SOUTH CAROLINA COURT OF APPEALS

HELEN AND CREIGHTON W. SLOAN	)	
	)	
	)	
Plaintiff,	)	
	)	
	)	Motion for Reinstatement of Appeal
vs.	)	
	)	
	)	2003-CP-02-01681
SAMUEL H. SLOAN	)	
	)	
Defendant	)	
_____	)	

Samuel H. Sloan hereby petitions this court for reinstatement of this appeal which has apparently been dismissed by the clerk. The grounds for this motion in summary are as follows:

1. Petitioner could not have perfected this appeal any sooner because of the persistent failure and refusal of the court reporter to prepare a transcript of the hearing of February 4, 2004 in this case. This is the most perplexing and difficult to understand aspect of this case. Over a period of six months the appellant repeatedly contacted the court reporter in every way he could in view of the fact that the court reporter refused to provide a telephone contact number or an address other than a PO Box. Starting in May 2004, over and over again petitioner wrote letters and made telephone calls trying to obtain this transcript. The court reporter just refused to do it. It was not until after this appeal had been dismissed by the clerk that the court reported finally produced the transcript, which was only seven pages long.

2. The decision of the court below is clearly wrong. My notice of appeal was not late. More than that, Judge Keesley ruled on February 4, 2004 that the motion to dismiss the appeal would not be heard until the full record was on file with the circuit court. This is the reason why the transcript of February 4, 2004 is so important, because the judge made this ruling at that hearing. The probate judge did not comply with Judge Keesley's order. He did not send the full record to the Court of Common Pleas. Specifically, he withheld the tapes of the hearing which lasted three days and he would not permit a typed transcript to be made of the hearings before him.

3. The reason that Judge Williams made a different decision on April 6 from the decision on February 4 is simply explained. The record before them was different. In between those two dates, Judge Hocker, the Probate Court Judge, had his secretary write an affidavit letter to the appellate court stating that my appeal was late. In particular, this affidavit appeared in the court file signed by a secretary to Judge Donald B. Hocker dated

March 23, 2004, which formed the basis for Judge Hocker's claim that my appeal should be dismissed. There is no affidavit of service attached to this affidavit. Obviously, I never received it. I still do not have a copy and therefore cannot attach it here. It should not have been put in the file and Judge Williams should not have relied on it.

4. Now, let us compare the transcript of the hearing on February 4, 2004 with the transcript of the hearing on April 6, 2004 to see the difference: On February 4, 2004, the following was stated:

> MR. SLOAN: I SEE. ONE THING: THIS CASE WAS HEARD BY JUDGE PEEPLES IN 1991. AND HE HAD -- HE TOLD -- HE SAID IN COURT THAT HE HAD LISTENED TO THE TAPES OF THE HEARING BELOW AND IT WAS SEVERAL HOURS OF TAPES AND HE HAD LISTENED TO ALL THOSE TAPES. NOW SINCE THEN I'VE BEEN TRYING TO GET THOSE TAPES, AND OF COURSE WE CAN'T FIND THEM. MAYBE THEY'VE BEEN ERASED; MAYBE THEY'VE BEEN WRITTEN OVER. I WAS THINKING MAYBE JUDGE PEEPLES OR HIS CLERK STILL MIGHT HAVE THEM. I DON'T KNOW. I DON'T EVEN KNOW IF JUDGE PEEPLES IS STILL AROUND. I HAVE NO IDEA, BUT I'M NOT FROM HERE, BUT THERE WERE EXTENSIVE TAPES MADE BACK IN 1991, AND I THINK THEY WOULD BE VERY USEFUL TO UNDERSTAND THE BACKGROUND OF HOW THIS CASE CAME BEFORE THE COURT.
>
> THE COURT: WELL, IF JUDGE PEEPLES SAT AND LISTENED TO TAPES, HE'S UNUSUAL BECAUSE I DON'T THINK MOST OF THE CIRCUIT JUDGES TODAY ARE GONNA SIT AROUND AND LISTEN TO HOURS OF TAPES. YOU HAVE TO CONTACT - JUDGE PEEPLES IS STILL WORKING. HE IS RETIRING. AND IF YOU WANT TO CONTACT HIS OFFICE IT'S IN THE DIRECTORY. IF YOU GO ON THAT SAME INTERNET SITE IT'LL HAVE HIS ADDRESS ON IT.

