parties shall pay their own attorney fees.

In *Alyeska Pipeline Service Co. vs. Wilderness Society*, 421 U.S. 240, 95 S.Ct. 1612 (1975), although reversing a circuit court ruling which affirmed an attorney fee award under a "private attorney general" theory, the United States Supreme Court recognized an exception to the "American Rule" "when the losing party has 'acted in bad faith, vexatiously, wantonly, or for oppressive reasons...'" citing *F. D. Rich Co, Inc. vs. United States for the use of Industrial Lumber, Co. Inc.*, 417 U.S 116, 1994 S. Ct. 2157 (1974), 421 U. S. at 250, 259.

MB

The “bad faith exception” has likewise been recognized by other federal and state courts. See, e.g. *Robinson, et. al. v. Richie, et. al.*, 646 F2nd 147 (4<sup>th</sup> Circuit 1981); *Brice v. State Department of Corrections*, 704 A2nd 1176 (Delaware 1998).

In the later United States Supreme Court decision of *Roadway Express, Inc. vs. Piper*, 447 U. S. 752, 100 S.Ct. 2455 (1980), the United States Supreme Court held that “bad faith” may be found not only in the actions that led to the lawsuit, but also in the conduct of the litigation, citing *Hall vs. Cole*, 412 U. S. 1, 15, 93 S.Ct. 1943, 1951 (1973), 47 U. S. at 766. In South Carolina the bad faith exception, at least as it applies to the filing of an action, has been codified in the South Carolina Frivolous Civil Proceedings Sanctions Act, Sections 15-36-10, *et. seq.* Code of Laws of South Carolina for 1976, as amended. I find and conclude, as well, that this Court also holds the equitable authority pursuant to the principles enunciated by the United States Supreme Court in the *Roadway Express* case, *supra*, to also consider the conduct of the parties in the course of the litigation, in awarding attorney fees.

It is also relevant that the provisions of Code Section 27-23-30, included within the chapter on fraudulent conveyances, provides for penal consequences to parties who participate in the fraud. Although the language of the section is dated, having first been written at least as long ago as the year 1712, the section clearly supports the contention that knowing participants in fraudulent conveyances should suffer some penalty or consequence as a result by “forfeit(ing) one year’s value of such lands.”

In the circumstances I find and conclude that the Defendants Ronnie F. Judy and J. Todd Judy should be liable for attorney fees because of their vexatious conduct. Ronnie Judy obviously made the 2007 conveyance to Todd Judy of the 10.9 and 9.69 acre parcels

MRB

for the purpose of avoiding his potential liability in the lawsuits pending against him by Bobby Judy, Jimmy Judy and by Meherrin Agriculture & Chemical, Co. The Court has previously found as a matter of fact that the 2007 conveyance was made during the very week following the first call of the cases to trial that had been filed by Bobby Judy and Jimmy Judy.

Todd Judy's conduct is arguably even more egregious. While the case currently before the Court was pending, Todd conveyed to Wanda the same 9.69 and 10.9 acre parcels, for no apparent reason than to confound and delay this case. The 2007 and 2008 transfers were made without consideration, and neither Todd Judy, Ryan Judy nor Wanda Judy offered to testify or to explain to the Court the circumstances of those transfers.

Plaintiffs have filed with the Court an affidavit of their attorney which reflects the extent of his legal experience, and the time and expenses invested in the prosecution of this case. In the case of *Baron Data Systems, Inc. vs. Loter, supra*, the Supreme Court of South Carolina set forth six factors that should be considered by the Court in making an award of attorney fees, which the Court will address as follows:

1. The nature, extent and difficulty of the legal services rendered.

As the Court has previously found, the Defendants in this case have attempted to transfer the assets of Ronnie F. Judy outside the reach of his creditors. Particularly as to the 1998 conveyances, although the evidence presented at the hearing before me was short and concise, it is apparent from the affidavit of Plaintiffs' attorney that a great deal of time was devoted to the preparation of the case, and that significant effort was expended in discovering documents from banks, tax preparers, farm suppliers and others,

MAJ

in order to demonstrate to the Court that Ronnie F. Judy retained the beneficial use of the properties he had conveyed to his sons.

2. The time and labor necessarily devoted to the case.

The amount of attorney time dedicated to the prosecution of this case was reasonable. Based upon the Court's review of the affidavit and the attorney's detailed billing statement to which it is an exhibit, four depositions were taken in the case and six separate motion appearances were made by counsel prior to trial. One additional court appearance was made for trial before the Master in Equity for Dorchester County; however Ronnie Judy had been hospitalized so that the trial was continued. Thereafter the Master recused himself and the trial was referred to this Court. Many hours were expended in the case, but the activity was also intense and necessary.

3. The professional standing of counsel.

Mr. Barr is an experienced, skilled attorney of high professional standing in the community.

4. The contingency of compensation.

This consideration does not apply because this was not a contingency case.

5. The fee customarily charged in the locality for similar legal services.

I find and conclude that the hourly fee charged by Mr. Barr, \$250 per hour, is fair and reasonable, consistent with fees customarily charged in the locality, and in accord with an attorney of Mr. Barr's experience.

6. The beneficial result obtained.

The efforts of the attorney for Plaintiffs produced a complete result in this case: the setting aside of all conveyances that were challenged. From a monetary perspective,

ALB

and because the existence of the judgment held by Jimmy Judy is in doubt due to the reversal of that judgment by the Court of Appeals as affirmed by the Supreme Court, I must assign more weight to the judgment held by Bobby Judy, rather than to that of Jimmy Judy, in considering an appropriate fee award. In short, the efforts of the attorney have most probably enabled the collection of Bobby Judy's judgment in the sum of \$37,668.00, plus judgment interest from May 2, 2007.

In the circumstances, and although the Supreme Court in the *Baron Data* case recites other jurisdictions which have approved the award of attorney's fees that exceed the verdict obtained, I find and conclude that an award of attorneys fees in the sum of \$7,000.00 is fair, equitable and reasonable, considering all of the circumstances of this case.

I further find and conclude that the Defendants shall be liable for the costs of this action as provided in Section 15-37-10, *et seq*, Code of Laws for South Carolina for 1976, as amended; and additionally they shall be liable for a fee to the Special Referee under Section 15-37-140, which fee shall be paid within thirty days of this Order by Plaintiffs, and assessed as a judgment for Plaintiffs against Defendants, in addition to the judgment herein awarded for attorney fees.

I conclude that a fee to the Special Referee in the sum of \$800.00 is fair and reasonable. The Court has spent a day in contested hearing of the case, and two days in review of the pre-trial brief, the pleadings, and, thereafter, in the consideration of the within Order.

Accordingly, it is

MRB

ORDERED that the deed from Ronnie F. Judy to J. Todd Judy dated and recorded February 7, 2007 in Book 5844 Page 224, Office of the Dorchester County Register of Deeds, be and the same is herein declared to be clearly and utterly void, and title to the lands described therein, more specifically set forth as parcels "A" and "B" in Exhibit "1" to this Order, are hereby vested and restored to the name of Ronnie F. Judy; and it is further

ORDERED that the deed from J. Todd Judy to Wanda B. Judy signed and recorded December 31, 2008 in Book 6902 Page 71, Office of the Dorchester County Register of Deeds, be and the same is hereby declared to be clearly and utterly void, and title to the lands described therein, more fully set forth as parcels "A" and "B" in Exhibit "1" to this Order, are hereby vested and restored to the name of Ronnie F. Judy; and it is further

ORDERED that the deed from Ronnie F. Judy to J. Todd Judy dated and filed November 1, 1998 in Book 2077 Page 96, Office of the Dorchester County Register of Deeds, be and the same is hereby declared to be clearly and utterly void, and the undivided one half interest in title to the lands described therein, subject to the Reformed Deed of Partition hereafter recited, are hereby vested and restored to the name of Ronnie F. Judy; and it is further

ORDERED that the deed heretofore issued by this Court dated November 15, 2004 and recorded November 17, 2004 in Book 4425 Page 221, Office of the Dorchester County Register of Deeds, conveying certain parcels described in Exhibit "1" to this Order as parcels "C", "D" and "E" be in the same is hereby Reformed, so as to the name as Grantee thereof the Defendant Ronnie F. Judy; and it is further

*MJB*

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF DORCHESTER )  
 )  
James T. Judy, Bobby Judy, )  
Kevin Judy. )  
Plaintiffs )  
 )  
vs. )  
 )  
Ronnie F. Judy, J. Todd Judy )  
Ryan Judy, Wanda Judy )  
Defendants. )  
\_\_\_\_\_ )

**IN THE COURT OF COMMON PLEAS**

CASE NO: 2007-CP-18-1794

**MOTION TO RECONSIDER**

Ronnie F. Judy, et al makes Motion for Reconsideration of the Order of the Honorable Martin R. Banks, dated December 16, 2011, received by me, Ronnie F. Judy on December 22, 2011.

Fact 1. The only tracts that should have been restored in my name are Parcels "A" & "B".

Fact 2. Parcels "C" through "J" were legally transferred by Attorney Gene Dukes on November 16, 1998. Creditors were not indebted until 2007 which is nine (9) years later.

Fact 3. Several of these parcels were partitioned by the Dorchester Master in Equity, Patrick R. Watts, and the Plaintiffs brought NO action at that time regarding ownership by J. Todd Judy.

Parcel C – Book 475 pg 323 TMS 104-00-00-065  
Parcel D – Book 4425 pg 221 – TMS 077-00-00-009  
Parcel F - Book 4813 pg 66 – TMS 057-00-00-107  
Parcel G – Book 4813 pg 66 – TMS 044-00-00-128

All transferred to Todd and Ryan Judy in 1998.

Fact 4. See S.C. Code of Law of S.C. SC 27-23-10

"A proceeding to set aside a deed upon the ground of fraud, where the party seeking so to do is in a position to institute an action for that purpose, must be commenced within six years from the time when the facts constituting the fraud are discovered by the aggrieved party." Walter J. Klein Co. v. Kneece (S.C.1962) 239 S.C. 478,123 S.E. 2d 870.

Fact 5. James T. Judy admitted in Court in July 2011 to knowing Ronnie had deeded property to sons, Todd and Ryan Judy on November 16, 1998.

Fact 6. On July 18, 2011, James T. Judy denied knowledge of trading partial D (River Front Property) for parcel C (Home Place). This was a lie. I demand perjury charges be brought against James Judy. (This information was blatantly discussed during a telephone call on January 8, 2009, noted on the Detailed Fee Transaction File List presented by Barr.)

Fact 7. According to the Detailed Fee Transaction File List, page 2, entry 01/08/2009, James Judy's Attorney Barr had a conference call with Ronnie and James Judy stating to Ronnie, "Give us a recordable deed to the 119 acres on the river and I'll get them to settle everything against you. That's the two appeals and the current case that we're going to hearing on January 20, 2011."

Fact 8. James T. Judy has wanted the Edisto River Property owned by Todd Judy (transferred to him in 1998) at the very beginning of these fabricated law suits by James Judy. This property is in the middle of James T. Judy's "White Bluff Hunting Club". I demand Perjury charges be brought against James T. Judy denying what was stated in Fact 7.

Fact 9. During the Hearing on July 18, 2011, 80% of the evidence and/or exhibits were denied by Judge Banks with no explanation. This action was detrimental to a potential appeal.

Fact 10. Ronnie F. Judy requested a jury trial regarding the July 18, 2011 Hearing but was denied by Judge Dickerson stating it was a Masters' in Equity Matter.

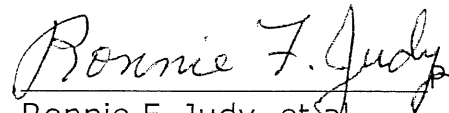
\* See Article 7 of the U.S. Constitution stating "in Suits at Common Law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law."

Fact 11. A bill was received by Ronnie Judy from Attorney Capers Barr for \$44,386.97. This was not included in the Order dated December 16, 2011 by Martin R. Banks. The amount ordered is \$7,800.00.

Fact 12. During the July 18, 2011 Hearing, Banks stepped down as Master-In-Equity and became "Special Referee". During the trial he accused Ronnie Judy of cursing in his court room. After consulting the Plaintiff's Attorney,



Barr, he was made aware Ronnie had not cursed. No apology was given to Ronnie Judy – An apology is requested.

  
Ronnie F. Judy, et al  
1872 Sandridge Road  
Dorchester, S. C. 29437  
(843)563-3630

December 28, 2011

Other Counsel of Record:

Attorney Capers Barr, III  
11 Broad Street  
P.O. Box 1037  
Charleston, S. C. 29402-1037  
(843)723-9039  
Attorney for Plaintiff

STATE OF SOUTH CAROLINA )

IN THE COURT OF COMMON PLEAS

COUNTY OF DORCHESTER )

CASE NO: 2007-CP-18-1794

James T. Judy, Bobby Judy, )  
Kevin Judy. )

**PROOF OF SERVICE**

Plaintiffs, )

vs. )

Ronnie F. Judy, J. Todd Judy )  
Ryan Judy, Wanda Judy )  
Defendants. )

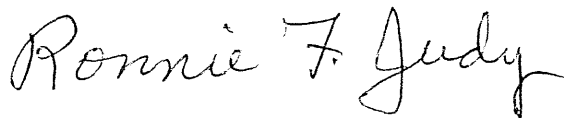
I, Ronnie F. Judy, Pro Se, certify I have served the herein **MOTION TO**

**RECONSIDER** in the aforementioned action on Capers G. Barr III, on

December 28, 2011 by causing a copy thereof to be mailed to him with the  
proper postage at the address indicated below.

Capers G. Barr III  
11 Broad Street  
Charleston, S. C. 29401

I further certify that all other parties required by rule have been served  
copies of the above mentioned matter.



Ronnie F. Judy, Pro Se  
1872 Sandridge Road  
Dorchester, S.C. 29437  
843-563-3630

Dated December 28, 2011

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF DORCHESTER	)	
	)	
	)	CASE NO: 2007-CP-18-1794
JAMES T. JUDY, BOBBY T. JUDY,	)	
and KEVIN JUDY,	)	EXECUTION AGAINST PROPERTY
Plaintiffs,	)	
	)	
vs.	)	
	)	
RONNIE F. JUDY, J. TODD JUDY,	)	
RYAN C. JUDY, and WANDA B. JUDY,	)	
	)	
Defendants.	)	
_____	)	

**TO: THE SHERIFF OF THE COUNTY OF DORCHESTER**

A Judgment was rendered on the 16<sup>th</sup> day of December, 2011 in the above-named action between the Plaintiffs, James T. Judy, Bobby Judy, and Kevin Judy and Defendant, J. Todd Judy, in favor of the said Plaintiffs against the said Defendant J. Todd Judy for the sum of Seven Thousand Eight Hundred Dollars (\$7,800.00), together with interest accruing thereon from and after, at the judgment rate of interest, as appears to us by the Order, filed on December 28<sup>th</sup>, 2011 in the office of the Clerk of the Court of Common Pleas, County of Dorchester

**WHEREAS**, the said judgment was docketed in your County on the 6<sup>th</sup> day of February, 2012, in the sum of Seven Thousand Eight Hundred Dollars (\$7,800.00), together with interest thereon accruing at the judgment rate of interest, and same is now actually due thereon.

**THEREFORE, WE RECOMMEND YOU**, that you satisfy the said judgment out of the personal property of the said judgment debtor within your County; or if sufficient personal property cannot be found, then out of the real property in your County belonging to such judgment debtor on the day when the said judgment was so docketed in your County, or at any time

"A proceeding to set aside a deed upon the ground of fraud, where the party seeking so to do is in a position to institute an action for that purpose, must be commenced within six years from the time when the facts constituting the fraud are discovered by the aggrieved party." Walter J. Klein Co. v. Kneece (S.C.1962) 239 S.C. 478,123 S.E. 2d 870.

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Fact 9. During the Hearing on July 18, 2011, 80% of the evidence and/or exhibits were denied by Judge Banks with no explanation. This action was detrimental to a potential appeal.

Fact 10. Ronnie F. Judy requested a jury trial regarding the July 18, 2011 Hearing but was denied by Judge Dickerson stating it was a Masters' in Equity Matter.

\* See Amendment VI of the U.S. Constitution stating, " In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed; which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

STATE OF SOUTH CAROLINA )  
)  
COUNTY OF DORCHESTER )  
)  
James T. Judy, Bobby Judy, )  
Kevin Judy. )  
Plaintiffs )  
)  
vs. )  
)  
Ronnie F. Judy, J. Todd Judy )  
Ryan Judy, Wanda Judy )  
Defendants. )  
\_\_\_\_\_ )

**IN THE COURT OF COMMON PLEAS**

CASE NO: 2007-CP-18-1794

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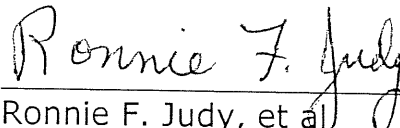
Fact 10. Ronnie F. Judy requested a jury trial regarding the July 18, 2011 Hearing but was denied by Judge Dickerson stating it was a Masters' in Equity Matter.

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Fact 11. A bill was received by Ronnie Judy from Attorney Capers Barr for \$44,386.97. This was not included in the Order dated December 16, 2011 by Martin R. Banks. The amount ordered is \$7,800.00.

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Barr, he was made aware Ronnie had not cursed. No apology was given to Ronnie Judy – An apology is requested.

 Pro Se  
Ronnie F. Judy, et al  
1872 Sandridge Road  
Dorchester, S. C. 29437  
(843)563-3630

December 28, 2011

Other Counsel of Record:

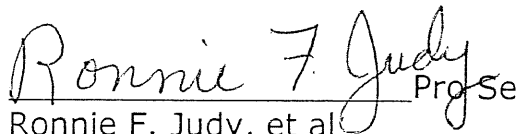
Attorney Capers Barr, III  
11 Broad Street  
P.O. Box 1037  
Charleston, S. C. 29402-1037  
(843)723-9039  
Attorney for Plaintiff

\* See Amendment VII of the U.S. Constitution stating, "in Suits at Common Law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law."

Fact 11. A bill was received by Ronnie Judy from Attorney Capers Barr for \$44,386.97. This was not included in the letter directing Attorney Barr to draft a proposed order in this case (see attached) dated August 5, 2011 by The Honorable Martin R . Banks. The amount ordered is \$7,800.00.

Fact 12. During the July 18, 2011 Hearing, Banks stepped down as Master-In-Equity and became "Special Referee". During the trial he accused Ronnie Judy of cursing in his court room. After consulting the Plaintiff's Attorney, Barr, he was made aware Ronnie had not cursed. No apology was given to Ronnie Judy – An apology is requested.

Fact 13. S.C. Civil Procedure Rule 53 states both parties must agree on appointment of a special referee pertaining to the above mentioned case. The Defendants were denied that right.

  
Ronnie F. Judy, et al  
1872 Sandridge Road  
Dorchester, S. C. 29437  
(843)563-3630

December 29, 2011

Other Counsel of Record:

Attorney Capers Barr, III  
11 Broad Street  
P.O. Box 1037  
Charleston, S. C. 29402-1037  
(843)723-9039  
Attorney for Plaintiff



TRANSMISSION VERIFICATION REPORT

TIME : 05/21/2013 11:19  
NAME :  
FAX : 8438320178  
TEL :  
SER.# : BROB7J610461

DATE, TIME	05/21 11:18
FAX NO./NAME	918438545541-1475
DURATION	00:00:56
PAGE(S)	05
RESULT	OK
MODE	STANDARD
	ECM

Gentlemen,

I am directing Mr. Barr to draft a proposed order in this case finding in favor of the Plaintiffs, (in addition to the standard jurisdictional, threshold and necessary factual findings) the following:

(Note that only one Defendant chose to testify, without calling any other witnesses. And, only that Defendant chose to cross examine, and most of what he offered into evidence were deeds and old case information, nothing at all to refute the detailed financial information offered by Plaintiffs. Therefore, many of the salient issues were totally uncontroverted; however, witnesses were challenged by Defendant Ronnie Judy but, for the most part, in areas that were, at best, of lesser importance to the issues that needed addressing in an affirmative defense.)

I find that this case can easily be divided into 2 distinct parts. The transfers of property in 2007 and Defendant Ronnie Judy's transfers of property in 1998.

The easier of the two decisions I must make to decide this case is that of the more recent conveyances. I find that the February 7, 2007 conveyance of Parcels A and B from Defendant Ronnie Judy to Defendant J. Todd Judy and the subsequent transfer of Parcels A and B to Defendant Wanda Judy were intended for the purpose of delaying, hindering or defrauding the Plaintiffs/creditors (as defined in § 27-23-10 & Am Jur 2<sup>nd</sup> Fraudulent Conveyances §108; and subsequent creditor in §139). And, that the Defendant(s) failed to retain sufficient property to pay his indebtedness to Plaintiffs/creditors, as the transfers stated consideration of \$5.00 love and affection (commonly indicating a gift). The stated consideration is not valuable consideration in this voluntary conveyance. Therefore, I find that all transfers of Parcels A and B are in violation of § 27-23-10 and utterly void and of no effect so that the title is hereby restored to Defendant Ronnie Judy and subject to attachment of the judgement(s) of the Plaintiff(s). These transfers were the last of Defendant Ronnie Judy's real property, which included his own home.

The more difficult question is...

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

JAMES T. JUDY, BOBBY JUDY,  
and KEVIN JUDY,

Plaintiffs,

vs.

RONNIE F. JUDY, J. TODD JUDY,  
RYAN C. JUDY, and WANDA B. JUDY,

Defendants.

) IN THE COURT OF COMMON PLEAS

) CASE NO: 2007-CP-18-1794

) **ORDER DENYING**  
) **MOTION FOR RECONSIDERATION**

CERTIFIED COPY  
2012 FEB -6 PM 2:40  
Clerk of Court  
DORCHESTER COUNTY

A hearing was held before me at the Calhoun County Courthouse on Monday, January 23, 2012, on the motion of Defendant Ronnie F. Judy to Reconsider the Court's Order filed December 28, 2011, or for a New Trial. Defendants Ronnie F. Judy, J. Todd Judy and Ryan C. Judy were present. Although the Defendants had appeared at trial, *pro se*, and the Motion for Reconsideration was filed by Ronnie F. Judy, *pro se*, at hearing the Defendants were represented by Craig S. Stanley of the Richland County Bar. The Plaintiffs James T. Judy and Kevin Judy appeared with their attorney, Capers G. Barr, III of the Charleston Bar.

The Court filed its Final Order in this case on December 28, 2011. On December 29, 2011, Defendant Ronnie F. Judy filed his *pro se* motion, styled "Motion to Reconsider and Request for New Trial", in which he enumerated eleven numbered "Facts", as grounds for the motion. (The "Facts" are numbered 1-4 and 6-12, with no number 5).

At hearing, Counsel for the Defendants argued the following grounds:

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issue he could have raised at trial. *Crary vs. Djebelli*, 321 S.C. 38, 467 S.E.2<sup>nd</sup> 128 (Ct.App. 1995)(Reversed on other grounds); *Hickman vs. Hickman*, 301 S.C. 455, 392 S.E.2<sup>nd</sup> 481 (1990); *Gartside vs. Gartside*, 383 S.C. 35, 677 S.E.2<sup>nd</sup> 621 (Ct.App. 2009). For this reason alone the motion, except as it relates to attorney fees, should be denied.

However, in order to more specifically address Defendants' arguments I will discuss them in the order presented:

1. Plaintiff, James T. Judy should be dismissed from the case because he no longer holds a valid judgment.

Although the argument is factually correct, it avails the Defendants nothing. As noted by the Court in its order on the merits, there is no challenge by Defendants to the judgment held by Plaintiffs Bobby and Kevin Judy. The essence of the Court's ruling is to restore land title to the Defendant Ronnie T. Judy. Whether James Judy holds a current judgment would have no bearing on that ruling.

As for the award of fees and costs, that ruling is in favor of Plaintiffs, jointly and severally, so that payment to one would become payment to all.

The ground as argued was not stated in the written motion and is therefore not preserved. In any event the Court's order speaks as of the date of hearing and should not be affected by events occurring after that time.

Accordingly, the motion on this ground is denied.

2. Plaintiffs' claims are barred by *Res Judicata*.

*Res judicata* was not pled as an affirmative defense in the answer of the Defendants and is thereby waived. Certain legal defenses must be affirmatively pled, or they are waived. Included as affirmative legal defenses in this category are *Laches*, the

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Statute of Limitations, and *Res Judicata*, Rule 8(c), South Carolina Rules of Civil Procedure; *Madren vs. Bradford*, 378 S.C. 187, 661 S.E.2<sup>nd</sup> 390 (Ct.App. 2008); *Strickland vs. Strickland*, 375 S.C. 76, 65 S.E.2<sup>nd</sup> 465 (2007); *Costa & Sons Construction Co. vs. Long*, 306 S.C. 465, 412 S.E.2<sup>nd</sup> 450 (Ct.App. 1990).

Neither was *res judicata* a ground stated in Defendants' written Motion for Reconsideration, so that the issue is not preserved on that basis, as well.

Finally, the record before me is not sufficient to address the defense, even had it been properly pled.

The motion on this ground is denied.

3. The partition deeds should be reformed.

This ground was not stated in the written Motion for Reconsideration, and is not preserved. Moreover, Defendants cite no legal authority or factual basis for their argument. The result argued by Defendants would operate to deny the rights of innocent third-parties who were formerly joint tenants in the partition cases.

The motion on this ground is denied.

4. Plaintiffs' claims are barred by failure to procure a return from the Sheriff, Nulla Bona.

As with several of the other arguments, this ground was neither argued at trial nor stated in the written motion of Defendant for reconsideration and is not preserved. Moreover, the case relied upon by Defendants is no longer good law.

When South Carolina adopted new pleading rules in 1985, now known as the South Carolina Rules of Civil Procedure, Rule 18(d) was adopted to include the following language: "In particular, a Plaintiff may state a claim for money and a claim to

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have set aside a conveyance fraudulent as to him, without first having obtained a judgment establishing the claim for money.” The addition of this language in the Rule operated to abrogate prior holdings that a *nulla bona* return from the Sheriff was a condition precedent to filing a fraudulent conveyance action.

The Rule modified prior procedure in South Carolina and effectively reversed the holding of *Klein Co. vs Kneece, et al., supra*, cited by Defendants. The prior rule that a *nulla bona* return is a prerequisite to bring a fraudulent conveyance action is no longer the law in South Carolina. *Lebovitz vs. Mudd*, 293 S.C. 49, 58 S.E.2<sup>nd</sup> 698 (1987).

The motion on this ground is denied.

5. Because there was no evidence of actual moral fraud, so much of the Court’s order setting aside the 1998 conveyances should be vacated.

The motion on this ground is denied. The Court’s order adequately sets forth the legal and factual basis for setting aside the 1998 conveyances, and the Court reiterates its finding and conclusion that Defendant Ronnie F. Judy committed actual moral fraud by conveying lands to his sons for the specific purpose of removing the lands from execution on a civil judgment.

6. Plaintiffs’ claims are barred by the doctrine of *Laches*.

This argument was neither argued at trial nor stated in the written motion before me and is thereby not preserved. Moreover, *laches* is an affirmative defense that, like *res judicata*, must be affirmatively pled and proved or it is waived.. Because it was neither plead nor proved it is waived. See the authorities cited under paragraph 2 of this Order.

The motion on this ground is denied.

ms

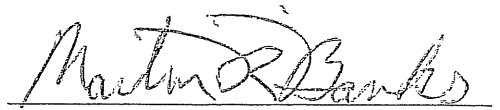
7. The award of attorneys fees should be set aside.

The motion on this ground is denied. The Court's order adequately sets forth the findings of fact and conclusions of law to support the award of attorneys fees in the case.

Because Defendants did not argue the other matters stated in their written motion, although invited to do so, I find and conclude that those matters are abandoned as bases for a reconsideration of the Order filed December 28, 2011.

On January 19, 2012 the Court heard by telephone and denied the verbal motion of Defendant Ronnie Judy to continue the motion hearing decided by this Order. I have signed and submitted for filing a separate Order denying the Continuance. The Defendant Ronnie F. Judy shall forthwith remit to the Clerk of Court for Dorchester County the requisite \$25.00 filing fee for the Continuance Motion and Order.

AND IT IS SO ORDERED.

  
Martin R. Banks, Special Referee and  
Master-in-Equity for Calhoun County

St. Matthews, South Carolina  
January 31, 2012

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

JAMES T. JUDY, BOBBY JUDY,  
and KEVIN JUDY,

Plaintiffs,

vs.

RONNIE F. JUDY, J. TODD JUDY,  
RYAN C. JUDY, and WANDA B. JUDY,

Defendants.

) IN THE COURT OF COMMON PLEAS

) CASE NO: 2007-CP-18-1794

**ORDER**

A telephonic hearing was held before me on Thursday, January 19, 2012, on the motion of Defendant Ronnie Judy to continue the hearing on his Motion to Reconsider and Request for New Trial, from this Court's Order filed on December 28<sup>th</sup>, 2011. Capers G. Barr, III appeared for Plaintiffs and Eric C. Hale appeared for Defendant Ronnie F. Judy.

The request for continuance by Ronnie Judy was made by e-mail from attorney Hale. Mr. Hale reported that he had been contacted by Ronnie Judy on January 17, 2012, to represent him in the hearing on Ronnie Judy's motion, which is scheduled to be heard before this Court on Monday, January 23, 2012 at 9:30 a. m. Mr. Hale has several motions pending in Florence County for that same date, which present him with a scheduling conflict.

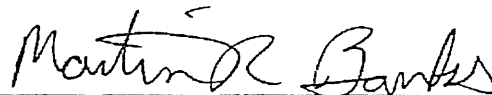
The Court filed its Order herein on December 28, 2011. On December 29, 2011, the Defendant Ronnie Judy filed a motion, *pro se*, to Reconsider and for a New Trial. On January 6, 2012, the attorney for Plaintiffs scheduled a hearing before this Court for January 23, 2012, and on that same date, January 6, 2012, the Defendants Ronnie Judy,

ARB

Wanda Judy, Todd Judy and Ryan Judy were provided with notice of the hearing, as appears by the Certificate of Service filed with the Clerk of Court.

Accordingly, it appears that the Defendants have had notice of the scheduled hearing herein since at least January 9, 2012. Moreover, the Court takes notice that the Defendant Ronnie Judy is not unfamiliar with court proceedings, and no explanation has been made for his delay in seeking counsel. Therefore in the circumstances, and because of the time critical nature of the pending issues, the request for continuance is denied.

AND IT IS SO ORDERED.

A handwritten signature in black ink, reading "Martin R. Banks". The signature is fluid and cursive, with the first name "Martin" and last name "Banks" clearly legible. The middle initial "R." is written in a smaller, more compact script.

Martin R. Banks, Special Referee and  
Master-in-Equity for Calhoun County

St. Matthews, South Carolina  
January 19, 2012



BARR, UNGER AND McINTOSH, L.L.C.

ATTORNEYS AT LAW

11 BROAD STREET

P. O. Box 1037

CHARLESTON, SOUTH CAROLINA 29402-1037

CAPERS G. BARR, III  
H. WAYNE UNGER, JR.  
WILLIAM S. BARR  
H. THOMAS McINTOSH, JR.  
ADAM E. BARR  
CAPERS G. BARR, IV  
W. SIAU BARR, JR.

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EDISTO ISLAND OFFICE

808 OYSTER PARK

EDISTO ISLAND, SC 29438

TELEPHONE 843-869-2389

FAX 843-869-0110

October 19, 2011

(By Federal Express and E-Mail)

Honorable Martin R. Banks  
Master In Equity for Calhoun County  
P.O. Box 243  
St. Matthews, SC 29135

Re: *James T. Judy, et al v. Ronnie F. Judy, et al*  
Case No. 2007-CP-18-1794; Our File No. 2007-1341

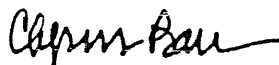
Dear Judge Banks:

In my mailing to you yesterday, I neglected to enclose the Attorney Fee Affidavit that has been filed with the Dorchester County Clerk of Court.

A copy of the Affidavit is enclosed. I am also providing a copy to the opposing parties, although they were provided with a copy when it was first filed.

Thank you for your attention and with best regards,

Sincerely yours,



Capers G. Barr, III

CGBIII/meg

Enclosures (as stated)

cc: James T. Judy (w/enclosure)  
Bobby T. Judy (w/enclosure)  
Kevin Judy (w/enclosure)  
Ronnie F. Judy (w/enclosure)  
Wanda B. Judy (w/enclosure)  
J. Todd Judy (w/enclosure)  
Ryan C. Judy (w/enclosure)

STATE OF SOUTH CAROLINA  
COUNTY OF DORCHESTER  
FILED COPY IN THE COURT OF COMMON PLEAS  
SEP 27 AM 9 28 CASE NO: 2007-CP-18-1794

JAMES T. JUDY, BOBBY JUDY,  
and KEVIN JUDY,

Plaintiffs,

vs.

RONNIE F. JUDY, J. TODD JUDY,  
RYAN C. JUDY, and WANDA B. JUDY,

Defendants.

AFFIDAVIT IN SUPPORT OF  
ATTORNEY FEES

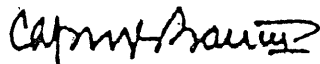
Personally appears before Capers G. Barr, III who, being duly sworn, states as follows:

1. Affiant was admitted to the practice of law in South Carolina in the State and U. S. District Courts in 1966. He was admitted to practice before the Fourth Circuit Court of Appeals and the U. S. Supreme Court in 1985.
2. Affiant served in the United States Army from 1966 to 1968, and has been engaged in the full time practice of law in South Carolina Civil and Criminal Trial Courts since January 1969.
3. Affiant served as assistant solicitor from 1970 to 1976, was elected Solicitor for the Ninth Judicial Circuit in November 1976, and served in that capacity from January 1977 until January 1981.
4. Affiant is rated by Martindale Hubble as "a-v", which is its highest rating.
5. Affiant was inducted as a Fellow in the American College of Trial Lawyers in 2005.
6. Affiant's regular hourly rate ranges from \$250.00 to \$300.00 per hour.

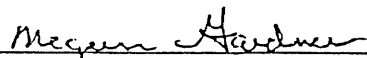
7. Affiant has represented James T. Judy and Bobby Judy, Plaintiffs herein, since 2005. His hourly fee rate charged to the Messrs. Judy, and paid by them, is \$250.00 per hour. For the trial of the within case, beginning with Plaintiffs' filing of their Complaint in September of 2007, affiant and his support staff have expended a total of 210.6 billable hours in the case and have been paid the sum of \$38,465.50 in fees and \$5,973.49 in costs, as will appear by reference to the time and billing statements attached as Exhibit "A".

