

**IN THE SUPREME COURT OF MISSISSIPPI
COURT OF APPEALS OF THE STATE OF MISSISSIPPI**

William James Scott Murphy

Appellant

v.

Stephenie Velma Baggett

Appellee

Case No. 2010 – CA - 00372

[Lamar County Chancery Case No. 2008-0102-PR-TH]

November 24, 2010

CERTIFICATE OF INTERESTED PERSONS

The undersigned counsel of record certifies that the following listed persons have an interest in the outcome of this case :

Cynthia Jon Hills, a niece and ¼ Heiress

Randilyn Pace, a niece and ¼ Heiress

By : William James Scott Murphy William James Scott Murphy Date 11/24/2010

Pro-Se
9313 U.S. Hwy 98
Sumrall, MS 39482
601 264-7941 (H)
601 543-5966 (C)
email : inventor@2invent.com

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BRIEF OF APPELLANT

by

William James Scott Murphy

Pro - Se

APPEAL FROM JUDGMENT DATED FEBRUARY 3, 2010

OF LAMAR COUNTY CHANCERY COURT

THE HONORABLE J. H.C. T. PRESIDING

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NOVEMBER 24, 2010

Date Of Trial Court Judgment : February 3, 2010

Trial Judge : Honorable J. H.C. T.

Court From which Appealed : Lamar County Chancery Court

Attorney For The Appellant : Pro-Se

Attorney For The Appellee : Lester Clark, Jr., Ms. Bar No. [REDACTED]
Clark And Clark, P.A.

District Attorney : Hal Kittrell

Nature Of The Case : Civil ; Post Judgment

BRIEF OF APPELLANT

APPEAL FROM JUDGMENT DATED FEBRUARY 3, 2010

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THE HONORABLE J. H.C. T. PRESIDING

Appellant Brief Submitted By :
William James Scott Murphy
Pro-Se
9313 U.S. Hwy 98
Sumrall, MS 39482
(H) 601 264-7941
(C) 601 543-5966
email : inventor@2invent.com

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- III. Whether the Trial Court erred by allowing a partial disbursement of funds before the final settlement of this case
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STATEMENT OF THE ISSUES

I. Whether the Trial Court erred by dismissing the many forged, fraudulent and/or perjured actions and/or documents that were submitted into this case by the Defense.

II. Whether the Trial Court erred by allowing the Defense to ignore an *Order* by the Trial Court to “freeze” the James Z. Boggan Estate Account.

III. Whether the Trial Court erred by allowing a partial disbursement of funds before the final settlement of this case

IV. Whether the Trial Court erred in forcing the Appellant to pay monies for the Executrix's Attorney Fees

V. Whether the Trial Court erred when calculating the monies to be divided by the four equal heirs, from among other things, as a result from not Considering and/or Ruling on his *Petition Claiming Shared Estate And New Evidence And Discovery Of Identity Theft By The Executrix Enabling Access And Transfer Of Money's And Properties In Said Estate* as well as his *Petition Claiming Funds From Sale Of Memphis, TN Property Excluded By The Executrix*.

STATEMENT OF THE CASE

A. Nature of The Case, Course of the Proceedings, and Disposition in the Trial Court

[¶1] This is an Appeal of the final decision(s), indecision's and judgment Filed on February 3, 2010... by the Honorable Chancellor J.H.C.T. as well as to the fairness and the timeliness of the proceedings which lead up to the final decision(s), indecision's and judgment... in the Chancery Court of the 10th Judicial District of Lamar County... concerning the Estate Case of the Decedent, James Z. Boggan.

[¶2] These proceedings involve the Estate Case of James Z. Boggan, being a twin of his sister (our mother) and therefore the Uncle of said four (4) equal heirs whose last home address was at 487 Sullivan Kilrain Rd, Hattiesburg, Mississippi... and who sadly passed away on **June 21, 2008** at Forest General Hospital in Hattiesburg, Mississippi.

[¶3] Although there are four equal heirs in this Estate Case, I, the Appellant, was *never ask* to take part in the hiring of and/or approval of... any Attorney / Estate Attorney to handle our late Uncle's Estate. In fact, it was even a couple or several weeks **after** our Uncle died before I was told who this person was going to be. The Executrix, at which time she told me who this was, she said that he was a good Attorney and had reasonable fees...

[¶4] On July 4, 2008... we had our *first* family meeting since our Uncle's death (Transcript, P.13-14)(Transcript hereinafter "TS"), at the Decedents home, which is located on the Executrix and her husbands property very close to their own home. At this meeting were the four (4) equal heirs of said Estate... Cynthia Hills (hereinafter "C.H."), Randilyn Pace (hereinafter R.P.), the Executrix, S.B., and myself, Scott Murphy... the Appellant (See Court File, page 28, 4th ¶, last line) (Court File hereinafter "CF") ; (TS at 8, 14-29) . Also present were Randi's two sons M.P and D.P.

[¶5] On this evening, the Executrix, S.B., passed out a revised *Will* that had been produced by D.G. of B. & G., Attorney's at Law, in Hattiesburg, Mississippi (TS at 9-11)... and then D.P. read the majority of the *Will*, if not all of the *Will*... aloud to the rest of us. M.P. was also present and may have read a portion of it aloud to the rest of us.

[¶6] Also on this evening, we all discussed which personal items we would like to have of our Uncle's, so that his personal / household items could go ahead and be distributed to the family without having to hold an Estate Sale in which case none of us would receive any of his personal items and heirlooms.

[¶7] Also on this evening, Stevie insisted on recording the meeting and laid the microphone on the coffee table which surrounded all of the parties involved. Inside the Will, Stevie had also already placed in parenthesis some statements that mentioned that she could not be questioned about her actions taken in this case, and when the reader got to here, she made sure that everybody saw and understood this.