5. Following this, Judge Keesley stated:

> THE COURT: YOU UNDERSTAND NOW THAT THIS APPEAL IS GONNA BE PRETTY MUCH LIMITED TO THE RECORD THAT'S MADE IN THE PROBATE COURT ON THIS MATTER.
>
> MR. SLOAN: OH, I UNDERSTAND THAT, AND I'M READY FOR THAT, AND I THINK THE RECORD IS VERY MUCH IN MY FAVOR. I THINK ITS WONDERFUL. THAT' S EXACTLY WHAT I WANT.
>
> THE COURT: ALRIGHT. THANK YOU, SIR. AND YOU'VE GOT THIS MOTION WHICH SOME JUDGE IS GOING TO HAVE TO HEAR ABOUT YOUR APPEAL BEING TOO LATE. BUT I'M NOT GONNA GET INTO

THAT WITH YOU.

6. From the above colloquy, it is obvious that the intention of Judge Keesley was that first the record including the typed transcript would be filed and after that the court would rule on the motion to dismiss. Judge Keesley stated that the court would not rule on the motion to dismiss until it had the full record before it.

7. Following this, Judge Hocker failed and refused to provide the full record to the appellate court. Instead, he had his secretary type an affidavit dated March 23, 2004, nearly two months after the February 4 hearing.

8. This affidavit spoke about a conversation the secretary had had with me shortly after the date of Judge Hocker's decision. However, the secretary could not remember the date of the conversation, only that she spoke to me on the telephone between November 5 and November 10, 2003 and therefore I knew about Judge Hocker's decision.

9. However, it was impossible for me to have known about Judge Hockers decision by November 5, 2003, because he made that decision on November 3, 2005. That decision would have had to have been mailed from Laurens, South Carolina to Aiken, South Carolina to be entered and then the clerk of that court would have had to have mailed that decision to me in Brooklyn, New York. According to mapquest.com the distance from Laurens to Aiken is 81.6 miles and the driving time is 1 hour 52 minutes. Therefore, the decision would have had to have been mailed. Therefore, it was impossible for me to have received the decision in Brooklyn, New York by November 5, 2003.

10. More than that, the affidavit by Judge Hocker's secretary does not actually state that I acknowledged receipt of Judge Hocker's decision. Rather, it said that I was inquiring about ordering a transcript of the hearing. That conversation could have taken place at any time. I have been trying to order a transcript from the beginning and Judge Hocker has not allowed me to order one.

11. Here is part of the colloquy before Judge Williams on April 6, 2004. Note the date. The affidavit of Judge Hocker's secretary had been filed on March 31, 2004, only 6 days earlier and four months after the events it describes:

> THE COURT: You called the Clerk of Court before November 10th and asked her questions about what the Clerk had mailed you.
>
> Do you recall that?
>
> MR. SLOAN; Yes. I don't remember any dates. I know what I've called many times the Clerk of this Court, Barbara Riggs. I've called the Clerk of the Laurens Court. I've also -- this case went through three other judges before it got here. I mean three other Probate Judges: It went to -- it went to -- Columbia -- then it went to -- I can't remember the name of the other county,

and then it went to --

12. Please note above that Judge Williams refers to “the Clerk of the Court”. It appears that Judge Williams did not understand the procedural situation, which indeed was rather bizarre. This is because Judge Hocker had insisted that this case was not pending in the Laurens County Probate Court where he was physically sitting. Instead, he had insisted that the case was pending in the Aiken County Probate Court. He refused to receive any papers directly from me. At the beginning of the case, he nearly held me in default because I had mailed a pleading directly to him. Before that, he had ruled that my petition was invalid, for what reason I do not know, and therefore was not before him. By then, my petition, which had started this entire proceeding, had been before the courts for more than one year. So, Judge Hocker had stated that I was in default, even though it was actually my brother who was in default. My mother died on May 16, 2002. Since she died in Aiken and I lived in Brooklyn, I naturally assumed that my brother would start the probate proceeding. He did not. Finally, in July, 2002, my brother had filed nothing so I filed a petition. My brother did not serve me with his petition until August 15, 2003, more than one full year later. (I remember the date because it was also the date of the Great New York Blackout). So, my brother was in default for well over a year. Yet, Judge Hocker ignored that delay of more than a year and ruled that my petition was not before him.