8. This Affidavit is given for the purpose of obtaining an order of the Court granting attorneys fees and costs herein.

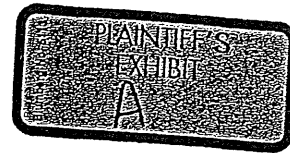
BARR, UNGER & MCINTOSH

  
Capers G. Barr, III

Subscribed and sworn to before me  
This 23<sup>rd</sup> day of September, 2011

  
NOTARY PUBLIC for South Carolina  
My Commission Expires: April 25, 2021

Date: 09/15/2011

Detail Fee Transaction File List  
Barr, Unger & McIntosh, LLC

Page: 1

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours Worked	Hours to Bill	Amount	Ref #
Client ID 20071341.00 James T. Judy									
20071341.00	09/11/2007		1 A	1	250.00			0.00 Telephone call with client re case status;	ARCH
20071341.00	09/21/2007		1 A	1	250.00	0.50	0.50	125.00 Review title abstract and case research for fraudulent conveyance case; opened new file;	ARCH
20071341.00	09/24/2007		1 A	1	250.00	3.75	3.75	937.50 Work on fraudulent conveyance case: studied title abstract, research, begin drafting;	ARCH
20071341.00	09/25/2007	19 A		1	85.00	1.20	1.20	102.00 PARALEGAL: Prepare Exhibits for Complaint; prepare Summons, Lis Pendens;	ARCH
20071341.00	09/25/2007		1 A	1	250.00	5.00	5.00	1250.00 Drafted Complaint for fraudulent conveyance action;	ARCH
20071341.00	09/26/2007	19 A		1	85.00	1.60	1.60	136.00 PARALEGAL: Prepare Exhibit 1 to Complaint, Lis Pendens; prepare letter to Clerk of Court filing case, clients; telephone call to Dorchester County Register Office; prepare, copy, assemble documents for filing;	ARCH
20071341.00	09/26/2007		1 A	1	250.00	1.00	1.00	250.00 Finalized pleadings; signed/sealed letter to Clerk for filing; cost advance;	ARCH
20071341.00	09/28/2007	19 A		1	85.00	1.40	1.40	119.00 PARALEGAL: Letter to Sheriff of Dorchester County to serve documents on Defendants; research addresses for Defendants; telephone calls to Sheriff's office re fee; update Pleadings file, correspondence file;	ARCH
20071341.00	10/10/2007	19 A		1	85.00	0.40	0.40	34.00 PARALEGAL: Letter to Court Clerk to file Affidavits of Service for Summons, Complaint; re-sent packet to Bobby Judy at corrected address;	ARCH
20071341.00	10/11/2007	19 A		1	85.00	0.20	0.20	17.00 PARALEGAL: Update pleadings file;	ARCH
20071341.00	10/16/2007	19 A		1	85.00	0.10	0.10	8.50 PARALEGAL: Update pleadings file;	ARCH
20071341.00	11/28/2007		1 A	1	250.00	0.50	0.50	125.00 Preparation of Reply; preparation of Interrogatories and Requests to Produce; letter to Defendants;	ARCH
20071341.00	11/29/2007	19 A		1	85.00	0.90		0.00 PARALEGAL: Prepare discovery requests; revise and complete same; compile packet for service on defendants;	ARCH
20071341.00	11/30/2007	19 A		1	85.00	0.60		0.00 PARALEGAL: Prepare letter to Clerk of Court to file Reply to Plaintiffs; prepare copies, etc. for inclusion with filing; update Pleadings file; create Discovery file and update;	ARCH
20071341.00	12/03/2007	19 A		1	85.00	0.50		0.00 PARALEGAL: Telephone call with Jim Judy re correct Todd Judy address; correct records; research file for correct "Fairway Court" address; resend correspondence from last week to him at corrected address; revise Affidavit of service; prepare letter to Clerk enclosing amended Affidavit of Service for filing; (Fraudulent conveyance case) Receive and review fax from attorney Witherspoon; telephone conference with her; telephone conference with client;	ARCH
20071341.00	01/03/2008		1 A	1	250.00	0.50	0.50	125.00 PARALEGAL: Telephone calls with Clerk in Dorchester County to arrange for deposition space; prepare Subpoena for Ronnie's deposition;	ARCH
20071341.00	09/10/2008	19 A		1	85.00	1.10	1.10	93.50 PARALEGAL: Continue working on Notices of Depositions; arrange for personal service; t/c w/Sheriff's office re service; draft letter to Sheriff; arrange for court reporter; t/c to client re scheduled depositions, pre-deposition conference;	ARCH
20071341.00	09/11/2008	19 A		1	85.00	1.00	1.00	85.00 PARALEGAL: Contact Sheriff's office to find out status of service of process;	ARCH
20071341.00	09/18/2008	19 A		1	85.00	0.10	0.10	8.50	ARCH

JAG

Thursday 09/15/2011 12:00 pm

Client	Trans Date	Tmkr	H Trcode/ P Task Code	Rate	Hours Worked	Hours to Bill	Amount	Ref #
Client ID 20071341.00 James T. Judy								
20071341.00	09/19/2008	19 A	1	85.00	0.20	0.20	17.00 PARALEGAL: Telephone call to Sheriff re service of depo subpoenas;	ARCH
20071341.00	09/25/2008	19 A	1	85.00	0.10	0.10	8.50 PARALEGAL: Telephone call with Peggy at Sheriff's office re service of deposition subpoenas; phone call to Jimmy re status of same;	ARCH
20071341.00	09/29/2008	1 A	1	250.00	1.50	1.50	375.00 Review title documents to prepare for depositions;	ARCH
20071341.00	09/30/2008	1 A	1	250.00	5.50	5.50	1375.00 Depositions of Todd and Ryan Judy in Grand Jury Room, Dorchester County Courthouse;	ARCH
20071341.00	10/03/2008	19 A	1	85.00	0.10	0.10	8.50 PARALEGAL: Arrange for Grand Jury Room, date for Ronnie's depo;	ARCH
20071341.00	10/07/2008	19 A	1	85.00	0.50	0.50	42.50 PARALEGAL: Prepare Amended Notice of Deposition, Subpoena, letter to Sheriff, check request; calendar same for followup;	ARCH
20071341.00	10/08/2008	19 A	1	85.00	0.60	0.60	51.00 PARALEGAL: Draft letter to Jimmy enclosing documents to be served on Ronnie, and Affidavit of Service; prepare Affidavit of Service;	ARCH
20071341.00	10/08/2008	19 A	1	85.00	0.40	0.40	34.00 PARALEGAL: Draft letter to Ronnie enclosing deposition Notice, Subpoena;	ARCH
20071341.00	10/08/2008	1 A	1	250.00			0.00 Telephone conference with Jimmy re serving Ronnie; he'll get someone to do it;	ARCH
20071341.00	10/28/2008	1 A	1	250.00	4.00	4.00	1000.00 Preparation for Ronnie's deposition; assembled documents; research;	ARCH
20071341.00	10/29/2008	1 A	1	250.00	4.00	4.00	1000.00 Deposition of Ronnie @ Courthouse, St. George; visited sites and took photographs;	ARCH
20071341.00	12/03/2008	1 A	1	250.00	1.00	1.00	120.98 Research fraudulent conveyance as equitable action;	ARCH
20071341.00	12/04/2008	1 A	1	250.00	3.50	3.50	423.43 Begin trial preparation; research; review Ronnie's deposition;	ARCH
20071341.00	12/08/2008	1 A	1	250.00			0.00 No charge. Review of court roster and telephone conference with Meherin Fertilizer attorney;	ARCH
20071341.00	12/09/2008	1 A	1	250.00	6.25	6.25	756.12 Trial preparation;	ARCH
20071341.00	12/10/2008	1 A	1	250.00	4.00	4.00	483.92 Begin drafting trial brief;	ARCH
20071341.00	12/11/2008	1 A	1	250.00	2.00	2.00	241.96 Continued preparation of Pretrial Memo;	ARCH
20071341.00	12/12/2008	1 A	1	250.00	4.00	4.00	483.92 Finalized Trial Brief and organized for trial;	ARCH
20071341.00	12/15/2008	1 A	1	250.00	4.00	4.00	483.92 Appearance at roster meeting with client; prepare motions; telephone conference with client re subpoenas;	ARCH
20071341.00	12/16/2008	1 A	1	250.00	1.50	1.50	181.47 Prepared Motion for Summary Judgment; for Reference; prepared Subpoenas;	ARCH
20071341.00	12/23/2008	1 A	1	250.00	0.50	0.50	60.48 Receive and review responses to Subpoenas;	ARCH
20071341.00	01/08/2009	1 A	1	250.00	0.50	0.50	60.49 Telephone conferences with Ronnie, Jimmy, Ronnie (#2); I told Ronnie: "Give us a recordable deed to the 119 acres on the river and I'll get them to settle everything against you. That's the two appeals and the current case that we're going to hearing on on January 20."	ARCH
20071341.00	01/19/2009	1 A	1	250.00	2.50	2.50	302.45 Preparation for hearing tomorrow;	ARCH
20071341.00	01/20/2009	1 A	1	250.00	4.00	4.00	483.92 Appearance with client in St. George for motion hearing;	ARCH
20071341.00	03/10/2009	1 A	1	250.00	2.00	2.00	241.96 Prepare Amended Complaint, Motion to Amend;	ARCH
20071341.00	03/11/2009	1 A	1	250.00	1.00	1.00	120.98 Edited Motion to Amend and Amended Complaint;	ARCH
20071341.00	04/07/2009	1 A	1	250.00	2.00	2.00	500.00 Studied titles and begin charting the conveyances;	ARCH
20071341.00	04/09/2009	1 A	1	250.00	4.50	4.50	1125.00 Appearance with client at motion	ARCH

Client	Trans Date	Tmkr	H P	Task Code	Rate	Hours Worked	Hours to Bill	Amount	Ref #
Client ID 20071341.00 James T. Judy									
20071341.00	06/15/2009	19	A	1	85.00	0.40	0.40	34.00 hearing to amend complaint before Judge Goodstein; conference with client; preparation of proposed Order; PARALEGAL: Compare signed Order with submitted Order for changes; draft letter to Clerk enclosing signed Order for filing; prepare Court Coversheet; draft revisions to Clerk's letter;	ARCH
20071341.00	06/15/2009	19	A	1	85.00	0.10	0.10	8.50 Complete mailing re Order sent to Clerk;	ARCH
20071341.00	06/16/2009	19	A	1	85.00	0.10	0.10	8.50 Update file; calendar followup date for return of clocked Order; filing; scan letter to Clerk;	ARCH
20071341.00	06/18/2009	19	A	1	85.00	0.30	0.30	25.50 Rerun Amended Summons, Restated Lis Pendens, Amended Complaint; type letter to Clerk; t/c to court to find out if fees are due;	ARCH
20071341.00	06/19/2009	19	A	1	85.00	0.80	0.80	68.00 Another telephone call to Dorchester County Court re fees; complete letter to same; complete letter to Clerk; draft Court Coversheet; copy, scan, mail foregoing;	ARCH
20071341.00	06/22/2009	19	A	1	85.00	0.20	0.20	17.00 Update Pleadings file;	ARCH
20071341.00	06/23/2009	19	A	1	85.00	1.00	1.00	85.00 PARALEGAL: Draft letters for service of Amended Summons, Amended Complaint, Lis Pendens on Defendants; assemble;	ARCH
20071341.00	06/23/2009	19	A	1	85.00	0.40	0.40	34.00 Prepare certified, return receipt cards, complete mailings to serve defendants;	ARCH
20071341.00	06/25/2009	19	A	1	85.00	0.40	0.40	34.00 PARALEGAL: Revise Motion to Consolidate; draft letter to J. Kennedy enclosing signed Motion;	ARCH
20071341.00	06/29/2009	19	A	1	85.00	0.20	0.20	17.00 T/c's w/Jimmy re Ronnie's call to us re "dirt" and dumping things into Edisto River; memo to CGB;	ARCH
20071341.00	07/07/2009	19	A	1	85.00	0.40	0.40	34.00 T/c to Jimmy to inform him of hearing on Motion to Consolidate;	ARCH
20071341.00	07/09/2009	1	A	1	250.00	4.00	4.00	1000.00 Appearance at motion hearing; visited River Road re new issue;	ARCH
20071341.00	07/10/2009	19	A	1	85.00	0.70	0.70	59.50 PARALEGAL: Draft letter to J. Kennedy enclosing Amended Complaint; scan, e-mail;	ARCH
20071341.00	07/14/2009	19	A	1	85.00	0.70	0.70	59.50 PARALEGAL: Research address, cost, etc. of service; draft letter to Sheriff to serve Ronnie, Wanda w/Amended Complaint, etc.;	ARCH
20071341.00	07/27/2009	19	A	1	85.00	0.10	0.10	8.50 T/c to Sheriff's office re status of service of process;	ARCH
20071341.00	07/30/2009	19	A	1	85.00	0.30	0.30	25.50 PARALEGAL: Draft letter to Clerk filing Affidavits of Service of Wanda, Ronnie; gather, copy documents;	ARCH
20071341.00	08/10/2009	1	A	1	250.00	0.25	0.25	62.50 Telephone call with Jimmy;	ARCH
20071341.00	08/26/2009	19	A	1	85.00	0.20	0.20	17.00 PARALEGAL: Draft letter to clients enclosing Answer;	ARCH
20071341.00	09/28/2009	1	A	1	250.00	1.50	1.50	375.00 Telephone conference with Jimmy; prepare for Wanda's deposition;	ARCH
20071341.00	09/29/2009	1	A	1	250.00	2.00	2.00	500.00 Deposed Wanda Judy in St. George;	ARCH
20071341.00	10/06/2009	19	A	1	85.00	0.30	0.30	25.50 PARALEGAL: Prepare deposition notice, subpoena for Todd Judy deposition on 10/21; confirm w/James Judy;	ARCH
20071341.00	10/20/2009	1	A	1	250.00	1.00	1.00	250.00 Preparation for deposition tomorrow;	ARCH
20071341.00	10/21/2009	1	A	1	250.00	2.50	2.50	625.00 Deposition of Todd in St. George;	ARCH
20071341.00	11/16/2009	1	A	1	250.00			0.00 Receive and review letter from court re 11/30 trial date; telephone conference with client; letter to court; n/c	ARCH
20071341.00	11/17/2009	19	A	1	85.00	0.80	0.80	68.00 PARALEGAL: Draft Subpoenas Duces Tecum, Request to Produce tax returns, Exhibit A to SDT;	ARCH
20071341.00	12/03/2009	1	A	1	250.00	0.75	0.75	187.50 Telephone conference with Jim Bell to	ARCH

Detail Fee Transaction File List  
Barr, Unger & McIntosh, LLC

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours Worked	Hours to Bill	Amount	Ref #	
Client ID 20071341.00 James T. Judy										
								use his office for document production; telephone conference with Jimmy re documents to subpoena; transmitted subpoenas to defendants;		
20071341.00	12/09/2009	19	A	1	85.00	0.80	0.80	68.00	PARALEGAL: Follow up w/discovery, draft subpoenas to auctions; t/c to Godley Auction;	ARCH
20071341.00	12/10/2009	19	A	1	85.00	0.50	0.50	42.50	PARALEGAL: Telephone call with Johnny Godley to get information for subpoena; memo to CGB; revise subpoena, draft cover letter; revise subpoena to Block Auction, draft cover letter;	ARCH
20071341.00	01/08/2010	1	A	1	250.00	1.00	1.00	250.00	Letter to Todd re complying with subpoena; telephone conferences with Jimmy re case strategy;	ARCH
20071341.00	01/12/2010	19	A	1	85.00			0.00		ARCH
20071341.00	01/12/2010	19	A	1	85.00	0.30	0.30	25.50	Memo to Siau re possible coverage of subpoenaed documents in Jim Bell's office; t/c to Jim Bell to remind of use of office Thursday; review e-mails from Siau, C-4; forward to CGB; create new subfile in matter;	ARCH
20071341.00	01/12/2010	19	A	1	85.00	1.30	1.30	110.50	PARALEGAL: Review e-mail from Dorchester Clerk; review Case Status List for Judy; review calendar; check online roster - not published for March; respond to Dorchester Clerk; t/c to Jim Judy re schedule, ignored subpoenas, dog food companies; memos to CGB re status; update Case Status List; additional e-mails with Clerk of Court; t/c to Johnny Godley re subpoenaed documents; t/c w/Miss Lou at Blocker Auction re subpoenaed documents; memo to CGB re status; t/c w/Jim Judy re additional subpoenas; update Case Status List for Judy; memo to CGB re details of t/c w/Jim;	ARCH
20071341.00	01/14/2010	19	A	1	85.00	0.50	0.50	42.50	PARALEGAL: Draft subpoena to Orangeburg Milling;	ARCH
20071341.00	01/14/2010	1	A	1	250.00	5.00	5.00	1250.00	Appearance in St. George to receive subpoenaed documents; conference with client;	ARCH
20071341.00	01/15/2010	19	A	1	85.00	0.30	0.30	25.50	Complete mailing from yesterday; revise subpoena;	ARCH
20071341.00	01/25/2010	19	A	1	85.00	0.90	0.90	76.50	PARALEGAL: Draft letter to Clerk filing Motion to Compel; prepare Motion Coversheet; request check; gather and assemble exhibits;	ARCH
20071341.00	01/25/2010	19	A	1	85.00	1.10	1.10	93.50	Contact Clerk re scheduling Motion to Compel, inform of case status; type Motion to Compel; T/M save FSA documents forwarded by Jake Kennedy;	ARCH
20071341.00	01/25/2010	1	A	1	250.00	1.00	1.00	250.00	Prepare Motion to Compel; telephone conference with attorney J. Kennedy re documents from Meherrin case, e-mail followup;	ARCH
20071341.00	01/26/2010	19	A	1	85.00	1.00	1.00	85.00	Complete mailing related to Motion to Compel; scan and save related documents; update pleadings file; create subfile; review, respond to e-mail from Scheduling Clerk; review e-mail from client; print and TM save insurance policy;	ARCH
20071341.00	01/28/2010	19	A	1	85.00	0.30	0.30	25.50	T/c w/client re Meherrin documents; memo to CGB; e-mail to J. Kennedy re same; update Case Status List; e-mail scheduling clerk to schedule hearing on	ARCH

Detail Fee Transaction File List  
Barr, Unger & McIntosh, LLC

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours Worked	Hours to Bill	Amount	Ref #
Client ID 20071341.00 James T. Judy									
20071341.00	02/01/2010	1	A	1	250.00	0.10	0.10	25.00 motion to compel; Review status of scheduling hearing on motion to compel;	ARCH
20071341.00	02/01/2010	1	A	1	250.00	0.25	0.25	62.50 Telephone conference with client re crop reports;	ARCH
20071341.00	02/02/2010	1	A	1	250.00	0.25	0.25	62.50 Follow up requests to attorney J. Kennedy;	ARCH
20071341.00	02/03/2010	19	A	1	85.00	0.10	0.10	8.50 E-mails to/from Scheduling Clerk, C. Ayer, re scheduling motion hearing;	ARCH
20071341.00	02/04/2010	19	A	1	85.00	0.30	0.30	25.50 Visit Dorchester County website for trial dates;	ARCH
20071341.00	02/04/2010	19	A	1	85.00	0.50	0.50	42.50 PARALEGAL: Draft Notice of Hearing; draft letter to defendants; draft letter to Clerk of Court;	ARCH
20071341.00	02/05/2010	19	A	1	85.00	0.10	0.10	8.50 Update Pleadings Index;	ARCH
20071341.00	02/11/2010	19	A	1	85.00	0.30	0.30	25.50 Update pleadings file;	ARCH
20071341.00	02/17/2010	19	A	1	85.00	0.70	0.70	59.50 T/c to client to remind him of Thursday's hearing; t/c w/client re subpoenaed documents; fax Godley, Blocker responses to client; type Order from today's hearing; review and respond to e-mails w/Clerk of Court;	ARCH
20071341.00	02/18/2010	1	A	1	250.00	4.00	4.00	1000.00 Appearance at motion to compel hearing; drafted Order;	ARCH
20071341.00	02/19/2010	19	A	1	85.00	0.70	0.70	59.50 Type letter to Judge Goodstein; complete mailing;	ARCH
20071341.00	02/23/2010	1	A	1	250.00	1.00	1.00	250.00 Receive and review discovery from Ronnie; telephone conference with client (today Ronnie claims to have fallen down BUM office stairs);	ARCH
20071341.00	02/25/2010	19	A	1	85.00	0.10	0.10	8.50 PARALEGAL: Draft letter to client enclosing discovery documents;	ARCH
20071341.00	02/25/2010	19	A	1	85.00	0.60	0.60	51.00 T/c w/Jim Judy; schedule meeting with C-3, C-4; t/c w/C-4, confer w/C-3; copy documents for mailing to client; complete mailing; create subfile;	ARCH
20071341.00	03/01/2010	19	A	1	85.00	0.80	0.80	52.31 PARALEGAL: Draft Subpoena to B. Dantzler; draft letter to B. Dantzler; revise;	ARCH
20071341.00	03/01/2010	19	A	1	85.00	0.30	0.30	25.50 Search for Dantzler address; tax returns already produced; t/c w/client re tax returns;	ARCH
20071341.00	03/01/2010	1	A	1	250.00	0.25	0.25	48.08 Review and sign subpoena to tax preparer;	ARCH
20071341.00	03/02/2010	19	A	1	85.00	0.50	0.50	42.50 Review fax from client; t/c's with client; research file for Dempsey production;	ARCH
20071341.00	03/03/2010	19	A	1	85.00	0.30	0.30	25.50 Update discovery file; telephone conversation w/client re Ronnie; memo to CGB;	ARCH
20071341.00	03/04/2010	19	A	1	85.00	0.30	0.30	25.50 T/c to Dantzler re address; revise subpoena, cover letter; complete mailing; copy, scan, TM save;	ARCH
20071341.00	03/12/2010	19	A	1	85.00	0.30	0.30	19.62 PARALEGAL: Draft letter to Clerk enclosing Order to Compel for filing;	ARCH
20071341.00	03/16/2010	1	A	1	250.00	1.00	1.00	192.32 Work on trial prep; receive and review tax returns from accountant;	ARCH
20071341.00	03/17/2010	19	A	1	85.00	0.20	0.20	17.00 T/c to accountant B. Dantzler; update Case Status List;	ARCH
20071341.00	03/18/2010	19	A	1	85.00	1.20	1.20	102.00 Type Renewed Motion; type letter to Judge Goodstein; scan, copy, package, mail;	ARCH
20071341.00	03/18/2010	19	A	1	85.00	0.30	0.30	19.62 PARALEGAL: Draft letter to Clerk; draft letter to Defendants;	ARCH
20071341.00	03/18/2010	1	A	1	250.00	1.00	1.00	192.32 Prepared and transmitted Motion for Non-jury Trial;	ARCH
20071341.00	03/19/2010	7	A	1		0.50	0.50	0.00 Typed letter to Judys regarding hearing.	ARCH
20071341.00	03/22/2010	19	A	1	85.00	0.20	0.20	17.00 Check court roster for case status; confer w/CGB;	ARCH
20071341.00	03/22/2010	19	A	1	85.00	2.60	2.60	221.00 Trip to Dorchester County Court;	ARCH



Detail Fee Transaction File List  
Barr, Unger & McIntosh, LLC

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours Worked	Hours to Bill	Amount	Ref #
Client ID 20071341.00 James T. Judy									
20071341.00	03/23/2010	19	A	1	85.00	0.60	0.60	51.00 Complete scan, T/M save from Monday; review file; update Case Status List; update Pleadings file; t/c to client to schedule meeting w/CGB;	ARCH
20071341.00	03/23/2010	19	A	1	85.00	0.50	0.50	32.69 PARALEGAL: Review Meherrin documents for relevance to trial;	ARCH
20071341.00	03/24/2010	19	A	1	85.00	0.10	0.10	6.54 PARALEGAL: Contact J. Kennedy re 2005 USDA reports in Meherrin;	ARCH
20071341.00	03/24/2010	19	A	1	85.00	0.20	0.20	17.00 Copy tax returns for client;	ARCH
20071341.00	03/25/2010	19	A	1	85.00	0.30	0.30	25.50 Gather documents for meeting w/client; copy documents for meeting with client;	ARCH
20071341.00	03/25/2010	1	A	1	250.00	2.00	2.00	384.65 Conference with client to prepare for trial;	ARCH
20071341.00	03/26/2010	19	A	1	85.00	2.70	2.70	229.50 Go over faxed documents with Jim; notes for CGB; prepare trial subpoena for Utsey, Dantzler; revise cover letters; type additional letter to Utsey; copy docs, scan, e-mail same; t/c to attys with cases for trial prior to ours; type Motion for Continuance, letter to Judge Goodstein; revise documents; trial prep; copy exhibits;	ARCH
20071341.00	03/26/2010	19	A	1	85.00	1.00	1.00	65.39 PARALEGAL: Prepare trial subpoenas to Utsey, Dantzler; t/c to B. Dantzler re trial details; draft letter to Clerk of Court; prepare Motion Coversheet;	ARCH
20071341.00	03/26/2010	1	A	1	250.00	4.75	4.75	913.54 Trial preparation;	ARCH
20071341.00	03/29/2010	19	A	1	85.00	1.60	1.60	136.00 Copy trial exhibits; find Judgment in corn crop case; review fax from Judge Dickson; t/c to CGB re same; review e-mail from witness Utsey; respond to same;	ARCH
20071341.00	03/29/2010	1	A	1	250.00	6.25	6.25	1202.02 Appearance with client at motion hearing in St. George; preparation of proposed Order of Reference;	ARCH
20071341.00	03/30/2010	19	A	1	85.00	0.20	0.20	13.08 PARALEGAL: Schedule trial with Judge Watts - e-mail to Gail Evans; t/c w/ same;	ARCH
20071341.00	03/30/2010	19	A	1	85.00	1.10	1.10	93.50 Type Order; type cover letter; revise same; copy, scan, TM save; complete mailing;	ARCH
20071341.00	03/30/2010	1	A	1	250.00	1.00	1.00	192.32 Research Rules of Professional Conduct; edited Order; letter to court;	ARCH
20071341.00	03/31/2010	19	A	1	85.00	0.10	0.10	8.50 Continue work on scheduling trial with Master; t/c w/client;	ARCH
20071341.00	04/01/2010	19	A	1	85.00	0.60	0.60	51.00 PARALEGAL: Draft letter to Judge Dickson enclosing hard copy of Order;	ARCH
20071341.00	04/02/2010	19	A	1	85.00	0.10	0.10	8.50 Scan and e-mail ltr to Judge Dickson to C. Ayer;	ARCH
20071341.00	04/09/2010	19	A	1	85.00	0.10	0.10	8.50 Update pleadings index, file;	ARCH
20071341.00	04/12/2010	19	A	1	85.00	0.10	0.10	8.50 E-mail to G. Evans re August trial date;	ARCH
20071341.00	04/14/2010	19	A	1	85.00	0.40	0.40	34.00 Telephone conference with Chellis' office; e-mail to same; phone call with J. Chellis re CD; memo to CGB; arrange for Pro Copy to fix problem; e-mail to J. Chellis;	ARCH
20071341.00	04/19/2010	19	A	1	85.00	0.30	0.30	25.50 PARALEGAL: Draft letter to clerk filing Order of Reference;	ARCH
20071341.00	04/19/2010	19	A	1	85.00	0.10	0.10	8.50 Telephone call to client re Order receipt;	ARCH
20071341.00	04/20/2010	19	A	1	85.00	0.10	0.10	8.50 Reply e-mail to Clerk;	ARCH
20071341.00	04/26/2010	19	A	1	85.00	0.60	0.60	51.00 Complete mailing re Trial Notice; update Pleadings file; arrange court reporter for trial;	ARCH
20071341.00	04/26/2010	19	A	1	85.00	0.50	0.50	42.50 PARALEGAL: Draft Notice of Trial; draft letter to Clerk; draft letter to defendants;	ARCH
20071341.00	04/27/2010	19	A	1	85.00	0.20	0.20	17.00 PARALEGAL: Prepare Amended Notice of Trial; draft cover letters to defendants, court clerk;	ARCH

Date: 09/15/2011

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Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours Worked	Hours to Bill	Amount	Ref #
Client ID 20071341.00 James T. Judy									
20071341.00	04/28/2010	19	A	1	85.00	0.30	0.30	25.50 PARALEGAL: Continue drafting cover letters to Clerk, defendants, re Amended Trial Notice;	ARCH
20071341.00	04/28/2010	19	A	1	85.00	0.20	0.20	17.00 Complete mailing to Clerk, defendants, clients;	ARCH
20071341.00	04/29/2010	19	A	1	85.00	0.40	0.40	34.00 PARALEGAL: Draft letter to defendants enclosing clocked Order of Reference;	ARCH
20071341.00	04/29/2010	19	A	1	85.00	0.20	0.20	17.00 Update file, Pleadings Index;	ARCH
20071341.00	04/30/2010	19	A	1	85.00	0.20	0.20	17.00 PARALEGAL: E-mail to Master's office re filing Motion to Compel, hearing scheduling;	ARCH
20071341.00	05/03/2010	19	A	1	85.00	0.20	0.20	17.00 Telephone call with Judge Watt's assistant re scheduling hearing;	ARCH
20071341.00	05/04/2010	19	A	1	85.00	0.20	0.20	17.00 Update Pleadings Index, file;	ARCH
20071341.00	05/04/2010	19	A	1	85.00	0.20	0.20	17.00 PARALEGAL: Draft Motion to Compel, Sanctions, Notice of Hearing;	ARCH
20071341.00	05/05/2010	19	A	1	85.00	0.10	0.10	8.50 Locate additional map; t/c to J. Mann's office;	ARCH
20071341.00	05/05/2010	19	A	1	85.00	0.80	0.80	68.00 PARALEGAL: Work on drafting Motion to Compel;	ARCH
20071341.00	05/19/2010	19	A	1	85.00	0.60	0.60	51.00 PARALEGAL: Revise Amended Notice of Hearing; draft cover letter to defendants enclosing same;	ARCH
20071341.00	05/26/2010	19	A	1	85.00	0.30	0.30	25.50 Complete mailing of Motion, letter to Clerk, letters to defendants, clients;	ARCH
20071341.00	05/27/2010	19	A	1	85.00	1.50	1.50	127.50 Research filing fee check status; complete mailing to Clerk; gather exhibits to Motion; type letter to defendants; complete mailing to all; update pleadings file;	ARCH
20071341.00	07/12/2010	19	A	1	85.00	0.70	0.70	59.50 Type Order; type cover letter to Judge Watts; complete mailings;	ARCH
20071341.00	07/12/2010	1	A	1	250.00	4.00	4.00	1000.00 Appearance with client at motion to compel;	ARCH
20071341.00	07/13/2010	19	A	1	85.00	0.30	0.30	25.50 PARALEGAL: T/c w/client re subpoenas; prepare subpoenas;	ARCH
20071341.00	07/14/2010	19	A	1	85.00	0.60	0.60	51.00 PARALEGAL: Work on Blanchard subpoena and exhibit; draft cover letter to same;	ARCH
20071341.00	07/21/2010	19	A	1	85.00	0.80	0.80	68.00 PARALEGAL: Meet with R. Judy; copy proffered documents; draft receipt for Ronnie Judy's documents;	ARCH
20071341.00	07/22/2010	19	A	1	85.00	0.40	0.40	34.00 PARALEGAL: Draft letter to parties enclosing Order Compelling Production of Documents;	ARCH
20071341.00	07/22/2010	19	A	1	85.00	0.50	0.50	42.50 Review Sheriff's Incident Report; t/c w/CGB re same; t/c w/Jim Judy re same; fax Ronnie Judy's documents to Jim;	ARCH
20071341.00	07/27/2010	19	A	1	85.00	1.20	1.20	102.00 PARALEGAL: Prepare Subpoenas DT to Utsey, accountant; draft cover letters for same; t/c to client re serving subpoenas; complete mailings;	ARCH
20071341.00	08/03/2010	19	A	1	85.00	0.50	0.50	42.50 PARALEGAL: Trial prep - Plaintiff's Exhibit (index); copy and label exhibits; put together notebooks;	ARCH
20071341.00	08/03/2010	1	A	1	250.00	1.00	1.00	250.00 Trial Prep	ARCH
20071341.00	08/04/2010	19	A	1	85.00	1.70	1.70	144.50 Type brief; type letter to Judge Watts; revise Pretrial Brief; complete mailings;	ARCH
20071341.00	08/04/2010	19	A	1	85.00	4.50	4.50	382.50 PARALEGAL: Prepare trial exhibit notebooks; revise Exhibit List document;	ARCH
20071341.00	08/04/2010	1	A	1	250.00	2.00	2.00	500.00 Trial preparation; finalized trial brief; letters to court for filing.	ARCH
20071341.00	08/05/2010	19	A	1	85.00	1.70	1.70	144.50 PARALEGAL: Prepare Exhibit Notebooks;	ARCH
20071341.00	08/05/2010	1	A	1	250.00	0.50	0.50	125.00 Conference with client to review Exhibits.	ARCH
20071341.00	08/06/2010	1	A	1	250.00	2.00	2.00	500.00 Telephone conference with client; trial preparation.	ARCH

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Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours Worked	Hours to Bill	Amount	Ref #
Client ID 20071341.00 James T. Judy									
20071341.00	08/09/2010	19	A	1	85.00	0.10	0.10	8.50 PARALEGAL: Revise Exhibit Notebooks;	ARCH
20071341.00	08/09/2010	1	A	1	250.00	4.00	4.00	1000.00 Appearance in court with client; Ronnie was admitted to hospital; case continued.	ARCH
20071341.00	08/13/2010	6	A	1	85.00	0.40	0.40	34.00 Filing, updating exhibits index, memo to file	ARCH
20071341.00	08/13/2010	6	A	1	85.00			0.00	ARCH
20071341.00	08/13/2010	6	A	1	85.00	0.20	0.20	17.00 Prepare email to CGB regarding call from client.	ARCH
20071341.00	08/17/2010	6	A	1	85.00	1.80	1.80	153.00 Scan and save documents received from Todd Judy on 8/11/10 regarding Rollin Trailers Purchase Agreement and Blanchard Machinery Company Security Agreement. Create new file and file documents received from Todd Judy. Review of file	ARCH
20071341.00	08/20/2010	6	A	1	85.00	0.10	0.10	8.50 Phone call from client. Phone call to Patrick Watts re: rescheduling of hearing. Had to leave a message. Email to CGB regarding client call and update status.	ARCH
20071341.00	08/20/2010	6	A	1	85.00	0.30	0.30	25.50 Telephone call from Gail in Judge Watts office regarding the re-scheduling of the 2 day trial. Update case status. Talk with CGBIII regarding same.	ARCH
20071341.00	08/20/2010	6	A	1	85.00	0.20	0.20	17.00 filing and docketing new discovery	ARCH
20071341.00	08/23/2010	6	A	1	85.00	0.10	0.10	8.50 Receipt and saving of email correspondence from client.	ARCH
20071341.00	08/24/2010	6	A	1	85.00	0.50	0.50	42.50 Call from Jim Judy. Call to Gail in Judge Watts to confirm Nov. 29 and 30 hearing dates. She will call me back after speaking with Judge. Calendaring events on schedule. Additional call from Jim Judy.	ARCH
20071341.00	08/26/2010	6	A	1	85.00	0.20	0.20	17.00 Call from Gail in Patrick Watts Office (Master in Equity). Confirmed Re-scheduling of hearing for Nov. 28 & 29 at 10 am in Dorchester Co. The Judge will be sending out another Scheduling Order.	ARCH
20071341.00	08/31/2010	6	A	1	85.00	1.00	1.00	85.00 Transcribe letter to Watts and clients. Check request.	ARCH
20071341.00	09/01/2010	6	A	1	85.00	0.90	0.90	76.50 Print, make copies and mail letter to all parties. Send letter with check to Judge Watts. File and update pleadings index, new pleadings folder	ARCH
20071341.00	09/15/2010	6	A	1	85.00	0.40	0.40	34.00 EMail to client copy of Final Order Updated file as to email address of client	ARCH
20071341.00	10/14/2010	6	A	1	85.00	0.50	0.50	42.50 Discuss all Judy cases with CGB. RElocated some Judy documents that were, misfiled.	ARCH
20071341.00	10/25/2010	1	A	1	250.00	0.50	0.50	125.00 Receipt and review of Order from Judge Watts. Telephone conference with Judge's office. Telephone conference with Jimmy.	ARCH
20071341.00	10/26/2010	1	A	1	250.00	0.25	0.25	62.50 Telephone conference with Judge Watts regarding his recusal.	ARCH
20071341.00	10/27/2010	1	A	1	250.00	0.25	0.25	62.50 Telephone conference with client regarding options on Judge Watts' recusal.	ARCH
20071341.00	01/13/2011	6	A	1	85.00	0.80	0.80	68.00 Transcribe Motion of Plaintiff's for Appointment of Substitute Referee. Prepare letter to defendants enclosing same.	ARCH

Detail Fee Transaction File List  
Barr, Unger & McIntosh, LLC

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours Worked	Hours to Bill	Amount	Ref #
Client ID 20071341.00 James T. Judy									
20071341.00	01/14/2011	6	A	1	85.00	2.60	2.60	221.00 Prepare letter to Clerk enclosing same. Motion Cover Sheet. Finalize Motion for Appointment of Substitute Referee. Copy and mail out. Transcribe letter to client enclosing billing statements.	ARCH
20071341.00	03/22/2011	1	A	1	250.00	4.50	4.50	912.92 Appearance at hearing in St. George on Motion for Appointment of Special Referee.	ARCH
20071341.00	03/23/2011	6	A	1	85.00	0.90	0.90	62.08 Paralegal: Prepare Order of Reference. Letter to Judge Dickson regarding same. Telephone call to law clerk for Judge Dickson to obtain email address.	ARCH
20071341.00	04/15/2011	1	A	1	250.00			25.00 adjust balance	ARCH
20071341.00	04/18/2011	6	A	1	85.00	0.80	0.80	68.00 Transcribe letter to Judge Dickson.	ARCH
20071341.00	04/18/2011	1	A	1	250.00	0.25	0.25	62.50 Letter to Judge Dison re: appointment of special referee.	ARCH
20071341.00	04/28/2011	6	A	1	85.00	1.00	1.00	85.00 Letter to Judge Dickson conveying Order of Referral to Special Referee.	ARCH
20071341.00	05/02/2011	1	A	1	250.00	0.25	0.25	62.50 Telephone conference with client regarding appointment of special referee.	ARCH
20071341.00	05/10/2011	6	A	1	85.00	1.10	1.10	93.50 Transcribe letter to Judge Banks. Prepare letter to Clerk. Copy, scan, save and mail to clients and defendants.	ARCH
20071341.00	06/09/2011	6	A	1	85.00	0.60	0.60	51.00 Follow-up call to Judge Banks regarding mediation dates. Go over mediation dates with CGBIII.	ARCH
20071341.00	06/09/2011	1	A	1	250.00	0.25	0.25	62.50 Telephone conference with client regarding available trial dates.	ARCH
20071341.00	06/28/2011	6	A	1	85.00	0.60	0.60	51.00 Telephone call to client regarding August hearing dates. Return call from client regarding Bobby's availability on August hearing dates. Conference with CGBIII regarding same. Telephone call to B. Dantzler regarding hearing dates no answer.	ARCH
20071341.00	06/29/2011	6	A	1	85.00	0.30	0.30	25.50 PARALEGAL:	ARCH
20071341.00	06/29/2011	6	A	1	85.00	1.30	1.30	110.50 Telephone call to Barbara Dantzler to discuss availability on July 18 and 19 for hearing in front of Judge Banks Prepare letters to witnesses conveying subpoenas. Prepare Subpoena for witnesses. Prepare letter to Jimmy regarding same. Prepare Second Amended Notice of Trial. Prepare letter to Defendants regarding same.	ARCH
20071341.00	06/29/2011	1	A	1	250.00	2.00	2.00	500.00 Work on trial preparation; Teleconference with client; Prepare subpoenas, etc.	ARCH
20071341.00	06/30/2011	6	A	1	85.00	0.50	0.50	42.50 Prepare letters and Subpoenas to Holly Hill Farm Supply and Meherrin.	ARCH
20071341.00	07/01/2011	6	A	1	85.00	5.40	5.40	459.00 Finalize Subpoenas and Notice of Trial. Telephone call to Jimmy.	ARCH
20071341.00	07/06/2011	6	A	1	85.00	0.20	0.20	17.00 Telephone call with J. Judy regarding addition witness to subpoena: Dempsey Wood.	ARCH
20071341.00	07/11/2011	6	A	1	85.00	1.40	1.40	119.00 E-mail to CGBIII regarding same. PARALEGAL: Contact court reporter and witnesses regarding hearing on July 18.	ARCH
20071341.00	07/11/2011	1	A	1	250.00	1.00	1.00	250.00 Telephone conference with Judge Banks and Ronnie.	ARCH

Detail Fee Transaction File List  
Barr, Unger & McIntosh, LLC

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours Worked	Hours to Bill	Amount	Ref #
Client ID 20071341.00 James T. Judy									
20071341.00	07/14/2011	1	A	1	250.00	4.00	4.00	1000.00 Work on trial preparation.	ARCH
20071341.00	07/15/2011	6	A	1	85.00	2.00	2.00	170.00 Prepare Time Line for Trial.	ARCH
20071341.00	07/15/2011	1	A	1	250.00	7.00	7.00	1750.00 Trial preparation.	ARCH
20071341.00	07/17/2011	1	A	1	250.00	3.50	3.50	875.00 Prepare for trial.	ARCH
20071341.00	07/18/2011	1	A	1	250.00	11.75	11.75	2937.50 Trial in St. Matthews.	ARCH
20071341.00	07/19/2011	6	A	1	85.00	1.10	1.10	93.50 Prepare letter to Judge Banks.	ARCH
20071341.00	07/20/2011	6	A	1	85.00	1.50	1.50	127.50 Type up demonstrative exhibits to be sent to Judge Banks and Respondents.	ARCH
20071341.00	08/05/2011	6	A	1	85.00	0.10	0.10	8.50 Transcribe letter to client re: August billing statement.	ARCH
20071341.00	08/05/2011	1	A	1	250.00	1.00	1.00	116.67 Receipt and review letter from Judge; Telephone conference with client.	ARCH
20071341.00	08/17/2011	1	A	1	250.00	2.00	2.00	233.33 Begin preparation of Order.	ARCH
20071341.00	08/18/2011	6	A	1	85.00	1.30	1.30	110.50 Transcribe Order for fraudulent conveyances.	ARCH
20071341.00	08/18/2011	1	A	1	250.00	2.00	2.00	233.33 Work on drafting order.	ARCH
20071341.00	08/19/2011	6	A	1	85.00	1.50	1.50	127.50 Continued transcription of Order on fraudulent conveyances.	ARCH
20071341.00	08/19/2011	1	A	1	250.00	2.00	2.00	233.33 Work on drafting order.	ARCH
20071341.00	08/22/2011	1	A	1	250.00	2.00	2.00	233.33 Continued drafting of order.	ARCH
20071341.00	08/30/2011	6	A	1	85.00	2.00	2.00	170.00 Transcribe additions to Order	ARCH
20071341.00	08/30/2011	1	A	1	250.00	1.25	1.25	145.83 Work on proposed order.	ARCH
20071341.00	08/31/2011	1	A	1	250.00	1.00	1.00	116.68 Work on proposed order.	ARCH
20071341.00	09/07/2011	6	P	1	85.00	3.10	3.10	263.50 Continued transcription of proposed order.	253
20071341.00	09/15/2011	6	P	1	85.00	1.50	1.50	127.50 Continued edits to proposed order.	254
Total for Client ID 20071341.00					Billable	212.60	210.60	38465.50 James T. Judy	
					Non-billable	62.20	62.20	5386.00 Judy, Ronnie B. J. Todd	
					Total	274.80	272.80	43851.50	
GRAND TOTALS									
					Billable	212.60	210.60	38465.50	
					Non-billable	62.20	62.20	5386.00	
					Total	274.80	272.80	43851.50	

Client	Trans Date	Tmkr	H Tcode/ P Task Code	Rate	Amount	Ref #
Client ID 20071341.00 James T. Judy						
20071341.00	09/26/2007	1 A	61		150.00 Filing Fee Dorchester County Clerk - Court of Common Pleas	ARCH
20071341.00	09/28/2007	1 A	2		45.00 Dorchester County Sheriff's Department - Service of Process	ARCH
20071341.00	09/11/2008	1 A	61		30.00 Dorchester County Sheriff's Department - Service of Process	ARCH
20071341.00	10/10/2008	1 A	2		473.50 A. William Roberts, Jr. & Associates	ARCH
20071341.00	11/24/2008	1 A	2		379.00 A. William Roberts, Jr. & Associates	ARCH
20071341.00	12/16/2008	1 A	61		25.00 Clerk of Court Dorchester County - Motion filing fee - summary judgment	ARCH
20071341.00	12/16/2008	1 A	61		25.00 Clerk of Court Dorchester County - Motion filing fee to strike and reference	ARCH
20071341.00	01/07/2009	1 A	2		25.00 The Citizens Bank - Copies of bank records	ARCH
20071341.00	01/26/2009	1 A	2		75.00 Orangeburg Stock Yards, Inc. (expense to obtain records on the extended Judy Family)	ARCH
20071341.00	03/11/2009	1 A	61		25.00 Motion Filing Fee Clerk of Court Dorchester County	ARCH
20071341.00	07/14/2009	1 A	61		30.00 Dorchester County Sheriff - Service of process	ARCH
20071341.00	08/13/2009	1 A	2		28.90 West Law Charges	ARCH
20071341.00	09/16/2009	1 A	61		30.00 Service of Process - Dorchester County Sheriff	ARCH
20071341.00	10/14/2009	1 A	61		191.75 A. William Roberts, Jr. & Associates	ARCH
20071341.00	10/29/2009	1 A	61		231.70 A. William Roberts, Jr. & Associates	ARCH
20071341.00	01/25/2010	1 A	99		25.00 Clerk of Court Dorchester County - Motion Filing Fee	ARCH
20071341.00	01/26/2010	1 A	99		100.00 Godley Auction Company	ARCH
20071341.00	03/18/2010	1 A	99		25.00 Clerk of Court Dorchester County - motion filing fee	ARCH
20071341.00	03/22/2010	1 A	99		25.00 Clerk of Court Dorchester County - Motion Filing Fee	ARCH
20071341.00	03/26/2010	1 A	99		27.02 William Utsey, Pres. of Citizens Bank - Trial Witness Fee	ARCH
20071341.00	03/26/2010	1 A	99		27.02 Barbara Dantzler - Trial Witness Fee	ARCH
20071341.00	03/26/2010	1 A	99		25.00 Clerk of Court Dorchester County - Motion Filing Fee	ARCH
20071341.00	04/06/2010	1 A	61		-25.00 Filing Fee credit for voided check	ARCH
20071341.00	05/19/2010	1 A	99		25.00 Clerk of Court Dorchester County - Motion filing fee	ARCH
20071341.00	07/08/2010	1 A	99		708.15 A. William Roberts, Jr. & Associates	ARCH
20071341.00	07/27/2010	1 A	99	2.000	27.02 Barbara Dantzler	ARCH
20071341.00	07/27/2010	1 A	99	2.000	27.02 William Utsey	ARCH
20071341.00	08/09/2010	1 A	55		6.48 West Law Charges	ARCH
20071341.00	08/16/2010	1 A	99		105.00 A. William Roberts, Jr. & Associates	ARCH
20071341.00	08/31/2010	1 A	99		100.00 Patrick R. Watts, Master in Equity	ARCH
20071341.00	11/02/2010	1 A	99		2683.15 record-refund-of-overpayment	ARCH
20071341.00	01/14/2011	1 A	99		25.00 Clerk of Court Dorchester County - filing fee for Motion for Appointment of Sub. Referee	ARCH
20071341.00	07/01/2011	1 A	99		45.91 Barbara Dantzler - witness fee & mileage	ARCH
20071341.00	07/01/2011	1 A	99		45.91 William Utsey - Witness fee and mileage	ARCH
20071341.00	07/01/2011	1 A	99		41.68 David V. Cantley - Witness fee & mileage	ARCH
20071341.00	07/01/2011	1 A	99		41.68 Frank West - Witness fee and mileage	ARCH
20071341.00	07/15/2011	1 A	99		97.60 ProCopy, Inc.	ARCH

Total for Client ID 20071341.00

Billable

5973.49 James T. Judy

Judy, Ronald P. &amp; Todd

## GRAND TOTALS

Billable

5973.49

Date: 09/15/2011

# Detail Payment Transaction File List Barr, Unger & McIntosh, LLC

Page: 1

Client	Trans Date	Tmkr	H Tcode/ P Task Code	Stmt # Rate	Amount	Ref #
Client ID 20071341.00 James T. Judy						
20071341.00	10/15/2007	A	62		3114.50 Payment Received -Judy	
20071341.00	12/14/2007	A	62		184.50 Payment Received -Judy	ARCH
20071341.00	02/19/2008	A	62		125.00 Payment Received -Judy	ARCH
20071341.00	10/14/2008	A	62		1962.50 Payment Received -Judy	ARCH
20071341.00	11/14/2008	A	62		2639.50 Payment Received -Judy	ARCH
20071341.00	04/15/2009	A	62		5000.00 Payment Received -Judy	ARCH
20071341.00	05/20/2009	A	62		1625.00 Payment Received -Judy	ARCH
20071341.00	07/29/2009	A	62		170.00 Payment Received -Judy	ARCH
20071341.00	08/31/2009	A	62		1174.50 Payment Received -Judy	ARCH
20071341.00	11/24/2009	A	62		2337.35 Payment Received -Judy	ARCH
20071341.00	02/08/2010	A	62		2470.50 Payment Received -Judy	ARCH
20071341.00	03/17/2010	A	62		1426.00 Payment Received -Judy	ARCH
20071341.00	04/14/2010	A	62		3463.54 Payment Received -Judy	ARCH
20071341.00	06/01/2010	A	62		187.50 Payment Received -Judy	ARCH
20071341.00	06/18/2010	A	62		161.00 Payment Received -Judy	ARCH
20071341.00	08/10/2010	A	62		1200.00 Payment Received -Received cash from Judy	ARCH
20071341.00	08/20/2010	A	62		1334.54 Payment Received -Judy	ARCH
20071341.00	10/13/2010	A	62		2683.15 Payment Received -Judy	ARCH
20071341.00	11/02/2010	A	62		2689.63 Payment Received -Judy	ARCH
20071341.00	11/05/2010	A	62		0.00 Payment Received -Judy	ARCH
20071341.00	11/05/2010	A	62		187.50 Payment Received -Judy	ARCH
20071341.00	04/15/2011	A	62		972.98 Payment Received -Judy	ARCH
20071341.00	08/08/2011	A	62	32	761.00 Payment Received -Judy	ARCH
20071341.00	08/17/2011	A	62		7004.28 Payment Received -Judy	ARCH
20071341.00	09/12/2011	P	62		1512.50 Payment Received -Judy	ARCH

29

Total for Client ID 20071341.00		Payments	44386.97	James T. Judy
				Judy, Ronnie E. J. Todd

## GRAND TOTALS

Payments 44386.97

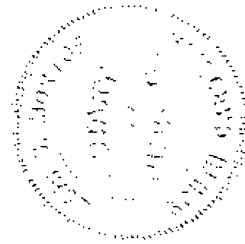
**AFFIDAVIT**

I, Lori S. Mortgage, Certified Court Reporter and Notary Public for the State of South Carolina, do hereby certify that I was the Court Reporter in Judy vs. Judy proceeding on July 18, 2011 and that the transcript I produced is a true, accurate, and complete record.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

I do not have a distinct recollection of the proceedings.