[¶8] Also on this evening, Stevie let everyone know that she wanted her husband to have our Uncle's one and only unique ring (even though I, the Appellant was the only male heir), so much so that she tried to make me promise (on the recording) that I would leave her son (R.B.) said ring whenever something happened to me or whenever I died!

[¶9] Over the next few months, for the most part, I, the Appellant just waited patiently... as I did not know exactly what to expect or what to do. At this point, I, like the rest of us, trusted that Stevie would handle everything properly and just do the right thing. After all, she was the Executrix of our Mother's Estate... June Boggan Murphy Faughn... who sadly passed away on July 17, 1996. Also during this time period, Stevie and myself talked several times about the case, as I even stopped by her house a couple of times and talked to her and her husband out on their front porch. My main concern at this time was that Stevie was going to try and place said laundromat and said Chase Credit Card into the estate, even though most of this was "her" debt... and not the Decedent's, however, at this time, she assured me that she was not going to do this!

[¶10] On November 10, 2008, The Appellant made a trip to the Executrix's Attorneys Office as he had compiled a list of questions (*Outline of Concerns*) for him to answer (CF at 50). These questions revolved around the upcoming *Rule 81 Hearing*, and were brought about from C.H. calling the Executrix's Attorney... and him telling her that the laundromat was going to be thrown into the Estate! After said *Outline of Concerns* was discussed, the Appellant then left a copy with said Attorney... who also told the Appellant that he was not going to charge for this meeting (CF at 48-49).

[¶11] Up until about this time, I, William James Scott Murphy, the Appellant... really tried and wanted to believe... that the Executrix, the Appellants own sister... would never do anything fishy, unfair, dishonest or especially illegal... when it came to dealing with our (late) Uncle James Z. Boggan's Estate Case. However, once she threw the *entire* laundromat into the Estate (TS at 38, 26 – TS at 39, 1)(as she did in the above said Filing dated November 19, 2008)(CF at 45-46, C)... and once she threw (her) Chase Credit Card (in the name of the Decedent) into the Estate (TS at 39, 4-28) (as she did in the above said Filing dated November 19, 2008)(CF at 45-46, C)... and doing so not long after she had previously said to me that she would *not* do this... is when I knew that she had only *her* best interests in mind and not ours. This is also the time when I knew that the Executrix's Attorney was NOT the Estate Attorney... that if he did not consider the content in my letters to him (CF at 51-53) (CF at 61-64) or what he and I had talked

about during our meeting (DS at 50) and over the telephone... that in no way, shape or form was he representing *my* best interests, and was therefore *not my Attorney*.

[¶12] Once the Appellant realized that the Executrix's Attorney only had the Executrix's best interests at heart... he began to write and File numerous necessary and factually important Letters, Motions and Petitions that were centered upon being fair to **all** of the equal heirs as opposed to only favoring the interests of the Executrix.

[¶13] The Appellant Filed only Motions and Petitions that had a definite purpose, and that were relevant to his case, otherwise, he would not have wasted his time writing and filing them. ***In Re : Mississippi Rules Of Evidence, Rule 401 Definition of Relevant Evidence ; Relevant Evidence means evidence having any tendency to make the existence of any fact that is of consequences to the determination of the action more probable or less probable than it would be without the evidence : Article IV, Relevancy And Its Limits*** - In said Motions and Petitions, the Appellant showed and shows numerous instances of foul play by the Executrix, including but not limited to things like *forgery, fraud, perjury and identity theft*... and, even though most of these things were discussed and presented legally during a *Rule 81 Hearing*, they were still pretty much overlooked and ignored by the Trial Court (Trial Court hereinafter "T.C.").

[¶14] After a long and grueling probate of said Estate, on February 3, 2010... the T.C. Filed the *Final Judgment Approving Executrix's Second Amended Final Accounting ; Authorizing Payment of Estate Associated Expenses, Closing This Estate and Dismissing the Executrix* (CF at 314-327). Said Judgment was written and presented by the Executrix's Attorney... and was Filed only six (6) days after our January 28, 2010 *Rule 81 Hearing* (which was a continuation of our properly scheduled September 15, 2009 *Rule 81 Hearing*).

In Re ; M.R.A.P. Rule 5.04, Judgment Must Be Submitted To Opposing Counsel And Chancellor – When : In all litigated actions, the attorney who shall be directed to draw the Judgment shall submit the same to opposing counsel for criticism as far as to form only, and shall present the same to the Chancellor within ten (10) calender days after being directed to draw the judgment unless otherwise permitted.

[¶15] On March 2, 2010... the Appellant Filed a *Notice of Appeal* (CF at 328-329) in the Chancery Court of Lamar County, Mississippi appealing the final **Judgment** that was rendered by the T.C., and at the same time, Filed a *Motion Requesting Permission to Proceed In Forma Pauperis*. The Appellant then Filed the requested *Affidavit Supporting Motion Requesting Permission to Proceed In Forma Pauperis* as well as his *Financial Declaration* on March 22, 2010.

[¶16] On March 26, the T.C. Filed an *Order Denying Petitioner To Proceed In Forma Pauperis* (CF at 332-333)

B. Statement Of The Facts

[¶17] On July 4, 2008... we had our *first* family meeting since our Uncle's death (TS at 13-14), at the Decedents home, which is located on the Executrix and her husbands property very close to their own home. At this meeting were the four (4) equal heirs of said Estate... C.H., R.P, the Executrix, S.B. and myself, the Appellant, Scott Murphy (CF at 28, 4th ¶, last line) ; TS at 8, 14-29 . Also present were R.P. two sons M.P. and D.P., who participated in reading aloud of the latest and different *Will* that had been prepared by D.G. Of B. and G. (TS at 9, 27 – TS at 11, 22)

[¶18] On July 5, 2008... I, the Appellant, late in the afternoon, dropped in the Executrix's Attorney's Office and requested (all) of the paperwork that he had (at that time) for the sale of the Memphis, TN property (CF at 44, A4) (TS at 28, 20 – TS at 29, 1) (TS at 61, 18-20)... as well as (all) of the paperwork that he had (at that time) concerning the re-financing of the laundromat (CF at 45, A6), however, even though these things had been previously discussed and at the time said Attorney pointed at both sets of papers laying on the counter... and even though during this time he was claiming to be the “Estate Attorney” (TS at 2, 2-6) ... he still **would not give and did not give** the Appellant said requested papers who is also ¼ equal heir of said Estate.