13. Then, when I filed my petition by mailing it directly to him, he returned it to me by letter dated July 17, 2003, saying that I could not file anything in his court. It had to be filed in Aiken. A copy of the letter is attached. As Justice Brennen noted in the famous case of SEC vs. Sloan, 436 US 103, 125 (1978) “This is obscurantism run riot.”

14, Thus, the clerk of the court as far as this case was concerned was in Aiken. The Aiken Clerk wrote me nothing. My appeal was accepted in Aiken and filed there. Suddenly, when the shoe is on the other foot, Judge Hocker decides that I should be filing in Laurens instead of Aiken, even though he had previously stated several times that he would not even open the envelope to see what was inside if I tried to file anything in Laurens. I have recently discovered that his order has still never been entered in Aiken.

15, Going back to the hearing before Judge Williams, that judge concluded:

> THE COURT: All right. Thank you, sir.
>
> I've read Judge Keesley's Order. I've -- I don't know what the purpose of his order was, but there's nothing in his Order that prohibits me from hearing this Motion to Dismiss the Appeal, and the very narrow issue that's been raised before me in this Court. I would certainly not tread on Judge Keesley's turf. I will not attempt to make an order contradictory to his, but -- I find that the appeal was untimely filed, the appeal is dismissed. That order is granted.

16. Here, Judge Williams states: “I don't know what the purpose of his order was”. He

expresses dismay that Judge Keesley did not dismiss the appeal. However, it is submitted that if Judge Williams had been the judge on February 4, he would have made the same decision that Judge Keesley did.

17. Please note above that Judge Williams makes a finding of fact, much as a trial court judge. However, facts are not supposed to be found by an appellate judge. In effect, Judge Williams put me on the stand and had me testify.

18. That is not the way it is supposed to be done. The way it is supposed to be done is that the clerk decides whether the appeal is timely or not. I went to the court, not the court in Laurens but the court in Aiken, and asked them what the procedure was, I followed their procedure. When I pointed this out to Judge Williams, he made the following wisecrack:

> THE COURT: Now, Mr. Sloan, when you want legal advice you should contact a lawyer and not somebody on the street. And not somebody in the Clerk's office.

19. This is an insufferable and highly objectionable and arrogant statement for Judge Williams to make because, in the context in which it is made, Judge Williams is saying that the Clerk does not know her job. She does not know when an appeal is timely and when it is not. If I want to know when and how to file an appeal, I should not ask the clerk of the court or rely on anything the clerk tells me. I should go out and hire some lawyer and ask the lawyer what is the time to appeal. The clerk of the Aiken County Court of Common Pleas had no idea what she is doing, she does not know her job, according to Judge Williams, and no attention should be paid for her. Only the clerk in Laurens, 82 miles in away, knows what the Clerk in Aiken should be doing, according to Judge Williams.

20. Which brings up the next point, which is I did hire a lawyer in Columbia, Patricia Harrison. I paid her a retainer of $2,000. At that time, an uncontested hearing was Scheduled for November 20, 2002. Note that this date is not a typo. It was a full two years ago. My wife and I drove down from New York to Columbia for the hearing. As I was meeting in my lawyer’s office preparing for the hearing, the judge’s clerk called to postpone the hearing because her friend had died and she needed to attend the funeral. However, she was not merely postponing the hearing for an hour or a day but rather she wanted me to start over again and file a new notice. This was of course ridiculous. Later, this judge said that no hearing would be held until my brother filed opposition papers. My brother was in default. The judge gave my brother two months until the end of January to contest the hearing. My brother did not comply. Instead, he filed on February 25, 2003, but he did not serve me with it. It was nevertheless accepted for filing without an affidavit of service. It was not served until after another seven months, in August, 2003.