Lori S. Mortgage, CCR 10/29/14  
Lori S. Mortgage, CCR<sup>t</sup> Date  
Notary Public  
My Commission expires  
December 13, 2016





**BARR, UNGER  
& MCINTOSH**  
ATTORNEYS AT LAW

*Capers G. Barr, III*  
Direct Dial: 843-377-1227  
Email: [cgb@barrungermcintosh.com](mailto:cgb@barrungermcintosh.com)

October 29, 2014

Judicial Merit Selection Commission  
P.O. Box 142  
Columbia, SC 29202

Re: Reappointment of Honorable of Martin R. Banks, Master-In-Equity for Calhoun  
County

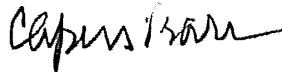
Dear Sir or Madam:

I understand that Judge Banks is before your Commission for Reappointment as Master-In-Equity for Calhoun County. I recently learned that some form of criticism or complaint has been filed against Judge Banks' re-appointment, arising from a case in which I appeared for the plaintiff parties. The case was *Judy, et. al. vs. Judy, et.al, Case No: 2007-CP-18-1794*, heard before Judge Banks on July 18, 2011.

I request that the Commission accept my enclosed affidavit. Also with respect to those proceedings I am enclosing a hard copy of the original trial transcript, and I am transmitting an electronic copy to Jaynie Jordan, Administrative Assistant to the Commission.

I will be available to appear in person at any hearing of this matter, if the Commission desires my presence. Thank you very much for your consideration.

Sincerely yours,



Capers G. Barr, III

CGBIII/meg

Enclosures (as stated)

cc: Honorable Martin R. Banks (by e-mail; w/enclosures)  
Barbara Heidler (by e-mail; w/enclosures)  
Jaynie Johnson (by e-mail; w/enclosures)

STATE OF SOUTH CAROLINA     )  
   )     AFFIDAVIT OF CAPERS G. BARR, III  
COUNTY OF CHARLESTON     )

PERSONALLY APPEARED BEFORE ME, Capers G. Barr, III, who being duly sworn, deposes and says:

1.     Affiant was admitted to the South Carolina Bar in 1966; served a tour of duty in the United States Army and entered into the practice of law with the firm Riley & Barr in January, 1969.

2.     Affiant served as an Assistant Solicitor for Charleston County from 1970 to 1976, and in November 1976 was elected Solicitor for the Ninth Judicial Circuit, serving a full term that ended in January of 1981.

3.     Affiant has served the Bar as a member of the State Bar Board of Governors, and on other state bar committees. He has served as President of the Charleston County Bar Association.

4.     Affiant is rated "av" in the Martindale Hubbell Directory of Attorneys; he is a Fellow in the American College of Trial Attorneys.

5.     Affiant represented James T. Judy, Bobby Judy and Kevin Judy in a case against Ronnie F. Judy, J. Todd Judy, Ryan C. Judy and Wanda B. Judy, Case No. 2007-CP-18-1794, tried before the Honorable Martin R. Banks in St. Matthews, South Carolina on July 18, 2011.

6.     Judge Banks recently telephoned Affiant to ask that he comment on the proceedings, and specifically to comment whether the *pro se* Defendants had been fairly treated; whether the Defendant Ronnie Judy had been accused of cursing in the courtroom; and whether Affiant has any knowledge of any "tapes" missing from the court reporter's record.

7.     The underlying case was filed in Dorchester County. However, the Defendant Ronnie Judy had filed a grievance against the Master in Equity for Dorchester County so that the Master recused himself from hearing the case. The Administrative Judge for the First Judicial Circuit assigned the case for trial to Judge Banks as Special Referee by Order filed May 23, 2011.

8. The Defendants represented themselves, *pro se*, at trial. However, they engaged an attorney to file post-trial motions and to prosecute an appeal. A final order was filed by Judge Banks on December 28, 2011, and an Order Denying Motion for Reconsideration was filed soon thereafter.

9. An appeal was taken to the South Carolina Court of Appeals and is reported in the matter of *Judy vs. Judy*, 403 S.C. 203, 742 S.E.2<sup>nd</sup> 672 (Ct.App. 2013), in which Judge Banks was affirmed, except as to an award of attorney fees against Ronnie F. Judy. (The award of attorney fees against the Defendant J. Todd Judy was not affected, because Todd Judy did not appeal the underlying order).

10. Attorneys for the Defendants filed a Petition for a Writ of Certiorari to the Supreme Court of South Carolina, and by Order filed June 25, 2014, the Petition was denied.

11. Affiant had represented James T. Judy and Bobby Judy in two previous cases against Ronnie Judy, tried to jury verdicts for actual and punitive damages in the Dorchester County Court of Common Pleas. Affiant is familiar with Ronnie Judy's tactic of filing complaints against the judiciary, in an effort to impede the legal process.

12. Attached as an exhibit to this Affidavit is a complete transcript of the trial held before Judge Banks on July 18, 2011. The transcript was recorded and prepared by a reputable court reporting firm, A. William Roberts, Jr. & Associates, that has reported cases in South Carolina courts for more than 25 years. As for any allegation of "missing tapes" of the trial record, it is notable that Mr. Judy was represented at post hearing motions and in appeal by an attorney, and never once was there any suggestion that the record was incomplete.

13. As for any suggestion that Judge Banks accused Mr. Judy of swearing in court, the reader is invited to the trial transcript at page 88, beginning with line 13, wherein Ronnie Judy in questioning James Judy asked, "Back in 2004, didn't you have the Solicitor's Office bring criminal charges against me for this dam case?"

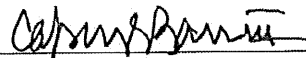
Judge Banks interjected: "Mr. Judy did you just swear in my courtroom? Did you say damn?" to which the undersigned clarified: "He is referring to a pond dam."

Judge Banks' response is noteworthy at line 20, page 88: "Oh, a pond dam. I apologize. I was about ready..." (Emphasis Added).

14. As for any suggestion that Judge Banks treated the *pro se* parties with anything less than complete courtesy, the record speaks for itself. I was impressed with the Court's fair and even-handed regard for all parties in the proceeding.

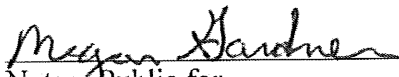
Respectfully,

BARR, UNGER & McINTOSH, LLC



Capers G. Barr, III  
SC Bar No: 00542  
11 Broad Street  
Charleston, SC 29401  
(843) 577-5083  
(843) 723-9039 (FAX)  
cgb@barrungermcintosh.com

Sworn to before me  
this 28<sup>th</sup> day of October, 2014



(L.S.)

Notary Public for  
My Commission Expires: 04/25/2021

1 STATE OF SOUTH CAROLINA

COURT OF COMMON PLEAS

2 COUNTY OF DORCHESTER

3 **CONDENSED**  
4 **TRANSCRIPT**

4 JAMES T. JUDY, BOBBY T. JUDY,  
5 AND KEVIN JUDY,

6 Plaintiffs,

7 vs.

CASE NO. 2007-CP-18-1794

8 RONNIE F. JUDY, J. TODD JUDY,  
9 RYAN C. JUDY AND WANDA B. JUDY,

10 Defendants.

11 MASTER-IN-EQUITY TRIAL BEFORE

12 THE HONORABLE MARTIN R. BANKS

13 DATE: July 18, 2011

14 TIME: 9:20 A.M.

15 LOCATION: Calhoun County Courthouse  
16 902 South Huff Drive  
17 St. Matthews, SC

18 REPORTED BY: LORI S. MORTGE,  
19 Certified Court  
20 Reporter, CCR

21 A. WILLIAM ROBERTS, JR., & ASSOCIATES

22 Fast, Accurate & Friendly

23 Charleston, SC Hilton Head, SC Myrtle Beach, SC  
24 (843) 722-8414 (843) 785-3263 (843) 839-3376

25 Columbia, SC Greenville, SC Charlotte, NC  
(803) 731-5224 (864) 234-7030 (704) 573-3919

CONFIDENTIAL

Page 2	Page 4
<p>1 APPEARANCES OF COUNSEL:</p> <p>2 ATTORNEYS FOR THE PLAINTIFFS</p> <p>3 JAMES T. JUDY, BOBBY T. JUDY,</p> <p>4 AND KEVIN JUDY:</p> <p>5 BARR, UNGER, MCINTOSH, LLC</p> <p>6 BY: CAPERS G. BARR, III</p> <p>7 11 Broad Street</p> <p>8 Charleston, SC 29401</p> <p>9 (843) 577-5083</p> <p>10 cgb@barrungermcintosh.com</p> <p>11</p> <p>12 RONNIE F. JUDY, J. TODD JUDY,</p> <p>13 AND RYAN C. JUDY, PRO SE</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 (INDEX AT REAR OF TRANSCRIPT)</p>	<p>1 Dorchester County case, and because it's a</p> <p>2 Dorchester County case they did not send me their</p> <p>3 court file. And there may be no answer or anything</p> <p>4 else but if there was something filed, like a letter</p> <p>5 or anything else, I have nothing from the Defendant.</p> <p>6 What do you have for me?</p> <p>7 MR. BARR: Yes, Your Honor. May it</p> <p>8 please the Court, for the record, my name is Capers</p> <p>9 Barr and I represent the Plaintiffs, James, Bobby</p> <p>10 and Kevin Judy. For the record, this is Bobby Judy</p> <p>11 next to me, and Jimmy Judy there, and Kevin Judy</p> <p>12 is -- I'm representing him, but he's not present for</p> <p>13 the trial today. And the record should reflect that</p> <p>14 Ronnie Judy is the gentleman in the green shirt,</p> <p>15 Todd is in the white shirt and Ryan is in the yellow</p> <p>16 shirt.</p> <p>17 I do have -- I would like to present to</p> <p>18 the Court, because I don't think I sent this</p> <p>19 originally with the original summons, lis pendens</p> <p>20 and complaint, if I may hand this up to the Court.</p> <p>21 THE COURT: Sure.</p> <p>22 MR. BARR: I think all I sent you was</p> <p>23 the amended one. And I think I have a copy of the</p> <p>24 Defendants' pro se answer, Your Honor. Suffice it</p> <p>25 to say, all of the salient allegations of the</p>
Page 3	Page 5
<p>1 THE COURT: Please start by saying who</p> <p>2 it is on the record. I'm not usually one to be</p> <p>3 late, I apologize for being late this morning. I</p> <p>4 had something come up at the last minute and my</p> <p>5 intern failed me. So that being said, I think the</p> <p>6 Defendants benefitted from it a little bit because I</p> <p>7 would usually start no later than ten after so y'all</p> <p>8 were lucky this morning.</p> <p>9 Let's see. Start with this. This is --</p> <p>10 case caption is James T. Judy and Bobby T. Judy and</p> <p>11 Kevin Judy versus Ronnie F. Judy, J. Todd Judy, Ryan</p> <p>12 C. Judy and Wanda B. Judy. This is a case out of</p> <p>13 Dorchester County, it's 2007-CP-18-1794. It appears</p> <p>14 to be a suit under the statute of Elizabeth and we</p> <p>15 have a pretrial brief filed by the Plaintiff in my</p> <p>16 possession, an amended complaint filed June 22nd,</p> <p>17 2009. This case is four years old, and that's one</p> <p>18 reason we wanted to get it done this week.</p> <p>19 And that's all I have in my</p> <p>20 possession. If there's any other documents that the</p> <p>21 Plaintiff would like me to see, like the original</p> <p>22 complaint -- I don't know if that's necessary, or if</p> <p>23 the Defendants have any -- not evidence documents</p> <p>24 but anything that was filed with the Court that I</p> <p>25 happened to not receive, because this is a</p>	<p>1 complaint have been denied in the pro se answer, so</p> <p>2 that's -- there's no dispute but that the Defendants</p> <p>3 are disputing the contentions of the complaint. And</p> <p>4 I'll put my hands on that in the course of the</p> <p>5 proceedings.</p> <p>6 THE COURT: All right.</p> <p>7 MR. BARR: And present it to the Court.</p> <p>8 Your Honor, I've also handed up to the Court</p> <p>9 Reporter, and the Defendants have a copy from the</p> <p>10 previous court appearance which was continued, a</p> <p>11 two-volume set of exhibits. And I'd like to hand</p> <p>12 this to the Court because the witnesses will be</p> <p>13 referring to the tabs as we -- as we present</p> <p>14 testimony.</p> <p>15 THE COURT: These are not yet in</p> <p>16 evidence; is that right?</p> <p>17 MR. BARR: No, sir. I will say that the</p> <p>18 lion's share of the exhibits are certified copies</p> <p>19 from either the Dorchester County Clerk of Court's</p> <p>20 office or the Register of Deeds office. And then as</p> <p>21 to the others, the witnesses will be introducing</p> <p>22 them in the course of the case.</p> <p>23 Your Honor, if I may assume that Your</p> <p>24 Honor's had a chance to at least review the pretrial</p> <p>25 brief, I won't take up the time of making any kind</p>

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1 of statement.  
2 THE COURT: All right. That would be  
3 much appreciated. I have not only reviewed the  
4 pretrial brief but had my summer intern make it into  
5 a skinny form as well. And he did an awfully good  
6 job of that, I might say.  
7 MR. BARR: Thank you, Your Honor.  
8 THE COURT: You may begin your case.  
9 MR. BARR: Well, if that's the case,  
10 then, we've subpoenaed a number of witnesses who are  
11 going to be short. As Your Honor knows, this makes  
12 for a somewhat disjointed presentation, but I'd like  
13 to get their testimony on the record and for the  
14 Court's benefit and we can release them and call the  
15 principal parties in the case.  
16 THE COURT: Sure.  
17 MR. BARR: So if I may do that, I'd like  
18 to first call Mr. West.  
19 THE COURT: Do you have an objection,  
20 Mr. Judy?  
21 MR. RONNIE JUDY: No, but I've got  
22 several motions I need to be heard before we --  
23 THE COURT: All right. Hold one second.  
24 Before we start, I'd like to ask you a question.  
25 Have you represented yourself in court before?

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1 MR. RONNIE JUDY: Yes, sir.  
2 THE COURT: Okay. So I didn't want -- I  
3 have a little introductory speech --  
4 MR. RONNIE JUDY: I'm not perfect.  
5 THE COURT: If you've done that before,  
6 you've probably heard my spiel more than once. All  
7 right. What do you have for me, Mr. Judy?  
8 MR. RONNIE JUDY: Well, my first motion  
9 is dismiss the summary judgments on Tract A and B  
10 because Judge Goodstein has already tried it and  
11 rendered an order on it. She denied summary  
12 judgment on Tract A and B so, therefore, it's done  
13 been tried and they did not appeal the order. So  
14 it's the law of the case and to try it again, Judge,  
15 that's double jeopardy.  
16 THE COURT: What do you have for me on  
17 that, Mr. Barr?  
18 MR. BARR: Well, Your Honor, the summary  
19 judgment motion is interlocutory and is not  
20 appealable. I couldn't have appealed it even if I  
21 wanted to. It's not binding on the Court. It's  
22 simply a declaration by the Court that a trial on  
23 the merits is needed before a decision can be made.  
24 THE COURT: And Mr. Barr is absolutely  
25 correct on that, Mr. Judy. What do you have next?

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1 MR. RONNIE JUDY: All right. Next --  
2 THE COURT: So I deny your motion.  
3 MR. RONNIE JUDY: Yes, sir. On  
4 Mr. Barr's pretrial brief, he is misleading the  
5 Court because he said the Larry T. Mills judgment  
6 was dismissed six months prior to these transfers  
7 November 18, '96. That is not so, because it was  
8 appealed to the Appellate Court and Supreme Court  
9 and it was dismissed on 20 -- '99.  
10 THE COURT: So what is your motion?  
11 MR. RONNIE JUDY: To sanction him for  
12 putting in a false brief.  
13 THE COURT: You would like Rule 11  
14 sanctions against Mr. Barr for misleading the Court  
15 on a fact contained in his brief?  
16 MR. RONNIE JUDY: That's correct.  
17 THE COURT: Is that what you're asking  
18 the Court to do?  
19 MR. RONNIE JUDY: That's correct.  
20 THE COURT: Mr. Barr?  
21 MR. BARR: Well, Your Honor, I'm not  
22 familiar with what counsel -- I mean, Mr. Judy is  
23 talking about. But what I have in the notebook is  
24 the Mills -- the Mills record from the Clerk of  
25 Court's office and it's going to speak for itself.

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1 THE COURT: Sure.  
2 MR. BARR: And if I stated anything  
3 inaccurate --  
4 THE COURT: We haven't heard any  
5 evidence in any form other than your brief; is that  
6 correct?  
7 MR. BARR: Correct.  
8 THE COURT: What I'll do -- I'll let you  
9 renew that motion after we hear that sort of  
10 testimony and see the documentation that either  
11 supports or denies it. I'll let you renew that  
12 motion. For the moment, it is denied because it's  
13 premature; all right?  
14 MR. RONNIE JUDY: This case, when they  
15 filed partition -- I mean, a petition to partition  
16 this property, they claimed that I had an interest  
17 in it and that was in 2000 -- 2001. In 2000 -- I  
18 mean, August the 6th, 2001 Judge Rodney Peebles  
19 ruled that I had no interest in none of this  
20 property. And now I am getting property in my name.  
21 THE COURT: I understand that. I  
22 believe that's what this entire action is about, is  
23 it not, Mr. Barr?  
24 MR. BARR: It is, Your Honor. And if  
25 that's Mr. Judy's contention, it's his burden to



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1 prove it.  
2 THE COURT: That's exactly right. To  
3 explain a little further, your motion is basically  
4 the heart of the case. That's what this case is  
5 about --  
6 MR. RONNIE JUDY: Yes, sir.  
7 THE COURT: -- right now, and I  
8 wouldn't -- I wouldn't question Judge Peeples in any  
9 way. But at the time he made that ruling, I believe  
10 he made the correct ruling as the facts were in  
11 front of him.  
12 MR. RONNIE JUDY: That's correct.  
13 THE COURT: And that's what brings this  
14 case about today. This case is brought to see what  
15 the underlying facts are that may have -- may change  
16 the dynamics of the ownership of the property. And  
17 so, in a sense, you're making a summary judgment  
18 motion which would be denied; all right?  
19 Anything else from the Defense?  
20 MR. RONNIE JUDY: No, sir.  
21 THE COURT: And the Plaintiffs?  
22 MR. BARR: No, Your Honor. We're  
23 prepared to go forward. We call Frank West.  
24 FRANK WEST  
25 being first duly sworn, testified as follows:

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1 EXAMINATION  
2 BY MR. BARR:  
3 Q. Have a seat, Mr. West. If you'll state  
4 your full name, please.  
5 A. Frank Howard West.  
6 Q. You need to speak up. I'm not sure that  
7 amplifies --  
8 THE COURT: It will.  
9 BY MR. BARR:  
10 Q. It will? And would you state your age  
11 and address, Mr. West?  
12 A. Age is 44.  
13 Q. Where do you live?  
14 A. St. George.  
15 Q. In St. George? And by whom are you  
16 employed, Mr. West?  
17 A. Meherrin Ag & Chemical Company.  
18 Q. You need to speak up a little louder.  
19 We can't hear you back here. Is there a switch on  
20 there -- there you go. You're employed by Meherrin  
21 what?  
22 A. Meherrin Agricultural & Chemical Company  
23 in Bowman.  
24 Q. In Bowman?  
25 A. Right.

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1 Q. And tell the Court, what is Meherrin?  
2 A. We're a supplier of fertilizer and ag  
3 chemical and seed.  
4 Q. And that's to serve the farming  
5 industry; is that correct?  
6 A. That's correct.  
7 Q. All right. Can you tell us whether or  
8 not, Mr. Meherrin (sic), you're acquainted with  
9 Ronnie Judy?  
10 A. I have sold Mr. Ronnie in the past, yes,  
11 sir.  
12 Q. Okay. And do you know his sons Todd or  
13 Ryan?  
14 A. I've seen them before but, I mean, I  
15 don't know them personally.  
16 Q. Have you ever done business with them?  
17 A. No, sir.  
18 Q. You haven't?  
19 A. They may have picked up some stuff  
20 previously, but I've never done any business with  
21 them personally, no.  
22 MR. BARR: Okay. If I -- I have one  
23 additional exhibit, Your Honor. I'd like to ask the  
24 Reporter to mark this as Plaintiff's Exhibit 44.  
25 (PLF. EXH. 44, Meherrin Fertilizer, Inc.

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1 Credit Application, dated February 7,  
2 2000, was marked for identification.)  
3 BY MR. BARR:  
4 Q. Mr. Meherrin, the Court Reporter is  
5 handing you an exhibit, it's been marked Exhibit 44.  
6 MR. BARR: May I hand a copy to the  
7 Court so you can follow along, Your Honor?  
8 THE COURT: Sure.  
9 BY MR. BARR:  
10 Q. Mr. West, can you identify what the  
11 first page of that Exhibit 44 is?  
12 A. It's a credit application, company  
13 credit application.  
14 Q. And from whom was this credit  
15 application received?  
16 A. Excuse me? Say that again.  
17 Q. Beg your pardon?  
18 A. Ask me that again, please.  
19 Q. From whom was this received? In other  
20 words, who made out this credit application? Who  
21 signed it on the second page?  
22 A. Ronnie F. Judy.  
23 Q. Okay. And what date did Mr. Judy make  
24 this credit application of Meherrin?  
25 A. February the 2nd -- 7th, 2000.

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1 Q. Okay. Now, is this credit application a  
2 document that is regularly used by Meherrin in the  
3 course of its business?  
4 A. It is.  
5 Q. And is the copy in front of you a copy  
6 that's taken from your records?  
7 A. Yes, sir.  
8 Q. All right, sir. Now, on the subsequent  
9 pages of this exhibit, Number 43 (sic), can you tell  
10 the Court what that reflects?  
11 A. Those were sales from when he started  
12 doing business with us.  
13 Q. Okay. Now, let's go back to the  
14 first --  
15 MR. BARR: I would offer Exhibit 43 into  
16 evidence, Your Honor.  
17 THE COURT: Objection?  
18 MR. BARR: I'm sorry. It's 44.  
19 MR. RONNIE JUDY: No objection.  
20 THE COURT: No objection. It's in  
21 evidence as Plaintiff's Exhibit 44.  
22 MR. BARR: It's in evidence, Your Honor?  
23 THE COURT: Yes.  
24 MR. BARR: Thank you.  
25 (PLF. EXH. 44 in evidence.)

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1 BY MR. BARR:  
2 Q. Now, why do you take a credit  
3 application like this, Mr. West, before you  
4 undertake to sell supplies to a farmer?  
5 A. It's a company policy, company  
6 procedure, before we can set up a new account we  
7 have to have a credit application filled out and  
8 signed.  
9 Q. Okay. But why would you want that?  
10 A. Well, once we receive them we mail them  
11 in to our home office and our credit department  
12 handles it from there. But everyone has to be  
13 approved.  
14 Q. All right. So does -- does Meherrin  
15 rely upon this credit application before extending  
16 credit to a farmer?  
17 A. They do.  
18 Q. Okay. Now, I would like to invite your  
19 attention to the first page. And how many acres did  
20 Mr. Judy represent that he owned?  
21 A. 554.  
22 Q. And how many did he represent that he  
23 farmed?  
24 A. 250.  
25 Q. All right, sir.

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1 MR. BARR: Your Honor, at this time I  
2 would invite the Court and the witness to Tab 42 of  
3 the notebook.  
4 Q. Mr. West, I'm going to open this to Tab  
5 42 -- Tab 42 over there in your black notebook.  
6 MR. BARR: Your Honor, I can represent  
7 to the Court that Tab 42 in the copy that I've  
8 handed the Court Reporter is a certified copy from  
9 Cheryl Graham, Clerk of Court of Dorchester County,  
10 on March 29, 2010 and would offer this in as a  
11 certified copy under the rules of evidence.  
12 THE COURT: Any objection?  
13 MR. RONNIE JUDY: No objection.  
14 THE COURT: All right.  
15 (PLF. EXH. 42 in evidence.)  
16 BY MR. BARR:  
17 Q. Are you aware, Mr. West, that Meherrin  
18 filed a suit against Mr. Judy back in 2006?  
19 A. Yes, sir.  
20 Q. And are you aware that Meherrin obtained  
21 a judgment against him on December 17, 2008 for the  
22 sum of \$27,295.33?  
23 A. Yes, sir.  
24 Q. Is that correct?  
25 A. That's correct.

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1 Q. And Mr. Judy represented to Meherrin  
2 that he owned 554 acres; is that correct?  
3 A. That's correct.  
4 MR. BARR: I have no further questions  
5 of this witness, Your Honor.  
6 THE COURT: Mr. Judy, any questions of  
7 this witness?  
8 EXAMINATION  
9 BY MR. RONNIE JUDY:  
10 Q. Mr. West, on this credit application, it  
11 says I was approved for 10 to \$15,000; is that  
12 correct?  
13 A. Yes, sir.  
14 Q. All right, sir. You filed a complaint,  
15 you said I owed 28,000; is that correct?  
16 A. Yes, sir.  
17 Q. And when we questioned it in court, some  
18 of your witnesses could not tell -- could not tell  
19 where the product was delivered to; is that correct?  
20 What I'm saying, as far as I know it could have went  
21 to Charleston. Do you remember him saying that?  
22 A. Yes, sir. I do.  
23 Q. Yeah, I know you do. And isn't it true  
24 that y'all went to court, it was tried and a verdict  
25 was rendered for \$2107? Do you remember that?

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1 A. Yes, sir.  
2 Q. Then you come back and got another --  
3 another trial; is that correct?  
4 A. That's correct.  
5 Q. Why did you come back to get a second  
6 trial? I mean, double jeopardy.  
7 MR. BARR: Your Honor --  
8 THE WITNESS: That was out of my  
9 hands --  
10 MR. BARR: Excuse me. I realize  
11 Mr. Judy is a lay person, but what he's trying to do  
12 is impeach a verdict and judgment that is final.  
13 And this is --  
14 THE COURT: The question was  
15 argumentative. The last question was argumentative,  
16 Mr. Judy.  
17 MR. RONNIE JUDY: Yes. I got a copy of  
18 the judgment that was rendered.  
19 THE COURT: Is this the same as Exhibit  
20 42?  
21 MR. RONNIE JUDY: No, sir.  
22 THE COURT: This is an old judgment  
23 that's been returned --  
24 MR. BARR: What happened was there was a  
25 trial and the jury awarded \$2100, the judge set it

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1 aside and granted a new trial. What's in the tab  
2 is the result of the new trial, and that's what  
3 counsel -- that's what Mr. Judy is trying --  
4 THE COURT: I'm going to sustain his  
5 objection. You can continue to question him, but on  
6 this subject of an old judgment that's been replaced  
7 by this one I believe it's going to be irrelevant.  
8 MR. RONNIE JUDY: I can put this in as  
9 an exhibit as Plaintiff -- I mean, Defense.  
10 THE COURT: You can show that to  
11 Mr. Barr.  
12 MR. BARR: I do object. Once again,  
13 Your Honor, this is -- what Mr. Judy is putting in  
14 is a part -- A, is trying to impeach a verdict  
15 that's final because if Mr. Judy had gotten the full  
16 record he would also provide to Your Honor, out of  
17 the spirit of candor, the order that granted a new  
18 trial from that \$2107. Once again, Mr. Judy is  
19 trying to impeach a verdict that's final.  
20 THE COURT: Yes, sir. And I would  
21 sustain his objection to the entrance of that into  
22 evidence, so that's not --  
23 THE WITNESS: It can't go into evidence?  
24 THE COURT: It's not coming in,  
25 Mr. Judy, but you can continue to question this

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1 witness.  
2 MR. RONNIE JUDY: I have no further  
3 questions.  
4 THE COURT: And let me state just for  
5 procedural reasons. I take it that Ronnie Judy is  
6 sort of taking the lead role among the defendants.  
7 And if I'm assuming wrong, it might lengthen this  
8 trial considerably. What I'm going to do is  
9 designate Mr. Judy as the counsel, for lack of a  
10 better word, to do any examination/cross-examination  
11 but I'll be lenient, if necessary, and allow some  
12 additional questions by the other two defendants out  
13 of an abundance of caution.  
14 But if you have something to ask of the  
15 witness and you're not Mr. Judy, stand or something  
16 and give me a signal that you want -- that he didn't  
17 cover it as well as you might have wanted him to.  
18 Does that make sense to you guys?  
19 MR. TODD JUDY: It does.  
20 THE COURT: Is that all right with you,  
21 Mr. Barr?  
22 MR. BARR: Well, I have no objection as  
23 long as I think the record should reflect whether  
24 Ryan and Todd object to that.  
25 THE COURT: Yes, okay. All right. And

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1 I think I got a nod out of one of you --  
2 MR. TODD JUDY: This is Todd.  
3 THE COURT: Is that agreeable to you  
4 both?  
5 MR. RYAN JUDY: Yes, sir.  
6 THE COURT: And I think it's probably  
7 the most equitable way to handle this.  
8 MR. RONNIE JUDY: Under Section 40-5-50,  
9 I can represent them as long as I don't receive no  
10 fee.  
11 THE COURT: Exactly. All right. And  
12 you're done with this witness?  
13 MR. RONNIE JUDY: Yes, sir.  
14 THE COURT: Any redirect?  
15 MR. BARR: No, Your Honor. May this  
16 witness be excused?  
17 THE COURT: He certainly may.  
18 (Witness excused.)  
19 MR. BARR: I call Mr. Cantley.  
20 THE COURT REPORTER: Please state your  
21 name.  
22 MR. CANTLEY: David Videau Cantley.  
23 THE COURT REPORTER: Middle name?  
24 MR. CANTLEY: Videau, V-I-D-E-A-U.  
25 THE COURT REPORTER: Last name?

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1 MR. CANTLEY: Cantley, C-A-N-T-L-E-Y.  
2 DAVID VIDEAU CANTLEY  
3 being first duly sworn, testified as follows:  
4 EXAMINATION  
5 BY MR. BARR:  
6 Q. Mr. Cantley, will you tell us your age  
7 and your place of residence?  
8 A. I'm 48 years old. I live in Holly Hill,  
9 South Carolina.  
10 Q. And what is your business?  
11 A. Holly Hill Farm Center. It's a  
12 fertilizer plant and ag chemicals and seed.  
13 Q. And how long have you been engaged in  
14 that business?  
15 A. I've been there for 24 years.  
16 Q. All right, sir. Do you own it?  
17 A. My family does, yes, sir.  
18 Q. Your family does? Well, thank you for  
19 being with us here this afternoon -- I mean, this  
20 morning. And your company is Holly Hill Farm  
21 Center --  
22 A. That's correct.  
23 Q. -- is that correct? Would you -- let's  
24 see. Did I give you a small -- yeah, here it is.  
25 I'm going to refer you to the smaller notebook here

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1 and I invite you to turn to Tab F.  
2 MR. BARR: Your Honor, I'm referring to  
3 the smaller notebook that has lettered exhibits.  
4 Q. Would you look at those documents that  
5 are under the Tab F in the small notebook, please?  
6 A. Yes, sir.  
7 Q. Can you identify those?  
8 A. These are invoices from our company.  
9 Q. All right. And with whom was the  
10 company doing business for the purposes of these  
11 invoices?  
12 A. Ronnie Judy.  
13 Q. All right. How long -- are you  
14 currently -- is Holly Hill Farm Center currently  
15 doing business with Ronnie Judy?  
16 A. No, sir.  
17 Q. When did you last do that?  
18 A. July of 2009.  
19 Q. July. And for how many years until July  
20 of '09 did you do business with him?  
21 A. Approximately two years.  
22 Q. About two years?  
23 A. Mm-hmm.  
24 Q. And did you ever do business with Todd  
25 Judy?

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1 A. No, sir.  
2 Q. Did you ever do business with Ryan Judy?  
3 A. On occasion Mr. Judy -- Ronnie would ask  
4 us to put Ryan's name on the ticket instead of his  
5 own.  
6 Q. On the ticket? All right, sir. But  
7 predominantly which of the Judys did Holly Hill Farm  
8 Center do business with?  
9 A. Mr. Ronnie Judy.  
10 Q. And this was providing farm supplies for  
11 the purpose of conducting a farm operation?  
12 A. Yes, sir.  
13 Q. Now, are the records that are contained  
14 within Tab F, do they appear to be copies of records  
15 from your -- your business?  
16 A. Yes, sir.  
17 Q. Are those records kept in the ordinary  
18 course of business?  
19 A. Yes, sir. They are.  
20 MR. BARR: All right. Your Honor, I  
21 would offer the Holly Hill Farm Center documents  
22 under Tab F as an exhibit. And I guess if it's okay  
23 with Your Honor and the Court Reporter, we'll just  
24 call it Exhibit F.  
25 THE COURT: Any objection, Mr. Judy?

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1 MR. RONNIE JUDY: No, sir.  
2 THE COURT: Exhibit F entered into  
3 evidence.  
4 MR. BARR: Mr. Cantley, thank you very  
5 much --  
6 THE COURT: Mr. Barr, can we get that  
7 marked?  
8 MR. BARR: Oh, I'm sorry. You know what  
9 happened? We just -- we just marked the copy.  
10 Let's put the tab on -- he has the original.  
11 Actually, the original -- I have it right here,  
12 ma'am. Why don't you just initial this, Ms.  
13 Reporter? Just initial and date.  
14 THE COURT REPORTER: Okay.  
15 (PLF. EXH. F in evidence.)  
16 MR. BARR: Thank you very much. I think  
17 I have no further questions.  
18 THE COURT: All right. Any questions,  
19 Mr. Judy, of this witness?  
20 EXAMINATION  
21 BY MR. RONNIE JUDY:  
22 Q. Mr. Cantley, some of your records --  
23 tickets were shown as products were sold to Ryan C.  
24 Judy; is that correct?  
25 A. That's correct.

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1 Q. Everything was paid up until July 17th  
2 when I came over and got chemicals and put on 100  
3 and some acres of soybean and it wiped them out; is  
4 that correct?  
5 A. No, sir. That's not correct. It did  
6 not kill those soybeans.  
7 Q. You had -- isn't it true that you had  
8 the Solicitor prosecute me for a fraudulent check?  
9 A. Yes, sir. It is.  
10 Q. And the jury found me not guilty; is  
11 that correct?  
12 A. Yes, sir. That is.  
13 Q. So the jury believed that the chemical  
14 killed 100 acres of soybeans?  
15 MR. BARR: Your Honor, I object. I  
16 don't think this has any relevance to the issues in  
17 this case.  
18 MR. RONNIE JUDY: Yes, sir. It does.  
19 THE COURT: I'm going to let him  
20 continue. Sustained -- I mean, overruled. Go  
21 ahead.  
22 BY MR. RONNIE JUDY:  
23 Q. How much --  
24 THE WITNESS: Do I have to answer that  
25 question?