[¶19] On July 10, 2008... the T.C. Filed a *Petition Requesting Probate of the Estate of James Z. Boggan, Deceased, as a Testate Estate, and for the Appointment of Executrix* (CF at 5, 7/10/10).

[¶20] On July 24, 2008... a *Judgment Opening the Estate of James Z. Boggan, Deceased, as a Testate Estate, and Appointing Executrix* was Filed (CF at 10-13)... over one month after the Decedents death. Also administered on this day was the Executrix's *Oath, Letters Testamentary* and *Notice to Creditors* (CF at 5, 7/24/10).

[¶21] On September 10, 2008, the T.C. Filed a *Rule 81 Notice of Hearing*, scheduled for September 18, 2008 (CF at 5)... to be held in the Forrest County Chancery Court. .

[¶22] On September 18, 2008... at the properly scheduled Rule 81 Hearing (CF at 5)... all four (4) of the equal heirs were present at this Proceeding, and included C.H., R.P., the Executrix, S.B., and myself, the Appellant, Scott Murphy. During this proceeding, among other things, C.H. and myself, the Appellant... announced to the Court that we were **contesting the validity** of the instrument of writing submitted for probate as a *true* and *correct* copy of the Last Will And Testament of the Decedent (TS at 2, 23-28) (CF at 14, ¶2) . The T.C., also on this day... Filed an *Order* (and Adjudgment) that the Ruling on the Executrix's Initial Inventory and Petition For Partial Disbursement be held in *abeyence* (CF at 14-16)... until such time that Cindy Hills, who was only allowed 10 days... was able to File her objection to the instrument of writing filed for probate in this Cause as a true copy of the *Last Will and Testament of the Decedent*. And, apparently... there was no type of recording or stenographic recording administered during this *Rule 81 Hearing*.

[¶23] On October 2, 2008, the Defense Filed a *Rule 81 Notice Of Hearing*, scheduled for November 19, 2008... to be held in the Lamar County Chancery Court ; a *Petition Requesting Confirmation of Will in Solemn Form* was Filed... and then on October 3, 2008... a Probate Claim of \$ 12,276.47 with J P Morgan Chase Bank was Filed (CF at 5).

[¶24] On November 10, 2008, The Appellant made a trip to the Executrix's Attorneys Office as he had compiled a list of questions (*Outline of Concerns*) for him to answer (CF at 50). These questions revolved around the upcoming *Rule 81 Hearing*, and were brought about from Cindy Hills calling the Executrix's Attorney... and him telling her that the laundromat was going to be thrown into the Estate! After said *Outline of Concerns* was discussed, the Appellant then left a copy with said Attorney... who later told the Appellant that he was not going to charge for this meeting (CF at 48-49).

[¶25] On November 17, 2008... the Appellant called the Executrix's Attorney (CF at 48) as their *Rule 81 Hearing* was only a couple of days away and he had not heard anything back from said attorney per his concerns since their meeting one week earlier (CF at 50).

[¶26] On November 19, 2008... the *Rule 81 Hearing* scheduled for this day was executed as planned, with the Defense Filing the *Executrix's Supplemental Inventory of the Assets of the Estate of James Z. Boggan, Deceased*. The Defense not only **Filed** this on the morning of our *Rule 81 Hearing*... they also waited until this time, while in the Courtroom waiting for the days cases to begin... to actually deliver this 96 page **book** to myself and all other parties involved (CF at 5)... therefore giving us absolutely no time to thoroughly read and review its contents before our Case / Hearing had begun on this day.

[¶27] On November 29, 2008 the Appellant called the Executrix's Attorney (CF at 48) concerning the *Executrix's Supplemental Inventory and Assets* as Filed on November 19, 2008.

[¶28] On December 5, 2008, I, the Appellant... wrote and delivered (or faxed) to the Executrix's Attorney two (2) letters concerning, among other things... how the laundromat and the credit cards were entered as part of the *Executrix's Supplemental Inventory of Assets of the Estate of James Boggan, Deceased* (CF at 51-52)

[¶29] On December 7, 2008, I, the Appellant... wrote and delivered (or faxed) to the Executrix's Attorney a letter concerning the differences between the Pacific Life Insurance Policy / Annuity that was entered as part of the Estate as well as another annuity that I viewed at the Executrix's home that was totally different from said Pacific Life Annuity (CF at 53).

[¶30] On this day, December 8, 2008... on the morning of our scheduled *Rule 81 Hearing* (concerning the "Executrix's Petition For Confirmation of the Will in Solid Form") among other things, I, the Appellant, Filed a *Letter* that I had written to the Honorable

Judge concerning the Hearing to be held on this day (CF at 44-56). Also Filed on this morning by Cindy Hills (hereinafter "C.H."), who is also $\frac{1}{4}$ heir of said Estate... was a *Motion to Identify Property Unlisted in Inventory and Assets* (CF at 25-43) as well as a *Petition Denying Confirmation to Support a Forgery* (CF at 18-24). During this proceeding, the Estate Attorney placed the Executrix on the Stand and questioned her about who all the equal heirs were as well as about the missing (original) will and how the alternate will came about (TS at 8-11)(TS at 13-14). And, myself, the Appellant (TS at 15-17), as well as C.H.(TS at 12-13), and the T.C. (TS at 14-16) also cross-examined the Executrix about certain aspects of the lost and alternate will(s).