21. After that, that judge disqualified herself and a new judge was assigned. That next judge, Judge Eckstrom, also disqualified himself. This case had now been through three judges, including the original judge in Aiken who had disqualified herself. Finally the

case came before Judge Hocker. By then, my brother had retained counsel, one year late, and so the case was contested. At this point, my lawyer, who had still not appeared in court as no hearing had been held, moved to withdraw as my counsel. This motion was granted over my strenuous objections. I believe that this motion was wrongly decided and my lawyer should not have been allowed to withdraw. I am raising this issue on appeal and meanwhile I have continued to serve all the papers on my now former lawyer.

22. In summary, here are my points:

23. My appeal to this court is not late. The problem is the refusal of the court reporter, Mrs. Perry, to produce the seven page transcript on time. I wrote letters and made dozens of telephone calls trying to obtain this transcript. Judge Keesley even wrote a long letter about this, which I am sure took him longer to write than it took the court reporter to type the seven page transcript. Since the court reporter refused to reveal her telephone number or her street address, I repeatedly called the clerks of both the Aiken Court and the Court of Appeals and the court administrator, Mrs. Allen, and anybody else I could think of to call. Finally, the transcript arrived along with a refund check because I had overpaid, but a few days earlier the clerk had dismissed this appeal.

24. It can be seen that this transcript is vital to this appeal because it demonstrated that Judge James C. Williams effectively overruled Judge Keesley, which was improper, and that has been my point all along. Furthermore, it appears that Judge Williams was unfamiliar with the facts and background of this case. For example, he says that I should get a lawyer. If he had looked at the record before him, even though the record was not complete, he would have seen that I had had a lawyer who had withdrawn when the case became contested, because she said that she did not have the time required by the case, time which was made necessary when Judge Hocker allowed a new opposing counsel to come into the case ONE YEAR LATE. Please note that the record contains 83 exhibits. Yet, in the colloquy before Judge Williams, he does not utter even one word which indicated any familiarity with the background, the facts, or the procedural context of this case. Judge Keesley made a point of not ruling on the motion to dismiss until the record was before the court. Then, Judge Williams said that he could not understand why Judge Keesley made the ruling he did. This alone demonstrates that Judge Williams never looked at the record of the case before him.

25. It is also apparent just from the abbreviated record before the court that Judge Hocker's decision was demonstrably wrong. There were five lawsuits pending before the courts of Virginia at the time of my mother's death. These were suits that Creighton had filed against his own mother or that she had filed against him. These cases are all still pending to this day because every judge in Virginia has disqualified himself from the case. In the first case, Creighton Sloan vs. Sovran Bank, Creighton had his mother's bank accounts frozen by ex-parte order. His mother had fled the United States to get away from Creighton, who had a history of harassing and abusing her. She was then residing in Dubai, United Arab Emirates, having left the United States for Argentina in September, 1986. Since she was not even in America, it is obvious that the courts had no jurisdiction

over her. Nevertheless, the Lynchburg Court violated every jurisdictional rule by freezing her bank accounts. More than that, the Lynchburg Judge refused to conduct a hearing on this matter, and therefore the bank accounts could not be unfrozen. Later, he disqualified himself from the case, while leaving the freeze in effect. Since then, no other judge in the entire Commonwealth of Virginia had been willing to take that case, for the obvious reason that anybody can see that the actions of the Lynchburg Judge were illegal. For that reason, the court order freezing the bank accounts is still in effect.

26. During the hearings before Judge Hocker, it turned out that somehow Creighton had convinced the bank in Lynchburg to give him the money. Apparently the bank forgot that the account was frozen by court order. The bank officer involved in the freeze, Massie Ware, had left the bank, so in 1995 the bank gave the money to Creighton. The money has disappeared. Nobody knows where it is. The amount is about $200,000 and Creighton has refused to account for it. This is one of the many missing items of money. It was demonstrated at the hearings before Judge Hocker that Creighton has taken a total of one and a half million dollars of his mother's money. He has accounted for very little of it.