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1 THE COURT: I thought you did.  
2 THE WITNESS: No, I did not.  
3 THE COURT: Yes.  
4 THE WITNESS: The jury said that you  
5 were not criminally liable for that check, but they  
6 did not say that it killed the soybeans.  
7 BY MR. RONNIE JUDY:  
8 Q. It was entered into evidence pictures of  
9 the dead soybeans, Mr. Cantley. Do you recall?  
10 A. It was entered into evidence, but it was  
11 never certified that those pictures came from the  
12 beans that you sprayed.  
13 Q. But the jury considered them; right?  
14 A. Yes, sir. They did.  
15 Q. Okay. So, evidently, they believe the  
16 chemical killed the soybeans?  
17 A. They found you not guilty, yes, sir.  
18 Q. That's right. You put the Solicitor up  
19 to do y'all's work at the taxpayer's expense. How  
20 much business did the Judy Farms do over there with  
21 y'all?  
22 A. I have no idea on -- off the top of my  
23 head, sir.  
24 Q. I think you testified in criminal court  
25 less -- less than \$20,000.

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1 A. As I said, I do not have that figure in  
2 front of me and I do not know that off the top of my  
3 head.  
4 Q. Would you say it's in excess of over  
5 \$50,000?  
6 A. I would not think so, no, sir.  
7 Q. You wouldn't think so?  
8 A. No, sir. I do not think it's over  
9 50,000.  
10 Q. If receipts and bills tally that, would  
11 you believe it?  
12 A. If the receipts and bills tally whatever  
13 they tally, I would believe that figure.  
14 Q. All right, sir. We've got them. But  
15 you never have had any problem with getting your  
16 money until this incident; is that correct?  
17 A. Until the last check, yes, sir.  
18 Q. And you all were paid?  
19 A. Yes, sir. We were.  
20 Q. And I think you sent over \$28,000 worth  
21 of fertilizer to put on oats, spreading. And I came  
22 over there with a certified check with the Citizens  
23 Bank and paid you for it?  
24 A. Every bill you paid except the last one  
25 that we had, yes, sir.

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1 Q. That's correct.  
2 MR. JUDY: I have no further questions.  
3 THE COURT: All right.  
4 MR. BARR: Nothing further, Your Honor.  
5 May Mr. Cantley be excused?  
6 THE COURT: Yes, certainly. Have a good  
7 day, Mr. Cantley.  
8 (Witness excused.)  
9 MR. BARR: I call William Utsey.  
10 THE COURT: Mr. Utsey? Thank you. How  
11 are you doing, Mr. Utsey? Have a seat. Come  
12 around, have a seat, bring that microphone around to  
13 you. Would you spell your last name?  
14 MR. UTSEY: U-T-S-E-Y.  
15 THE COURT REPORTER: Can you state your  
16 full name for the record?  
17 MR. UTSEY: William M. Utsey, Jr.  
18 WILLIAM M. UTSEY, JR.  
19 being first duly sworn, testified as follows:  
20 EXAMINATION  
21 BY MR. BARR:  
22 Q. Mr. Utsey, will you please tell us your  
23 age and your place of residence, please?  
24 A. Look at me when you talk.  
25 Q. You don't have to give us your age.

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1 Just tell us where you live.  
2 A. Sir, look at --  
3 Q. Oh, look at you? I'm sorry, you can't  
4 hear me. Tell us where you live.  
5 A. St. George.  
6 Q. In St. George. And what kind of work do  
7 you do?  
8 A. Vice president for The Citizens Bank.  
9 Q. Okay. Is Ronnie -- is Ronnie Judy a  
10 customer of First -- what bank is it?  
11 A. I'm sorry?  
12 Q. Let me step up.  
13 A. The echo is a little bad in here for me.  
14 I apologize.  
15 THE COURT: There's a microphone right  
16 there.  
17 MR. BARR: Oh, good. Thank you, Your  
18 Honor.  
19 Q. Is Ronnie Judy a customer of your bank?  
20 A. Yes, sir.  
21 Q. And what is the name of your bank?  
22 A. The Citizens Bank.  
23 Q. The Citizens Bank. And is it located in  
24 the Town of St. George?  
25 A. That's correct.

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1 Q. And how long has Ronnie been a customer  
2 of the bank?  
3 A. 2003.  
4 MR. BARR: Okay. If I may go to the  
5 exhibit notebook, Your Honor.  
6 Q. Mr. Utsey, I want to invite your  
7 attention to a tab in the notebook in front of you  
8 that's Tab Number 39. Can I help you with it? And  
9 then within the front sleeve of the notebook is a  
10 separate document that's tabbed 39A.  
11 A. I've got it.  
12 Q. Okay. Do you have them with you? All  
13 right. Let's look at 39A first. What is -- what is  
14 Exhibit 39A?  
15 A. It's a personal financial statement.  
16 Q. Okay. And is this a copy of a personal  
17 financial statement from Ronnie Judy?  
18 A. That's correct.  
19 Q. And is this copy taken from your  
20 records?  
21 A. Sir?  
22 Q. Is this copy taken from your records?  
23 A. No. It's the same copy.  
24 Q. Beg your pardon?  
25 A. You said is it different from my

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1 records?  
2 Q. Is this a copy of a record from the  
3 bank's files?  
4 A. Yes, sir.  
5 Q. Yes, sir. And is this copy taken in the  
6 ordinary course -- and maintained in the ordinary  
7 course of business at the bank? Is this financial  
8 statement, Exhibit 39A, is this something that's  
9 kept by your bank in the ordinary course of  
10 business?  
11 A. That's correct.  
12 Q. Is this something you take from every  
13 customer who borrows money from you?  
14 A. We require for certain amounts.  
15 MR. BARR: Okay. Your Honor, I would  
16 offer Exhibit 39A.  
17 THE COURT: Any objection, Mr. Judy?  
18 MR. RONNIE JUDY: No, sir.  
19 THE COURT: All right. It's admitted as  
20 Number 39 and do you want to call it 39A?  
21 MR. BARR: Yes, sir.  
22 THE COURT: And we should mark it.  
23 (PLF. EXH. 39A in evidence.)  
24 BY MR. BARR:  
25 Q. Mr. Utsey, for what purpose was Exhibit

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1 39A taken from Mr. Judy?  
2 A. Normally a financial statement is  
3 required for amortizing a person's overall financial  
4 ability and their ability to borrow money. In some  
5 cases it may be a formality, it depends on what the  
6 situation is. We have a number of times that we're  
7 doing a workout of debt and there might not be as  
8 much emphasis placed on financial information as  
9 when a person is entering into a new agreement with  
10 the bank. But the true purpose of the financial  
11 statement is to determine a person's overall  
12 financial stability.  
13 Q. Okay. And when was Exhibit 39A taken?  
14 A. The date on this statement is January  
15 20th of '06.  
16 Q. January 20th, 2006. And the signature  
17 on the bottom is Ronnie Judy's?  
18 A. That's correct.  
19 Q. As of January 20th, 2006, what did  
20 Ronnie Judy represent to the bank was his net worth?  
21 A. \$1,309,540.  
22 Q. All right. And of that net worth, how  
23 much did he represent was real estate?  
24 A. \$1,075 -- I mean, 1,000,075.  
25 Q. 1,075,000. All right. Now, on the

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1 reverse of the financial statement is the location  
2 of the real estate detail?  
3 A. Right.  
4 Q. And what is the location of the real  
5 estate as detailed on that statement?  
6 A. 1872 Sandridge Road, Dorchester.  
7 Q. Is that Mr. Judy's home? Is that his  
8 home?  
9 A. Yes, sir.  
10 Q. Okay. And then what?  
11 A. And 257 acres and 168 acres of which he  
12 identified a half-interest.  
13 Q. All right, sir. And in reliance upon  
14 this financial statement, did the bank make a loan  
15 to Mr. Judy?  
16 A. We already had debt with Mr. Judy at the  
17 time of this financial statement.  
18 Q. There already was a loan at this time?  
19 A. Well, we had prior -- we had prior  
20 financial statements on record, probably not  
21 identifying a lot different than what this one  
22 represent. But the extension of debt that we're  
23 referring to of which a copy is in the file.  
24 Q. Okay. Let's go to that, then. Why  
25 don't you take a look now at Exhibit 39, which is

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1 the one associated with 39A, and tell the Court what  
2 that is.  
3 A. I've got it.  
4 Q. Are you with me?  
5 A. All right.  
6 Q. What is 39 -- Exhibit 39?  
7 A. Exhibit 39 is a copy of the note  
8 extended to Ronnie Judy where we restructured some  
9 debt for him, combining some debts with the bank for  
10 \$100,000.  
11 Q. And what was the date of that?  
12 A. Sir?  
13 Q. What was the date of Exhibit 39?  
14 A. The date of the transaction was August  
15 31st, '06.  
16 Q. And did you rely on Exhibit 39A, the  
17 financial statement, when you extended this credit  
18 reflected on 39?  
19 A. Correct.  
20 Q. All right, sir. And is Exhibit -- is  
21 Exhibit 39 a true copy from the records of the bank?  
22 A. That is correct.  
23 MR. BARR: I would offer Exhibit 39,  
24 Your Honor.  
25 THE COURT: Any objection?

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1 MR. RONNIE JUDY: No, sir.  
2 THE COURT: So admitted, it's been  
3 marked.  
4 (PLF. EXH. 39 in evidence.)  
5 MR. BARR: If I may have a moment, Your  
6 Honor. (Reading.)  
7 Thank you, Mr. Utsey. Please answer any  
8 questions from Mr. Judy.  
9 THE COURT: Mr. Judy?  
10 EXAMINATION  
11 BY MR. RONNIE JUDY:  
12 Q. Mr. Utsey, I've been doing business with  
13 you since 2003?  
14 A. Correct.  
15 Q. And what is my standing with y'all at  
16 the bank today?  
17 A. Fine.  
18 Q. Getting back to this \$100,000 note that  
19 was mortgaged, isn't it true that Chicago Title  
20 Insurance done a title search on this property that  
21 you got a mortgage on and come to a conclusion that  
22 Todd Judy still owns it and that's the reason you  
23 said Todd would have to sign the mortgage along with  
24 me; is that correct?  
25 A. That's correct. Any time we have a

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1 different owner than the borrower or if we have  
2 co-owned property, both people will sign the  
3 mortgage instrument for identification purposes for  
4 our filing. The borrower's name is going to appear  
5 on the mortgage whether he has ownership interest or  
6 not. That's just for filing purposes at the bank.  
7 Q. Yes, sir. In other words, when they do  
8 a title search through the RMC office.  
9 A. Title search was done and the closing  
10 attorney required Todd to sign the mortgage also.  
11 Q. Why did Todd have to sign it?  
12 A. Because he identified him as a --  
13 Q. Beg your pardon?  
14 A. He identified him as either an owner or  
15 part owner of the property.  
16 Q. Yes, sir.  
17 MR. RONNIE JUDY: I ain't got no further  
18 questions.  
19 THE COURT: I have one or two unless  
20 you've got.  
21 MR. BARR: No, sir.  
22 EXAMINATION  
23 BY THE COURT:  
24 Q. Did Todd fill out one of these?  
25 A. Sir?

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1 Q. Did Todd fill out one of these?  
2 A. No, he didn't.  
3 Q. That's Exhibit --  
4 A. Todd was not on the debt, but Todd was  
5 identified as either owner or co-owner of the  
6 property.  
7 THE COURT: Let the record show I was  
8 referring to 39A. That's it. That's all I have.  
9 MR. BARR: Thank you. I have nothing  
10 further, Your Honor. May the witness be excused?  
11 THE COURT: He certainly may. Any  
12 objection to that?  
13 MR. RONNIE JUDY: No.  
14 THE COURT: You may be excused. Thank  
15 you.  
16 (Witness excused.)  
17 MR. BARR: I call Barbara Dantzler, Your  
18 Honor.  
19 THE COURT: Come around, Ms. Dantzler.  
20 How are you this morning?  
21 THE WITNESS: I'm great. How about  
22 yourself?  
23 THE COURT: Doing great -- sitting in  
24 court doing great. How about that? All right.  
25 Have a seat, pull the microphone around, place your

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1 left hand on the Bible. Pull the microphone around,  
2 now raise your right hand.  
3 THE COURT REPORTER: Please state your  
4 full name.  
5 MS. DANTZLER: Barbara P. Dantzler.  
6 BARBARA P. DANTZLER  
7 being first duly sworn, testified as follows:  
8 EXAMINATION  
9 BY MR. BARR:  
10 Q. Ms. Dantzler, where do you live?  
11 A. I live in Harleyville.  
12 Q. And do you have a business?  
13 A. I do, in St. George.  
14 Q. I beg your pardon?  
15 A. In St. George.  
16 Q. In St. George. And what is the nature  
17 of your business?  
18 A. I do bookkeeping and income taxes.  
19 Q. And what is the name of it?  
20 A. Dantzler's Bookkeeping and Tax Service.  
21 Q. How long have you done that?  
22 A. I've been doing taxes itself since 1975.  
23 Q. Okay. Now, have ever done any taxes --  
24 tax return work for any of the Defendants Judy?  
25 A. Yes, I have for all of them.

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1 Q. Okay. I'd like to invite your  
2 attention -- and let me help you with some of that  
3 stuff up there in front of you.  
4 MR. BARR: All right. For the record,  
5 Your Honor, we're going to begin at Tab 23 of the  
6 exhibit notebook. Tab 23.  
7 Q. I've turned the exhibit notebook to Tab  
8 23 and the document purports to be a tax return from  
9 Ronnie Judy. Do you recognize it?  
10 A. Yes, sir. I signed it.  
11 Q. Beg your pardon?  
12 A. I said my business signed the return,  
13 yes.  
14 Q. Okay. So is that a tax return that you  
15 prepared for Ronnie Judy for the tax year of 2004?  
16 A. One of the women that worked for me  
17 prepared it.  
18 Q. Correct, but under your supervision?  
19 A. Oh, yes.  
20 Q. All right. Let's go to 24, Exhibit 24.  
21 I'll ask you the same question. Is that a copy of a  
22 tax return prepared by your business under your  
23 supervision?  
24 A. It is.  
25 Q. Okay. I go to Exhibit 25 and ask you is

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1 that a copy of -- for the record, Exhibit 24 was for  
2 the tax year 2005. I'll go to Exhibit 25 purporting  
3 to be for the year 2006. Same question, is that a  
4 copy of the tax return prepared --  
5 A. It is.  
6 Q. -- for Ronnie Judy for 2006?  
7 A. It is, yes.  
8 Q. Go to Exhibit 26. Is that a copy of the  
9 tax return prepared for Ronnie Judy for the year  
10 2007?  
11 A. Yes.  
12 Q. Go to Exhibit 27. Is that a copy of the  
13 tax return prepared for Ronnie Judy for the year  
14 2008?  
15 A. Yes.  
16 Q. And I'm going to stop there for the time  
17 being. So are the copies that you just identified,  
18 Exhibits 23, 24, 25, 26, 27 and 28, are these kept  
19 as records in the ordinary course of your business?  
20 A. Yes.  
21 Q. And these are copies of them?  
22 A. Yes, sir.  
23 MR. BARR: I would offer Exhibits 23  
24 through 28 into evidence, Your Honor.  
25 THE COURT: Any objection?



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1 MR. RONNIE JUDY: No, sir.  
2 THE COURT: So admitted.  
3 (PLF. EXHS. 23 - 28 in evidence.)  
4 THE COURT: All right. Continue,  
5 Mr. Barr.  
6 BY MR. BARR:  
7 Q. Ms. Dantzler, have you also done tax  
8 preparation for Todd Judy?  
9 A. I have.  
10 Q. Okay. Let me invite your attention now  
11 to Exhibit 28. Now, do you recall that you produced  
12 these documents for me after receiving a subpoena?  
13 A. Yes, sir.  
14 Q. Yeah. And as -- as for Exhibit 28, it  
15 purports to be for the year 2005, but I take it you  
16 had no return for that year for Todd Judy?  
17 A. For 2005?  
18 Q. Yes, ma'am. You can check your  
19 envelope, I know you brought some back-up stuff with  
20 you.  
21 A. I think I did have a return. (Reading.)  
22 There was a return.  
23 Q. Okay. Do you have a copy that you can  
24 leave with us?  
25 A. Yes.

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1 Q. Okay. Let's -- let's add that if we  
2 can.  
3 A. Let me make sure of the pages.  
4 THE COURT: Is that the only copy in the  
5 room?  
6 THE WITNESS: That's the only copy I  
7 have, yes.  
8 THE COURT: I can get my intern to make  
9 one, two, three -- three copies.  
10 MR. BARR: That would be helpful, Your  
11 Honor.  
12 THE COURT: Can you hand me that?  
13 MR. BARR: While we're doing that I'll  
14 move on to the next one.  
15 THE COURT: Sure.  
16 BY MR. BARR:  
17 Q. Will you take a look at Exhibit 29,  
18 Ms. Dantzler? Or Tab 29.  
19 A. Yes.  
20 Q. Is Exhibit -- or Tab 29 a 2006 tax  
21 return for Todd Judy prepared by your office in the  
22 ordinary course of business?  
23 A. It is.  
24 Q. All right. If you'll go to Tab 30. Is  
25 Tab 30 a copy of the tax return of Todd Judy for the

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1 year 2007 prepared by your office in the ordinary  
2 course of business?  
3 A. It is.  
4 Q. Go to Tab 31. Is Tab 31 a copy of the  
5 tax return of Todd Judy for the year 2008 prepared  
6 by your office in the ordinary course of business?  
7 A. It is.  
8 MR. BARR: Your Honor, I would offer the  
9 Todd Judy tax returns which are...  
10 THE COURT: 29, 30 and 31.  
11 MR. BARR: Exactly. Twenty-nine, 30 and  
12 31 into evidence.  
13 THE COURT: Any objection?  
14 MR. RONNIE JUDY: No.  
15 THE COURT: So admitted. Do we need to  
16 mark them?  
17 (PLF. EXHS. 29 - 31 in evidence.)  
18 BY MR. BARR:  
19 Q. Now, Ms. Dantzler, have you ever done  
20 any tax return work for Ryan Judy?  
21 A. A few years, yes.  
22 Q. All right. In fact, I think if you'll  
23 take a look at Tab 32, do you recognize that?  
24 That's not your work, is it?  
25 A. No. No, it's not.

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1 Q. And 33?  
2 A. That's not mine.  
3 Q. What is 33, generically? Do you  
4 recognize it, the form of it?  
5 A. I'm not sure of what company did it, but  
6 there are a lot of tax preparer companies that just  
7 give you a basic format.  
8 Q. Okay.  
9 A. You know, and they don't really provide  
10 the copy of the return.  
11 Q. All right. Tab 34 -- does Tab 34  
12 reflect your work?  
13 A. If I signed it. (Reading.) No.  
14 Q. Tab 35. Does Tab 35 reflect your work?  
15 A. No.  
16 Q. The answer is no?  
17 A. I'm thinking -- no, that's not to my  
18 knowledge. No.  
19 Q. Tab -- the answer is no?  
20 A. No.  
21 Q. Tab 36. Does Tab 36 reflect your work?  
22 A. That's not mine, either.  
23 Q. The answer is no?  
24 A. No.  
25 Q. Okay. Tab 37. Does Tab 37 reflect your

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1 work?  
2 A. It is.  
3 Q. All right. What is Tab 37?  
4 A. It's the tax return for 2008.  
5 Q. I beg your pardon?  
6 A. It's a tax return for 2008. The form  
7 itself is an electronic form.  
8 THE COURT: Go ahead, I'm sorry.  
9 BY MR. BARR:  
10 Q. Is Tab 37 a copy of the tax return for  
11 Ryan Judy for the year 2008 prepared by your office?  
12 A. It is.  
13 Q. And this was taken from your records?  
14 A. Yes.  
15 MR. BARR: All right. Your Honor, we  
16 would offer Exhibit -- Tab 37 as an exhibit. That  
17 would be as to Ryan.  
18 THE COURT: Any objection? And I'll ask  
19 you, Mr. Judy, and Ryan.  
20 MR. RONNIE JUDY: No, sir.  
21 MR. RYAN JUDY: No.  
22 THE COURT: All right. And I failed to  
23 ask Todd about 29, 30 and 31. Do you have any  
24 objection to those?  
25 MR. TODD JUDY: No.

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1 THE COURT: All right.  
2 MR. BARR: Could we have the Court  
3 Reporter mark 37?  
4 (PLF. EXH. 37 in evidence.)  
5 THE COURT: We have these copies of the  
6 2005 Todd Judy tax return.  
7 MR. BARR: Thank you, Your Honor. So  
8 for the record, these are copies of the 2005 return  
9 for Todd Judy that Ms. Dantzler produced from her  
10 envelope.  
11 THE COURT: Right.  
12 MR. BARR: And if I may, I would like to  
13 offer these as Exhibit 28, since that's where the  
14 tab was where the 2005 information was.  
15 THE COURT: Twenty-eight?  
16 MR. BARR: Yes, sir. If you look at Tab  
17 28 --  
18 THE COURT: Don't we have 28 -- oh, I  
19 see. So it will part of the 28?  
20 MR. BARR: Yes, sir.  
21 THE COURT: And just procedurally let  
22 me -- I want to caution you, Mr. Barr. The ones  
23 that we reviewed but she failed to identify, that  
24 would be 32 through 36, they all include Social  
25 Security numbers so --

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1 MR. BARR: I'll get that redacted and  
2 take it up when Ryan Judy...  
3 THE COURT: All right.  
4 MR. BARR: So I'm going to hand the  
5 Reporter the copy of the 2005 return to mark as  
6 Exhibit 28.  
7 (PLF. EXH. 28, IRS Tax Return for  
8 Jeffery T. Judy and Heather T. Judy,  
9 dated 2005, was marked for  
10 identification.)  
11 BY MR. BARR:  
12 Q. Ms. Dantzler, now that these exhibits  
13 are in the record let me help you with your copy of  
14 the notebook. We're going to flip back to Tab 23.  
15 Tab 23, I believe, is a tax return from Ronnie  
16 Judy -- or the tax return from Ronnie Judy for the  
17 year 2004; is that correct?  
18 A. Yes.  
19 Q. All right. Can you tell the Court how  
20 much was reported for Ronnie Judy for farm income  
21 for the year 2004?  
22 A. The farm income itself was \$42,405.  
23 Q. All right. And how much -- how much did  
24 he take in expenses for that year?  
25 A. \$50,938.

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1 Q. So he actually showed a farming loss for  
2 that year; is that correct?  
3 A. Yes, sir.  
4 Q. On -- at least on the tax records?  
5 A. Yes.  
6 Q. Now, of the expenses for the year 2004,  
7 how much was taken for depreciation?  
8 A. \$3466.  
9 Q. Now, both for the purposes of this --  
10 the record of this case and perhaps for my  
11 edification, what would represent a depreciation in  
12 the context of a farm tax return?  
13 A. Any of their farm equipment.  
14 Q. Okay.  
15 A. That would have been depreciated  
16 anywhere from five -- three to five to seven to ten  
17 years.  
18 Q. Okay. All right. So for '04 Ronnie  
19 Judy reported 42,405 in farm income and 50,938 in  
20 expenses; correct?  
21 A. Correct.  
22 Q. Okay. If you could turn to Tab 24 now  
23 for 2005. And I guess the farming P&L statement is  
24 usually the third page in, I think, on these  
25 documents, just to help everybody.

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1 A. Well, on this one it is, yes.  
2 Q. Ma'am?  
3 A. On this one. Not all the time, but on  
4 this one it is.  
5 Q. So on Exhibit 24 for 2005, how much did  
6 Ronnie Judy report in farm income?  
7 A. \$27,006.  
8 Q. And how much in expense?  
9 A. 49,357.  
10 Q. Of which how much was depreciation?  
11 A. \$2576.  
12 Q. All right. Go to Tab 25, then. For  
13 2006 how much did Ronnie Judy report in farm income?  
14 A. \$16,111.  
15 Q. And how much did he report in expense?  
16 A. 24,381.  
17 Q. Of which how much was depreciation?  
18 A. \$1982.  
19 Q. A thousand-982; correct?  
20 A. Yes.  
21 Q. Go to Exhibit 26. For the year 2007 how  
22 much did Ronnie Judy report in farm income?  
23 A. \$20,688.  
24 Q. And for that year did he also show some  
25 timber sales, if you look to the previous page?

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1 A. Yes.  
2 Q. And how much did he sell in timber?  
3 A. \$22,772.  
4 Q. And how much did he show in expenses for  
5 the year 2007?  
6 A. For the farm \$52,733.  
7 Q. And how much did he show in  
8 depreciation?  
9 A. 9,700.  
10 Q. All right. Do you have any independent  
11 memory or recollection as to why the depreciation  
12 would have shot up for 2007 as it did?  
13 A. There would have been a new piece of  
14 equipment purchased.  
15 Q. New piece of equipment. That would not  
16 be related to the timbering activity, would it?  
17 A. It shouldn't be, no. No.  
18 Q. Okay. But if I'm reading it correctly  
19 the total of the expenses, including depreciation  
20 for farming, was sufficient to offset both farming  
21 and timbering for that year?  
22 A. Yes.  
23 Q. I invite your attention to the year  
24 2008. How much did Ronnie Judy show in farm income  
25 in 2008?

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1 A. \$22,220.  
2 Q. And did he also timber that year?  
3 A. \$12,177.  
4 Q. And how much were his expenses?  
5 A. 39,390.  
6 Q. Of which how much was depreciation?  
7 A. \$4222.  
8 Q. Now, how could we reconcile -- or maybe  
9 it's not even a correct question. The difference  
10 between the \$9,000 depreciation the previous year  
11 but only 4,000 this year?  
12 A. It's an IRS ruling and their percentage.  
13 Q. Beg your pardon?  
14 A. It's IR -- the Internal Revenue Service,  
15 they give a guideline for the rate of percentage  
16 that the piece of equipment is to be depreciated at  
17 and showed on the return.  
18 Q. But typically, though, isn't the  
19 depreciation spread out over several years?  
20 A. It is. Normally the second year is the  
21 largest, but then you have to remember that the IRS  
22 had what they call -- oh, gosh, it was a massive  
23 deduction. In other words, you could write off an  
24 entire piece of equipment.  
25 Q. Oh, I see.

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1 THE COURT: Was it Section 179?  
2 THE WITNESS: That's it. Sorry, I  
3 couldn't remember.  
4 THE COURT: I do taxes.  
5 THE WITNESS: Oh, you do?  
6 BY MR. BARR:  
7 Q. All right. So I think we just  
8 summarized Ronnie Judy's farming reports on his tax  
9 returns. Did you do Ronnie Judy's returns in '09?  
10 A. I did.  
11 Q. Or '10?  
12 A. I did.  
13 Q. Did you happen to bring those?  
14 A. No.  
15 Q. I guess it's been that long ago that we  
16 subpoenaed these.  
17 A. Right.  
18 Q. Let's turn now to Exhibit 28, which  
19 would be Todd Judy's return for '05; is that  
20 correct? And that's going to be the one we added --  
21 A. This one?  
22 Q. Right, the one you brought. What did  
23 Todd Judy show as farm income for '05?  
24 A. He showed \$100 of income.  
25 Q. And what did he show in depreciation?

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1 A. \$8,592.  
2 Q. Okay.  
3 A. And that is allowable by the IRS  
4 regulations.  
5 Q. What do you mean by that, by the way?  
6 What is allowable?  
7 A. In other words, if you get a piece of  
8 equipment -- I don't know his circumstances right  
9 now without going back and looking at all the other  
10 returns. But he could have held income, I'm not  
11 sure. But if he inherited or received a piece of  
12 equipment, then he would have been allowed to  
13 write -- or if he purchased a piece of equipment he  
14 would have been able to take the depreciation in  
15 that year.  
16 Q. Okay. All right. Let's go then to  
17 Exhibit 29, which is Todd Judy's tax return for  
18 2006, and tell us how much was shown from farming  
19 for that year. Farming income.  
20 A. It was \$100 also.  
21 Q. And how much was the expense that year?  
22 A. 8592, all depreciation.  
23 Q. All. Same as the previous year?  
24 A. Yes.  
25 Q. Would that signify that another piece of

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1 equipment was purchased?  
2 A. It could have been a part of the  
3 equipment that was written off in 2005.  
4 Q. Okay. So this could have been a very  
5 large expense?  
6 A. Could have, yes.  
7 Q. All right. Well, let's go to Exhibit  
8 30, which is Todd Judy's return for the year 2007,  
9 and I'll ask you the same question. How much farm  
10 income did Todd Judy report for 2007?  
11 A. It was \$100.  
12 Q. And how much did he show in  
13 depreciation?  
14 A. 8592.  
15 Q. \$8,592. Now, in order to depreciate a  
16 piece of equipment, do you have to show some income?  
17 A. Yes, sir. You have to show some income,  
18 yes.  
19 Q. Okay. Let me invite your attention then  
20 to Exhibit 31, which is Todd Judy for 2008. Same  
21 question. How much was shown for 2008 --  
22 A. It was \$100.  
23 Q. -- in farm income?  
24 A. 100.  
25 Q. \$100. And how much was shown in

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1 expense?  
2 A. \$8,592.  
3 Q. Once again, all depreciation?  
4 A. Yes.  
5 Q. Okay. I think that's the last of what  
6 we had obtained for Todd Judy. And I think as to  
7 Ryan Judy Tabs 32, 33, 34, 35 and 36 were not your  
8 work. I think 37 is your work; correct, Exhibit 37?  
9 A. Yes.  
10 Q. All right. And that's Ryan Judy for the  
11 year 2008; correct?  
12 A. Yes.  
13 Q. And how much did Ryan Judy show for farm  
14 income for the year 2008?  
15 A. \$90,536.  
16 Q. Okay. And against that, how much did he  
17 show in expense?  
18 A. \$95,081.  
19 Q. Of which how much was depreciation?  
20 A. \$14,556.  
21 MR. BARR: Okay. If I may have a  
22 moment, Your Honor?  
23 THE COURT: Yes, sir. While you're  
24 doing that, I'm going to ask her a question.  
25 MR. BARR: Yes, sir. By all means.

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1 EXAMINATION  
2 BY THE COURT:  
3 Q. And it's going to take a moment for you.  
4 Could you look through the tax returns that we just  
5 looked at, 2005 through 2008, for all the ones that  
6 you prepared so that would be the one from Ryan in  
7 2008, all of them for 2005 to 2008 for Ronnie and  
8 Todd, and tell me who deducted taxes.  
9 A. Who deducted the taxes?  
10 Q. Yeah. Who deducted the taxes and tell  
11 me what those taxes would be, represent.  
12 A. I have no clue what they represent, now.  
13 They would have -- I mean, they would have something  
14 to do with the farm itself.  
15 Q. Like farmland?  
16 A. Yes, but I have no clue otherwise what  
17 it is.  
18 Q. Who deducted the taxes?  
19 A. That's 2007. Let me go back a little  
20 more. In 2004, Ronnie deducted \$2,021 (sic) of  
21 taxes.  
22 MR. BARR: Where are you pulling that  
23 from, Ms. Dantzler?  
24 THE COURT: It would be the right-hand  
25 column of the farm --

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1 THE WITNESS: The farm schedule itself.  
2 THE COURT: About halfway down.  
3 EXAMINATION  
4 BY MR. BARR:  
5 Q. So for '04, that was \$221?  
6 A. For 2004. In 2005 it was \$153 that  
7 Ronnie deducted. 2006, \$3,090. 2007, \$3500. 2008,  
8 \$1174. 2000 -- that's Todd's. That was 2008. That  
9 was the end of Ronnie's, yeah.  
10 Q. And then the same thing for Todd?  
11 A. Todd is -- well, he had no taxes on  
12 the -- on his returns. All he showed was the  
13 depreciation.  
14 Q. So there were no --  
15 A. I believe that was all the years.  
16 Q. So no taxes on his. And then what about  
17 for the one you did for Ryan?  
18 A. His taxes went on his personal return --  
19 personal side. 2008 for Ryan, no taxes.  
20 Q. Would ad valorem real estate taxes be  
21 deductible in that column of the farm land?  
22 A. Well, it could be, yes, I mean, but  
23 sometimes they go -- you know, all depends on  
24 whether they go there or on the personal side of the  
25 tax return.

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1 MR. BARR: Okay. Anything further, Your  
2 Honor?  
3 THE COURT: Yes. I'd like to follow up,  
4 actually.  
5 EXAMINATION  
6 BY THE COURT:  
7 Q. Now, did Ryan have a Schedule A?  
8 A. In 2000...  
9 Q. In 2008.  
10 A. No. He had one, but he didn't have any  
11 deductions there.  
12 Q. So if he had a farm and he had a  
13 Schedule A, he could have deducted farm taxes on  
14 Schedule A?  
15 A. Yeah. But if he had had the farm, it  
16 should have gone --  
17 Q. On the farm?  
18 A. Yes.  
19 Q. Right. It's preferable if you have a  
20 farm, farm land taxes go on the farm schedule?  
21 A. Yes.  
22 Q. That's actually probably the rule.  
23 A. Right. But the taxes roll from one year  
24 to another.  
25 Q. True, true.

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1 A. Okay.  
2 Q. So -- and did Ronnie have a Schedule A?  
3 A. No, he did not.  
4 Q. So if he wanted to deduct his land taxes  
5 on -- any land taxes on the farm, he'd have to do it  
6 on Schedule A?  
7 A. He should have deducted on the Schedule  
8 F. And if he had personal taxes, if he didn't need  
9 the Schedule A to use on the tax return we would not  
10 have prepared it for him.  
11 Q. Right. And so if he wanted the utmost  
12 deduction and he didn't have a Schedule A.  
13 A. Right.  
14 Q. He wanted to put that tax expense on the  
15 farm schedule?  
16 A. As long as it was farmed, yes.  
17 THE COURT: I don't have anything else.  
18 EXAMINATION  
19 BY MR. BARR:  
20 Q. So, Ms. Dantzler, let me see if I've  
21 got... (Displaying chart.)  
22 A. I can't see that far.  
23 Q. I'm going to bring it over. Let me ask  
24 you, this chart is --  
25 MR. BARR: Can you see it, Your Honor?

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1 THE COURT: Yes.  
2 BY MR. BARR:  
3 Q. Is that consistent with what we just  
4 heard you --  
5 MR. BARR: Gentlemen, if you all would  
6 like to see it, I'm sure the Judge wouldn't object  
7 if you walked over. Just offering.  
8 Q. So if we sort of laid out pictorially  
9 the three returns, Ronnie's here, Todd's here and  
10 Ryan's here, with the year running down this column  
11 and these numbers represent exhibit numbers. So for  
12 the year '04, Ronnie showed \$42,000 of farm --  
13 \$42,000 of farm -- 42,405 of farm revenue, 50,938,  
14 and we now know that Todd showed \$100, I think.  
15 That might have been the one -- no, that's not  
16 correct. We don't have that one. Todd's was for  
17 the next year. We don't have one for Todd and we  
18 don't have anything for Ryan yet.  
19 For the year 2005, Ronnie's revenue was  
20 \$27,006 against expenses of 49,357. That's the one  
21 we now know Todd's income was 100, the one you just  
22 produced this morning. And we don't have anything  
23 yet for Ryan.  
24 For the year 2006, Ronnie showed farm  
25 income of 69,111 (sic) against expenses of 24,381.

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1 Todd shows income of \$100 and the depreciation right  
2 off of 8592.  
3 For the year 2007, Ronnie had timber  
4 sales of 22,772, plus farm revenue of 20,688 against  
5 expenses of 52,733. Todd again showed revenues of  
6 only \$100, we don't know about Ryan.  
7 For the year 2008, Ronnie showed timber  
8 revenues of 12,177, farming revenues of 22,220  
9 against expenses of 39,390. Todd again showed \$100  
10 against his depreciation right off of 8592. And in  
11 that year, Ryan had farming income of 90,536 against  
12 expenses of 95,081. Does that sort of summarize  
13 what we've just seen?  
14 A. I think these were the figures.  
15 MR. BARR: Ms. Dantzler, thank you for  
16 your patience and for educating me. I have no  
17 further questions at this time and would turn the  
18 witness over for some cross.  
19 THE COURT: Mr. Judy and, of course,  
20 since this is your tax returns feel free obviously  
21 to question -- but go ahead, Mr. Judy.  
22 EXAMINATION  
23 BY MR. RONNIE JUDY:  
24 Q. Ms. Dantzler, can you explain to the  
25 Court how Mr. Barr received copies of our income

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1 taxes?  
2 A. He subpoenaed me and I produced them.  
3 Q. He subpoenaed you?  
4 A. Of the ones I had, yes.  
5 Q. And who did you send those to?  
6 A. I sent them to his office.  
7 Q. To his office?  
8 A. (Witness moves head up and down.)  
9 Q. You don't know who signed for them or  
10 what happened?  
11 A. I have no clue, no.  
12 Q. Could you explain to the Court how three  
13 black men got a hold of Todd's income tax, come to  
14 my house with a .38 wanting a heap sum of money?  
15 MR. BARR: Your Honor, I object.  
16 MR. RONNIE JUDY: It's on the police  
17 record.  
18 MR. BARR: I object. It's not relevant.  
19 MR. RONNIE JUDY: It is relevant. He  
20 violated a subpoena privilege.  
21 THE COURT: Just hold it a minute. I'm  
22 going to give you a little leeway here because I  
23 don't know if she knows anything about it, what  
24 you're asking, but I'm going to give you a little  
25 leeway.

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1 MR. RONNIE JUDY: She's aware of it  
2 because I called her.  
3 THE WITNESS: He called.  
4 THE COURT: Well, I'm going to give you  
5 a little bit of leeway; all right? So I'm going to  
6 sustain the objection for now. Just a little bit.  
7 BY MR. RONNIE JUDY:  
8 Q. Mr. Dantzler, didn't you receive a call  
9 from me about three black guys --  
10 A. Yes.  
11 Q. -- had a copy of Todd's income tax?  
12 A. You called, yes, but I was not aware of  
13 it at all. I would have no way of knowing and I,  
14 myself, would never give a copy of anyone's tax  
15 return to anyone but I -- without a gun in my face.  
16 THE COURT: She just testified that she  
17 has no knowledge independent of your phone call. So  
18 if you want -- I'm going to stop your questioning  
19 about that right here and if you want to testify to  
20 that later on you certainly may -- or one of your  
21 sons, whoever was involved, any and all of you can  
22 testify to what happened. But she just testified  
23 she didn't have any knowledge of it, so move on to  
24 another line of questioning.  
25 BY MR. RONNIE JUDY:

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1 Q. Ms. Dantzler, if you want a transcript  
2 of your tax return where do you receive them from?  
3 A. As far as you or --  
4 Q. As far as I.  
5 A. You would ask me and I'd produce it for  
6 you. Now, if you wanted a certified copy from the  
7 IRS, you'd have to go through the IRS regulations.  
8 Q. Okay. But, in other words, you can get  
9 a transcript copy of your tax returns back -- recent  
10 years; is that correct?  
11 A. Yes. I can make you -- produce a copy  
12 from the computer, yes.  
13 Q. I'd like for you to read this to the  
14 Court.  
15 THE COURT: Is this...  
16 THE WITNESS: You want me to read it  
17 all?  
18 BY MR. RONNIE JUDY:  
19 Q. Who is that letter from?  
20 A. It's from the Internal Revenue Service.  
21 Q. Where about?  
22 A. Memphis, Tennessee.  
23 Q. And it states --  
24 THE COURT: Before you read that, I want  
25 you tell me who the letter is to.