[¶31] On December 11, 2008... the T.C. Filed a *Judgment Confirming Will In Solemn Form* (CF at 57-58) as well as a *Scheduling Order* (CF at 59-60) giving the Executrix and her Attorney 30 days to file their *Supplemental Inventory and Accounting* while allowing only 15 days for the other parties involved to read, study and decipher everything as well as **File** any objections or comments concerning said *Supplemental Inventory and Accounting*.

[¶32] On January 5, 2009, I, the Appellant... wrote, filed and delivered (or faxed) to the Executrix's Attorney a letter listing many concerns that had transpired up to this point concerning our case, including but not limited to the personal checking account of the Decedent, the B & B laundromat (dual) credit card situation(s), the laundromat, the Decedent's double-wide manufactured home, the Decedent's ring and the Decedent's annuities and insurance (CF at 61-64).

[¶33] On January 9, 2009, the Trial Court Filed a *Rule 81 Notice of Hearing* scheduled for January 26, 2009 in the Forrest County Chancery Court. Also on this day, the Defense Filed the *Executrix's Second Supplemental Inventory of the Assets of the Estate of James Z. Boggan, Deceased*.

[¶34] On January 15, 2009... the Trial Court Filed an *Order Appointing a Real Estate Appraiser* in order to assess the current and existing assets and worth of the said laundromat in question.

[¶35] **On January 23, 2009... I, the Appellant, Filed and Delivered the Following :** this being in response to the *Executrix's Second Supplemental Inventory Of The Assets Of The Estate Of James Z. Boggan*, which was filed on January 9, 2009 (CF at 6)... in which among other things... a) the Defense included the Executrix's said (Chase) Credit Card in question with a balance of \$ 12, 276.47... **into and as part of** said Estate CF at 67-68, 1) ; b) had the \$ 100,000.00 Pacific Life Death Benefit reading and being "tendered the Executrix on behalf of the Decedent"... as opposed to the Death Benefit being "tendered by the Executrix on behalf of the the Decedent by Pacific Life" (CF at 68, 2) ; c) Failed to list many things (CF at 69-71, 4), including the entire Inventory Of The Assets (CF at 83), a different "annuity" that the Appellant was able to view at the Executrix's home on

the night of their first (and only) family meeting (CF at 53) (CF at 69-70, 4b), and any other securities, annuities, properties, moneys, or insurance that the Executrix / Estate Attorney know about but have not yet included into said Estate... including but not limited to any and all Pacific Life Annuities or Insurance Claims... (CF at 70, c)

1. MOTION TO REJECT SECOND SUPPLEMENTAL INVENTORY AND ACCOUNTING TO SUPPORT A FRAUD (CF at 67-102)

[¶36] On January 26, 2009... the *Rule 81 Hearing* was held as scheduled. Also on this morning, the Appellant Filed the following Motions and hand delivered them to the Executrix's Attorney and all of the other participants : This being because C.H and myself, the Appellant... rejected the Appraisal... and did so in time for the T.C. to know that we did not believe that the Appraisal was necessary at that time (CF at 103, 1) (CF at 106-108)... whereas 2-3 below were filed in order to correct and/or update the Record as far as the Appellants earlier Filing of his *Motion To Reject Second Supplemental Inventory And Accounting To Support A Fraud*... that was originally filed on January 23, 2009 CF at 67-102).

1. MOTION TO REJECT LAUNDROMAT APPRAISAL AND ALL ASSOCIATED COSTS THEREOF TO SUPPORT A FRAUD (CF at 103-113) (TS at 57, 4-10)

2. MOTION TO SHOW AND INCLUDE, ON PAGE 5, THE FOLLOWING #5, OF MY "MOTION TO REJECT SECOND SUPPLEMENTAL INVENTORY AND ACCOUNTING TO SUPPORT A FRAUD"... FILED ON JANUARY 23, 2009... (SEE EXHIBIT "A") TO READ AS FOLLOWS BELOW : (CF at 114-121)

3. MOTION TO AMEND AND INCLUDE, PAGES 2-3, # 3, PARAGRAPH 2 and 3... of MY "MOTION TO REJECT SECOND SUPPLEMENTAL INVENTORY AND ACCOUNTING TO SUPPORT A FRAUD"... FILED ON JANUARY 23, 2009... (SEE EXHIBIT "A") TO READ AS FOLLOWS BELOW : AND THAT, THIS AMENDMENT PRECEEDS AND TAKES PRECEDENCE OF ANY EARLIER STATEMENTS, SUBMITTALS AND ACCOUNTING REFERENCED IN THE ABOVE SAID MOTION FILED ON JANUARY 23, 2009 (CF at 122-142)

[¶37] On January 27, 2009... the T.C. Filed an *Order and Scheduling Order* (CF at 143-145)... which, among other things... discussed that another *Rule 81 Hearing* was necessary... discussed what matters could be brought before the Court... and other instructions on how the Executrix was to Deposit the Pacific Life Insurance check into the Estate Account and to direct said bank to place the check in a CD account. This Order also discusses deadlines, or the number of days that was allowed for the parties to File whatever Motions, Petitions and/or Responses that they may deem necessary.

[¶38] On February 9, 2009... the Appellant Filed and issued service... on three (3) local banks that had previous dealings with the Decedent before his death... one of them being

Regions Bank located at 110 South 40th Avenue in Hattiesburg, Mississippi... requesting the records for account # 9001473342.