27. Creighton has been able to steal this large sum of money simply by lying. The amazing thing about the hearing before Judge Hocker was that Creighton lied repeatedly before Judge Hocker in such obvious ways that nobody could have missed it. For example, Creighton testified that the order of the South Carolina Court appointing the Bank of America as the conservator does not apply to Virginia and that he, Creighton is the conservator in Virginia. However, this is simply a lie. No Virginia court has ever appointed Creighton as anything. More than that, Creighton filed numerous documents in the Aiken Probate Court calling himself as the Conservator. This is amazing, because that court had to have known that Creighton was not the conservator. When I first saw this, I assumed that the Aiken court had modified its order without notice to me and removed the bank as conservator and replaced it with Creighton. However, the record shows that the Bank of America was the conservator continuously from April 1991 until my mother's death in May 2002. Attached hereto is a "Conservator Annual Accounting" signed by Creighton Sloan dated March 3, 2000 showing that he disbursed $56,204.17 in the 1999 calendar year. However, Creighton was not the conservator. How could the court have failed to notice this? On the other hand, I am also attaching a Conservator Annual Accounting dated May 16, 1997, but this one is signed by the NationsBank. Where there two conservators? No, there were not. Did Judge Roe modify her order and make Creighton the conservator? No, that did not happen either. What simply happened was that Creighton was stealing the money. Note that the accounting by the bank shows only $4,795.46 in disbursements. We know that Creighton was receiving more than $5,000 in monthly checks in the name of his mother. He was obviously just keeping the balance of the money and the court did not bother to notice this fact.

28. The decision of Judge Hocker berates me for saying that I want to be appointed as my mother's personal representative so that I can try to recover my mother's house that Creighton sold. However, Creighton sold the house in 1993. The Bank of America was appointed the conservator on April 12, 1991. Therefore, the sale of the house was illegal

and void, especially since the man who bought the house was a relative of Creighton's lawyer and knew that Creighton was not the conservator and had no legal right to sell the house. He got it for a cheap price. (Both are now deceased.) Again, Creighton took the money and nobody knows what he did with it. He has refused to account for it.

29. In her summation before Judge Hocker, Creighton's lawyer Catherine Kennedy pleaded that Creighton should be appointed the personal representative to close the door to this litigation. These are all matters of the past which are to be forgotten about, according to Mrs. Kennedy. Creighton should be allowed to keep the million and a half dollars which he stole and should be allowed to continue to live in the mansion in Aiken he purchased with the stolen funds. The fact that Creighton demonstrably lied over and over again hundreds of times in the hearings before Judge Hocker should be of no moment, said Catherine Kennedy.

30. Judge Hocker bought this argument and that is why he refuses to allow a transcript to be made of the hearings before him, even though the tapes of those transcripts exist. Judge Hocker wants to keep buried forever the obvious complicity of the courts of South Carolina including the complicity of Judge Sue H. Roe in allowing my mother to be kidnapped in Bangkok Thailand and to reward this monstrous criminal act by giving the kidnappers all of my mother's money.

31. At the hearing before Judge Sue H. Roe in April, 1991, Cassel Jacobson testified that in September 1990 he had traveled to Bangkok Thailand and had paid $60,000 to professional kidnappers to kidnap Dr. Marjorie Sloan and have her brought to America. This figure of $60,000 was supplied by Cassel Jacobson himself. That is why I am trying to get the tapes of that hearing, to demonstrate this. The tapes cannot be found. Cassel Jacobson was seeking reimbursement for this $60,000. It seems likely that Creighton did reimburse him and that is what happened to some of the missing money. Since Creighton has never accounted for any of the funds there is no way to determine this.

32. Similarly, Shelby Roberts testified at a hearing before Judge Roy B. Willett in Roanoke Virginia that she had paid $40,000 to have my daughter Shamema kidnapped. That kidnapping took place in Fujairah, United Arab Emirates on October 7, 1990. I have since been informed that Creighton reimbursed Shelby Roberts for this $40,000. He obviously got that $40,000 from the money he stole from his mother.