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1 THE WITNESS: It's addressed to Ronnie,  
2 Ronnie Judy.  
3 BY MR. RONNIE JUDY:  
4 Q. When, the date?  
5 A. May of 2011.  
6 Q. Okay. It shows a transcript of my tax  
7 returns back from 1990 --  
8 MR. BARR: Your Honor --  
9 BY MR. RONNIE JUDY:  
10 Q. -- to 2008.  
11 THE COURT: We have an objection.  
12 MR. BARR: Your Honor, I have an  
13 objection. First of all, I don't know what the  
14 witness is being shown. Perhaps I should look at it  
15 so I could frame some intelligent position about it.  
16 But it seems that Mr. Judy is presenting to the  
17 witness a document he got from the IRS, and I don't  
18 know how he can examine this witness about it.  
19 THE COURT: That's my -- that was going  
20 to be my point. That's why I asked her who the  
21 letter is to.  
22 This is a piece of evidence that you may  
23 have that you might want to introduce if you choose  
24 to testify or called to testify. So she's not --  
25 she doesn't have any knowledge of this, this would

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1 be in or around the rules of evidence, so I'm going  
2 to sustain the objection. And if you want to admit  
3 it in some other fashion, through some other  
4 witness, you may at a later time you can admit it.  
5 THE WITNESS: (Tendering.)  
6 MR. RONNIE JUDY: Thank you. I've got  
7 no further.  
8 THE COURT: All right.  
9 MR. BARR: I have nothing further, Your  
10 Honor. Ms. Dantzier, thank you very much. You may  
11 be excused --  
12 THE COURT: She's excused for the day?  
13 Any objection to that?  
14 MR. RONNIE JUDY: No.  
15 THE COURT: Any other questions from the  
16 other defendants? Because I know this had some of  
17 your tax returns involved.  
18 MR. TODD JUDY: No.  
19 MR. RYAN JUDY: No.  
20 THE COURT: Nothing? All right. You  
21 may be excused. Have a good day.  
22 (Witness excused.)  
23 MR. BARR: Call Jimmy Judy, Your Honor.  
24 THE COURT: All right. Mr. Judy, come  
25 around. If you would step up, pull the microphone

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1 close. You might get the drill down by now. And if  
2 you'd like to put the Bible over here and put your  
3 left on it -- there you go.  
4 THE COURT REPORTER: Please state your  
5 full name.  
6 MR. JAMES JUDY: James T. Judy.  
7 JAMES T. JUDY  
8 being first duly sworn, testified as follows:  
9 EXAMINATION  
10 BY MR. BARR:  
11 Q. Would you state your full name and  
12 address, Mr. Judy?  
13 A. James T. Judy. 161 Riverfront Drive,  
14 Reevesville, South Carolina 29471.  
15 Q. And you're a brother of the Defendant  
16 Ronnie Judy?  
17 A. That's correct.  
18 Q. And your co-plaintiff Bobby Judy?  
19 A. That's correct.  
20 Q. Can you tell the Court, Mr. Judy,  
21 whether or not you had occasion to file suit against  
22 your brother in 2004?  
23 A. Yes, I filed a suit against him on  
24 9/10/04 and refiled a suit in 11/28/05.  
25 Q. All right. Let me invite your attention

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1 to Exhibit -- to Tab 17 in the notebook in front of  
2 you.  
3 MR. BARR: That's the exhibit notebook,  
4 Your Honor.  
5 THE WITNESS: Okay.  
6 BY MR. BARR:  
7 Q. All right. Is the first summons and  
8 complaint the '04 case that was filed?  
9 A. That's on Tab 17?  
10 Q. Yeah. I think you might have the wrong  
11 tab there. There you go, it's behind --  
12 A. Behind it. Got you.  
13 MR. RONNIE JUDY: What number is that?  
14 MR. BARR: Seventeen.  
15 THE WITNESS: That's correct. September  
16 10th of 2004.  
17 BY MR. BARR:  
18 Q. So the first pleading is a suit filed on  
19 September 10th of 2004?  
20 A. That's correct.  
21 Q. And is it correct that that was  
22 nonsuited and then refiled on November 28th of 2005?  
23 A. That's correct.  
24 Q. And is that the second pleading in this  
25 same exhibit section? Pull the whole thing over,

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1 the whole stapled section -- there you go. Does  
2 that second part have a 2005 number at the top?  
3 Look at the very top of the page.  
4 A. Yes, it does.  
5 Q. Okay. So that's the refiled case?  
6 A. Yeah, that's correct.  
7 MR. BARR: Your Honor, this is a  
8 certified copy from the Clerk of Court's office. I  
9 would offer Exhibit 17 into evidence.  
10 THE COURT: It appears that the '05 case  
11 is the only certified copy that I see.  
12 MR. BARR: That's correct. The witness  
13 has identified the '04 one.  
14 THE COURT: As the predecessor.  
15 Mr. Judy, any objection?  
16 MR. RONNIE JUDY: What was that?  
17 THE COURT: Any objection to the  
18 admission of these two summons and complaints in  
19 Plaintiff's 17?  
20 MR. RONNIE JUDY: No, sir.  
21 MR. BARR: If I may continue, I'll have  
22 the witness identify several and then we can have  
23 the Reporter mark.  
24 THE COURT: All right.  
25 BY MR. BARR:

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1 Q. Did that case go to trial in April of  
2 2007?  
3 A. Let me check my notes. (Reading.) I  
4 don't see nothing on April.  
5 Q. Well, let me restate the question. When  
6 did that case first come up for trial?  
7 A. It came up for trial on January the 29th  
8 of 2007.  
9 Q. And what happened on that occasion?  
10 A. We appeared with our witnesses and found  
11 out that the Defendant had been admitted to the  
12 hospital and the case was continued.  
13 Q. Okay. When did it next come up for  
14 trial?  
15 A. It come up for trial on March the 5th of  
16 2007.  
17 Q. And did we appear with our witnesses?  
18 A. And we appeared with our witnesses and  
19 the Defendant moved that Judge Goodstein excuse  
20 herself because he had filed a case against her.  
21 Q. He had filed a complaint against her?  
22 A. He had filed a complaint against her,  
23 yes.  
24 Q. And so --  
25 A. Against her in the Supreme Court, that's

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1 correct.  
2 Q. Okay. And so was the case continued  
3 again?  
4 A. It was.  
5 Q. And then when did it finally go to  
6 trial?  
7 A. It went to trial 4/11/07.  
8 Q. Okay. So let me invite your attention  
9 to Exhibit 18. Is Exhibit 18 a judgment signed by  
10 Judge Roger Young in that case?  
11 A. That's correct.  
12 Q. Then what happened to that case on  
13 appeal?  
14 A. It went to the Appeals Court and they  
15 overturned it. And then 6/20 of 2011 the Supreme  
16 Court overturned it.  
17 Q. So the Supreme Court affirmed the  
18 reversal of the case by the Court of Appeals?  
19 A. That's correct.  
20 Q. All right. And have you filed a  
21 petition for rehearing with the Supreme Court?  
22 A. I have.  
23 Q. And is that now pending?  
24 A. That is pending.  
25 Q. That's not been decided yet?

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1 A. That's correct.  
2 MR. BARR: Your Honor, I would offer now  
3 Exhibits 17, 18 -- and I have marked Exhibit 19  
4 which is when the Supreme Court granted cert, but  
5 that was -- I had this notebook prepared for another  
6 trial. They've since ruled, so I'll put that in but  
7 the record should reflect --  
8 THE COURT: We already have 17 without  
9 objection. So 18. Any objection to 18, Mr. Judy?  
10 MR. RONNIE JUDY: Yes, sir.  
11 THE COURT: Was that -- you have an  
12 objection?  
13 MR. RONNIE JUDY: No, sir.  
14 THE COURT: All right. So admitted.  
15 Let's get -- do we need to mark them now or are you  
16 going to continue?  
17 MR. BARR: I'll get -- then 19 as well,  
18 Your Honor.  
19 THE COURT: Okay. And 19 is the writ of  
20 cert. Any objection to 19? I think that's on your  
21 side there, Mr. Judy.  
22 MR. RONNIE JUDY: Yes, it is. I want to  
23 stay on that side.  
24 THE COURT: I hear you. Any objection  
25 to 19 coming in?



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1 MR. RONNIE JUDY: No, sir.  
2 THE COURT: I didn't think so.  
3 MR. BARR: May we have the Reporter now  
4 mark 17, 18 and 19?  
5 THE COURT: Yes.  
6 (PLF. EXHS. 17 - 19 in evidence.)  
7 BY MR. BARR:  
8 Q. Now, Mr. Judy, in the case that we are  
9 currently trying before Judge Banks, when did --  
10 when did you and Bobby file this case?  
11 A. Let me see. When did Bobby and I file  
12 the case?  
13 Q. I can find -- I think I had --  
14 A. I don't know the exact date of it.  
15 Q. The first summons, just a minute. Let  
16 me find it for you -- I've got it right here. Let  
17 me restate the question maybe.  
18 The record in this case reflects that  
19 the summons and complaint -- lis pendens and  
20 complaint in this case were filed September the 27th  
21 of 2007 and, of course, named Ronnie --  
22 A. That's correct.  
23 Q. It names your brother Ronnie and your  
24 nephews Todd and Ryan. Why are Todd and Ryan named  
25 as parties with Ronnie?

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1 A. Because in 2007 Ronnie, Todd -- Ronnie  
2 put the 9.29 acres into Todd's name and the 10.98  
3 acres into Todd's name for \$5 love and affection.  
4 And the '98 deeds was in Todd and Ryan's names, so  
5 we included all of them.  
6 Q. All right. Well, let's take that, then,  
7 one at a time. Let me invite your attention to  
8 Exhibit -- or Tab 15 of the notebook.  
9 MR. BARR: Your Honor, I will represent  
10 to the Court it's not depicted on the copy that's in  
11 front of you, but in the original notebook I have a  
12 sealed copy of that as certified by the Recorder of  
13 Deeds in Dorchester County so that I would offer  
14 Exhibit 15 on the basis of it being a certified  
15 record.  
16 THE COURT: Any objection, Mr. Judy, to  
17 the admission of Plaintiff's Exhibit 15 into  
18 evidence?  
19 MR. RONNIE JUDY: No objection.  
20 THE COURT: All right. So admitted. Do  
21 you want to mark it now?  
22 MR. BARR: Well, I guess we should, yes,  
23 sir.  
24 (PLF. EXH. 15 in evidence.)  
25 BY MR. BARR:

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1 Q. I think what I asked you was why you  
2 named Ronnie and Todd, and you said because of some  
3 conveyances. And is this deed one of them?  
4 A. This deed is one of them, mm-hmm.  
5 Q. Okay. And this deed was recorded -- I'm  
6 sorry, was signed February the 7th of 2007; is that  
7 correct?  
8 A. That's correct.  
9 Q. And at that time the lawsuit that you  
10 had filed against Ronnie was pending; is that right?  
11 A. That is correct.  
12 Q. And it had just been called up for trial  
13 the week before; is that correct?  
14 A. That's correct.  
15 Q. And Ronnie was in the hospital?  
16 A. That's right.  
17 Q. Is that correct? Now, did you name Ryan  
18 and Todd because of other conveyances as well?  
19 A. Yes. Because of the 1998 conveyance.  
20 Q. All right. Well, let me invite your  
21 attention to Tab 3. I guess while I'm at it, let me  
22 invite you to look -- and for Messieurs Judy to look  
23 at Tabs 3 and 3A.  
24 Do Tabs 3 and 3A reflect conveyances  
25 from Ronnie Judy to -- Exhibit 3 is to Todd of a

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1 number of tracts in Dorchester County that would --  
2 the deed was filed November the 16th of 1998, and  
3 Exhibit 3A is of a number of tracts in Dorchester  
4 County from Ronnie to Todd and Ryan, also filed  
5 November the 16th of 1998?  
6 A. That's correct.  
7 MR. BARR: Your Honor, I would offer  
8 Exhibits 3 and 3A into evidence.  
9 THE COURT: Any objection?  
10 MR. RONNIE JUDY: No, sir.  
11 (PLF. EXHS. 3, 3A in evidence.)  
12 BY MR. BARR:  
13 Q. Now, Jimmy --  
14 MR. BARR: If I may call him by his  
15 first name, Your Honor. I think it makes it --  
16 we've got so many Judys.  
17 THE COURT: Yeah. I was going to  
18 mention that at the beginning of this case, but  
19 certainly you may.  
20 BY MR. BARR:  
21 Q. Jimmy, you first filed this lawsuit  
22 against Ronnie and Todd and Ryan, and you then  
23 amended it to name Wanda. Why did you amend it to  
24 name Wanda?  
25 A. By the deed that he -- that Todd

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1 transferred it to -- the 9.29 acres and the 10.9  
2 acres to Wanda in 12/31/08.  
3 Q. All right. Let me invite your attention  
4 then to Exhibit 16 in the notebook. Is Exhibit 16,  
5 Tab 16, the deed by which Todd, then, transferred  
6 the 9.29 and 10.9-acre tracts to Wanda?  
7 A. That's correct.  
8 Q. And was that for \$5 love and affection?  
9 A. \$5 love and affection.  
10 MR. BARR: I would offer Exhibit 16,  
11 Your Honor.  
12 THE COURT: Any objection, Mr. Judy?  
13 MR. RONNIE JUDY: No, sir.  
14 THE COURT: What about the 10.9?  
15 MR. BARR: I think they're both in the  
16 same deed, Your Honor.  
17 THE COURT: Is this --  
18 MR. BARR: There's a second page. On  
19 the first page is the 9.29 and the second page is  
20 the 10.29 (sic).  
21 (PLF. EXH. 16 in evidence.)  
22 BY MR. BARR:  
23 Q. Now, when did this case, the case that  
24 Judge Banks is hearing, Jimmy, first come up for  
25 trial?

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1 A. It first went up for trial on August the  
2 9th of 2010.  
3 Q. Was it tried on that day?  
4 A. No, it wasn't. The Defendant was in the  
5 hospital and the case had to be continued.  
6 Q. All right. And was it then rescheduled?  
7 A. Yes. Judge Watts ordered the trial for  
8 11/29/2010 and also wanted the Defendant to bring a  
9 copy of his hospital record.  
10 Q. You mean from the August --  
11 A. From the August trial.  
12 Q. Okay. Then what happened next?  
13 A. On 10/14/2010 the judge -- Judge Watts  
14 filed an order recusing himself.  
15 Q. Okay. And that's what brings us over  
16 here to Calhoun County in front of Judge Banks?  
17 A. That's what brings us here, correct.  
18 Q. Now, Jimmy, let me -- let me ask you  
19 about the 1998 deeds that we're asking Judge Banks  
20 to set aside and restore title to Ronnie Judy, and  
21 those are Exhibits 3 and 3A. How were you and  
22 Ronnie getting along back then in 1997 and 1998?  
23 A. We were getting along good.  
24 Q. All right. And what events -- do you  
25 get along well now?

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1 A. No.  
2 Q. And was there any event that you would  
3 say sort of began the deterioration of your  
4 relationship?  
5 A. Yes. When my daddy died March 2nd of  
6 1999, and we approached him about let's straighten  
7 up the division of the land and we've had to go to  
8 court ever since.  
9 Q. Okay. So let's go back to the better  
10 times, then, in 1997 and 1998. In 1997 were you,  
11 yourself, having some legal things going on?  
12 A. Yes. I was having a marital problem and  
13 I went and talked to an attorney, Gene Dukes at that  
14 time, and he advised me to take my land out of my  
15 name and put it into my children's name.  
16 Q. And that land -- how did you acquire  
17 that land?  
18 A. I acquired that land through an  
19 inheritance.  
20 Q. So Mr. Dukes, your lawyer, advised you  
21 to transfer to your children?  
22 A. Transfer it out.  
23 Q. Did you ever have a conversation with  
24 Ronnie about that?  
25 A. Yes, I did. And Ronnie asked me, he

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1 said, can you do that? And I said, well, the  
2 judge -- I mean, the attorney told me I could do  
3 that, and so that was it right then.  
4 Q. Okay. Now, are you aware of whether or  
5 not in 1997 Ronnie was also in court about anything  
6 back then himself?  
7 A. Yes. He was involved in a title case  
8 with Larry Mills.  
9 MR. BARR: And let me invite the Court's  
10 attention now to Tab 40 -- Tab 40, Mr. Judy. And  
11 let me say, Your Honor, this, I think, was the  
12 matter that I think Mr. Judy was trying to address  
13 pretrial.  
14 Your Honor, in the original notebook,  
15 Tab 40, just as you see it in your copy, is  
16 certified by the Clerk of Court for Dorchester  
17 County as a true copy from its records. So I would  
18 introduce the entirety of -- I would introduce the  
19 entirety of Exhibit -- Tab 40 as Exhibit 40 as being  
20 an authenticated and certified record from the Clerk  
21 of Court's office.  
22 THE COURT: This is in the case from  
23 1995 between the Defendant and Mr. Mills?  
24 MR. BARR: That's correct.  
25 THE COURT: This is the entire court

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1 file?  
2 MR. BARR: Yes, sir.  
3 THE COURT: Any objection?  
4 MR. RONNIE JUDY: It was decided by the  
5 Appellate Court in '99 is what you're referring to?  
6 MR. BARR: It's got --  
7 MR. RONNIE JUDY: After the transfer --  
8 THE COURT: I think what -- I think what  
9 he's putting it in for is to show that you had some  
10 court issues prior to a discussion that he talked  
11 about a moment ago about transferring land. I think  
12 that's where he's going.  
13 MR. RONNIE JUDY: Yes, sir, but he  
14 wasn't -- he wasn't addressing all the appeals  
15 involved.  
16 THE COURT: I don't think he's going  
17 that far. You can certainly take it further.  
18 MR. RONNIE JUDY: Yes, sir.  
19 THE COURT: If necessary. Is that -- if  
20 that was an objection I would sustain -- I mean, I  
21 would overrule it and have it admitted as 40. But  
22 you're free to cross-examine, you're free to add or  
23 subtract to it in your own testimony.  
24 (PLF. EXH. 40 in evidence.)  
25 BY MR. BARR:

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1 Q. So Jimmy --  
2 MR. BARR: I'll say now, Your Honor,  
3 Exhibit 40 has now been marked as an exhibit and  
4 admitted.  
5 Q. Jimmy, so how do you tie the pendency of  
6 the Mills case against Ronnie, which is Exhibit 40,  
7 to your conversation with him about what your lawyer  
8 advised you about transferring property?  
9 A. He was questioning me about that, and  
10 then in '98 he had a combine case against him  
11 and -- which he went to trial and it was for taking  
12 a combine off of somebody's land or something, and  
13 then he burnt the motor up in it and he went to  
14 trial and he got off.  
15 Q. He was acquitted?  
16 A. He was acquitted.  
17 Q. Okay.  
18 A. But in '98, when he asked me about -- at  
19 that time he said, you know I'm going to take this  
20 land out of my name because I'm afraid that they are  
21 going to come out a civil suit for the combine  
22 engine, which was a \$10,000 damage.  
23 Q. Okay.  
24 A. And at that time I asked Ronnie, I said,  
25 Ronnie, can you trust your boys if something happens

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1 you can get your land back? He said, don't worry  
2 about that. I'll have deeds already made up and  
3 signed and all I've got to do is date them.  
4 Q. And so were you aware, then, after he  
5 had done it that Ronnie, in fact, had transferred  
6 the lands to Todd and Ryan?  
7 A. Yes. He did it in the Fall of '98.  
8 Q. Okay. Now, of the lands that we're  
9 asking Judge Banks to restore to Ronnie's name, let  
10 me invite your attention back to Exhibit 3, Jimmy.  
11 A. Okay.  
12 MR. BARR: I believe Exhibit 3 is in,  
13 Your Honor. Yes, Exhibit 3 is in.  
14 Q. The first -- the first tract of land  
15 described in that deed from Ronnie to Todd describes  
16 259 acres, which is bounded on the south by the  
17 Edisto River. And, of course, it conveys to Todd  
18 only a one-half undivided interest and then it  
19 recites a conveyance of the other half to you; is  
20 that correct?  
21 A. That's correct.  
22 Q. And, ultimately, were those lands  
23 divided? That is to say, was that 259 acres  
24 ultimately divided between you and then Todd who was  
25 holding the title?

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1 A. That's correct. We went through court  
2 and divided it.  
3 Q. So that leaves -- in terms of what we're  
4 asking the Court to restore here today, that would  
5 be the parcels that are described in the lis pendens  
6 as the 119-acre parcel; correct?  
7 A. That's correct.  
8 Q. And then the other 10.529 acres -- I  
9 don't remember the exact fraction; is that correct?  
10 A. That's correct. That would be half  
11 of -- their part on the river.  
12 MR. BARR: Jimmy, thank you very much.  
13 Answer questions that Ronnie may have for you.  
14 THE COURT: Mr. Judy?  
15 EXAMINATION  
16 BY MR. RONNIE JUDY:  
17 Q. Jimmy, didn't you tell the Court that  
18 you got inherited property out of your name going  
19 through your divorce? Is that what you just said?  
20 A. Yes, I did.  
21 Q. Isn't it true some of that property you  
22 bought while you was married to Peggy?  
23 A. No.  
24 Q. Included -- the tract down there as you  
25 come in off the river?

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1 A. What tract coming off the river?  
2 Q. The 100 and some acres you bought from  
3 TC Kensey (phonetic), Kensey Farms. Wasn't that  
4 purchased during your marriage?  
5 A. It might have been.  
6 Q. Yes, it was.  
7 A. That was me and Bobby bought that piece  
8 of property, that's correct.  
9 Q. Yeah.  
10 A. I stand to be corrected.  
11 Q. That's not a fraudulent conveyance?  
12 A. I did what my attorney --  
13 Q. Get property out of your name --  
14 A. I did what my attorney said I could do.  
15 Q. And isn't true back in 1999 your son and  
16 daughter deeded it back to you after the divorce?  
17 A. No. It was deeded back to me before the  
18 divorce, I think. I don't know.  
19 Q. No, 1999. I got --  
20 A. Well, I don't know. I don't have the  
21 records with me on that. But that is back in my  
22 name, that's correct.  
23 Q. Twenty-two and 23. What is the deed on  
24 them?  
25 A. July the 20th, 1999.

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1 Q. That was after you obtained your  
2 divorce, wasn't that correct?  
3 A. I don't know. I don't know what month I  
4 obtained my divorce in 1999. I do not know. I know  
5 it was sometime in '99, but I do not know whether it  
6 was before or after.  
7 Q. It was after your divorce because --  
8 A. I don't know that.  
9 Q. -- the Family Court records show that.  
10 A. I don't know. If you've got some  
11 records, I can look at it.  
12 Q. Some of that property there was property  
13 that was bought during the marriage; right?  
14 A. There was one piece. The...  
15 Q. You testified -- you testified a while  
16 ago it was inherited property.  
17 A. Well, I overlooked that section.  
18 Q. Oh, yeah, overlooked.  
19 MR. RONNIE JUDY: Put that into  
20 evidence.  
21 THE COURT: Any objection?  
22 MR. BARR: I'll take a look at them.  
23 (Reading.) We don't have any objection.  
24 THE COURT: All right. Then that will  
25 be Defendant's 1. Unless you'd rather -- I think he

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1 called it 22 and 23. If he'd rather maintain  
2 that -- would you rather that be called your first  
3 exhibit or 22 and 23 as you referred to it?  
4 MR. RONNIE JUDY: Yeah.  
5 THE COURT: Twenty-two and 23?  
6 MR. RONNIE JUDY: Number 1 and 2.  
7 THE COURT: Let's make it Number 1 and  
8 2. Put them in order, the one out of Jimmy and then  
9 the one back into Jimmy. That will be 1 and then 2.  
10 (DFT. EXHS. 1 and 2 in evidence.)  
11 THE COURT: Continue, Mr. Judy.  
12 BY MR. RONNIE JUDY:  
13 Q. Back in 2004, didn't you have the  
14 Solicitor's office bring criminal charges against me  
15 for this dam case?  
16 MR. BARR: Your Honor, I object.  
17 THE COURT: Mr. Judy, did you just swear  
18 in my courtroom? Did he say damn?  
19 MR. BARR: He's referring to a pond dam.  
20 THE COURT: Oh, a pond dam. A pond dam.  
21 I apologize. I was about ready --  
22 MR. RONNIE JUDY: I know that. I  
23 wouldn't have said that. I don't slip up.  
24 THE COURT: I don't tolerate it. Your  
25 objection was what?

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1 MR. BARR: It's not relevant.  
2 MR. RONNIE JUDY: Yes, it is. He --  
3 THE COURT: I think I'm going to give  
4 him some leeway. It sounds like impeachment to me  
5 so I'm going to give some leeway.  
6 BY MR. RONNIE JUDY:  
7 Q. Why did the Solicitor's office prosecute  
8 me for destroying the dam?  
9 A. I have no idea.  
10 Q. Isn't it true that when Solicitor Pascal  
11 came in he throwed (sic) it out because there wasn't  
12 nothing but a bunch of hog wash?  
13 A. I do not know that.  
14 Q. He throwed it out; is that correct? It  
15 wasn't tried.  
16 A. No, they never pursued it because they  
17 didn't dig into the information enough. That's  
18 correct.  
19 Q. But you had me arrested for that,  
20 though, didn't you?  
21 A. I did not have you arrested.  
22 Q. I was in jail. Matter of fact, Jimmy,  
23 you put me in jail 17 times.  
24 A. I'd like to see the list.  
25 MR. BARR: Your Honor, I object to

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1 Mr. Judy trying to testify.  
2 THE COURT: I understand. And --  
3 MR. BARR: And to the relevance.  
4 THE COURT: If you make that in the form  
5 of a question, I think it would be admissible.  
6 Could you rephrase your question, Mr. Judy?  
7 BY MR. RONNIE JUDY:  
8 Q. Isn't it true that you had me arrested  
9 17 times?  
10 A. No.  
11 Q. If we go back to the Clerk of Court and  
12 pull the records, it wouldn't show it?  
13 A. No. Not to my knowledge, no.  
14 Q. We'll have that done.  
15 A. Okay.  
16 Q. And I think you have sued me what,  
17 seven, eight times on different things?  
18 A. Only to get all this land resolved  
19 through the Court system, whatever, yes. I don't  
20 know whether it's seven or eight times, I do not  
21 know.  
22 Q. But isn't it true while you are here  
23 today you want that tract of -- 118-acre tract of  
24 land in the middle of your hunt club on Edisto  
25 River?

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1 A. No.  
2 Q. Why did you tell Mr. Barr that you would  
3 drop all the charges if Todd would deed that 118  
4 acres over to you?  
5 A. Just to get my money back that you owe.  
6 It don't make no difference which piece it is.  
7 Q. Jimmy, the Appellate Court said I don't  
8 owe it, the Supreme Court done ruled that I don't  
9 owe it. Now, how are you going to come back into  
10 court saying I owe you?  
11 A. Who's saying this is over with?  
12 Q. The Supreme Court does not undo what  
13 they have already done, I can tell you that.  
14 A. Amazing.  
15 Q. This property was partitioned between  
16 you and Todd; is that correct?  
17 A. Because you claimed you had no  
18 ownership.  
19 Q. Right.  
20 A. That's correct.  
21 Q. Judge Peeples ruled August 6th, 2001  
22 that I had no interest in it; is that correct?  
23 A. I don't know the date.  
24 Q. You don't know -- okay. I've got the  
25 date. I think on February the 8th you filed a

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1 partition to -- I mean, a petition to partition the  
2 property; is that correct? That's when Judge  
3 Peeples dismissed me as owning any property?  
4 A. In what year?  
5 Q. 2001, February the 8th.  
6 A. Somewhere -- when we started --  
7 Q. That time frame.  
8 A. When we petitioned to divide the  
9 property, that's correct.  
10 Q. And it was divided by the  
11 Master-in-Equity between you and Todd. There was no  
12 creditors at that time, was there?  
13 A. What year? It wasn't divided until  
14 later.  
15 Q. 2004/2005.  
16 A. Yes, there were creditors you had.  
17 Q. You wasn't a creditor?  
18 A. No, I wasn't a creditor, but you had  
19 creditors.  
20 Q. You was not a creditor at the time that  
21 Parcel C through J was transferred, was you?  
22 A. What's C through J? I don't know.  
23 Q. The balance of the property from A and  
24 B.  
25 A. I don't know. I don't know -- A and B

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1 don't tell me what --  
2 Q. A was the home place, the Rumph place.  
3 A. A --  
4 Q. In other words, I was personal  
5 representative of the Rumph estate; is that correct?  
6 A. From '83 to 2001, yes. I think it was  
7 2001.  
8 Q. That's right. And why was I not filing  
9 for discharge from that estate? Can you tell the  
10 Court?  
11 A. I guess to keep me from getting my part.  
12 Q. Isn't it true that I was asking SLED --  
13 the FBI and SLED to investigate the fake doctor's  
14 death, John K. Sykes (phonetic)?  
15 A. I don't know what you were doing.  
16 Q. And when I wouldn't do that, you had me  
17 removed, and then you had the probate judge to give  
18 you the bulk of that estate?  
19 A. I had the probate judge to divide that  
20 estate.  
21 Q. Was it divided equally?  
22 A. In her way it was done, yes.  
23 Q. In her way?  
24 A. In the Court's way. The Court did it, I  
25 didn't do it.

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1 Q. In other words, it was three tracts of  
2 land. It was -- you had your appraiser to appraise  
3 it at \$555,000.  
4 MR. BARR: I object.  
5 BY MR. RONNIE JUDY:  
6 Q. That's the order --  
7 THE COURT: Hold on, there's an  
8 objection.  
9 MR. BARR: Your Honor, this is -- I  
10 object to relevancy. This is really going way, way  
11 far field. If your question here is one of whether  
12 there's a fraudulent conveyance and how -- how this  
13 land was divided in a case long ago heard,  
14 opportunities for appeal have expired, there have  
15 been collateral decisions by the Court of Appeals  
16 and now the Supreme Court somewhat related to it but  
17 has no bearing on the question of whether or not the  
18 land -- ten tracts to say that the lis pendens were  
19 fraudulently conveyed by this Defendant.  
20 THE COURT: Mr. Judy, I've given you a  
21 lot of leeway on this and I'm actually willing to  
22 give you a little more, but you're going to have to  
23 explain yourself for a second here. How is -- his  
24 objection is, how is this relevant? How is what  
25 happened that far back relevant to this case today

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1 and the issues that are involved in this case? I'm --  
2 giving you a chance to explain, and if you give me  
3 an adequate explanation I'll let you go some more.  
4 MR. RONNIE JUDY: It's part of one of  
5 the parcels that they're trying to set aside.  
6 THE COURT: You're trying to get  
7 testimony from your brother about part of one of the  
8 parcels that we're dealing with? Is that what  
9 you're saying?  
10 MR. RONNIE JUDY: Yes, sir.  
11 THE COURT: And your cross-examination  
12 at this point is trying to make what ultimate point  
13 with the Court? What is your ultimate point?  
14 MR. RONNIE JUDY: My ultimate point is  
15 the property was in Todd's name.  
16 THE COURT: In 1998? Is that what you  
17 mean?  
18 MR. RONNIE JUDY: Yes, sir. And in  
19 2001, when I sold the property to Todd and Ryan, the  
20 probate judge issued an order saying that the August  
21 20th deed was a valid deed. Signed, sealed, put in  
22 the file in the Probate Court. And somehow or  
23 another the other side didn't like it, so they sent  
24 up a proposed order with another order for her to  
25 sign and pulled that one out -- out of the file and

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1 put it in the trash can. And I was just fortunate  
2 to find it in the trash can, one of the employees  
3 brought it to my attention and I have that here  
4 today.  
5 THE COURT: I tell you what. I'll give  
6 you a few more minutes on this issue, but I want to  
7 caution you. I don't need the same question asked.  
8 If he doesn't answer it the way you like it, you get  
9 one crack at that question; all right? And if he  
10 doesn't -- if you don't like his answer, I'm not  
11 going to let you ask him the same question again  
12 because that's going to be an objection for asked  
13 and answered. That's a standard objection in this  
14 court. So I'll let you go a little further but you  
15 better -- if you don't like the answer -- I don't  
16 think you're going to like any of his answers, but  
17 I'll give you a few more.  
18 BY MR. RONNIE JUDY:  
19 Q. Jimmy, the deed that Daddy give me on  
20 the 259 acres, do you recall Daddy asking me to give  
21 you half-interest in it?  
22 A. Daddy told you to give me half-interest  
23 in it.  
24 Q. That was the agreement when Daddy  
25 transferred the property, that he had the right to

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1 change -- make decision -- make changes throughout  
2 the rest of his life; is that correct?  
3 A. In 1965, when Daddy beat that surveyor  
4 very seriously, that he was worried about a lawsuit  
5 and he took all the property out of his name, put it  
6 into yours and Bobby's name with the agreement that  
7 he had lifetime use of that property until he died.  
8 And that's exactly the way it went.  
9 Q. What happened when he asked y'all to  
10 give up the half-interest in the home place out  
11 there?  
12 A. My daddy never asked me for any of it  
13 back. That half of that -- that 259 acres on the  
14 river, he never asked me about it.  
15 Q. You didn't tell him that he would have  
16 to buy you out?  
17 A. No, I did not.  
18 Q. Why did --  
19 A. That -- we never had a conversation  
20 about the property.  
21 THE COURT: I'm going to stop you right  
22 there. Is this 259 acres part of this property?  
23 MR. RONNIE JUDY: Yes, sir.  
24 THE COURT: All right. Go ahead.  
25 BY MR. RONNIE JUDY:

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1 Q. So you never did tell him that he would  
2 have to finance the property back from you?  
3 A. No, I did not.  
4 Q. Why did he get his shotgun one Saturday  
5 afternoon, was coming to the river for you and  
6 Bobby?  
7 MR. BARR: Objection.  
8 THE WITNESS: You're the only person I  
9 heard that from.  
10 MR. BARR: Objection, Your Honor. This  
11 is -- I realize Mr. Judy is not a lawyer, but among  
12 other things he's making an assertion rather than  
13 asking a question. This really has nothing to do  
14 with whether or not the '98 conveyance and the '04,  
15 whenever this conveyance, was fraudulent.  
16 THE COURT: I think I'm going to finally  
17 sustain it. I've given you a lot of leeway on this  
18 issue, Mr. Judy, and I think I've gotten the point.  
19 I really do think I have the point.  
20 BY MR. RONNIE JUDY:  
21 Q. You testified a while ago --  
22 THE COURT: I'm sustaining the  
23 objection, so move over to a different line of  
24 questioning.  
25 BY MR. RONNIE JUDY:

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1 Q. The conversation you said about the  
2 combine. Where did that conversation take place at?  
3 A. That was back in '98. We could have  
4 been at the river or we could have been out there on  
5 the farm. But I remember the conversation very  
6 well --  
7 Q. You don't remember --  
8 A. -- what you told me.  
9 Q. -- because it never happened.  
10 A. Well, I said it did. We had that  
11 discussion, because you told me you had the deeds  
12 already made back up to put in your name and signed.  
13 All you had to do was date them.  
14 Q. Have you seen -- have you seen those  
15 deeds?  
16 A. No, I haven't. I was just going by your  
17 word -- what you told me.  
18 Q. You can't prove that?  
19 A. Other than what you told me.  
20 Q. I didn't tell you that.  
21 A. I can take a lie detector test to it.  
22 Q. In other words, you was not a creditor  
23 on November 16, 1998 on none of this property; is  
24 that correct?  
25 A. No.

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1 Q. Huh?  
2 A. No. Not in '98, no. Other people were.  
3 MR. RONNIE JUDY: We've got no more.  
4 THE COURT: Is that all you have for  
5 this witness?  
6 MR. RONNIE JUDY: Yes.  
7 MR. BARR: Nothing further.  
8 THE COURT: You may be excused. I think  
9 you're going to hang around.  
10 (Witness excused.)  
11 MR. BARR: I call Bobby Judy.  
12 THE COURT: Mr. Judy, come on up. Now,  
13 these two nice ladies back there, are they your  
14 wives?  
15 MR. BARR: Bobby's wife and a sister.  
16 MR. BOBBY JUDY: My wife's sister.  
17 THE COURT: Mr. Judy, if you'll come  
18 around. Pull that microphone around, left hand on  
19 the Bible, right hand in the air.  
20 THE COURT REPORTER: Please state your  
21 full name.  
22 MR. BOBBY JUDY: Bobby Judy.  
23 BOBBY JUDY  
24 being first duly sworn, testified as follows:  
25 THE COURT: Pull that microphone close

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1 to you -- that is great. Make it a little higher.  
2 EXAMINATION  
3 BY MR. BARR:  
4 Q. All right. May we have your full name,  
5 Mr. Judy?  
6 A. Bobby Judy.  
7 Q. And how old are you?  
8 A. Sixty-five.  
9 Q. And where do you live, Bobby?  
10 A. Clover, South Carolina and Jersey City,  
11 New Jersey.  
12 Q. Okay. And how are you living in Jersey  
13 City -- how is it that you're living in Jersey City?  
14 A. Terrible. I have -- I'm employed up  
15 there right now.  
16 Q. And who do you work for?  
17 A. Bell Energy Company.  
18 Q. And what kind of work do you do for  
19 them?  
20 A. I'm a construction manager for them.  
21 Q. Okay. We had a conference call with the  
22 judge the other day and you're the one that had the  
23 nonrefundable plane tickets; right?  
24 A. Yes, sir.  
25 Q. And, of course, you're brother of Ronnie

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1 and Jimmy; correct?  
2 A. Yes, sir.  
3 Q. And what is the age relationship? Who's  
4 the oldest and the youngest here?  
5 A. There's two years between Ronnie and I  
6 and two years between Jimmy. I'm in the middle.  
7 Q. So Ronnie in the oldest, then you come  
8 and then Jimmy?  
9 A. Yes, sir.  
10 Q. Now, Bobby, did you have occasion to  
11 file a lawsuit against Ronnie in September of 2004?  
12 A. Yes, sir.  
13 Q. Let me invite your attention to Tab 20  
14 of the notebook there. Tab 20. I'll help you flip  
15 it over, it's hard.  
16 A. Tab 20? Okay.  
17 THE COURT: All right. Proceed.  
18 BY MR. BARR:  
19 Q. Does Tab 20 reflect the first filed  
20 lawsuit in September of '04 and the refiled lawsuit  
21 in November of '05 that you brought against Ronnie?  
22 A. Yes.  
23 Q. I mean, against -- yes, against Ronnie?  
24 A. Yes, sir.  
25 Q. And what was the underlying basis for

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1 this lawsuit?  
2 A. Division of the property.  
3 Q. Now, this is a lawsuit against Ronnie.  
4 A. Oh, okay. This is for the corn crop  
5 damage.  
6 Q. Correct. What was the underlying --  
7 what happened that caused you to sue him?  
8 A. Basically I had -- was farming along  
9 with my brother as well as my second cousin, their  
10 property, and had approximately 40 acres of corn  
11 that was destroyed by his equipment. And he was  
12 found by the Court to be liable for that damage.  
13 Q. All right. So let me invite your  
14 attention to Paragraph -- I'm sorry, to Tab 21. Is  
15 that the -- Tab 21, is that the judgment in the  
16 case?  
17 A. Yes, sir.  
18 MR. BARR: And Tab 22, I'll represent to  
19 the Court, Your Honor, that's -- I have a certified  
20 copy in the file that was admitted from the Court of  
21 Appeals signifying that that is a final judgment in  
22 the case.  
23 At this time, Your Honor, I would offer  
24 Exhibits 20, 21 and 22. And I believe I'm correct  
25 when I say that the refiled complaint under Tab 20,

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1 the judgment under Tab 21 -- no, I withdraw what I  
2 was about to say.  
3 The summons and complaint are certified  
4 from the Court -- the Clerk of Court's office. The  
5 judgment and the Letter of Remittitur are only  
6 copies. I would offer them nevertheless as  
7 exhibits.  
8 THE COURT: Any objection, Mr. Judy?  
9 MR. RONNIE JUDY: No.  
10 THE COURT: All right. That will be 20,  
11 21 and 22.  
12 MR. BARR: Yes.  
13 THE COURT: Both files.  
14 MR. RONNIE JUDY: Wait a minute. I do  
15 object to that because Bobby Judy was not owner of  
16 that corn field. Kevin Judy was the owner.  
17 THE COURT: And that's your basis of  
18 your objection?  
19 MR. RONNIE JUDY: Yes, sir.  
20 THE COURT: Overruled.  
21 (PLF. EXHS. 20 - 22 in evidence.)  
22 BY MR. BARR:  
23 Q. Now, Bobby, if I can invite your  
24 attention to the deed at Tab 5. This deed is  
25 signifying a conveyance from Blease Judy. Who was

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1 Blease Judy?  
2 A. That's my father.  
3 Q. To you and to Ronnie of 133 acres  
4 jointly, and it was signed on April the 18th of  
5 1966. Do you remember that conveyance?  
6 A. Yes, sir.  
7 Q. And is this one of those that Ronnie and  
8 Jimmy were just talking about when Jimmy was  
9 testifying?  
10 A. Yes, sir.  
11 MR. BARR: Okay. Your Honor, I have a  
12 certified copy from the Register of Deeds of  
13 Exhibit -- of Tab 5. I'd like to offer that into  
14 evidence.  
15 THE COURT: Any objection?  
16 MR. RONNIE JUDY: No, sir.  
17 THE COURT: So admitted as Plaintiff's  
18 5.  
19 (PLF. EXH. 5 in evidence.)  
20 BY MR. BARR:  
21 Q. Now, this deed recites that what was  
22 conveyed to you and Ronnie was 133 acres. Was there  
23 ever a resurvey of it that determined that it was on  
24 different acreage?  
25 A. Yes, sir. The resurvey, not counting



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1 the 25 acres -- I believe it's 25 for the  
2 Interstate-95 was around probably 170 acres, 85 on  
3 either side of the interstate.  
4 Q. So it turned out that that was more like  
5 how much?  
6 A. Actually around 200 acres.  
7 Q. Almost 200 acres?  
8 A. Yes, sir.  
9 Q. And did you say that that land  
10 ultimately was divided, split when I-95 came in?  
11 A. Yes, sir. Eighty-five acres on either  
12 side.  
13 Q. Okay. Now, did there come a time when  
14 that land was partitioned or divided?  
15 A. Yes, sir.  
16 Q. Okay. And you got a part of it?  
17 A. I got a part of -- both sides I got a  
18 part, half.  
19 Q. You mean on both sides of I-95?  
20 A. Yes, sir.  
21 Q. And then who got the other part?  
22 A. Todd.  
23 Q. And is that because that was one of --  
24 some of the lands that were conveyed by Ronnie to  
25 Todd in 1998 that we're asking this Court -- the

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1 Court in this case to restore back to Ronnie; is  
2 that correct?  
3 A. Yes, sir.  
4 Q. Okay. Let me invite your attention to  
5 Tab 6, then, the next one over. Is Tab 6 the  
6 partition deed that was exchanged -- that was signed  
7 by you, and Todd signed another one -- signed by  
8 you, Todd signed another one to you of the division  
9 of this property?  
10 A. Yes, sir. Both sides -- it's 36 acres,  
11 I don't see -- yes, sir. That's from both sides.  
12 MR. BARR: Okay. That's also a  
13 certified copy in your original, Your Honor, and I'd  
14 offer Exhibit 6.  
15 THE COURT: Any objection?  
16 MR. RONNIE JUDY: No, sir.  
17 THE COURT: So admitted as Plaintiff's  
18 Number 6.  
19 (PLF. EXH. 6 in evidence.)  
20 MR. BARR: Bobby, thank you very much.  
21 Answer any questions that Ronnie may have.  
22 THE COURT: Mr. Judy, any questions of  
23 this witness?  
24 MR. RONNIE JUDY: Yes, sir.  
25 EXAMINATION

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1 BY MR. RONNIE JUDY:  
2 Q. Bobby, on that summons and complaint,  
3 you were not the owner of that corn; is that  
4 correct?  
5 MR. BARR: Objection, Your Honor.  
6 That's --  
7 MR. RONNIE JUDY: He testified he -- he  
8 testified in court he wasn't.  
9 MR. BARR: Objection. My objection is  
10 he's trying -- Mr. Judy is trying to impeach a  
11 judgment that's final.  
12 THE COURT: That's right and that's  
13 against the rules, Mr. Judy.  
14 MR. RONNIE JUDY: Okay.  
15 THE COURT: It is what it is, and it  
16 doesn't matter of the facts anymore. It's a  
17 judgment that's on the books, that's where it  
18 stands, so a different line of questioning.  
19 BY MR. RONNIE JUDY:  
20 Q. That judgment was based on admissible of  
21 the evidence on the pond dam; is that correct? In  
22 other words, the evidence from --  
23 MR. BARR: I object.  
24 BY MR. RONNIE JUDY:  
25 Q. -- the pond dam was admissible?