[¶39] On February 13, 2009... the Appellant Timely Filed and Delivered the Following to all of the parties Involved :

1. PETITION REQUESTING COMPENSATION FOR TIME SPENT WRITING AND FILING MOTIONS AND WORK PERFORMED (CF at 151-155) (TS at 56, 22 – TS at 57, 4)
2. PETITION REJECTING PAYMENT TO THE ESTATE ATTORNEY FOR SERVICES RENDERED (CF at 156-167) (TS at 45, 9-18) (TS at 110, 8-27)
3. PETITION TO FREEZE ALL ASSETTS AND FUNDS ASSOCIATED WITH THIS CASE (CF at 168-170) (TS at 47, 12 – TS at 52, 6)
4. MOTION FOR CONTINUANCE (CF at 171-189) (TS at 57, 10-18)
5. MOTION REQUESTING CLARIFICATION OF ORDER AND SCHEDULING ORDER (CF at 190-196) (TS at 44, 1 – TS at 45, 3)

[¶40] On February 17, 2009... the Appellant Timely Filed and Delivered the Following to all of the Parties Involved :

1. PETITION DENOUNCING AND REVOKING ENTRY OF APPEARANCE AND WAIVER OF PROCESS AND JOINDER (CF at 197-204)
2. PETITION CLAIMING FUNDS FROM SALE OF MEMPHIS TN. PROPERTY EXCLUDED BY THE EXECUTRIX (CF at 205-231) (TS at 108, 21 – TS at 109, 9)
3. PETITION CLAIMING SHARED ESTATE INTRODUCING NEW EVIDENCE AND DISCOVERY OF IDENTITY THEFT BY THE EXECUTRIX ENABLING ACCESS AND TRANSFER OF MONEY'S AND PROPERTIES OF SAID ESTATE (CF at 232-256) (TS at 109, 11 – TS at 110, 3)

[¶41] On March 2, 2009... the Trial Court Filed and Issued an *Amended Scheduling Order*... where it was Ordered and Adjudged that : the Executrix was authorized to tender a Bill of Sale for the Decedents car to Cynthia Hills ; the Executrix was authorized and directed to remove the \$ 82, 462.14 check from *Pacific Life* from the Citizen's national Bank account and Deposit it into the Estate account of the Decedent... account number 0101801314... with no withdraws to be made from said Estate account without Court Order ; that, because of various Motions and Petitions Filed by Scott Murphy, that he should be given 10 days from the date of said Hearing to prepare and promulgate discovery to the Executrix (CF at 257-258).

[¶42] On March 9, 2009... the Appellant Timely Filed and Delivered the Following to all of the Parties Involved :

1. MOTION REJECTING INCLUSION OF B & B LAUNDROMAT AND ALL DEBT THEREOF INTO SAID ESTATE (CF at 259-262)
2. PLAINTIFF'S FIRST SET OF INTERROGATORIES TO THE DEFENDANT (CF at 263-266)
3. PETITION REQUESTING PROOF OF DEPOSIT OF PACIFIC LIFE ANNUITY CHECK AS A CD INTO SAID ESTATE (CF at 267-269)
4. MOTION REJECTING EXECUTRIX'S CHASE CREDIT CARD BALANCE TO BE PAID BY OR INCLUDED AS PART OF SAID ESTATE (CF at 270-274)
5. PETITION REQUESTING PROOF OF BANK FREEZE ON CITIZEN'S NATIONAL BANK ESTATE CHECKING ACCOUNT (CF at 275-277)

[¶43] On March 19, 2009... the Trial Court Filed and Issued a *Notice of Trial Setting*, scheduled for March 26, 2009 in Forrest County.

[¶44] On March 26, 2009... the Trial was executed as scheduled... in which, among other things, this is the Hearing that the Trial Court *Overruled* (before I could even use it) a **Continuance** that was “left on the table” (if and when I needed it) from the previous *Rule 81 Hearing* held on January 26, 2009 (TS at 71, 24 – TS at 72, 28) (TS at 93, 17 – TS at 94, 1) (TS at 95, 27 – TS at 103, 14) . The Executrix was also placed on the stand, where the T.C. (TS at 80, 14 – TS at 84, 2) and her Attorney directly questioned and examined her concerning the initial inventory and assets (TS at 65, 3 – TS at 71, 23), as well as presented to the Courts some previously Filed documents being supplemental to the initial inventory and assets. The Appellant also questioned the Executrix extensively about the (dual) credit cards and their relation to the Estate as well as how said laundromat could be included into the Estate when she (the Executrix) and her Husband owned 62 1/2% of the laundromat and this was the Probate of James Z. Boggan (TS at 73, 24 – TS at 80, 7) .

[¶45] On May 14, 2009... the Trial Court Filed a Rule 81 Notice of Hearing scheduled for May 27, 2009 to be held in Lamar County

[¶46] On May 27, 2009... the scheduled *Rule 81 Hearing* did take place, however, the Court Reporter was running late and many discussions actually took place before the Court Reporter finally made it there. In fact, she actually got there towards the *end* of our Hearing and the *only* thing that ended up being on the Record because of this was, myself and my sister Cynthia Hills (and ¼ heir of said Estate) actually “giving up” our (12 ½ %) shares in said laundromat to the Executrix and her husband. Now, as far as I, the Appellant was concerned, the main reason for going ahead and giving my share of the

laundromat to the Executrix and her husband, was because I was not privileged to the same documents and information concerning said laundromat... such things as the re-financing of said laundromat, a verifiable income from the operations of said laundromat (TS at 89, 19-22), and credit card statements showing any of the *strictly business related* expenses... all of these things which were either discussed during *Rule 81 Hearings* or Filed in previous Letters, Motions, Petitions and Requests... yet never received for the viewing! We both also believed, myself and C.H., that this might also help in speed things up... and getting this case settled and over with. Many other important issues, questions, (and answers) were discussed as well... all of which should have been and would have been on the Record had the Court Reporter not been late (or had the Trial Court delayed the Hearing until she got there). Therefore, in an attempt to make sure that these talks (and others) were made a part of said *Rule 81 Hearing(s)* as well as part of the **Record**... the Appellant Filed a Petition a couple of days later requesting such : (App. At ¶47).