33. After Cassel Jacobson at Creighton's behest had my mother kidnapped in Bangkok, Thailand on September 3, 1990, she was brought to Silver Spring Maryland and put in a nursing home there. At that time, she was seriously ill, bedridden, and could not get up and walk. However, by November, 1990, she had recovered her ability to walk and she started trying to escape. Cassel Jacobson testified that she had been in two different nursing homes but both had refused to hold her against her will, as that was against Maryland law. Therefore, she had been brought to South Carolina, because South Carolina Law does allow elderly persons to be held against their will. That is the only reason she was brought to South Carolina, because she had no previous contact with this

state.

34. In January, 1991 Creighton through his lawyer at the time complained to the Aiken Probate Court that he was having trouble getting his mother's checks, which came to $5,000 per month. If Judge Roe had thought about it, she might have realized that there was a reason why Creighton was having trouble getting the checks. The reason was that his mother, Marjorie Sloan, had informed the Virginia Supplemental Retirement System and the Department of Social Security that Creighton had a long history of stealing her checks. Therefore, these accounts had been red flagged that under no circumstances should the checks be sent to Creighton. Judge Roe countermanded Helen Marjorie Sloan's order by ordering these agencies to send the money to Creighton. Judge Roe made perhaps an honest mistake, but she certainly found out about her mistake two months later, when she vacated the order. Nevertheless, Creighton continued to receive and keep the monthly checks of more than $5,000 until his mother's death 11 years later. He did not deposit these checks into the Conservator account with the Bank of America as required by the order of the court. Instead, he opened new bank accounts without the court's knowledge, two of which have been located. These are the Sun Trust in Lynchburg Virginia and the First Citizens Bank in Columbia, South Carolina. Creighton never received the permission of the court to open accounts in these banks and the Aiken County Probate Court never even knew about these accounts, which still contain considerable funds. Neither of these banks have been informed to this day that Helen Marjorie Sloan has died. Creighton still has check writing authority on these bank accounts.

35. In December, 2003, shortly after Judge Hocker made his decision appointing Creighton as the personal representative of his mother, Creighton flew to Las Vegas where he attended a party in a gambling casino with Charles and Shelby Roberts. I was shocked to find pictures appearing on the Internet showing Creighton together with the Roberts in a gambling casino in Las Vegas in December 2003. I have since been informed that Creighton did not merely attend the party, he paid for it as well with the money he had just gotten as a result of Judge Hocker's decision.

36. Meanwhile, Creighton was supposed to take steps to implement Judge Hocker's order. Creighton was supposed to secure a bond or turn over the money to his lawyer, Catherine Kennedy. Creighton has done neither. He has not even taken the first steps. That was one year ago. Still, nothing has been done. Catherine Kennedy said at that time that Creighton has not done so because he had not been able to take off time from work. However, he had taken time to fly to Las Vegas to attend a party in a gambling casino. He just had not had time to comply with the order of the court.

37. So, in summary, the decision of Judge Williams is wrong. Judge Williams considered an affidavit filed by, he said, "The Clerk of the Court". However, that was not the clerk of the court where this case was pending. That was a clerk of another court that had no direct involvement in this case. Judge Williams did not understand this point, because he had not read the record. It did not help that Judge Hocker had not sent the full record to the

appellate court.

38. Judge Hocker needs to be removed and disqualified from this case for several reasons. He has violated the code of judicial conduct several times by writing letters to the appellate court interfering with this appeal. Once a notice of appeal has been filed, the lower court judge is required to stay out of it. Judge Hocker has been conducting an aggressive campaign to knock out this appeal and this behavior is entirely inappropriate for a lower court judge. Furthermore, Judge Hocker allowed Creighton to come into the case one year late and then declared me who had started the case to be in default. The decision he wrote in no way reflects what happened in the lower court. It can be seen that there were 83 exhibits admitted into evidence. Most of this evidence comes from the suits Creighton filed against his mother starting in 1986 and her counter suits against him. Yet, Judge Hocker makes no mention of this extensive litigation.