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1 MR. BARR: Once again, he's trying to  
2 impeach that judgment.  
3 THE COURT: What was -- repeat your  
4 question for me.  
5 BY MR. RONNIE JUDY:  
6 Q. The evidence that was presented on the  
7 corn complaint was based on the evidence from the  
8 pond dam; is that correct?  
9 A. What do you mean based on?  
10 Q. It was admissible. They used the  
11 evidence off the pond dam to find judgment for you  
12 on the corn field.  
13 THE COURT: I think he might be going  
14 toward a land issue here.  
15 MR. BARR: What happened -- what  
16 happened was this, Your Honor. The Court of Appeals  
17 has ruled on this, it's the law of the case. The  
18 two cases, as you probably picked up --  
19 THE COURT: Yes.  
20 MR. BARR: The pond dam and the corn  
21 case were filed in November of '05. The pond dam  
22 case was tried first in April of '07 and the jury  
23 found, by clear and convincing evidence, that Ronnie  
24 Judy destroyed the pond dam and awarded actual and  
25 punitive damages to Jimmy. In later -- in April of

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1 '07 and into early May the corn crop case was tried,  
2 and Judge Williams permitted us to introduce under  
3 404(b) as similar acts to prove the identity of the  
4 wrongdoer who cut out the corn crop.  
5 THE COURT: I got you.  
6 MR. BARR: The jury's finding in the  
7 pond dam case.  
8 THE COURT: Got you. I see what you're  
9 saying.  
10 MR. BARR: And that went to the Court of  
11 Appeals, the Court of Appeals sustained that as  
12 admissible 404(b) evidence, and now Mr. Judy is  
13 trying to make some issue of the fact that the pond  
14 dam case was reversed. The pond dam case was  
15 reversed and overturned, but I realize that's an  
16 uphill battle.  
17 THE COURT: Sure.  
18 MR. BARR: It was reversed because the  
19 Supreme Court and the Court of Appeals determined  
20 that it was barred by res judicata. What they're  
21 saying is we should have tried all of that in the  
22 Probate Court to begin with, that being the pond dam  
23 case.  
24 THE COURT: Right.  
25 MR. BARR: But the fact remains that the

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1 jury in Dorchester County found, by clear and  
2 convincing evidence, that Ronnie Judy is the one who  
3 destroyed the pond dam and that can't be reversed.  
4 THE COURT: Yeah, I agree with him.  
5 MR. BARR: So all of this is not  
6 relevant.  
7 THE COURT: Yeah. And I think that's  
8 the ultimate question, is it relevant. What we're  
9 doing, Mr. Judy, is going back to the issues in this  
10 case and, of course, those have been tried and  
11 decided to some extent, some of them finally, some  
12 of them still have another bite at the apple  
13 possibly, and I'm going to sustain his objection as  
14 to going into the facts of the cases that's already  
15 been decided; all right?  
16 Unless there's something about --  
17 earlier you talked about land and -- this piece of  
18 land and so forth. I'm not talking about the tort  
19 that was committed or not committed. I'm trying to  
20 limit you if you're going to go into anymore about  
21 the land itself.  
22 MR. RONNIE JUDY: Yes, sir.  
23 Q. Bobby, during the partition wasn't it  
24 agreed on that we deeded 119 acres to your part on  
25 the home place? Did you agree to it, had Gene Dukes

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1 make up the papers?  
2 A. I'm sorry. Tell me what you said again.  
3 Q. Wasn't it agreed upon, during the  
4 partition, that Todd would deed the 119 acres on the  
5 river to you, that you would deed him the home place  
6 out there, had Gene Dukes to make up the papers and  
7 two days before the deadline to move all that  
8 equipment you refused to sign?  
9 A. That is not the case.  
10 Q. It is the case.  
11 A. No. Prove it.  
12 Q. I've got the paper Gene Dukes made.  
13 A. Did I sign it?  
14 Q. No, you wouldn't sign it. You waited  
15 two days knowing that we could not move all that  
16 equipment in two days. These two --  
17 THE COURT: Mr. Judy, make it a  
18 question; okay? Make it a question. He's  
19 testifying, you're asking the questions.  
20 BY MR. RONNIE JUDY:  
21 Q. But you reneged on that -- swapping  
22 that, didn't you?  
23 A. In no way did I renege on that deal.  
24 Q. I can prove it.  
25 A. I said, prove it.

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1 Q. You were not --  
2 A. The judge made the ruling you had till  
3 August --  
4 THE COURT: Stop.  
5 MR. BARR: I object.  
6 THE COURT: Respond to the questions.  
7 MR. BARR: Object to the relevance.  
8 This has to do with -- question of whether --  
9 THE COURT: He's in his own way trying  
10 to impeach this witness. And I'm going to let him  
11 continue. I respect that, but I'm going to overrule  
12 you. Go ahead, Mr. Judy.  
13 BY MR. RONNIE JUDY:  
14 Q. Bobby, isn't it true you let Jimmy  
15 partition the one on the river where he could keep  
16 all his buildings and stuff and we wait to come in,  
17 then when he got it in his name then you filed a  
18 petition to partition the home place?  
19 A. What's your question?  
20 Q. When you partitioned -- when you wanted  
21 half the home place, you wanted every piece of  
22 farm -- I mean, the building, shed, green building  
23 and everything; is that correct? Couple of hundred  
24 thousand dollars worth of buildings out there?  
25 A. If I remember correctly, you're the one

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1 that had first choice of both sides of the property  
2 in the division of the property, so...  
3 Q. We did, but that was included in your  
4 partition, didn't you?  
5 A. That was what the judge --  
6 Q. You had your eyes on that?  
7 A. That's what the judge ruled.  
8 Q. Yeah, I know the judge ruled.  
9 A. Okay.  
10 Q. You was not a creditor on November the  
11 16th, 1998 when this property was transferred; is  
12 that correct?  
13 A. No, sir. That's correct.  
14 MR. RONNIE JUDY: I've got no further  
15 questions.  
16 MR. BARR: I have nothing further.  
17 THE COURT: You may be excused.  
18 THE WITNESS: Thank you.  
19 (Witness excused.)  
20 MR. BARR: I call Ronnie Judy.  
21 THE COURT: All right. Mr. Judy, it's  
22 your turn to testify. Come around.  
23 MR. RONNIE JUDY: Are you finished?  
24 THE COURT: Beg your pardon?  
25 MR. RONNIE JUDY: I'll testify to what I

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1 have to say.  
2 THE COURT: He's calling you -- he's  
3 calling you to testify right now. And before you  
4 come up, if there's any notes or records or whatever  
5 that you need, it might be best to go ahead and  
6 bring them up; okay?  
7 All right, Mr. Judy. Set those papers  
8 down, left hand on the Bible, right hand in the air.  
9 THE COURT REPORTER: State your full  
10 name.  
11 MR. RONNIE JUDY: Ronnie F., stands for  
12 Frederick, Judy.  
13 RONNIE F. JUDY  
14 being first duly sworn, testified as follows:  
15 THE COURT: If you will pull that around  
16 to your -- there you go. Thank you, sir. All  
17 right, your witness.  
18 EXAMINATION  
19 BY MR. BARR:  
20 Q. Mr. Judy, will you tell the Court where  
21 you reside, what's your address?  
22 A. I reside in 1872 Sandridge Road.  
23 Q. Now, is it correct that on February the  
24 7th of 2007 you conveyed to Todd that property where  
25 you live, at 1872 Sandridge Road, together with a

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1 nearby 10.9-acre tract?  
2 A. Yes, sir. I transferred it because I  
3 was transferring it back to the rightful owner.  
4 Q. Okay. And --  
5 A. Todd was the owner in '98 --  
6 Q. -- let me direct your attention to Tab  
7 15 in the notebook in front of you, please.  
8 A. All right, sir.  
9 Q. Is that a copy of the deed by which you  
10 conveyed it to Todd?  
11 A. That was -- restored it back to the  
12 rightful owner.  
13 Q. Now, after you had conveyed this land to  
14 Todd, is it correct that you owned no more real  
15 estate?  
16 A. No, I didn't own no more real estate.  
17 Q. Okay. So this was the last of the real  
18 estate that you ever owned once you conveyed it to  
19 Todd; is that correct?  
20 A. Yes, sir, because it wasn't mine. I  
21 don't want stolen --  
22 Q. Now, isn't it correct that you conveyed  
23 it to Todd, it being this 10.99 -- .29 acres the  
24 week after the pond dam case was first called for  
25 court you were in the hospital?

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1 A. I was just getting around to putting it  
2 back in Todd's name like it should have been from  
3 1998.  
4 Q. Okay. Isn't it also correct that the  
5 reason that you conveyed all of your other lands to  
6 Todd, and to Todd and Ryan jointly as established in  
7 Exhibits 3 and 3A, you did that back in 1998 it was  
8 for the purpose of avoiding your creditors?  
9 A. No, sir.  
10 Q. You deny that?  
11 A. No, sir. Because I had Mr. Gene Dukes  
12 to do the paperwork and he done the title search and  
13 said that the Larry T. Mills judgment was still on  
14 appeal, that when the appeal was affirmed that that  
15 judgment would have to be paid. And it was paid in  
16 2000.  
17 Q. Okay. Let me invite your attention to  
18 Tab 38 in the notebook in front of you, if I may.  
19 If I can help you, that's kind of hard to turn.  
20 A. Yeah, I'm kind of injured when I fell.  
21 Q. I'll turn to it so you can look at it.  
22 Do you recognize what Tab 38 is?  
23 A. Yes, I do.  
24 Q. What is it?  
25 A. That's a receipt of \$5 cash, all farm

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1 equipment, combine and everything when I done the  
2 land surveyance.  
3 Q. And what's the date of it?  
4 A. November 16th, 1998.  
5 Q. So on the same day that you conveyed --  
6 by two deeds you conveyed lands to Todd alone.  
7 A. That's correct.  
8 Q. And then to Todd and Ryan, you also gave  
9 them all of your farm equipment; is that correct?  
10 A. That's correct.  
11 Q. And that's what 38 reflects? That's  
12 what that exhibit reflects; correct?  
13 A. Yes. Equipment at that time.  
14 MR. BARR: I would offer that as an  
15 exhibit, Your Honor.  
16 THE COURT: Number 38. Any objection,  
17 Mr. Judy?  
18 MR. RONNIE JUDY: No, sir.  
19 (PLF. EXH. 38 in evidence.)  
20 BY MR. BARR:  
21 Q. The deed that you -- we looked at a  
22 minute ago of the 9.29 acre -- acres, that's where  
23 you live, isn't it?  
24 A. That's where I'm living at the time of  
25 the deed.

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1 Q. And the deed on record shows that that's  
2 owned by Todd, doesn't it?  
3 A. Back in '98 it does.  
4 Q. He didn't own it in '98?  
5 A. He had half-interest in the Rumph place  
6 at that time.  
7 Q. Well, let's talk about 2004. In 2004  
8 when you conveyed it to -- I'm sorry, in 2007. In  
9 2007, when you conveyed it to Todd, the deed on  
10 record in St. George shows that Todd is the owner of  
11 the house you live in; is that right?  
12 A. He was -- he was the owner of it because  
13 that was the half-interest I got in the Rumph place.  
14 Q. I'm not asking you that. I'm asking you  
15 whether or not after you filed that deed in February  
16 of 2007 Todd is the owner on the record of the place  
17 where you live; is that true? The deed is in his  
18 name?  
19 A. He got property back that he owned.  
20 Q. Do you pay him any rent?  
21 A. No, I don't pay him no rent.  
22 Q. Do you pay the taxes on the 9.29 acres?  
23 A. I think Todd -- Todd been paying that.  
24 Q. Todd pays the taxes. That's your  
25 testimony?

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1 A. I got -- I've got a copy of the paid --  
2 paid tax receipts.  
3 Q. And you borrowed \$100,000 from Bill  
4 Utsey on that land, didn't you?  
5 A. Yes, sir. Because y'all had filed so  
6 many lawsuits against me, Mr. Barr, and I had hired  
7 so many lawyers I had spent in excess of \$100,000.  
8 Q. Okay. Who's paying that mortgage back?  
9 A. Either me or Todd.  
10 Q. Either you or Todd, but which one of you  
11 are? Who makes the monthly payments?  
12 A. We all make it.  
13 Q. We all make it meaning who?  
14 A. Whoever got the money in the bank.  
15 MR. BARR: Mr. Judy, thank you very  
16 much. I have no further questions.  
17 THE COURT: Before you go sit down,  
18 Mr. Judy, would one of you like to cross-examine  
19 your -- or examine -- this is your father; right?  
20 MR. TODD JUDY: Yes. (Shakes head from  
21 side to side.)  
22 THE COURT: Have a seat.  
23 (Witness excused.)  
24 THE COURT: This is one of those unusual  
25 situations when we have somebody representing

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1 themselves in court. This is your opportunity to  
2 testify, so within some bounds I will allow you now  
3 to -- now that you're under oath to testify to  
4 whatever you want to testify to, or I will allow you  
5 to wait until after he rests his case.  
6 The only reason I'm offering for you to  
7 do it now is because of expediency sake, and it  
8 actually looks like we're in real good shape time  
9 wise so I don't think that's really an issue. It  
10 may be more prudent if you would wait --  
11 THE WITNESS: I'll wait.  
12 THE COURT: Okay. Very good. I think  
13 that would be more prudent. So whatever you carried  
14 up here, carry back with you.  
15 And Mr. Barr, do you have any other  
16 witnesses?  
17 MR. BARR: I don't, Your Honor. I don't  
18 believe I do, but let me look -- I'm going to go  
19 over the exhibit notebook at this time, Your Honor.  
20 The exhibits that may not have been  
21 formally -- I'm going to flip through them as I  
22 speak. A number of exhibits have not been formally  
23 admitted and I would like to do so at this time and  
24 I think if -- if I get to one that's not so I'll  
25 certainly state that. But they're all true copies

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1 from the Register of Deeds or the Probate Court or  
2 wherever as the case may be.  
3 THE COURT: Weren't there some other tax  
4 returns as well?  
5 MR. BARR: I'm not offering them yet.  
6 They were produced by Ryan.  
7 THE COURT: Yes.  
8 MR. BARR: And if he testifies or I'll  
9 let him put it in. I simply marked them and if they  
10 don't come in we'll just remove them from the book.  
11 THE COURT: All right. And so you're  
12 offering now some deeds and other court filings; is  
13 that it --  
14 MR. BARR: Yes, Your Honor --  
15 THE COURT: -- and they're all  
16 certified?  
17 MR. BARR: They would be Exhibits 1 and  
18 2.  
19 THE COURT: Mr. Judy, he's offering 1,  
20 2 -- in your book there, 1, 2.  
21 MR. BARR: Four. One, 2, 4, and the  
22 reason I skipped the others is they're already in.  
23 THE COURT: Yes.  
24 MR. BARR: Seven, which is the Rumph  
25 will and, again, is a certified copy from the

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1 Probate Court. Eight, which is the -- a deed from  
2 Vesta Rumph to Ronnie and Jimmy of 143 acres.  
3 That's a part of what we have here.  
4 MR. RONNIE JUDY: I object to that, Your  
5 Honor.  
6 THE COURT: So so far we're good at  
7 accepting -- you don't have any objection until you  
8 reach this one here; is that right?  
9 MR. RONNIE JUDY: Yes, sir. Number 8.  
10 THE COURT: Number 8.  
11 MR. BARR: So we're okay at 1, 2 -- I've  
12 already forgot my numbers.  
13 THE COURT: One, 2, 4.  
14 MR. BARR: One, 2, 4, 5, 6 -- no, 6  
15 is -- 5 is already in. One, 2, 4 and 7 are okay.  
16 THE COURT: So no objections to 1, 2, 4  
17 and 7; is that right?  
18 MR. RONNIE JUDY: No, sir.  
19 THE COURT: All right. And...  
20 MR. BARR: All right. Now I was  
21 offering 8, and there's an objection.  
22 THE COURT: Number 8, give me a formal  
23 offer from you there. You're offering it as what?  
24 MR. BARR: Your Honor, Exhibit --  
25 Exhibit 8 is a deed from -- let me get it straight.

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1 THE COURT: Who's Vesta Rumph?  
2 MR. RONNIE JUDY: She was a friend of  
3 mine.  
4 THE COURT: Okay.  
5 MR. BARR: Vesta Rumph was an elderly  
6 lady who left her property to Ronnie and Jimmy, and  
7 134 acres of it included the pond dam that was  
8 destroyed. The home where Ronnie lives now was  
9 included in the Rumph estate as was a 10.9-acre  
10 tract which is a part of what was -- we're  
11 challenging here today.  
12 THE COURT: So this just purports that  
13 they received this together, half-interest each in  
14 these two tracts? Is that all you're putting it in  
15 for?  
16 MR. BARR: This is the deed of  
17 distribution that Ronnie filed. Really what I'm  
18 putting in, Judge, as much as I can replicate it is  
19 the complete history of --  
20 THE COURT: Of the property?  
21 MR. BARR: Of the property because what  
22 happened was, and these deeds will reflect it, that  
23 Ronnie -- Ronnie signed Exhibit 8 that he's objected  
24 to now, this is the certified copy from the Probate  
25 Court, on February 12th of '01, and then the next

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1 exhibit he's selling the same land to these two boys  
2 for \$15,000. And Exhibit 10 is an order from the  
3 Probate Judge, certified copy, setting it aside,  
4 saying you can't do that.  
5 MR. RONNIE JUDY: No, sir. We got  
6 another order.  
7 MR. BARR: And Exhibit 11 is another  
8 order.  
9 THE COURT: I got you.  
10 MR. BARR: And so --  
11 THE COURT: Is 8 a certified copy?  
12 Because mine is not.  
13 MR. BARR: Yes, it is, Your Honor.  
14 THE COURT: Okay. It's certified. All  
15 right. And your objection to Number 8, Mr. Ronnie  
16 Judy, is what?  
17 MR. RONNIE JUDY: It was improperly  
18 filed and the statute said it had to have been  
19 copied by an affidavit from a lawyer, approved by  
20 the Probate Judge, and it was neither one.  
21 THE COURT: Are you saying that the deed  
22 of distribution is -- is not proper in its form as  
23 filed?  
24 MR. RONNIE JUDY: That's correct.  
25 THE COURT: Because of -- what year is

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1 this?

2 MR. RONNIE JUDY: Because I was told by

3 their lawyer, since we had already deeded the

4 property over to the boys and James deeded his to

5 his children, that they just needed that for

6 information in Probate Court.

7 THE COURT: I understand. In fact, I do

8 these myself and you're absolutely correct in the

9 necessity of having the affidavit and whatnot. They

10 actually have since changed that rule, I believe the

11 rule was changed in 2010 or might have been earlier

12 this year.

13 MR. RONNIE JUDY: 1987 when they changed

14 it.

15 THE COURT: No, I think they changed it

16 back where you don't need to do all that anymore.

17 MR. RONNIE JUDY: But during this time

18 you had to do it.

19 THE COURT: I'm going to overrule your

20 objection on 8. While you're correct technically, I

21 don't think it affects the document itself. It's

22 still a certified copy of what's on file in the

23 Dorchester County Courthouse, so I'm going to

24 overrule that objection on Number 8.

25 MR. BARR: We also offer 9.

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1 THE COURT: Any objection on Number 9,

2 Mr. Judy?

3 MR. BARR: And the copy is certified.

4 MR. RONNIE JUDY: No, sir.

5 MR. BARR: We offer -- we offer 10,

6 which is one of the orders in the Probate Court.

7 THE COURT: Can you hear, Mr. Judy? I'm

8 just making -- he's going through a few more.

9 MR. BARR: I'm offering 10, I'm offering

10 11, another copy of another order, 12, another

11 order, and 13, another Probate Court order.

12 THE COURT: These are all certified in

13 the Probate Court --

14 MR. BARR: Yes, sir.

15 THE COURT -- by the Probate Court.

16 MR. RONNIE JUDY: Did you say 11?

17 MR. BARR: Ten, 11, 12 and 13.

18 MR. RONNIE JUDY: Okay. We've got

19 another order certified by the Probate Court.

20 MR. BARR: Well, you can offer -- if I

21 may say -- I don't mean to address the party, Your

22 Honor. He can offer evidence when it's his turn.

23 I'm just trying to get my evidence in and he can put

24 his exhibits in later.

25 THE COURT: Mr. Judy, it's kind of a

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1 record keeping issue at this point. We're going --

2 unless you have an objection I'll put it in -- we'll

3 put these in. And, of course, like I said more than

4 once, if you've got anything that changes this, if

5 you want to offer it whenever your turn comes, I'm

6 all for that.

7 MR. RONNIE JUDY: All right.

8 THE COURT: I want a complete record,

9 that's what I'm shooting for. I'm not trying to

10 make you sit down, either. If he's got something

11 he's offering, I want to hear if you have an

12 objection. If you've got something that you want to

13 offer, we'll get into that.

14 MR. BARR: So we're in on 1, 2, 4, 7, 8,

15 9, 10, 11, 12 and 13.

16 THE COURT: He said 13. Did you hear

17 that one, Mr. Judy?

18 MR. RONNIE JUDY: Yes, sir.

19 MR. BARR: That's another Probate Court

20 order.

21 THE COURT: So far I have not heard any

22 objections except for 8; is that right?

23 MR. RONNIE JUDY: That's correct.

24 THE COURT: And I overruled that one.

25 MR. BARR: I'm offering 14, which is a

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1 certified copy from the Register of Deeds of a

2 traditional deed.

3 THE COURT: All right. Now he's at 14.

4 Any objection to that?

5 MR. RONNIE JUDY: No, sir.

6 THE COURT: Okay.

7 MR. BARR: Fifteen is already in.

8 THE COURT: Yeah.

9 MR. BARR: Sixteen is in.

10 THE COURT: Yeah.

11 MR. BARR: Seventeen is in.

12 THE COURT: Yeah.

13 MR. BARR: Eighteen is in, 19 is in.

14 THE COURT: And 20 is in.

15 MR. BARR: Twenty is in, 21 is in, 22

16 is -- 22 is in.

17 THE COURT: And then 23 through 28 and

18 29 through 31.

19 MR. BARR: Correct, 23 through 28 -- I

20 mean, 23 through 28 -- 30, 31, correct.

21 THE COURT: Mm-hmm. Then I think we

22 skipped --

23 MR. BARR: You're right, 32, 33, 34, 35.

24 THE COURT: And 36.

25 MR. BARR: And 36 are not being offered

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1 at this time.  
2 THE COURT: Right.  
3 MR. BARR: Thirty-seven is in.  
4 THE COURT: Thirty-nine and 39A.  
5 MR. BARR: 38 is in and 39A and 39,  
6 correct, are in. Forty is in, 41. I would offer  
7 41, it's the original is --  
8 This is a White's Sales case, Ronnie,  
9 and does yours show the stamp? But 41 is a  
10 certified copy from the Clerk of Court of an action  
11 and a judgment against the Defendant.  
12 THE COURT: Yes, we have a certified  
13 here.  
14 MR. BARR: So 41 is offered.  
15 THE COURT: Any objection to Number 41?  
16 That's the judgment from White's Sales.  
17 MR. RONNIE JUDY: No, sir.  
18 THE COURT: No objection there?  
19 MR. RONNIE JUDY: No, sir.  
20 THE COURT: All right.  
21 MR. BARR: Forty-two is offered, that's  
22 the Meherrin judgment.  
23 THE COURT: Isn't that in?  
24 THE WITNESS: I think -- I think the  
25 witness testified about it, but I don't think I

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1 actually put in.  
2 MR. RONNIE JUDY: There were two -- two  
3 judgments on that one.  
4 THE COURT: I think 42 is in.  
5 MR. BARR: It's what, Your Honor?  
6 THE COURT: I have it in.  
7 MR. BARR: Okay.  
8 THE COURT: We might not have marked it.  
9 MR. BARR: I think we must not have  
10 marked it.  
11 THE COURT: So, still, the only  
12 objection I've heard is Number 8; right?  
13 MR. RONNIE JUDY: Right.  
14 THE COURT: And are you hearing what  
15 he's saying as he goes?  
16 MR. RONNIE JUDY: Yeah.  
17 THE COURT: Okay. I just wanted to make  
18 sure.  
19 MR. BARR: Your Honor, I would offer 43.  
20 I now realize I neglected to ask Jimmy Judy --  
21 Ronnie Judy about it.  
22 This is the timber deed, Ronnie, from  
23 Kiser, in August of '01.  
24 THE COURT: Is it certified?  
25 MR. BARR: No, this one is not

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1 certified.  
2 THE COURT: That's 43?  
3 MR. BARR: Yes, sir. I asked him about  
4 it in his deposition.  
5 MR. RONNIE JUDY: I object to that.  
6 THE COURT: All right. I think I'll  
7 sustain that.  
8 MR. BARR: Okay. And then 44 is in,  
9 which is the Meherrin credit application.  
10 THE COURT: It's in. And I think the  
11 only one I remember from this is F.  
12 MR. BARR: Is F. Is F, correct.  
13 THE COURT: All right.  
14 MR. BARR: So Your Honor, with that,  
15 having proffered them all, and I realize the Court  
16 Reporter has a lot of endorsing to do here.  
17 THE COURT: We'll make her work through  
18 lunch, how about that?  
19 MR. RONNIE JUDY: Pay overtime.  
20 MR. BARR: I think -- I think I've now  
21 covered the notebook. So it stops at 14 and I think  
22 it picks up at 41 that she'll need to mark. So if  
23 my notes are correct, what's now been admitted is 1,  
24 2, 4, 7, 8, 9, 10, 11, 12, 13, 14, 41 and 42.  
25 THE COURT: I think that's right.

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1 MR. BARR: All right. And Exhibit F is  
2 already in. So with that having been said, we rest.  
3 THE COURT: All right. Since he's  
4 rested, any motions?  
5 MR. RONNIE JUDY: Yes, I'll make a  
6 motion for a direct verdict. They haven't proved  
7 their case.  
8 THE COURT: All right. Is that all you  
9 have?  
10 MR. RONNIE JUDY: Yes, sir.  
11 THE COURT: All right. I find that they  
12 have -- you know, the burden of proof is actually on  
13 you to establish that he has not brought enough  
14 evidence that's in the light most favorable to the  
15 Plaintiff, so I would find that he has. So we have  
16 enough information here that he's brought to the  
17 Court that we can go forward, and you can produce  
18 your side of the case.  
19 I think it's probably a proper time to  
20 take a lunch break, and why don't we come back at  
21 1:30? That's an hour and 15 minutes, that should be  
22 a generous amount of time for y'all to do any  
23 preparation you need, eat lunch and give you some  
24 time to do what you need to do. And so why don't we  
25 come back at 1:30 and be prepared to present your

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1 side of the case?  
2 MR. RONNIE JUDY: All right.  
3 THE COURT: All right. Very good.  
4 (PLF. EXHS. 1, 2, 4, 7, 8, 9, 10, 11,  
5 12, 13, 14, 41 and 42 in evidence.)  
6 (A luncheon recess transpired.)  
7 THE COURT: All right. Are we ready to  
8 proceed? Any motions or anything else we need to  
9 hear?  
10 MR. BARR: No, sir.  
11 THE COURT: All right. Mr. Judy, it is  
12 now your case to present, so you may proceed. Call  
13 your first witness.  
14 MR. RONNIE JUDY: I'm going to testify.  
15 THE COURT: All right. Do you have the  
16 same paperwork you need?  
17 MR. RONNIE JUDY: Yes, sir.  
18 THE COURT: So I'm going to remind you  
19 you are still under oath from earlier today, so have  
20 at it.  
21 MR. BARR: I believe the witness was  
22 previously sworn, Your Honor?  
23 THE COURT: He was.  
24 MR. RONNIE JUDY: What?  
25 THE COURT: He just repeated what I

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1 said. So you're still under oath, where would you  
2 like to begin?  
3 RONNIE F. JUDY  
4 being previously duly sworn, testified as follows:  
5 STATEMENT  
6 MR. RONNIE JUDY: I'm going to try to  
7 start at the start. Back in 1965, my daddy give me  
8 interest in the 259 acres and give the home place to  
9 me and Bobby together. In '79 he asked me to give  
10 Jimmy half-interest in the 259, and I told him to go  
11 ahead and get Gene Dukes to make out the papers and  
12 I'll sign it, and that's what I did. But when he  
13 give us the property, he --  
14 THE COURT: Let me stop you right there.  
15 As you're going through, if you have some papers  
16 that you want to present as evidence of what you're  
17 referring to, it might be more expedient to do that  
18 as you go. I don't mean to interrupt you, it's just  
19 a thought --  
20 MR. RONNIE JUDY: Yeah. I'm just going  
21 to have to go through them. We'll have to go back  
22 through later, I'll get these in as an exhibit.  
23 So '79 I give Jimmy half-interest in the  
24 259 acres. In 1997 Daddy wanted Bobby to give up  
25 his half-interest in the home place, but -- a

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1 third-interest on the river and Bobby told him no.  
2 And when he approached Jimmy, Jimmy told him that he  
3 would have to buy him out. And that's when my daddy  
4 got drunk, loaded up a shotgun, he knew both of them  
5 was at the river. And he said, his boys is not  
6 going to lie to him like his sister lied to his  
7 daddy to get the land she got.  
8 So, anyhow, when he died, he left the  
9 will -- the balance of what he had left to me. But  
10 on his death bed he said he had some cash money in a  
11 caboose and in the back of his truck, to get that  
12 and divide it six ways and we did just that. Nobody  
13 knew that but me and that man up above. And I put  
14 my head on the pillow, I'm going to sleep at night.  
15 And I -- me and two sisters divided -- got the money  
16 and divided it up.  
17 So in 1998 I deeded all my property over  
18 to my two sons, and just like Granddaddy deeded it  
19 over to my daddy and my daddy deeded it over to us  
20 boys, and when we got in our '50s we done the same  
21 thing. I deeded it over to my sons, Jimmy deeded it  
22 over to his son and daughter.  
23 So anyhow, they -- on February the 8th,  
24 2001 they filed a partition for -- petition to  
25 partition over the property. And when I answered

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1 it, I said that I had no interest in the property  
2 now. So they made a motion before Judge Rodney  
3 Peeples to have me dismissed of having any interest  
4 in it, in the property.  
5 So after that happened, they turned  
6 around and took two pieces out of the Rumph place  
7 out of -- out of the partition. The reason they  
8 done that because Jimmy could not charge me for 18  
9 years of rent at \$950 a month. And when it was  
10 partitioned, he had it appraised at 555,000 which  
11 would have been 275,000 apiece. But anyhow, the  
12 judge awarded him \$280,000 worth of rent in property  
13 value, and soon after that he sold his part for 1.28  
14 million but...  
15 So we was trying to settle up the  
16 estate, I would not sign off as personal  
17 representative of the Vesta Rumph estate until SLED  
18 and the FBI and the Justice Department investigated  
19 this fake doctor that was murdered on May the 10th,  
20 1985 who came down and testified in Probate Court  
21 that he was a doctor. Well, I got to digging into  
22 it, come to find out he was a security guard and the  
23 Probate Judge's uncle was one of them involved in  
24 it. So that's how James Judy got the bulk of the  
25 Rumph property.



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1 And so we had a hearing in Probate Court  
2 on a deed that I, the personal representative of the  
3 estate of Vesta Rumph, give my two sons. And on  
4 July the 29th, 2002 she signed the order saying that  
5 it was a valid deed, the August 20th deed. But 19  
6 days -- 18 days later she sent a note -- I mean, a  
7 secretary sent a note to McIntosh Law Firm with  
8 another order, see if that suited them.  
9 Well, the first order was pulled out of  
10 the file and throwed in the trash can, and one of my  
11 friends who worked in the Probate Court brought it  
12 to my attention. And I went and received it, and I  
13 still got it here today. That order has never been  
14 rescinded, amended or modified. So, therefore, it's  
15 the law of the case. It can't be changed. So the  
16 August 20th, 2001 deed is a valid deed giving it to  
17 Todd and Ryan, and it's never been appealed or  
18 anything.  
19 But in 2004 a dam -- high water was  
20 running across the dam and the dam broke, and a  
21 fisherman had come to my house saying water was  
22 running across the dam. So I took a backhoe and  
23 went down and got a scoop of dirt and put over the  
24 dam to keep it from running over so we could find  
25 it -- find the discharge pipe the next morning.

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1 Well, the next morning the pond was dry midways,  
2 quarter mile dam. And there's no way a sensible  
3 person would take a backhoe and go in and break a  
4 dam midways. Because once that dam break, you've  
5 got a split second to get off of there or you're  
6 history.  
7 So in 2006 I went to the bank to  
8 borrow -- to get \$100,000 and we had to put up the  
9 Rumph place. And when they done a title search,  
10 they found out Todd still had -- still owned it  
11 through the RMC office. So, therefore, Todd had to  
12 sign the mortgage note along with me. And when they  
13 partitioned it on August the 8th, 2001, Judge Rodney  
14 Peeples said that I had no interest in none of that  
15 property. And that order has never been rescinded,  
16 amended or appealed.  
17 So how can they come back and say that  
18 the land belonged to me? I mean, what they are  
19 trying to do is steal the property from Todd, and it  
20 boiled back down to after Daddy died they wanted  
21 this 119 acres in the middle of their hunt club on  
22 the Edisto River. And we offered a trade, but two  
23 days before we was supposed to move the equipment  
24 they reneged on us. So we had to work around the  
25 clock to get most of the equipment out off of our

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1 property. We left a bunch of property up there.  
2 Brand new stuff that I paid a fortune for was loaded  
3 up in a pickup truck and carried to the junk man.  
4 That's -- that's how much they appreciate me.  
5 But I've been arrested 17 times by them  
6 two brothers -- ex-brothers I call them now, and  
7 sued eight or nine times, and something got to --  
8 something got to come to a halt. I think that's all  
9 I got to say.  
10 THE COURT: All right. Thank you. Any  
11 cross-examination?  
12 MR. BARR: Yes, sir.  
13 EXAMINATION  
14 BY MR. BARR:  
15 Q. Ronnie, let me invite you to the smaller  
16 notebook there in front of you, if you will, please.  
17 See the small black one to the left? Let's begin by  
18 looking at Tab A. Are you there?  
19 A. I'm here.  
20 Q. All right. Now, isn't it correct that  
21 between 1995 and 2006 you were paid \$50,111 in farm  
22 subsidies by the USDA?  
23 A. Well, but my two sons had...  
24 Q. Isn't it correct that you were paid this  
25 money?

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1 A. Yeah, I was paid it.  
2 Q. Okay. That's from your farming  
3 operations, isn't it?  
4 A. Our farming operation.  
5 Q. You maintain that this does not include  
6 them?  
7 A. Say what?  
8 Q. Beg your pardon?  
9 A. Well, some of them were made out direct  
10 to me and some of them made out to them.  
11 Q. Will you read the heading here? It says  
12 Ronnie Judy received payments --  
13 A. Total.  
14 Q. For the record, I'm reading from the web  
15 site publication from the USDA: Ronnie Judy  
16 received payments totaling \$50,111 from '95 through  
17 '96.  
18 A. Okay.  
19 Q. Doesn't say Todd, it doesn't say Ryan,  
20 it says Ronnie, doesn't it?  
21 A. But that was my part.  
22 Q. That's your part, isn't it?  
23 A. That's correct.  
24 Q. Okay. Now, let me invite your attention  
25 over to Tab B. Are you there?

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1 A. I'm here.  
2 Q. All right. You go beyond my letter to  
3 Mr. Dempsey. Let me ask you, first of all, do you  
4 know Dempsey Wood Products in Rowesville?  
5 A. Yes.  
6 Q. You grow and sell timber through them?  
7 A. I sure do.  
8 Q. Isn't it correct that this reflects from  
9 maybe February 10th of '07 through December of '07  
10 sales from Dempsey in your name; isn't that correct?  
11 A. That's correct.  
12 Q. And it totals \$12,176.58?  
13 A. That's correct.  
14 Q. Is that right?  
15 A. That's right.  
16 Q. That's your activity, isn't it?  
17 A. Yes, it is.  
18 Q. Well, let me -- I stand corrected. If  
19 you'll go to -- go to Page -- the fourth page. The  
20 gross settlement amount was \$22,771.83 from timber  
21 sales?  
22 A. That's correct. That's what I included  
23 on the income tax.  
24 Q. And there was \$6,000 in deductions, so  
25 you netted 16,771.83; correct?