[¶47] On May 29, 2009... the Appellant Timely Filed and Delivered to all Parties Involved, a :

1. PETITION REQUESTING INCLUSION OF RULE 81 HEARING HELD ON MARCH 26, 2009... DISCUSSIONS AT RULE 81 HEARING HELD ON MAY 27, 2009... AND OTHER INFORMATION FOR THE RECORD CONCERNING SAID ESTATE (CF at 284-287)

[¶48] On August 20, 2009... the Executrix's Attorney Filed the *Executrix's Amended Final Accounting and Petition to Pay Estate Associated Expenses; to Close This Estate and to Dismiss the Executrix*. Also on this day, the T.C. Filed a *Rule 81 Notice of Hearing* scheduled for September 15, 2009 (nearly 4 months after our previous *Rule 81 Hearing*).

[¶49] On September 15, 2009... in the morning and before our scheduled *Rule 81 Hearing* started, the Appellant timely Filed three (3) new Motions and/or Petitions as well as three (3) other updated and Re-filed Motions and Petitions concerning this case and the upcoming Hearing... and then submitted them to and discussed with the Executrix's Attorney as well as the Trial Court during said *Rule 81 Hearing* (TS at 112, 5-8). This being an attempt to make sure that said Motions and Petitions were presented legally during a *Rule 81 Hearing* for the *Record*... and that they would be **seriously** considered when deciding the final outcome of this case (TS at 107, 22 – TS at 108, 19).

1. PETITION REQUESTING COMPENSATION FOR TIME SPENT WRITING AND FILING MOTIONS AND WORK PERFORMED (CF at 293-296) (TS at 110, 28 – TS at 111, 14)

2. PETITION REJECTING PAYMENT TO THE ESTATE ATTORNEY FOR SERVICES RENDERED (CF at 156-157) (TS at 110, 8-27)

3. PETITION REQUESTING REIMBURSEMENT OF FUNDS TO THE ESTATE THAT HAVE BEEN EXCLUDED OR OMITTED BY THE THE EXECUTRIX (CF at 8) (TS at 111, 15 – TS at 112, 4)

4. PETITION REJECTING PAYMENT OF OVER \$1,500.00 TO EXECUTRIX FOR SERVICES RENDERED (CF at 290-292) (TS at 112, 10 – TS 113 at 8)

5. PETITION CLAIMING FUNDS FROM SALE OF MEMPHIS TN. PROPERTY EXCLUDED BY THE EXECUTRIX CF at 205-231) (TS at 108 – TS at 109, 9)

6. PETITION CLAIMING SHARED ESTATE INTRODUCING NEW EVIDENCE AND DISCOVERY OF IDENTITY THEFT BY THE EXECUTRIX ENABELING ACCESS AND TRANSFER OF MONEY'S AND PROPERTIES IN SAID ESTATE (CF at 232-256) (TS at 109, 11 – TS at 110, 3)

[¶50] On November 20, 2009... the Executrix's Attorney Filed a *Petition Requesting Authority For the Executrix to Make a Partial Disbursement in the Cause*

[¶51] Also on November 20, 2009... the Trial Court Filed a *Judgment Authorizing The Executrix to Make a Partial Disbursement in This Cause*

[¶52] On November 29, the Appellant called the Executrix's Attorney (CF at 48) concerning the *Executrix's Supplemental Inventory and Assets* as Filed on November 19, 2008.

[¶53] On January 12, 2010... the Trial Court Filed a *Rule 81 Notice of Hearing* scheduled for January 28, 2010... to be held in Forrest County

[¶54] On January 28, 2010... during our scheduled *Rule 81 Hearing*, among other things... the Appellant discussed with and presented to the Executrix's Attorney as well as the T.C.... *at least* five (5) other previously Filed Motions and Petitions concerning this case... in an attempt to make sure that said Motions and Petitions were presented legally during a *Rule 81 Hearing* for the *Record*... and that they would be **seriously** considered when deciding the final outcome of this case (TS at 107, 28 – TS at 108, 19) (TS at 118, 2-4) :

1. PETITION TO FREEZE ALL ASSETTS AND FUNDS ASSOCIATED WITH THIS CASE (CF at 168-170) (CF at 618)

2. PETITION REQUESTING INCLUSION OF RULE 81 HEARING HELD ON MARCH 26, 2009... DISCUSSIONS AT RULE 81 HEARING HELD ON MAY 27, 2009... AND OTHER INFORMATION FOR THE RECORD CONCERNING SAID ESTATE (CF at 284-287) (CF at 618) (CF at 618)

3. PETITION REQUESTING THAT ALL PREVIOUS MOTIONS AND PETITIONS FILED IN THIS CASE REMAIN IN EFFECT (CF at 302-305)(CF at 618)

4. MOTION REQUESTING THE HONORABLE JUDGE TO MAKE DECISIONS AND RULE ON THIS CASE (CF at 297-301) (CF at 618) (TS at 113, 19 – TS at 116, 4)

[¶55] On February 3, 2010... The Appellant Filed a *Requests And Clarifications* concerning the many talks during the January 28, 2010 *Rule 81 Hearing* in an attempt to clear up and set the Record straight a few things that were said by various parties that were not true (CF at 311-313)

[¶56] Also on this day, the Executrix's Attorney Filed the *Executrix's Second Amended Final Accounting; Requesting Payment of Estate Associated Expenses; Closing This Estate and Dismissing the Executrix*.