39. The timeliness of the appeal is supposed to be decided by the clerk, not by the lower court judge. The clerk in this case is Barbara Riggs. She said that my appeal was timely. Judge Hocker's clerk, who was not the clerk of this case, disagreed. However, if you look at the affidavit dated March 23, 2004 and filed March 31, 2004, she does not say what Catherine Kennedy said she said. The affidavit merely states that she had a telephone conversation with me some time between November 5 and November 10, 2003. Nowhere in this affidavit does it say that I acknowledged receipt of the decision. In addition, it would have been nearly impossible for me to have received the decision. She said that she had mailed the decision on November 4, 2003, the day before this supposed conversation. Logically, she should have mailed it to the clerk in Aiken. That is where it was supposed to go for entry. However, there is no record in the Aiken County Court that Judge Hocker's decision has ever been entered in that court. It is entirely possible that the Clerk of the Aiken County Probate Court has never even received that decision. It appears that Judge Hocker violated his own rulings by having the decision entered in Laurens, without notice to the parties and after repeatedly stating that all papers must be filed in Aiken. The final order dated November 3, 2003 states that the Aiken County Probate Court will retain jurisdiction over this case. However, Judge Hocker or his clerk simply forgot to have the order entered in that court. When an order is entered, the clerk puts a stamp and seal on the order. No such document exists. Since the order of Judge Hocker still to this day has not been entered in the Aiken County Probate Court, the time to file a notice of appeal has not even started to run. This explains why the clerk in the Aiken County Court of Common Pleas, Barbara Riggs, accepted my notice of appeal without objection as to timeliness.

40. Judge Hocker has repeatedly insisted that he is only the judge to decide on who will be the personal representative. He is not the judge on any other aspect of this case, he says. When I moved in court that the will of my mother be admitted to probate, Judge Hocker said that this was not before him. As a result, THE WILL STILL HAS NOT BEEN ADMITTED TO PROBATE. Even my opponent, Catherine Kennedy, was perplexed by this ruling. This is important because Creighton has from time to time indicated that he wants to contest the will. His attorney has obviously advised him that a

will contest would be frivolous. Nevertheless, Creighton has never specifically and clearly stated that he is accepting the will as valid. It is obvious that he wants to substitute another will which would prevent me from getting any money at all. Allowing Creighton to be the personal representative when he is in effect holding another will in his back pocket which would cut me out completely creates an objectionable situation.

41. For all of these reasons plus quite a few more, this appeal should be reinstated. It is not my fault that for five months the court reporter refused to produce the seven page transcript. Moreover, the decision below as well as the decision by Judge Hocker is demonstrably wrong. I am also asking that the attorney that I hired and paid, Patricia Harrison, be put back on this case and reinstated as my attorney. I realize that she has a problem fighting a hotly contested case when she was just hired for what she thought would be an uncontested case, but that is the fault of the court, especially Judge Amy McCulloch, for refusing to hold the hearing she had scheduled and for ordering Creighton to contest the case.

WHEREFORE, for all the reasons set forth above:

1. This appeal should be reinstated.

2. Upon reinstatement, the decision of Judge Williams which dismissed this appeal must be reversed.

3. Since the decision by Judge Hocker obviously fails to deal with the issues in this case, his decision should be vacated and Judge Hocker should be removed as the judge.

4. Since Creighton was in default for more than one year, not filing his first pleading until January 23, 2003 and not serving it as required until August 15, 2003, he should be held in default and Samuel H. Sloan should be appointed as his mother's personal representative.

5. Since more than one year has passed and Creighton still has not taken the first steps required by Judge Hocker's order, in that he has still not obtained a bond nor has he turned over the money to his lawyer, he must be removed as personal representative.

_____
Samuel H. Sloan

Sworn to before me this 3rd
Day of December, 2004

_____
NOTARY PUBLIC

Samuel H. Sloan
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Kayo Kimura, being duly sworn, deposes and says that on December 3, 2004 she mailed the within motion to reinstate this appeal to all counsel at the following addresses:

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_____
Kayo Kimura

Sworn to before me this 3rd
Day of December 2004

_____
NOTARY PUBLIC