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1 A. That's correct.  
2 Q. And then there was a second harvest  
3 where you netted -- where there was a gross of  
4 12,176; correct? And you netted that same amount;  
5 isn't that --  
6 A. Yeah.  
7 Q. Sir?  
8 A. That's correct.  
9 Q. Okay. I invite your attention to Tab C,  
10 and that's showing the \$90,000 of '08 sales in  
11 Ryan's name; is that correct?  
12 A. That's correct.  
13 Q. I invite your attention to Tab D -- I  
14 think -- no -- yeah, Tab D. And Tab D is showing  
15 the activity with Godley Auction Company in Cope; is  
16 that right?  
17 A. That's correct.  
18 Q. And this is for the sale of equipment,  
19 isn't it?  
20 A. No. I think that's equipment we bought.  
21 Q. That's purchased equipment, okay. I  
22 stand corrected.  
23 A. I bought for Ryan and Todd.  
24 Q. Okay. And it shows you bought --  
25 there's a handwritten notation of 2/24/07. You

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1 bought 4,000 -- you wrote a check for \$4,750 for a  
2 JD 320 (sic), John Deere 320; is that correct?  
3 A. Where you at?  
4 Q. I'm on the second page, Invoice 88 up at  
5 the top of the page.  
6 THE COURT: John Deere 3020?  
7 MR. BARR: Yeah, 3020, I might have  
8 misspoke.  
9 Q. Do you see it? Let me get you there.  
10 A. That's correct.  
11 Q. Okay. Then the next invoice is for  
12 about \$170, and the next invoice is for about \$335,  
13 the next one for \$280, I'm looking now at Invoice  
14 28. Invoice 66 you purchased equipment for  
15 \$3,865 -- I stand corrected, that's in Todd's name;  
16 is that correct?  
17 A. That's correct.  
18 Q. Okay. Go over to Invoice 197 on  
19 February 23rd of 2008. Tell me when you're there.  
20 A. Invoice what?  
21 Q. 197.  
22 A. Okay.  
23 Q. And you wrote a check for \$6,030 for the  
24 equipment there described, didn't you?  
25 A. That was Judy Farms.

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1 Q. I understand that, but it's in the name  
2 of R.F. Judy, isn't it?  
3 A. That's right.  
4 Q. Now, on the property where you live,  
5 isn't it correct that you've got equipment on that  
6 nine acres all over the place?  
7 A. Todd and Ron got that equipment.  
8 Q. Well, isn't it correct that there's  
9 equipment there? Let's agree on that part.  
10 A. That's where Todd and Ryan stored  
11 equipment.  
12 Q. This equipment that you bought from  
13 Godley you would drive and park there, wouldn't you?  
14 A. Do what?  
15 Q. When you bought from Godley, you would  
16 take the equipment there, wouldn't you?  
17 A. Yeah, because that's the only place it's  
18 safe.  
19 Q. Okay. And you're saying it's Todd and  
20 Ryan's; right?  
21 A. Correct.  
22 Q. But this Invoice Number 197 is made out  
23 to R.F. Judy, isn't it?  
24 A. That's right, because when I go to the  
25 sale I didn't have Todd and them's checks. So we

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1 went to the bank and switched over.  
2 Q. Okay. Let's look at the next invoice,  
3 269. You bought equipment for \$1,647; correct?  
4 A. That's correct.  
5 Q. Invoice 84 you bought equipment for  
6 \$2,400; correct?  
7 A. That was in parts.  
8 Q. All right. In parts, but it's a John  
9 Deere 3020 in parts?  
10 A. I bought it for Todd and Ryan.  
11 Q. I understand that's your explanation,  
12 but this invoice is not in their name. It's in your  
13 name.  
14 A. I can't help that.  
15 Q. Is it correct, that the invoice is in  
16 your name?  
17 A. I bought it, but not for myself.  
18 Q. Well, didn't you see earlier where there  
19 were invoices in Todd's name; right?  
20 A. That's -- that's when I had a check from  
21 Todd.  
22 Q. Okay. I understand that's your  
23 explanation. Go to Invoice 33.  
24 A. Okay.  
25 Q. You purchased the equipment there

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1 described for \$5,490 on June 28th of '08; correct?  
2 A. That was Judy Farms. Todd and Ryan.  
3 Q. Flip over several pages more, May 29th  
4 of '09, Invoice 64.  
5 A. All right.  
6 Q. You wrote a check for \$10,500, didn't  
7 you?  
8 A. Yes, I did.  
9 Q. For a Caterpillar motor grader?  
10 A. Yes, sir. Matter of fact, Todd has got  
11 a mortgage at the Citizens Bank for \$10,000 on that.  
12 Q. We'll let him explain that. The next  
13 one -- well, I'm trying to not take up too much of  
14 the Court's time, they speak for themselves.  
15 Then let's go to Tab E. These are --  
16 these are sales of soybeans, aren't they, to  
17 Carolina Soya?  
18 A. Yes, it is.  
19 Q. And it's made out to Ronnie Judy, 1872  
20 Sandridge Road; right?  
21 A. That's correct.  
22 Q. On December 18th of 2008; right?  
23 A. That's correct.  
24 Q. For \$2570.27?  
25 A. That's right.

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1 Q. And all of these -- all of these  
2 settlement statements under Tab -- well, let me see.  
3 I stand corrected. The first three are in the name  
4 of Ronnie Judy; correct?  
5 A. That's correct. And --  
6 Q. For 2570.27, 3826.92 and --  
7 A. And 1 --  
8 Q. Let me finish. And 7513.05; is that  
9 correct?  
10 A. That's correct.  
11 Q. Then there's one in Ryan's name;  
12 correct?  
13 A. And money was deposited in Ryan or Todd  
14 Judy's farm account.  
15 Q. The next three are in Ryan's name; is  
16 that correct?  
17 A. That's correct.  
18 Q. Okay. Tab F we've already introduced  
19 through the gentleman from Holly Hill, Holly Hill  
20 Farm Center, so we now go to Tab G which is  
21 Orangeburg Milling. And that's for the sale of  
22 yellow corn; correct? Are you caught up with me?  
23 A. No, it couldn't have been yellow corn  
24 because they had --  
25 Q. I beg your pardon?

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1 A. Couldn't have been corn because we  
2 didn't have no corn planted yet -- yeah, it is.  
3 It's corn. Must have been some corn that we had  
4 bought and resold.  
5 Q. Well, that's a ticket from Orangeburg  
6 Milling on January the 2nd of 2009.  
7 A. That's correct.  
8 Q. Actually, this might be the gross  
9 activity from January of '97 to December of '09. Do  
10 you agree with me?  
11 A. Yeah.  
12 Q. And it's reflecting a total of 76,080  
13 pounds; correct?  
14 A. Right.  
15 Q. For a total of \$2,293.44; right?  
16 A. Yeah.  
17 Q. Made in the name of Ronnie Judy;  
18 correct?  
19 A. That's correct.  
20 Q. The next page shows your activity in  
21 oats; correct?  
22 A. Right.  
23 Q. Then we go to Tab H, which is Orangeburg  
24 Stockyards. This is the purchase and sales of  
25 livestock, isn't it?

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1 A. That's correct.  
2 Q. This is in your name, isn't it?  
3 A. Yes, it is.  
4 Q. January 21st of '09 shows sales of some  
5 livestock. It doesn't tell us what. Was it cattle?  
6 A. Cattle or hogs, one of the two.  
7 Q. On the same day there's other sales from  
8 Ryan; correct?  
9 A. Correct.  
10 Q. We see Ryan selling some and you selling  
11 some; right?  
12 A. That's correct.  
13 Q. And you told me in your deposition all  
14 you were doing was putting up fences; is that  
15 correct?  
16 A. What?  
17 Q. You told me in your deposition that you  
18 weren't farming, the boys were farming, and all you  
19 did was help them with the fences.  
20 A. I helped with the maintenance.  
21 Q. Helped with the maintenance?  
22 A. Right.  
23 Q. But here we see you selling cows; right?  
24 A. That's right.  
25 Q. In your name?

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1 A. In my name.  
2 Q. On the same day Ryan is selling them in  
3 his name in the same place?  
4 A. Not on the same date.  
5 Q. Well, you tell me if January 21st, '09  
6 isn't the same day as the second January 21st, '09.  
7 A. That must have been the second load. A  
8 lot of times we go up there we put them --  
9 Q. I stand corrected. I do think -- I do  
10 think that -- I'm misreading the statement,  
11 Mr. Judy. I do think that they're entering the  
12 dates in the middle of the document. January 21st  
13 of '09 just must be the date they prepared it, so I  
14 stand corrected.  
15 So what Orangeburg Stockyards has done  
16 is they've shown us the activity on the first page  
17 in your name for '07/'08. They're showing the  
18 activity in Ryan's name for '03, '06 and '07.  
19 They're showing the activity in Judy Farms' name on  
20 the next page -- do you see that? So they're  
21 showing the sales from you and the sales from Ryan  
22 and the sales from Judy Farms are all separate.  
23 A. Just because the checks are made out to  
24 me, I deposited the money in their farm account out  
25 of that.

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1 Q. Did you bring that with you?  
2 A. No, I didn't.  
3 Q. All right. Let's take a look under Tab  
4 I. Do you know Weathers Farm Supply?  
5 A. Yes, I do.  
6 Q. You do business with them?  
7 A. Been doing business with them the last  
8 45 years and don't owe them a dime to date.  
9 Q. And without suggesting --  
10 A. Paid my debt.  
11 Q. Without suggesting that you do, the  
12 documents here show that you're purchasing farm  
13 supplies in your name; isn't that correct?  
14 A. Well, I was the only one that had an  
15 account there, is the reason for that. And then  
16 they changed the account over to Ryan's -- Ryan's  
17 name.  
18 Q. Now, let's then look at the final one,  
19 which is Tab J, and that's Farmers Milling & Supply.  
20 A. That's correct.  
21 Q. And do you know Viri Brenner -- Bruner?  
22 Who's the person at Farmers Milling in Holly Hill?  
23 A. I don't recognize that name.  
24 Q. But you did business with them as well,  
25 didn't you?

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1 A. I done some business over the years,  
2 sure.  
3 Q. And tell -- tell Judge Banks what you  
4 did with Weathers.  
5 A. Weathers?  
6 Q. I'm sorry, Farmers Milling. This outfit  
7 right here.  
8 A. I delivered crops over there to them.  
9 Q. For sale?  
10 A. For sale.  
11 Q. And that's -- if you look at the last  
12 pages, this is showing the delivery and what was  
13 received, isn't it?  
14 A. Well, I been doing business with them  
15 all them years and they was unaware that Todd and  
16 Ryan took over the farm.  
17 Q. But the account remained in your name;  
18 isn't that correct?  
19 A. Yes, it did, I guess.  
20 Q. When the checks were paid, they were  
21 paid to you, weren't they?  
22 A. That's right. And we went to the bank  
23 and some of it went into Todd and Ryan's farm  
24 account.  
25 Q. All right, sir. Now, Mr. Judy, the fact

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1 of the matter is, isn't it, that on November 16th of  
2 2008 -- I'm sorry -- November 16th of 1998 you  
3 signed one deed to Todd conveying multiple pieces of  
4 land to him?  
5 A. That's the way my daddy wanted it.  
6 Q. And then on the same day you signed  
7 another deed to Todd and Ryan combined?  
8 A. That's correct.  
9 Q. And then on the same day you signed over  
10 all of your farm equipment?  
11 A. That's right. What was in my  
12 possession.  
13 Q. And you're saying that's the way --  
14 that's because you wanted to do it the way your  
15 daddy did it?  
16 A. Both my granddaddy did it, Daddy did it,  
17 we did it, Jimmy did it, and Todd and Ryan are going  
18 to do the same thing to their children.  
19 Q. And your daddy actually took the  
20 property out of his name because he was afraid of  
21 being sued by the surveyor?  
22 A. No, sir.  
23 Q. He was not?  
24 A. Not to my knowledge..  
25 Q. You deny that?

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1 A. I got no knowledge of that.  
2 Q. But -- so your daddy wanted you children  
3 to have it when he turned 50?  
4 A. In our 50s.  
5 Q. And you wanted your children to have it  
6 when you turned 50?  
7 A. That's correct.  
8 Q. How old were you in 1998?  
9 A. 1998 I was...  
10 Q. What year were you born?  
11 A. '55.  
12 Q. All right. Well, how old were you in  
13 2007 when you conveyed the nine acres you live on  
14 and the other ten to Todd?  
15 A. I deeded that property back to Todd  
16 because it belonged to Todd. Chicago Title  
17 Insurance Company said it belongs to Todd.  
18 Q. Now, Mr. Judy, that's the property -- or  
19 that's part of the property you inherited from Vesta  
20 Rumph, isn't it?  
21 A. Yes, it is.  
22 Q. Okay. And isn't it correct that in 2001  
23 you signed a deed of distribution conveying all the  
24 lands -- strike that -- confirming that all of the  
25 land of the Vesta Rumph estate were vested in you

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1 and Jimmy as tenants in common? Didn't you do that?  
2 A. I was forced to do that. McIntosh --  
3 Jimmy said that McIntosh said I had to do a deed of  
4 distribution.  
5 Q. You did it, didn't you?  
6 A. It's a Probate Court record.  
7 Q. You did it?  
8 A. Yeah. They went and filed it in the RMC  
9 office.  
10 Q. But you did it, didn't you?  
11 A. Yes, I signed.  
12 Q. Okay. And then isn't it correct that  
13 you tried to sell all of the lands of the Vesta  
14 Rumph estate for your sons for \$15,000?  
15 A. Jimmy and I had -- had an agreement.  
16 He'd take -- he'd take one part and I would take the  
17 other part and he reneged on it. And we could not  
18 agree, so the will in Vesta Rumph's estate said that  
19 I had sole discretion to sell, lease or whatever at  
20 my discretion. And since we couldn't agree, I sold  
21 the sucker.  
22 Q. Okay. So you were exercising your right  
23 of sale under the will of Vesta Rumph?  
24 A. That's correct.  
25 Q. By -- by selling the lands to your sons

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1 for \$15,000?  
2 A. Yes, sir. And he also had an appraiser  
3 appraise his for 200 -- \$255,000 and turned around  
4 and sold it for 1.28 million.  
5 Q. But that same property that Jimmy sold  
6 part of for over a million dollars, you sold to Todd  
7 and Ryan for \$15,000; is that what you're telling  
8 the Judge?  
9 A. I took bids on it, Mr. Barr, and Todd  
10 and Ryan were high bidder on it.  
11 Q. Who else bid on it?  
12 A. Let me think of the guy's name. He  
13 lives in Norris Shider's (phonetic) house. I  
14 can't -- I can't recall the name of it, but I got  
15 copy of his bid in my file.  
16 Q. So you conveyed to them the ten acres  
17 plus another 143 acres for \$15,000?  
18 A. That's correct.  
19 Q. Because you had the right to do that as  
20 personal representative under the will?  
21 A. That's why -- that's why people write  
22 wills.  
23 Q. And you were appointed in 1983; isn't  
24 that right?  
25 A. That's correct.

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1 Q. And you sat on that estate until 2001  
2 and didn't distribute?  
3 A. Yes, sir. The reason -- I'm glad you  
4 asked that, because I was trying to get SLED --  
5 SLED, the FBI and the Justice Department to look  
6 into why John K. Sykes is laying in the cemetery  
7 today, Mr. Barr, because of this Probate Court.  
8 Q. And that's --  
9 A. And her uncle -- her uncle was one of  
10 the doctors involved that brought that fake doctor  
11 down there to get burned.  
12 Q. I'm not even going to ask you what that  
13 has to do with this case.  
14 A. It does a lot.  
15 Q. All I'm going to say, that's your story  
16 and you're sticking to it?  
17 A. That's the reason -- that's my tale.  
18 Q. That's your tale?  
19 A. That's my tale.  
20 Q. Okay, that's your tale. And that took  
21 you from 1983 and you still hadn't accomplished that  
22 in 2001?  
23 A. No, sir. I was determined not to close  
24 that estate until some justice was brought to  
25 Ms. Rumph, but Jimmy sold his soul out to get what

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1 he want and help the Probate Judge.  
2 Q. Okay.  
3 A. And get her uncle out of trouble.  
4 Q. So then the Probate Judge removes you in  
5 2001; right?  
6 A. That's correct.  
7 Q. But before the Probate Judge could do  
8 that, you leased the pond that you later destroyed,  
9 you leased the pond to Dewey Cowart, didn't you?  
10 A. Yes, sir. Dewey Cowart spent thousands  
11 of dollars restocking that pond and fertilizing it.  
12 Q. And you --  
13 A. If they wanted to take it away from me,  
14 I give him a new lease on it.  
15 Q. And you knew that that was the share  
16 that Jimmy was expecting to get under your agreement  
17 back in '83.  
18 A. Well, he was supposed to get the  
19 whole -- the 143 acres and I was supposed to get the  
20 other 143 acres.  
21 Q. Right. But when Vesta Rumph died in  
22 '83, you moved into her house, didn't you?  
23 A. That's correct.  
24 Q. You got --  
25 A. People were stealing the furniture out

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1 of it. My responsibility to do -- take whatever  
2 steps I needed to protect the assets.  
3 Q. But, anyhow, you got a house out of it,  
4 out of Vesta Rumph's estate, and so you sat on it  
5 and didn't distribute the estate -- even in '01 when  
6 you were removed except you tried to sell it to your  
7 sons; isn't that right?  
8 A. Since we could not agree on it, I sold  
9 it under the last will and testament.  
10 Q. In any event --  
11 A. If you look at that will, it should have  
12 been brought out. It wasn't Jimmy the heir, it was  
13 my wife.  
14 Q. In any event, the Probate Judge set  
15 aside those deeds that you had tried to sell to your  
16 sons, didn't she?  
17 A. No, sir. Here's a copy -- is that a  
18 copy -- here's a copy we received, Mr. Barr. Why  
19 was that taken out of the file and replaced with  
20 another one, I don't know. You just don't do that,  
21 but you do different things down in Dorchester  
22 County. Sometimes you get by with it.  
23 MR. BARR: Your Honor, may I invite the  
24 Court's attention and the witness' attention,  
25 please, to Tab 11?

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1 Q. Are you at Tab 11? It's in the bigger  
2 book, Ronnie. All right. You see Tab 11 there,  
3 which is now Exhibit 11. Do you see that?  
4 A. Yes, sir. I do.  
5 Q. And you've handed me a copy of a  
6 document where in the final version we see here,  
7 Exhibit 11, Judge Provence, who was then the Probate  
8 Judge, holds that the August 20th, 2001 deed is  
9 invalid. Isn't that what it says?  
10 A. That's the August 16th. This -- this is  
11 Judge Provence's own handwriting. Void transaction,  
12 hold valid August 20th, 2001 deed or title back into  
13 the estate. Judge -- the Probate Judge's own  
14 handwriting, Mr. Barr.  
15 Q. And you appeared before her and  
16 presented that to her, didn't you?  
17 A. No, I did not.  
18 Q. Isn't correct you got it out of her  
19 trash can?  
20 A. Yeah, because one of the employees told  
21 me they had taken (sic) it out of the file and put  
22 it in the trash can. They called me at my house and  
23 I got in my truck and went straight on out there.  
24 Q. And didn't Judge Provence say, Mr. Judy,  
25 if you ever present that in any court I'm going to

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1 hold you in contempt? Didn't she say that to you?  
2 A. No, sir.  
3 Q. You deny it?  
4 A. I want to see that. Matter of fact,  
5 hey --  
6 Q. Wait a minute.  
7 A. Oh, yes, sir.  
8 Q. Isn't it correct that you never tried to  
9 appeal this, Mr. Judy? Mr. Judy.  
10 A. Wait a minute.  
11 Q. Ronnie.  
12 A. Say what?  
13 Q. Isn't it correct that you never took  
14 to the Court to correct, as you say, Exhibit Number  
15 11 -- Exhibit 11? The filed order --  
16 A. She already had -- had a certified file.  
17 Q. You got it out of the trash can.  
18 A. Yes, sir. And here's another order  
19 signed on the same day, I want that put into  
20 evidence, that she didn't sign that saying it was  
21 invalid. But, yet, she come back on the 16th and  
22 said it's invalid.  
23 Q. But you got it all out of her trash can?  
24 A. Yes, I did.  
25 Q. And you never said, Judge Provence --

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1 A. Yes, I did.  
2 Q. You never went back to Judge Provence  
3 and said, Judge, we've got to straighten this out?  
4 A. No. You've to get an appointment with  
5 her.  
6 Q. And today, the only order in this  
7 subject matter on the record of the Probate Court in  
8 St. George is Exhibit 11; isn't that correct? Your  
9 order isn't on the record --  
10 A. That order was in the record because it  
11 was a certified true copy. It's down -- it's down  
12 on there. Read it. I want that put into evidence.  
13 Q. Well, you can offer it as an exhibit,  
14 but I want to caution you about the penalties of  
15 perjury --  
16 MR. BARR: If Your Honor will permit me  
17 just to say that.  
18 THE WITNESS: You can perjure all you  
19 want to.  
20 MR. BARR: I'm going to attack that.  
21 THE COURT: We already have 11 in; is  
22 that right?  
23 MR. BARR: Sir?  
24 THE COURT: Eleven is in evidence;  
25 right?

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1 MR. BARR: Eleven is in evidence.  
2 THE COURT: I just heard Mr. Judy  
3 proffer something into evidence. Do you want to  
4 have something --  
5 THE WITNESS: Yes, sir. This here and  
6 this here.  
7 THE COURT: These two items here,  
8 have you seen the handwritten -- what's purported to  
9 be -- I'm not sure.  
10 MR. BARR: I've seen it before, yes,  
11 sir.  
12 THE COURT: And this is -- is this the  
13 precursor of this and then she --  
14 THE WITNESS: Yes, sir. That's correct.  
15 MR. BARR: Your Honor, Mr. Judy has  
16 testified that he pulled these documents out of the  
17 trash can.  
18 THE COURT: Both of these?  
19 THE WITNESS: Yes, sir.  
20 MR. BARR: Of the Probate Judge's  
21 office.  
22 THE WITNESS: And this.  
23 MR. BARR: So if we want to mark them,  
24 that's -- that's fine. I object to their relevance  
25 because they're not genuine by this witness' own

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1 testimony, he having said that he pulled them out of  
2 the trash can. I don't know how anyone could  
3 suggest that a document pulled out of the trash  
4 can --  
5 THE WITNESS: An employee out there  
6 called me and brought it to my attention what went  
7 on, Mr. Barr.  
8 BY MR. BARR:  
9 Q. What is the name of that employee?  
10 A. It's a gentleman.  
11 Q. What is his name?  
12 A. I have talked --  
13 Q. State his name on the record, please.  
14 A. I don't know his name. I know it, but I  
15 cannot recall it. But I can get that name. This is  
16 the other record that she didn't sign that.  
17 THE COURT: So this is another one that  
18 came out of the trash can?  
19 THE WITNESS: Yes, sir.  
20 THE COURT: There's three pieces of  
21 paper that came out of the Judge's trash can?  
22 THE WITNESS: That come out, that come  
23 out -- all four of them come out -- let me see. No,  
24 this didn't come out. This replace this.  
25 THE COURT: You know, let me tell you.

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1 I have a number of issues with putting any of these  
2 three in, and let me explain why. First of all,  
3 this handwritten order, it's been -- not only it's  
4 been highlighted, but it's been written on after  
5 what I would consider -- if it was taken out of the  
6 trash can somebody else has written on it and it's  
7 been highlighted. Not only that --  
8 THE WITNESS: It was highlighted --  
9 THE COURT: -- it has to be  
10 authenticated. I understand where you say you got  
11 it, but it would have to be authenticated by I  
12 believe the Judge herself, that that is her  
13 handwriting.  
14 THE WITNESS: She's already admitted  
15 that.  
16 THE COURT: Not in this court.  
17 THE WITNESS: No, not in this court.  
18 THE COURT: I would need her to sit  
19 right there and say, yeah, that's my handwriting.  
20 THE WITNESS: She can verify that.  
21 THE COURT: Well, she's not here to do  
22 that. If you can get her here in the next two  
23 hours, maybe you can. I'm going to just outright  
24 deny the handwritten one and you can have that back.  
25 I'm going to deny these two versions

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1 that were pulled out of the trash can simply because  
2 this one is unsigned, and if it's a draft it's a  
3 draft. And it maybe goes to weight. Even if I  
4 admitted it -- even if I admitted this -- in fact,  
5 let me think about that for a second because I  
6 might...  
7 THE WITNESS: Both of them are certified  
8 copy.  
9 THE COURT: Well, this one is not even  
10 signed.  
11 THE WITNESS: No, that's not signed.  
12 THE COURT: I think I will -- I'm going  
13 to admit the draft unsigned order by the Probate  
14 Judge in Dorchester County. It's unsigned, but it  
15 is a draft and it's dated July 29, 2002. It's been  
16 written upon. I'm going to admit it, but I'm also  
17 going to find that the order that has been already  
18 admitted into evidence renders it a curiosity at  
19 best. And -- because this is the order that has  
20 been certified true and signed by the Probate Judge.  
21 That's Number 11.  
22 THE WITNESS: This one is certified.  
23 THE COURT: Well, I'm going to get to  
24 that one in a minute. I'll admit the -- it's Number  
25 3? Let's put this in as Defense 3 and, again, I

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1 find it marginal at best of its evidentiary weight  
2 in any way, but out of an abundance of caution I'm  
3 going to put it in. And I do find that Number 11  
4 renders it, like I said, a curiosity at best.  
5 Now...  
6 (DFT. EXH. 3 in evidence.)  
7 THE WITNESS: It was 18 days after she  
8 signed that they sent Bill McIntosh -- let me see.  
9 THE COURT: Now, this one -- this other  
10 one that you submitted is typewritten. It is signed  
11 and it is certified true.  
12 THE WITNESS: Yes, sir.  
13 THE COURT: It's also been highlighted  
14 and there's been a phrase --  
15 THE WITNESS: I highlighted that. We've  
16 got another copy of it.  
17 THE COURT: I'm going to deny it. And,  
18 again, regardless of its validity at one time, it  
19 still is rendered obsolete by the August 16th order  
20 which is dated after it. It's the same order that's  
21 been dated after, but here's what I'm going to do  
22 for you --  
23 THE WITNESS: She wrote two more orders  
24 and she never did refer.  
25 THE COURT: And I tell you what's

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1 curious about this. Again, if she was here she  
2 could explain these things and I think we'd have a  
3 better chance of relying on what they said and what  
4 they meant. But the thing I find most -- that  
5 renders it most unreliable is that, again, it's been  
6 highlighted and Paragraph 5 has been stricken about  
7 halfway through in two different ways. And I find  
8 that curious and I find it troubling, so I'm going  
9 to deny the admission of this.  
10 So we have the one previous unsigned  
11 order in as 3, and you can mark -- I'm going to  
12 allow you to mark these as defense exhibits but they  
13 are not in evidence. Do you understand? That would  
14 be for purposes for -- for purposes to have a  
15 complete record.  
16 Is that -- do you have any objection to  
17 that, Mr. Barr?  
18 MR. BARR: I understand what you're  
19 doing, Your Honor. I don't, but I think -- let's go  
20 ahead and do what Your Honor has directed and then I  
21 can -- I think I can clear it up a little bit.  
22 THE COURT: Great. That would be  
23 helpful.  
24 MR. BARR: But let's mark --  
25 THE COURT: We might should have done



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1 that before.  
2 MR. BARR: Well, Exhibit 12, I think is  
3 the next order.  
4 THE COURT: Okay.  
5 MR. BARR: If you look at Exhibit 12,  
6 which the Probate Judge signed and maybe this will  
7 explain why she did this supplemental order in  
8 Exhibit 12, which she signed on May the 29th of  
9 2003, even later than the ones that Mr. Judy is  
10 trying to lead us down the rabbit hole about.  
11 THE COURT: I see.  
12 THE WITNESS: Ain't no rabbit.  
13 THE COURT: Let's keep it civil, both of  
14 you.  
15 MR. BARR: Yes, sir. Exhibit 12 -- and  
16 Exhibit 12 on Page 2, she makes findings and  
17 declarations that the deed of distribution was valid  
18 in one, that in accordance with the will is sort of  
19 obliterated, transferred the property; that  
20 subsequent deeds signed by Ronnie had no legal  
21 effect. This includes, but is not limited to, the  
22 general warranty deed transferring to Todd and Ryan  
23 which is the one that Mr. Judy is trying to say is  
24 made valid by this stuff he pulled out of the trash  
25 can.

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1 THE COURT: Right.  
2 MR. BARR: And, in fact, she then orders  
3 that Ronnie reimburse Todd and Ryan, if they ever  
4 paid him, the \$15,000 that represent the purported  
5 consideration. So I think Exhibit 12 clearly --  
6 THE COURT: Yeah.  
7 MR. BARR: -- manifests the intent of  
8 the Probate Judge and I think -- well, I can address  
9 the remainder in my closing remarks.  
10 THE COURT: And 12 is already in.  
11 MR. BARR: Sir?  
12 THE COURT: I said 12 is already in  
13 evidence.  
14 MR. BARR: Yes. Yes, it is.  
15 THE COURT: Maybe I was a little  
16 premature on that, but I think 12 definitely clears  
17 up --  
18 MR. BARR: Yes.  
19 THE COURT: -- the questions I had or  
20 issue.  
21 MR. BARR: Yes.  
22 THE COURT REPORTER: So do I mark these  
23 3 and 4?  
24 THE COURT: Which one is that -- yeah.  
25 I think -- let's go ahead and mark them just for --

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1 since I already said that.  
2 MR. BARR: Yes, sir.  
3 THE COURT: We'll mark them anyway.  
4 Just they're not in evidence.  
5 MR. BARR: For identification only.  
6 THE COURT: That's right.  
7 (DFT. EXH. 3, Order by Tiffany Provence,  
8 Not Signed, dated July 29, 2002, was  
9 marked for identification.)  
10 (DFT. EXH. 4, Order by Tiffany Provence,  
11 Signed, dated July 29, 2002, was marked  
12 for identification.)  
13 (DFT. EXH. 5, Handwritten Order by Judge  
14 Provence, was marked for  
15 identification.)  
16 THE COURT: Now I've forgotten where we  
17 were.  
18 MR. BARR: Your Honor, we were -- I was  
19 crossing -- I need to wait on the Reporter.  
20 THE COURT REPORTER: Go ahead.  
21 MR. BARR: Are you caught up with us  
22 now?  
23 THE COURT REPORTER: Yes.  
24 MR. BARR: I was cross-examining the  
25 witness on his direct testimony assertion about

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1 the -- I believe it was direct, about the documents  
2 that he pulled out of the trash can.  
3 THE COURT: Okay.  
4 MR. BARR: I believe it's clear that  
5 Exhibit 12, which is the Judge's later supplemental  
6 order, rescinded any suggestion that she had  
7 intended anything differently and I think, frankly,  
8 was filed in response to a similar exchange before  
9 her back then.  
10 Q. So Ronnie, you say that you gave these  
11 lands to your sons in '98 because it's what your  
12 daddy wanted you to do?  
13 A. Yes, sir.  
14 Q. You were in your 50s --  
15 A. Family tradition.  
16 Q. That's a family tradition. And, yet,  
17 you continued to farm the lands, didn't you?  
18 A. I helped.  
19 Q. And you continued to harvest the timber;  
20 correct?  
21 A. We all work together, Mr. Barr.  
22 Q. But you received revenues, you  
23 received --  
24 A. I didn't keep all the revenues.  
25 Q. I'm not asking you if you kept them.

1 You received the revenues and reported them on your  
2 tax returns, didn't you?  
3 A. Some of it was made out to me and  
4 reported on my income tax.  
5 Q. And this was how you earned your  
6 livelihood, wasn't it?  
7 A. No, sir. I earned my livelihood through  
8 retirement from the shipyard.  
9 Q. Oh, is that right?  
10 A. Yeah.  
11 Q. Okay. And that's your disability;  
12 right?  
13 A. Please don't tax that.  
14 Q. Sir?  
15 A. Please don't go after that.  
16 Q. So it was your father's wish that the  
17 children pass along lands at age 50 but, yet, isn't  
18 it correct, Mr. Judy, that in 2007 on the same --  
19 seven days after the pond dam and corn crop cases  
20 were first called for trial and you were in the  
21 hospital, you conveyed to Todd the ten acres and the  
22 nine acres you live on; isn't that correct?  
23 A. Todd told me he wanted his lands back.  
24 Q. He wanted his land back?  
25 A. That's correct.

1 Q. And that's because you --  
2 A. I deeded it back to him.  
3 Q. The family tradition --  
4 A. No, I was doing what was morally right,  
5 Mr. Barr.  
6 Q. Okay. Even though Judge Provence had  
7 invalidated that deed, when you say convey it  
8 back -- the first time Todd ever owned that land was  
9 when you transferred it to him in '98, wasn't it?  
10 A. That was his one-half interest.  
11 Q. Okay.  
12 A. But my problem -- my problem is why  
13 didn't they partition it between Todd and Jimmy?  
14 Because they know they couldn't get \$208,000 worth  
15 of rent out of Todd because Todd wasn't living in it  
16 so, therefore, he had to put it back in my name.  
17 Q. And then the next year, in December of  
18 2008, you prepared a deed of the nine acres you live  
19 on and the ten acres nearby, and you had Todd sign  
20 it to your wife Wanda, didn't you?  
21 A. Wanda wanted her land back.  
22 Q. Her land back?  
23 A. Yeah. She got it -- because she got it  
24 titled in 2000 -- in early 2000 for it.  
25 Q. Wait a minute. Let me get this

1 straight.  
2 A. Okay.  
3 Q. You said you were giving it back to Todd  
4 because he -- you were giving it back to him; right?  
5 And now you're saying Wanda wants it back.  
6 A. It was Todd's to start with, and then it  
7 was Wanda's.  
8 Q. Well, it was Vesta Rumph's to begin  
9 with, wasn't it?  
10 A. Yes, it was Vesta Rumph's.  
11 Q. And Vesta Rumph died in 1983, didn't  
12 she?  
13 A. That's correct.  
14 Q. And you and Jimmy were named as the  
15 beneficiaries under her estate, weren't you?  
16 A. Me and my wife was, not James T. Judy.  
17 You look at the will. It says James -- Jimmy, and  
18 Ms. Rumph always called my wife Jimmy. We should  
19 have questioned that in the probate.  
20 Q. You're saying --  
21 A. Back then.  
22 Q. You're saying that the Vesta Rumph will  
23 left the land to you and your wife?  
24 A. She meant my wife. She didn't say  
25 anything about James T. Judy, but we let it go as it

1 was.  
2 Q. And so you were a personal  
3 representative appointed in 1983; right?  
4 A. That's correct.  
5 Q. And you were trying to solve this murder  
6 from '83 until 2001; right?  
7 A. It was February 11, 1983 when the  
8 incident happened, but the murder occurred on May  
9 10th, 1985.  
10 Q. Okay. But --  
11 A. And the man's body ended up laying in  
12 Southland Memorial Garden today.  
13 Q. And never once did you go to the Probate  
14 Court to say, Judge, I want you to interpret Vesta  
15 Rumph's will. She didn't mean to leave it to my  
16 brother Jimmy, who was taking care of her with me,  
17 she meant to leave it to my wife Jimmy?  
18 A. Our lawyers advised us of that.  
19 Q. Okay. In any event, you knew that when  
20 it was filed everybody thought that Jimmy in this  
21 will was your brother Jimmy, not your wife Jimmy;  
22 isn't that right?  
23 A. Well, she meant my wife, but the paper  
24 said Jimmy Judy.  
25 Q. And don't you know out of all these

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1 lawyers you talked to told you when somebody dies  
2 and leaves real estate, that title passes right when  
3 they die?  
4 A. Automatic.  
5 Q. Automatic.  
6 A. You can deed it out to whoever you want  
7 to.  
8 Q. And so --  
9 A. And that's what I did and that's what  
10 Jimmy did in '96 and I done it in '98.  
11 Q. So when Vesta Rumph died, the title to  
12 her lands automatically went to you and Jimmy?  
13 A. You are correct.  
14 Q. And all the deeded distribution does is  
15 confirm who it went to?  
16 A. That's correct.  
17 Q. And, yet, you tried to sell it to your  
18 sons for \$15,000, same lands; right?  
19 A. McIntosh said they need something --  
20 something from Probate Court to show a chain of  
21 title, and that's what I did.  
22 MR. BARR: Okay. Your Honor, thank you  
23 for your indulgence. I have no further questions.  
24 THE COURT: All right. I think any -- I  
25 guess any redirect of yourself -- do you have

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1 anything else you'd like to say, Mr. Judy?  
2 STATEMENT  
3 THE WITNESS: Well, I'd like to say that  
4 there was no -- it was a judgment pending when I  
5 transferred this property in '98, but it wasn't  
6 settled until 1999 by the Supreme Court. In 2000 I  
7 paid -- Gene Dukes told me that I had to pay the  
8 judgment off for Todd and Ryan to have clear title  
9 to this property, and that's what I did. I got a  
10 copy of the thing from the Sheriff's Department  
11 showing, you know, that it was paid. I guess I need  
12 to go over my exhibits that I wanted to put in.  
13 Some of them might be already got in.  
14 MR. BARR: Is the witness still  
15 testifying, Your Honor? I can't hear.  
16 THE COURT: I think he's --  
17 THE WITNESS: I'm trying to get --  
18 THE COURT: -- speaking  
19 administratively.  
20 THE WITNESS: I think this is already  
21 in. I think this is already in. I think the will  
22 is already in. I don't think the will is in.  
23 (Reading.)  
24 MR. BARR: Is the witness marking some  
25 exhibits?