[¶57] Also on this day, the T.C. Filed the *Final Judgment Approving the Executrix's Second Amended Final Accounting; Authorizing Payment of Estate Associated Expenses; Closing This Estate and Dismissing the Executrix* (CF at 314-327)

[¶58] All of this being done in one day without giving all interested parties / beneficiaries ample opportunity to read and/or approve or disapprove or reply to said *final* Filed Documents and Final Accounting. Yes, as mentioned earlier... on the morning of our final *Rule 81 Hearing* on January 28, 2010... while *before and during* the proceedings for that day, the Appellant was allowed to look over the said Filed documents... excluding some Exhibits that were still at the Attorneys office, however, the *final* said documents were Filed and Ruled Upon days later without me, the Appellant, being able to review, question, comment, reply to or even reject.:

In all litigated actions, the attorney who shall be directed to draw the Judgment shall submit the same to opposing council for criticism as to form only, and shall present the same to the Chancellor within ten (10) days after being directed to draw the Judgment unless otherwise permitted. Rule 5.04, M.R.C.P. , Judgment Must Be Submitted To Opposing Counsel And Chancellor - When

Also, as it turns out, this very important and properly scheduled *Rule 81 Hearing* is also not available in the transcripts, as apparently... the T.C. failed to make said Hearing as part of the Record. This being said, over on the left hand side of the Courtroom on this day, was many people, at least 3 or 4... who appeared to be such people as court reporters, law students, maybe another attorney or even a D.A., I am not sure, however, I was under the impression on this day that this *Rule 81 Hearing* would certainly be Recorded and be made a part of said Record.]

[¶59] On March 2, 2010... the Appellant Filed a *Notice of Appeal* (CF at 328-329) in the Chancery Court of Lamar County, Mississippi appealing the final **Judgment** that was rendered by the T.C., and at the same time, Filed a *Motion Requesting Permission to Proceed In Forma Pauperis*. The Appellant then Filed the requested *Affidavit Supporting*

Motion Requesting Permission to Proceed In Forma Pauperis as well as his *Financial Declaration* on March 22, 2010.

[¶60] On March 22, 2010... the Appellant Filed a *Motion Requesting Permission to Proceed In Forma Pauperis*, along with the requested *Financial Declaration* and an *Affidavit Supporting Motion Requesting Permission to Proceed In Forma Pauperis*. Also on this day, the Appellant Filed his initial *Designation of Record* (CF at 330-331). On March 26, 2010... the Trial Court Filed an *Order Denying Petitioner to Proceed In Forma Pauperis*.

[¶61] On April 5, 2010... the Appellant Filed his *First Amended Designation of Record* (CF at 336-338)

[¶62] On April 15, the Appellant Filed his *Third Amended Designation of Record* (CF at 341-343) along with a *Requests and Clarifications Concerning Designation of Record* (CF at 344-351)

[¶63] On May 5, 2010... the Appellant Filed his *Fourth Amended Designation of Record and Estimate* (CF at 370-374)... along with a *Statement of Issue* (CF at 375-377) concerning inclusion of the opposing Attorney's Briefs in the *Record of Appeal*... as well as the required *Certificate of Compliance* (CF at 378-379). The Appellant then wrote a check in the amount of \$ 1,320.00 to cover the Court Costs incurred in order to proceed with this Appeal.

[¶64] On July 23, 2010... the Appellant Filed in a timely manner in the Lamar County Chancery Clerks Office his *Attorney's Review Certificate*... consisting of six (6) pages of errors, misrepresentations and omissions... as well as other changes that needed to be made along with many quotes of conversations that took place during certain Rule 81 Hearings... and requesting to be *added* to said Transcript... that the Appellant **strongly disagreed** that this *Record of Appeal* was anywhere close to perfect... and **should not** be sent to the Supreme Court !

[¶65] On or about Monday, September 13, 2010... the Appellant received in the mail a letter from the Court Reporter stating mainly that none of the dates on the Appellants *Attorney Review Certificate* could be found in the Transcripts. The Appellant is really unsure of exactly when this letter arrived, as it was dated on Friday, September 10, 2010... however, the Appellant went on his scheduled vacation on September 8, 2010 and did not return until late on Saturday night, September 18, 2010

[¶66] On or about Friday, September 17, 2010... the Appellant received in the mail a letter from the Supreme Court of Mississippi stating, among other things, something similar to... that the *Record of Appeal* had been **perfected** and sent to the *Supreme Court of Mississippi*. The Appellant is really unsure of exactly when this letter arrived, as it was

dated on Thursday, September 16, 2010... however, the Appellant went on his scheduled vacation on September 8, 2010 and did not return until late on Saturday night, September 18, 2010

[¶67] On September 28, 2010... the Appellant Filed a *Statement of Issue* with the *Supreme Court of Mississippi* concerning the **response** from the Court Reporter as well as for the lack of response and actions by the T.C. in satisfying the Appellants requested changes and modifications to said Filed *Attorney's Review Certificate*. Also on this day and Filed with said *Statement of Issue* was a *Petition Requesting Extension of Time Until Statement of Issue is Answered and the Record of Appeal is Perfected*. The Appellant had originally Filed these documents with the Lamar County Chancery Clerks Office a few days earlier, however, when he learned that since it was Filed in the Lower Courts of Lamar County, and that **they** would be the ones to Rule on these Filings... he then made a few changes, added the original *Attorney's Review Certificate*... and Filed it with the *Supreme Court of Mississippi* so that **they** could Rule on said Filings.

[¶68] On October 15, 2010... the *Supreme Court Of Mississippi* Filed an *ORDER* stating that the Appellants *Petition Requesting Extension of Time Until Statement of Issue is Answered and Record of Appeal is Perfected* is denied... so Ordered on the 14th day of October, 2010... by the Honorable Justice Michael K. Randolph

[¶69] On October 21, 2010... the Appellant filed a *Petition Requesting A 30 Day Extension Of Time*... in order to complete and file his initial brief in this case.