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1 THE COURT: No. He's --  
2 THE WITNESS: I'm going through --  
3 THE COURT: He's looking for a record, I  
4 believe.  
5 THE WITNESS: This is from Rodney  
6 Peebles that I testified to.  
7 THE COURT: What are you trying to do?  
8 She --  
9 THE COURT REPORTER: He's handing them  
10 to me, I'm not marking them.  
11 THE COURT: What are you trying to  
12 accomplish?  
13 THE WITNESS: I'm trying to get what  
14 exhibits that I testified to.  
15 THE COURT: Are you trying to get them  
16 admitted into evidence?  
17 THE WITNESS: Yes, sir.  
18 THE COURT: All right. Well, you need  
19 to ask me about that, now. You might want to hand  
20 me all of those. Now, have you shown these to  
21 Mr. Barr?  
22 THE WITNESS: He's got copies of them  
23 that I carried down to his office and broke my neck  
24 coming down his steps.  
25 THE COURT: The first one is a mortgage

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1 from Ronnie and Todd, First Citizens, dated 2006,  
2 \$100,000. I think that might already be in.  
3 MR. BARR: I believe that's already in.  
4 THE COURT: Yeah, I believe that one's  
5 already in -- oh, it's got a letter on the back,  
6 title opinion on the back.  
7 THE WITNESS: Title opinion.  
8 THE COURT: I saw a Chicago Title thing,  
9 but I don't know if that was on this or not. This  
10 is the title opinion to First Citizens, to  
11 Mr. Utsey.  
12 THE WITNESS: Right, as I testified. He  
13 testified.  
14 THE COURT: And it doesn't say -- looks  
15 like it might be missing something. It doesn't say  
16 who it's from. I don't remember you asking  
17 Mr. Utsey. Did you ask Mr. Utsey?  
18 THE WITNESS: Yes, I did. It's on  
19 record and he said Todd -- the reason Todd had to  
20 sign the mortgage.  
21 THE COURT: It doesn't say who it's from  
22 and it's to Mr. Utsey. Here, let me show it to you.  
23 That's on the back of that mortgage.  
24 Now, this is your daddy's will. We  
25 don't have a problem putting his daddy's will in, do

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1 we, Blease Judy?  
2 MR. BARR: First of all, I object to  
3 this part letter as not --  
4 MR. RONNIE JUDY: Why would you object  
5 to it? Todd had interest in it.  
6 THE COURT: I sustain it because it  
7 doesn't say who the letter's from, it doesn't say --  
8 THE WITNESS: It says from the Bank  
9 of --  
10 THE COURT: It might should have been  
11 something you asked Mr. Utsey --  
12 THE WITNESS: I did ask him that.  
13 THE COURT: And showed it to him and get  
14 it admitted at that time. I think we're okay and  
15 Blease Judy's will, are we all right with that?  
16 MR. BARR: I have no objection. I don't  
17 know that I've ever seen it. Let me share it with  
18 my client, Your Honor, to make sure that this is one  
19 that they agree to.  
20 THE COURT: If you will mark that as the  
21 next exhibit not in evidence.  
22 (DFT. EXH. 6, Title Opinion and Report  
23 of Title, was marked for  
24 identification.)  
25 THE COURT: This is the verdict form

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1 against Ronnie from Meherrin, and it shows the  
2 \$2100. I think we had testimony, maybe even some --  
3 MR. BARR: That was the first verdict  
4 that we set aside.  
5 THE COURT: Yeah. And I think it was  
6 rendered -- this would be rendered moot by the --  
7 MR. BARR: The second one.  
8 THE COURT: -- other one, I think. Is  
9 there some reason you need the 2100 in?  
10 THE WITNESS: Yes, sir.  
11 THE COURT: What would you --  
12 THE WITNESS: That's showing --  
13 THE COURT: -- be offering this for?  
14 THE WITNESS: They throw out a jury  
15 verdict to get more money. That's what I owed --  
16 that's what the jury ruled that I owed.  
17 THE COURT: As to this one, we can mark  
18 it whatever the next number is but not -- it's for  
19 identification only. That's not going to be in  
20 evidence. I would sustain the objection, consider  
21 it moot. Go ahead and mark it.  
22 THE COURT REPORTER: This is Number 7.  
23 THE COURT: Number 7?  
24 (DFT. EXH. 7, Verdict Form, dated  
25 December 20, 2007, was marked for

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1 identification.)  
2 THE COURT: This is a judgment, James  
3 and Ronnie motion -- Capers, your name is on the  
4 bottom of that one. Again, that one may be moot as  
5 well. Both of these -- this is probably something  
6 you've seen before.  
7 MR. BARR: This is --  
8 THE COURT: Rodney Peeples thing here.  
9 I don't know if that is or not.  
10 THE WITNESS: Yeah, that's Rodney  
11 Peeples.  
12 MR. BARR: Your Honor, the first one  
13 that you said my name, this is the form order  
14 denying my motion for summary judgment which Your  
15 Honor has already ruled on  
16 THE COURT: Yeah. Yeah, I have. If you  
17 want it marked we'll mark it, but I don't see any  
18 reason that should come into evidence. And I'm not  
19 sure if there's any evidence -- evidentiary value to  
20 the Rodney Peeples thing.  
21 MR. BARR: I object --  
22 THE WITNESS: Yes, it is, because he  
23 claimed I had no interest in none of this property.  
24 MR. BARR: It doesn't say that.  
25 THE COURT: It doesn't say anything, I

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1 don't think.  
2 THE WITNESS: It says motion to dismiss.  
3 THE COURT: It doesn't say what it -- it  
4 doesn't say enough. I'm not --  
5 THE WITNESS: Wait a minute. I've  
6 got -- I've got a motion from McIntosh over there to  
7 show it to dismiss because I had no interest in the  
8 property.  
9 THE COURT: Go get it and I'll look at  
10 it and you can mark that one as 8 now; is that  
11 right?  
12 THE COURT REPORTER: Yes, sir.  
13 THE COURT: That's for identification  
14 only?  
15 THE COURT REPORTER: Correct.  
16 (DFT. EXH. 8, Judgment in a Civil Case  
17 Signed by Judge Goodstein, dated January  
18 22, 2009, was marked for  
19 identification.)  
20 THE COURT: What is -- (reading.) Were  
21 you involved in the Rodney Peeples case?  
22 MR. BARR: I was not, Your Honor, and I  
23 don't frankly remember even learning what it might  
24 have been about.  
25 THE COURT: That's what my --

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1 MR. BARR: Except -- except that it's  
2 clear from just reading what Mr. Judy showed me.  
3 What's happened is he was joined because it was  
4 alleged he may have an interest. He filed an answer  
5 saying I don't.  
6 THE COURT: Right.  
7 MR. BARR: So the Judge dismissed him.  
8 I don't --  
9 THE COURT: Yeah. I'm clear on why he's  
10 dismissed.  
11 MR. BARR: Right.  
12 THE COURT: But I don't know what the  
13 action is.  
14 MR. BARR: I don't think it has any  
15 substantive weight.  
16 THE WITNESS: Partition.  
17 THE COURT: It was a partition action.  
18 MR. BARR: But I don't know that there  
19 was ever a partition that resulted out of that case.  
20 THE WITNESS: It was February 8, 2001.  
21 MR. BARR: Where is the order?  
22 THE COURT: This is the order of  
23 dismissal of him.  
24 MR. BARR: Right, but I don't know --  
25 the case never went anywhere.

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1 THE WITNESS: Yes, it did. It went  
2 before Judge Peeples.  
3 THE COURT: Here's what I'm going to do  
4 on this one. This is Civil Action 01-CP-18-122,  
5 heard before Rodney Peeples. And I'm sorry,  
6 Mr. Judy, but I don't find this to be relevant to  
7 our case; all right? So the information contained  
8 on this is not relevant; all right?  
9 THE WITNESS: It's pertaining to the  
10 property that he's trying to set aside, Your Honor.  
11 THE COURT: Yeah, and that is correct.  
12 But at this time they weren't -- the action in front  
13 of Judge Peeples wasn't -- I mean, if there's a deed  
14 at that time, that deed was valid at that time,  
15 there's no action before them to disavow a deed as  
16 to all the paperwork said at the time.  
17 THE WITNESS: That I had no interest.  
18 THE COURT: At that time. That's  
19 probably true at that time.  
20 THE WITNESS: Okay. That's Parcel C  
21 through J is the one in the partition.  
22 THE COURT: Yes, sir. But this whole  
23 action is bent on uprooting -- not this finding, but  
24 the situation through the Court of Equity, because  
25 the Court of Law is a little bit different. This is

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1 a Court of Equity where we're actually -- we see  
2 what the paperwork says and there might be some  
3 underlying factors in equity that would make that  
4 paperwork no longer.  
5 MR. BARR: We don't object to the Blease  
6 will.  
7 THE COURT: I didn't think so. So the  
8 will can be now Defense's...  
9 THE COURT REPORTER: Nine.  
10 THE COURT: Nine, and that one is in  
11 evidence.  
12 (DFT. EXH. 9 in evidence.)  
13 THE COURT: All right. What else do you  
14 have?  
15 THE WITNESS: Appeal from Larry Mills.  
16 This is an appeal from Larry Mills, Judge.  
17 MR. BARR: Judge, that to me would  
18 already be in the Larry Mills package -- is that the  
19 decision of the Court?  
20 THE COURT: Yeah, Court of Appeals.  
21 This is the actual decision --  
22 THE WITNESS: I don't think --  
23 THE COURT: -- affirming it.  
24 MR. BARR: I think it -- I think it  
25 might -- let me see if it's not in here.

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1 THE COURT: It's affirming Judge Brown.  
2 MR. BARR: Yes, Mills versus Judy.  
3 THE COURT: And it's a two-page  
4 decision --  
5 MR. BARR: May 9 UP 2 -- 208?  
6 THE COURT: I mean, it's --  
7 MR. BARR: Is it an unpublished number,  
8 208?  
9 THE COURT: It's unpublished -- yeah,  
10 99208.  
11 MR. BARR: It's already in here.  
12 THE COURT: Yeah, all right. So this is  
13 already in evidence?  
14 MR. BARR: It's a part of Exhibit 40.  
15 THE COURT: Part of Exhibit 40, so we  
16 don't need that one.  
17 THE WITNESS: This is the order.  
18 THE COURT: And this is the order on  
19 Court of Appeals, motion to strike.  
20 MR. BARR: Is this Mills again?  
21 THE COURT: Yes, it's Mills again.  
22 It's -- it's an order of the Appellant's motion to  
23 strike and disregard its final -- final brief.  
24 THE WITNESS: That was done in '99.  
25 THE COURT: I think it's superseded by

1 the final order, wouldn't you say? It appears to me  
2 that that's -- this is rendered moot by that.  
3 That's just sort of a procedural thing, so I'm going  
4 to deny that one.  
5 THE WITNESS: Judgment that was paid.  
6 THE COURT: Oh, okay. Yeah. I think  
7 this is not only relevant, it's --  
8 THE WITNESS: Part of the statute --  
9 THE COURT: Show that to Mr. Barr.  
10 THE WITNESS: He might not want -- he  
11 might not want to see that.  
12 MR. BARR: (Reading.) I have no  
13 objection. I think that --  
14 THE COURT: And I will note that one of  
15 the numbers, I can't remember which one it is right  
16 now, but one of the things the Plaintiff put in was  
17 a Chicago title opinion and it's the exceptions, and  
18 I think I still have it out. The exceptions didn't  
19 show that judgment, and I wish I could find it right  
20 offhand here.  
21 MR. BARR: Right. That loan -- that  
22 loan was in '06. You see, this is 2000, it's  
23 satisfied.  
24 THE COURT: Yeah. So I don't see --  
25 MR. BARR: I don't object to it.

1 THE COURT: Yeah, I don't see any  
2 problem admitting that. It will be Defendant's 10,  
3 so go ahead and put it in.  
4 (DFT. EXH. 10 in evidence.)  
5 THE COURT: What have you got?  
6 THE WITNESS: Taxes paid by Todd and  
7 Ryan Judy.  
8 THE COURT: Now, Mr. Barr, these  
9 apparently are tax receipts that he's alleging were  
10 paid by someone other than him.  
11 MR. BARR: I think, Your Honor, my  
12 position would be that evidence of who pays the  
13 taxes are relevant, but I don't think these  
14 documents prove anything --  
15 THE WITNESS: It shows paid by Todd and  
16 Ryan Judy.  
17 MR. BARR: These documents don't prove  
18 anything with respect to what it's being paid for.  
19 THE WITNESS: That's the records out of  
20 the treasurer's office.  
21 MR. BARR: Let me talk to the judge,  
22 Ronnie.  
23 THE COURT: Yeah. I --  
24 MR. BARR: The documents are not  
25 self-proving. They don't tell us what properties

1 these paid the taxes for.  
2 THE COURT: I wholeheartedly agree to  
3 that.  
4 THE WITNESS: It shows the number --  
5 THE COURT: Let me hold it. (Reading.)  
6 These are tax receipts.  
7 THE WITNESS: Yes, sir.  
8 THE COURT: They don't speak to who paid  
9 the taxes. It just says this is a tax bill that's  
10 been paid. It doesn't say who paid it. Now, Mary  
11 Pearson may be able to tell you with a cancelled  
12 check who paid it. Now, I think I'll allow this as  
13 one of the -- if either of the boys want to come up  
14 and -- pardon, your sons want and this will be the  
15 proper time, but I think I'll allow it if they want  
16 to get up and testify that they paid these bills or  
17 which ones they paid. They may not have paid one or  
18 they may have paid all of them. But if they want to  
19 come up and testify to this, I will then decide  
20 whether I'll put those in.  
21 THE WITNESS: I think they might be  
22 already in.  
23 THE COURT: This is deeds...  
24 THE WITNESS: '98.  
25 THE COURT: Yeah, these are already in.

1 I forget the number, but this is the one Ronnie to  
2 Todd.  
3 MR. BARR: Is this '98?  
4 THE COURT: It's 1998, yeah.  
5 MR. BARR: That's Exhibits 3 and 3A.  
6 THE COURT: These are both in already.  
7 This is Ronnie to James in 1979. He did testify to  
8 this deed.  
9 MR. BARR: Is that the half-interest?  
10 THE WITNESS: Half-interest.  
11 MR. BARR: That's already in.  
12 THE COURT: It's already in?  
13 MR. BARR: That's the half-interest --  
14 THE WITNESS: I don't think so.  
15 MR. BARR: -- on the river.  
16 THE COURT: I'll be honest with you, I  
17 don't remember seeing it.  
18 THE WITNESS: No, it's not. I didn't  
19 see it in any of the exhibits.  
20 MR. BARR: It's Exhibit 2. October  
21 17th, '79, recorded 442 265.  
22 THE COURT: Yeah, that is Number 2.  
23 These are the ones he put in kind of quickly there  
24 at the end of his testimony -- or end of his case,  
25 so that one's in. And this one is Father to Ronnie.

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1 MR. BARR: Whom to Ronnie?  
2 THE COURT: It's a lease to Ronnie. I  
3 think this is in, too. I've seen it, I know I've  
4 seen it.  
5 MR. BARR: That's Number 1. Is that the  
6 259 acres?  
7 THE COURT: It's -- yes, it is.  
8 MR. BARR: That's Exhibit 1.  
9 THE COURT: That's already in. This one  
10 is Ronnie as to the estate of Vesta Rumph to Todd  
11 and Ryan, the \$15,000 deed.  
12 MR. BARR: That one is in as --  
13 THE COURT: Is that 4?  
14 MR. BARR: What is it conveying?  
15 THE COURT: The 143, or what's left of  
16 it, and the 10.9. Is that 4?  
17 MR. BARR: Is that from '98?  
18 THE COURT: That's from -- I think that  
19 was during the death of Vesta. Isn't this part of  
20 Vesta's -- yeah. This is part of the Rumph estate  
21 2001.  
22 MR. BARR: May I see it? I think it's  
23 in.  
24 THE COURT: I wouldn't see why it  
25 wouldn't be. That's the one that was overturned by

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1 the probate judge?  
2 MR. BARR: I think that's -- oh, that's  
3 Number 9.  
4 THE COURT: Here it is. Yeah, Number 9.  
5 I just found it. That's already in, Mr. Judy. What  
6 else have you got?  
7 THE WITNESS: Partition by the  
8 Master-in-Equity.  
9 THE COURT: Okay. This is...  
10 THE WITNESS: Part of the --  
11 THE COURT: Yeah. This is a partition  
12 deed. Now we're getting into a question of  
13 relevance, I think. This is the 9.29 acres that  
14 went from the estate.  
15 MR. BARR: Is this from the probate  
16 judge?  
17 THE COURT: There's two of them.  
18 There's a Master's deed, which is the actual  
19 partition deed of the 71.58 acres in 2004, so this  
20 is an actual partition deed.  
21 MR. BARR: The Master's deed is in,  
22 that's Exhibit 4, the 71.5 acres.  
23 THE COURT: It says 71.58 --  
24 THE WITNESS: 71.58.  
25 MR. BARR: And then the 119.44 and the

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1 10.562, that's Exhibit 4.  
2 THE COURT: All right. So 4 -- yeah,  
3 that's Number 4, so we don't need that one.  
4 MR. BARR: And then what is the other  
5 one?  
6 THE COURT: The other one is the 9.29.  
7 MR. BARR: Is that from the probate  
8 judge?  
9 THE COURT: This is the one from --  
10 yeah, I think it is. From the estate deceased --  
11 signed by -- it's 9.29...  
12 MR. BARR: See if that's not Exhibit 14.  
13 THE COURT: 10.9 -- yeah, signed by the  
14 probate judge.  
15 MR. BARR: That's Exhibit 14.  
16 THE COURT: All right. So that's Number  
17 14, so that's already in. All right. Another one?  
18 That's the one from you to Todd.  
19 THE WITNESS: Yeah. I knew that was in.  
20 THE COURT: That one's in.  
21 THE WITNESS: Did we got that one in  
22 that's still on appeal?  
23 THE COURT: This is the one that's still  
24 on appeal, and I think you've written number 24 on  
25 this -- or maybe that's your number 24. Let's see

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1 what we've got.  
2 MR. BARR: Is that the Court of Appeals  
3 decision?  
4 THE COURT: Yes.  
5 MR. BARR: That's not in evidence. I  
6 don't mind it coming in.  
7 THE COURT: Is this -- is this the one  
8 that's still going, or is this the one that's final?  
9 THE WITNESS: Still pending.  
10 MR. BARR: Who is the plaintiff in that  
11 one?  
12 THE WITNESS: James.  
13 THE COURT: James.  
14 MR. BARR: That's the one on we're here  
15 right now.  
16 THE COURT: Okay. This is the one we're  
17 hearing. I don't mind having it in if he's not  
18 objecting. Make that Number 11 -- is that 11?  
19 THE COURT REPORTER: Yes.  
20 MR. BARR: And then there's the Supreme  
21 Court decision which was just filed on June the  
22 20th.  
23 THE COURT: Right.  
24 MR. BARR: Which is what we are hearing.  
25 THE WITNESS: That's...

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1 THE COURT: So that will be Number 11.  
2 We'll put that in.  
3 (DFT. EXH. 11 in evidence.)  
4 THE COURT: Is that all you've got?  
5 THE WITNESS: I think so.  
6 THE COURT: All right. So the only --  
7 this one right here, if you want to get this in  
8 we're going to have to get some more testimony. I  
9 think I heard you say earlier that you and him --  
10 y'all kind of both paid the taxes.  
11 THE WITNESS: Todd and Ryan, we always  
12 paid the farm expense together.  
13 THE COURT: Okay. All right. So if  
14 they want to testify to who paid those. Is that all  
15 you've got, Mr. Judy?  
16 THE WITNESS: Yes, sir.  
17 THE COURT: All right. You may sit down  
18 and call your next witness.  
19 (Witness excused.)  
20 THE COURT: All right. Your next  
21 witness? Are you ready, Mr. Judy?  
22 MR. RONNIE JUDY: I don't think I'm  
23 going to call any more witnesses.  
24 THE COURT: Okay. All right. Is that  
25 the end of your case?

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1 MR. RONNIE JUDY: Yes, sir.  
2 THE COURT: Any motions?  
3 MR. RONNIE JUDY: I make a motion for  
4 direct verdict because C through J was -- had no  
5 judgments when they obtained their judgments.  
6 THE COURT: So you're saying they  
7 weren't creditors at the time of the transfer in  
8 1998?  
9 MR. RONNIE JUDY: That's correct, sir.  
10 THE COURT: Okay. Mr. Barr, how do you  
11 say -- what do you have to say on that?  
12 MR. BARR: Well, Your Honor, this being  
13 a nonjury case, I've always wondered about the  
14 significance of motions for directed verdict, how is  
15 that really different from the end of the case?  
16 THE COURT: It's all procedural to me.  
17 MR. BARR: From an argument on --  
18 really, on the merits, so that's really where we  
19 are. And as I tried to point out in my pretrial  
20 brief we can look at, I think, two categories of  
21 cases here.  
22 And the first category, perhaps the  
23 simplest and if I had to move for a directed verdict  
24 and I will, is the -- is the motion would be to  
25 grant a directed verdict to the Plaintiffs to set

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1 aside the conveyances of the 9.29 and 10.9-acre  
2 tracts that were transferred by Mr. Judy on February  
3 the 7th, 2007, the very week after his case was  
4 first called up for trial.  
5 And Your Honor, the -- if I can locate  
6 my skinny here, the cases are clear in pointing out  
7 these two categories. And I know when I got this  
8 together I didn't realize you had a law clerk and  
9 I'm glad that you do and -- but I do have copies of  
10 what I believe are the more important decisions.  
11 Really, you can really just deal with two -- two  
12 court cases, one is the case of Mathis versus Burton  
13 which I cited, and the other is Windsor Property  
14 versus Dolphin Head Construction.  
15 And what Mathis versus Burton holds is  
16 for the explanation between the different standards  
17 applied to setting aside transfers for -- for  
18 subsequent creditors on the one hand, which would be  
19 the standard relating to the 1998 transfers, and to  
20 the law relating to transfers in respect to existing  
21 creditors.  
22 And what Mathis versus Burton says is  
23 that for existing creditors, conveyances can be set  
24 aside in two instances. First -- well, first is  
25 where the challenge is made for valuable

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1 consideration. Here it's manifested on the face of  
2 the 2007 deed that it was not for valuable  
3 consideration, it was \$5 love and affection. So  
4 that where the transfer is not made on a valuable  
5 consideration, no actual intent to hinder or delay  
6 creditors must be proved. Instead, as a matter of  
7 equity, the transfer will be set aside if the  
8 Plaintiff shows that, one, the grantor was indebted  
9 to him at the time of the transfer; two, the  
10 conveyance was voluntary; and, three, the grantor  
11 failed to retain sufficient property to pay the  
12 indebtedness to the Plaintiff in full.  
13 Mr. Judy has testified, when I called  
14 him up, that when he made that transfer he retained  
15 no assets. He conveyed all of his personal property  
16 and all of his other lands in '98, and in '07 he  
17 conveyed the rest of his land. So, certainly, he  
18 failed to retain sufficient property. The trans --  
19 the conveyance was voluntary. It was conveyed to  
20 Tad -- Todd for \$10 -- I mean, \$5 for love an  
21 affection. And the grantor was indebted. And the  
22 cases speak in terms of indebtedness, doesn't mean  
23 that the indebtedness needs to have been reduced to  
24 the form of a judgment or promissory note.  
25 Here the simple fact that in February of



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1 '07, the fact that the two cases were pending by  
2 Jimmy and Bobby was sufficient, plus we also know  
3 that the action of the lawsuit by White -- White's  
4 Sales versus Ronnie, which is Exhibit Number 41, and  
5 Meherrin versus Ronnie, which is Exhibit 42, which  
6 were also then reduced to judgment were also  
7 sufficient -- classified them as creditors at the  
8 time.

9 So we think, Your Honor, just simply  
10 it's a matter of law that the Court should declare  
11 the conveyance to Todd in February of 2007 to be  
12 null and void and restore title back to Ronnie. And  
13 the fact that Todd, during the pendency of this very  
14 case, then purported to convey it to Ronnie's wife  
15 is further evidence of an actual fraudulent intent.  
16 So that even though we don't have to show a  
17 fraudulent intent with respect to the February '07  
18 transfer, we think we've done so.

19 But we don't even have to prove that  
20 because the second case that I mentioned, if I can  
21 put -- Windsor versus Dolphin Head. Windsor versus  
22 Dolphin Head says that where a conveyance is made  
23 to -- where a conveyance is made to a family member  
24 for less than full consideration, that the burden  
25 shifts to the grantee to show that it was a bona

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1 fide transaction. Here, the grantees haven't even  
2 put up any evidence. The only person who testified  
3 was the grantor. So they rest simply on the denial  
4 of their pleadings.

5 So, Your Honor, with respect to the  
6 February 2007 conveyance, we submit that the Court  
7 should grant judgment in favor of the Plaintiffs and  
8 set aside the transfers to Todd and also the  
9 transfer to Wanda and order that title be restored  
10 in the name of Ronnie Judy.

11 Now, the Mathis versus Burton case also  
12 sets up the standard for the subsequent creditors,  
13 which we admit is -- requires a bit more proof. As  
14 to subsequent creditors, conveyances may be set  
15 aside when the conveyance was voluntary, that is  
16 without consideration, that it was made with a view  
17 to future indebtedness or with an actual fraudulent  
18 intent on the part of the grantor to defraud  
19 creditors. Subsequent creditors must show actual  
20 moral fraud rather than legal fraud.

21 So what is our evidence? Well, it's a  
22 fact question for the Court to decide, I must  
23 concede, but Jimmy Judy testified that in '97 he was  
24 going through a divorce and he went to see Gene  
25 Dukes -- by the way, used to be the Master over in

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1 Dorchester County.

2 THE COURT: I know Gene.

3 MR. BARR: And Gene said, well, Jimmy, I  
4 think you need to convey this to your children. And  
5 Jimmy believed, readily corrected himself, that all  
6 of his land that he put in his children's name was  
7 inherited, but there was another hundred acres that  
8 he put in there, apparently, that was not inherited  
9 but, nevertheless, that's what Jimmy did and we know  
10 he subsequently restored that to his children.

11 But he told Ronnie about it. He told  
12 Ronnie about it because Ronnie was facing a lawsuit  
13 by Mills, which is in the record, and Ronnie had  
14 been prosecuted and acquitted from doing something  
15 with the combine and he was afraid that he would be  
16 sued. And so right on the heels of the combine  
17 equipment Ronnie, on November the 16th, '98,  
18 transfers the land to his sons.

19 But Ronnie did not give up the control  
20 of the lands. And that's where we get into the  
21 actual moral fraud because we see here, for example,  
22 that right now, since Ryan has chosen not to show  
23 that he earned any farm income for the years up to  
24 2008 when we're the ones that proved that he did,  
25 that at least for the time -- the time period from

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1 '04 through '07 Ronnie Judy was the only person  
2 deriving income from these lands that he's claimed  
3 to have given to his children and that he's claimed  
4 to be doing under the rubric of this thing called  
5 Judy Farms. And, yet, we see Ronnie is the one  
6 earning all the income, we see Ronnie is the one who  
7 is incurring all of the debt, but Meherrin got a  
8 judgment against him for it and he on  
9 cross-examination, although I didn't introduce other  
10 than the one exhibit that came in through the  
11 witness who testified this morning, Ronnie admitted  
12 that all of these things were in his name.

13 The farm subsidies, he made \$50,000  
14 during the period from '95 through '06, he  
15 incurred -- I mean, he received revenues from the  
16 timber sales, of course that was on the tax returns.  
17 He incurred indebtedness to Archer Daniel Mill --  
18 Archer Daniels Midland, to Godley Auction, he bought  
19 equipment from them.

20 So what happened was that Ronnie did  
21 exactly what Jimmy said their father did, and that  
22 is Ronnie purported to give this land to the  
23 children but he controlled it. And Jimmy said,  
24 Daddy didn't ask you, Ronnie, to convey me that  
25 half-interest in the 259 acres on the river. He

1 told you to do it.  
2 So at the end of the day, Judge, what we  
3 have is -- and I have one more little demonstrative  
4 here, and I'll be glad to leave these with Your  
5 Honor just as go by's. We've got ten tracts, ten  
6 pieces of land that are described in the lis  
7 pendens. You heard Ronnie referring to A and G -- A  
8 and B and C and D. What he's referring to are the  
9 lettered paragraphs I think of our -- it was either  
10 our lis pendens or the exhibit to our complaint.  
11 And so the 9.29 acres went from the  
12 probate judge -- well, I'll do them both. The 9.29  
13 acres are the same and they went from the probate  
14 judge who said Ronnie, I'm declaring void this deed  
15 where you're trying to sell your children this land  
16 for \$15,000, and then the probate judge conveyed it  
17 to Ronnie. That's Exhibit 14. Ronnie conveys it to  
18 Todd, 15. Todd conveys it to Wanda, 16. So that's  
19 the chain that takes us back to those two pieces.  
20 The 71.58 acres is -- is -- well, all of  
21 these are in the same category as well actually,  
22 Your Honor. These come under the Master-in-Equity's  
23 partition deed. And the Master-in-Equity  
24 partitioned, I think in the same deed -- yes, he  
25 did, that after 19 -- well, in 1998 Ronnie conveyed

1 to Todd his half-interest in 143 acres and his  
2 half-interest in the 259 acres on the river. And  
3 the Master-in-Equity, because as Your Honor  
4 observed, by 2004 the title was in Todd's name so  
5 it's going to be partitioned between -- between Todd  
6 and -- and Jimmy. And so the Master split up the  
7 143 acres into tracts of 71.58 acres each and  
8 conveys that deed to Todd. And that's -- again,  
9 that's taking forward the '98 conveyance and that's  
10 what we're seeking to set aside. And then these two  
11 pieces -- the 119.44 acres and the 10.562 are all a  
12 part of how they cut up the 259 acres on the Edisto  
13 River.  
14 And, again, if you really study the  
15 deeds, you can see that that's the way that that  
16 made it out. And so those are -- those are Tracts  
17 C, D and E.  
18 And then the remaining tracts, I think  
19 I'm at the end of them, I think that makes ten, F  
20 and G -- no, I'm not. These -- these two tracts  
21 represent the partition of the 133 acres. The 133  
22 acres is what was conveyed by Blease Judy to Bobby  
23 Judy and to Ronnie back in '65 or '66, the deeds are  
24 in the record. Then Ronnie conveys that as a part  
25 of what he conveys to Todd in '98, and then in '05

1 Bobby partitions that with Todd -- and this is the  
2 piece of property Your Honor might remember was  
3 described as -- it really wasn't 133 acres, it  
4 turned out to be more -- closer to 200. It was  
5 split by I-95 and each of them got two pieces on  
6 each side of I-95, so that's the derivation of those  
7 two.  
8 And then, finally, are three tracts that  
9 Ronnie owned -- sold the tract to. And those three  
10 tracts are the three that he conveyed in the second  
11 deed in 1998 that he put in the names of both Todd  
12 and Ryan, and so that just shows how it ended up  
13 where it is today. Actual fraudulent intent.  
14 Actual fraudulent intent.  
15 Your Honor, the record that we've put in  
16 in this voluminous notebook shows that when after  
17 Ronnie had gotten his share of the Vesta Rumph  
18 estate and sat on it for 18 years, never would  
19 partition, never would divide the lands, Jimmy files  
20 an action in the probate court so that something  
21 will happen and asked that Ronnie be removed as  
22 personal representative.  
23 In response to that, Ronnie purports to  
24 sell this Rumph property to his sons for \$15,000, a  
25 piece of which we know Ronnie -- I mean, Jimmy later

1 sold for over a million dollars. Ronnie also tries  
2 to lease the pond, which he later destroyed, to a  
3 guy named Dewey Cowart over long-term. And Your  
4 Honor will see in the probate judge's order, there's  
5 several probate judge -- there's several probate  
6 orders but the one that's the longest, which is  
7 Exhibit 13, discusses the Court's declaring that the  
8 Dewey Cowart lease to be void. The first couple of  
9 orders she does declares the conveyances to the boys  
10 to be void; the longer order, where she actually  
11 partitioned the land between the debitees also  
12 declares that Dewey Cowart lease to be void.  
13 And what she finds in this order is that  
14 Ronnie sat -- or used that estate property for 18  
15 years, didn't pay a dime -- a dime's rent to the  
16 estate. He just enjoyed the full benefits of this  
17 the estate lands for 18 years, Jimmy didn't -- Jimmy  
18 didn't have any use of it whatsoever. So that's  
19 evidence of the Defendant Ronnie Judy's state of  
20 mind and intent by trying to give this property away  
21 to prevent it from -- his brother's share from going  
22 to his brother.  
23 And then we've got in -- I think the  
24 occurrences were in -- I'm talking now about the  
25 destruction of this property. I think this property

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1 was actually destroyed in 2003 in -- in -- I want to  
2 say in May of 2003. There's support for this on the  
3 record from both the Court of Appeals decision and  
4 in the Supreme Court's decision. In 2003 Jimmy's  
5 called out, he says, hey, the Rumph pond is gone.  
6 What do you mean gone? He drives over there and the  
7 thing is bone dry. This is a 10-acre 50-year-old  
8 fishing pond. It's just flat gone. It was stocked  
9 full of bass and brim, and it's just gone. And a  
10 Dorchester County jury has found, by clear and  
11 convincing evidence, that Ronnie did it.  
12 Now, the Supreme Court -- Court of  
13 Appeals and the Supreme Court have reversed the  
14 legal effect of that, but they haven't reversed the  
15 finding of that jury. That's what Ronnie did.  
16 Further evidence of his maleficence.  
17 Not 50 days later Ronnie goes over on to  
18 Bobby's land where Bobby and Kevin, who's the other  
19 named plaintiff in this case, had about a 34,  
20 35-acre crop of corn and he dissed the whole thing  
21 flat. Just tore it up maliciously, no other reason.  
22 And a jury in Dorchester County found, by clear and  
23 convincing evidence, awarding actual and punitive  
24 damages that Ronnie Judy was the one who did that.  
25 So when we ask ourselves where is there

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1 evidence of the actual fraudulent intent, the bad --  
2 the evil state of mind, the malicious state of mind,  
3 there it lies in the evidence that I just laid out.  
4 So, Your Honor, I think in the final  
5 analysis I would respectfully suggest that the Court  
6 should not only grant an order restoring title to  
7 Ronnie of the 9.29 and 10.9-acre tracts, but the  
8 other lands conveyed to Ryan and Todd in '98 as well  
9 because Ronnie is guilty of actual moral fraud. And  
10 we appreciate your consideration in hearing this  
11 case.  
12 THE COURT: Now that we've turned that  
13 into a closing argument, do you have a closing  
14 argument you'd like to address the --  
15 MR. RONNIE JUDY: Yes, sir. Juge, they  
16 allege that I have destroyed this thing. They have  
17 got no witness that actually saw me doing this. He  
18 might have to prove what he just said.  
19 When I partitioned I transferred this  
20 land in 1998, there was only one judgment and it was  
21 on appeal, Your Honor. And Mr. Dukes told me that I  
22 would have -- the Appellate Court affirmed it that I  
23 would have to pay that judgment off for deed -- two  
24 deeds to be legal. And when it was affirmed in 1999  
25 I paid it -- I paid the judgment off in 2000. So,

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1 therefore, those tracts is free and clear of any  
2 incompetence.  
3 And the day they were set aside it was  
4 partitioned between Jimmy and Todd so, therefore,  
5 Mr. Barr has opened up a can of worms, Your Honor.  
6 It's going to be have to be repartitioned again and  
7 that's just a waste of the tax -- taxpayer's  
8 expense.  
9 And Mr. Barr said that I lived on the  
10 place for 18 years and paid no rent. But in the  
11 probate judge's order, it clearly stated that she  
12 made me pay \$208,000 in rent. And when Mr. Ed  
13 Hughes rented 1,000 for the rent, Jimmy Judy got the  
14 rent. When the timber was sold off the estate land,  
15 Jimmy Judy got it, \$71,7500 (sic). But he had -- he  
16 had part of it over to his daughter and his son's  
17 name. And he hunted the land, he didn't pay --  
18 didn't pay no lease on it or anything.  
19 And what they are here today for, Your  
20 Honor, they're so desperate to get this 119 acres,  
21 which in the middle of their hunting club, that  
22 they'll do anything. They have enticed people to  
23 sue me, put me in jail. I mean, I'm just about --  
24 just about at the point that I'm going to snap.  
25 Lord knows what's going to happen, I don't want to

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1 see that.  
2 When the Rumph land was partitioned, he  
3 told Mr. Sam Bishop, he said, I've got the bulk of  
4 it and I'm going to get the rest of it. And he said  
5 I'm going to see -- he's put out in the street as a  
6 homeless man, but he has forgotten 1990 -- '80 his  
7 wife threw him out of the house being a drunk and  
8 he had back problems. And I loaned him money and  
9 done what my daddy said, give half-interest on the  
10 property on the river. Now he's a multimillionaire.  
11 Now he want -- he wants to take the socks from under  
12 my shoes, but he's not going to do that. And it's  
13 not right.  
14 And I ask you to deny their motion to  
15 transfer this property back in my name because I  
16 don't want it. I don't want nothing that's stolen.  
17 I'm not going to look over my shoulder each time.  
18 That's the reason I deeded it back to Todd, because  
19 it belonged to Todd. And Rodney Peeples said I had  
20 no interest in it, they didn't raise any questions  
21 about that. They went ahead and partitioned it  
22 between them and Todd, and poor old Todd got stuck.  
23 When the real property was divided, we  
24 agreed to let him have it lockways (phonetic) house  
25 and stuff, but we was so busy on the farm that he

1 got the surveyor to put everything -- put everything  
2 in that one lot and give us down there by the old  
3 dog pen. You can't go swimming in that, swill  
4 water. I mean, it's useless.

5 But we agreed to hold down, we agreed to  
6 give them that land for the 84 acres out there at  
7 the home place. And the judge said we had November  
8 30th -- October 30th to move the equipment off the  
9 property. And Bobby said, get Gene Dukes to make  
10 out the papers, we'll swap the 119 acres for the 84  
11 acres. With two days prior they said no, we don't  
12 want it. So these two boys, they had to bust their  
13 butts to get that equipment off -- off the property,  
14 and Lord knows how much equipment was left on there.  
15 I know two tractors was left. Where they at today I  
16 don't know, but I seen some of the parts that they  
17 paid big money for, hauling off in a pickup truck  
18 going down the road to the junk yard. If that don't  
19 make a man snap, I don't know what -- what -- what  
20 will make him snap.

21 I mean, he done sued me eight or nine  
22 times and put me in jail 17 times. Judge, that  
23 costs a lot of money you go before a jury, and I've  
24 been acquitted each time. Found not guilty. But,  
25 yet, there's nothing I can do. But I am asking the

1 earlier about being late to Court, I think I would  
2 have given you a few more minutes to the fact that  
3 y'all had to come from Charleston from your  
4 vacation.

5 I tell you what. I'm going to hold my  
6 decision in abeyance and review some of the  
7 evidence, and so that will give you a chance to have  
8 a nice vacation. So try to take your mind off this  
9 case for the rest of the week and maybe by the first  
10 of next week I'll have a decision. All right?

11 MR. RONNIE JUDY: Thank you.

12 THE COURT: Very good.

13 MR. BARR: Your Honor, again you have a  
14 law clerk there with a computer so I know you get  
15 these on computer, but I gave the Judys copies of  
16 Mathis versus Burton and Windsor Property versus  
17 Dolphin Head decisions. Those are the ones I  
18 argued.

19 THE COURT: Did we ever -- you know the  
20 tax return that I made copies of, did we ever put  
21 that in?

22 MR. BARR: Which one?

23 THE COURT: The one that I had them make  
24 a copy of.

25 MR. BARR: Yes. The tax return is in,

1 Justice Department to step in and take a look at it.

2 And as far as the fake doctor,  
3 somebody's going to answer. That's the reason he  
4 got the bulk of the Rumph land, and not to press  
5 charges against the probate judge's uncle who  
6 brought this police guard in to testify to being a  
7 doctor in a competency hearing on this poor woman.  
8 And I was determined I wasn't -- I wasn't going to  
9 discharge from that as personal representative until  
10 some justice been brought. But that's gone now.  
11 He's got to live with it. He's sold his soul -- he  
12 sold his soul out.

13 And, I mean, they have brought my wife  
14 into it and she's got nerve problems, she breaks out  
15 in a rash. That's the reason she's not here today.  
16 She said, I just can't take -- can't take no more of  
17 it. And I wasn't going to drag her in here. And  
18 Mr. Barr is going to learn to leave my wife and me  
19 alone. I thank you.

20 THE COURT: All right. Thank you,  
21 Mr. Judy. Considering the fact that y'all are on  
22 vacation right now --

23 MR. RONNIE JUDY: Sorry to bother you.

24 THE COURT: No, no. I appreciate y'all  
25 finding the time to be here today. And what I said

1 but maybe -- would you like me just to withdraw --  
2 just pull out the ones that were not admitted?

3 THE COURT: Yeah, let's do that, and  
4 especially the ones that had the...

5 MR. BARR: Those were the ones.

6 THE COURT: Yeah, that's what I thought.

7 MR. BARR: They were Ryan's --

8 THE COURT: I think, Todd, was it your  
9 Social Security numbers that --

10 MR. BARR: They were Ryan's.

11 THE COURT: They were Ryan's?

12 MR. BARR: Yes, sir.

13 THE COURT: Yes, we want to get your  
14 Social Security numbers back out of -- might get  
15 looked at.

16 MR. BARR: So the record should reflect  
17 that I'm withdrawing Exhibits 32 through 36, which  
18 are Ryan -- which are purported to be copies of tax  
19 returns with the name Ryan Judy that had some ID  
20 number on them and they're no longer a part of the  
21 record.

22 THE COURT: All right. Very good.

23 Thank you. All right. We're adjourned.

24 (The preceding was concluded at 3:25  
25 p.m.)

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1	CERTIFICATE OF REPORTER			1	EXAMINATION	58	3
2				2	BY MR. BARR		
3	I, Lori S. Mortge, Certified Court			3	EXAMINATION	59	5
4	Reporter and Notary Public for the State of South			4	BY THE COURT		
5	Carolina at Large, do hereby certify that the			5	EXAMINATION	60	18
6	foregoing transcript is a true, accurate, and			6	BY MR. BARR		
7	complete record.			7	EXAMINATION	62	22
8	I further certify that I am neither			8	BY MR. RONNIE JUDY		
9	related to nor counsel for any party to the cause			9	JAMES T. JUDY	68	7
10	pending or interested in the events thereof.			10	EXAMINATION	68	9
11	Witness my hand, I have hereunto affixed			11	BY MR. BARR		
12	my official seal this 31st day of July, 2011 at West			12	EXAMINATION	85	15
13	Columbia, Lexington County, South Carolina.			13	BY MR. RONNIE JUDY		
14				14	BOBBY JUDY	100	23
15				15	EXAMINATION	101	2
16				16	BY MR. BARR		
17				17	EXAMINATION	107	25
18				18	BY MR. RONNIE JUDY		
19				19	RONNIE F. JUDY	115	13
20	Lori S. Mortge, CCR			20	EXAMINATION	115	18
21	My Commission expires			21	BY MR. BARR		
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