LAW AND ARGUMENT

A. Jurisdiction

[¶70] The Supreme Court shall have such jurisdiction as is provided by Constitution and Statute. All Appeals from final orders of trial courts shall be filed in the Supreme Court and the Supreme Court shall assign cases, as appropriate, to the Court of Appeals.

[¶71] Pursuant to Miss. Code Ann. § 9-4-3 (Supp. 1994), the Court of Appeals have only such jurisdiction as is conferred upon it by assignment of appeals and other proceedings by the Supreme Court. The Supreme Court may, by statute, assign any appeal to the Court of Appeals except appeals in cases involving :

- a) the imposition of the death penalty ;
- b) utility rates ;
- c) annexations ;

- d) bond issues ;
- e) election contests ; or
- f) a trial court's holding a statute unconstitutional.

[¶72] **The Mississippi Constitution provides in Article VI, Sec. 146** that “The Supreme Court shall have such jurisdiction as properly belongs to a Court of Appeals.” The Mississippi Constitution provides in Article VI, Sec. 145 B that there shall be nine Supreme Court Justices.

[¶73] **Rule 24 of the Mississippi Rules of Appellate Procedure (1995)** provides that the Supreme Court sittings for the hearing of oral arguments will be held on any day when cases are set at the convenience of the Court, Sec. (A) of Rule 24 provides that “... the Court sits in panels of three Justices. The Chief Justice shall preside over Panel A ; The Senior Presiding Justice shall preside over Panel B ; and the Junior Presiding Justice shall preside over Panel C.”

[¶74] **Section 11-51-1 of the Miss. Code of '72 Annotated** provides : “... all cases, civil and criminal, at law and in chancery, shall be taken to the Supreme Court by appeal as herein provided, and shall be dealt with by said Court without regard to the manner of removing the cases to such Court.

[¶75] **Miss. Code Section 9-3-9** provides that the Supreme Court shall have such jurisdiction as properly belongs to a Court of Appeals, and shall hear and determine all manner of pleas, complaints, motions, causes, and controversies, civil and criminal, which are now pending therein, or which may be brought before it, and which shall be cognizable in said Court ; but a cause shall not be removed into said Court until after final judgment in the Court below, except in cases particularly provided for by law ; and the Supreme Court may grant new Trials and correct errors of the Circuit Court in granting or refusing the same. Provided however, the Supreme Court shall have... any public utilities(...1983).

B. Summary Of The Argument

[¶76] During the Probate and Litigation process of this Case, the T.C. either allowed or allowed the Defense... to introduce and include as part of the *Record* many forms and other documents that were very questionable as far as their *originality* was concerned... many of these things which the Appellant and/or his sister C.H. had pointed out in their many Court appearances as well as the many Motions and Petitions that they had filed during the course of this case. This case was in the lower courts for over a year and a half, sometimes going as long as three or four months (or more) between Hearings... giving the

T.C. ample time and opportunity to either discuss, correct or otherwise do something about said actions.

[¶77] The T.C. allowed the Defense to place said Estate checking account into a “restricted” account as opposed to “freezing” said Estate account... even though the T.C. *Ordered* the Defense to “Draw Up An Order” stating such during a *Rule 81 Hearing*.

[¶78] The T.C. allowed a partial distribution of funds from the Estate to occur before the Estate was even *settled*, with monies going to R.P., ¼ heir of said Estate, as well as to the Executrix's Attorney. The Appellant was unaware that this had even occurred until the Final *Rule 81 Hearing* held on January 28, 2010, as he had not received any kind of notice or Filed *Order* stating such, and to the best of his knowledge... nor did C.H., also a ¼ heir of said Estate.

[¶79] The Appellant realizes that this is a *Civil Case*, unfortunately, many if not most of the Appellants Letters, Motions and Petitions that were Filed in the Courts were more *Criminal* in nature than *Civil*, however, the Appellant did File at least two *Civil Petitions*... one of them being a *Petition Claiming Funds From the Sale of the Memphis, TN Property Excluded by the Executrix*, as well as another *Petition Claiming Shared Estate Introducing New Evidence and Discovery of Identity Theft*... with the latter one being Filed separately by the Appellant and his sister, C.H., where we both claimed our fair share of the Estate (CF at 7, 2/17/09) (CF at 232-256)... which according to the Appellants calculations came to more than \$ 729,000.00 (CF at 235). These Petitions were originally Filed on February 17, 2009, however, they were also discussed during our *Rule 81 Hearing* on September 15, 2009... where **during** said *Rule 81 Hearing*... they were re-submitted (again) to the T.C as well as the Executrix's Attorney... with the Appellant **again** *discussing and claiming* his fair share of \$ 729,000.00 (TS at 93, 17 – TS at 94, 1). All of this being said, the T.C. still did not *Rule* on this Petition, but rather passed it off as being a Petition “questioning some type of identity theft by the executrix” (CF at 618, ¶3). The Appellant also would like the Courts to recognize that, the Appellant, in said Petition... as in many other previously Filed Motions and Petitions... requests that several things be considered and either answered and/or Ruled upon... and things which may not necessarily be embedded in the Heading of said Motion or Petition. That being said... said Petition *here* was not only a *Petition Claiming Shared Estate*... but was also a Petition a) claiming any and all other claims and properties, having been left to, derived from, or in the name of the Decedent... (CF at 232, ¶1), and b) a Petition requesting that a **full investigation** either be Ordered or otherwise take place... (CF at 237). The Appellant argues that most if not all of his Filed Letters, Motions and Petitions, as far as the body of each, this being all of the **evidence** of foul play such as forgery, fraud, perjury and identity theft that has been committed by the Defense/Executrix throughout this case has been totally *ignored* and *unrecognized*... as if it never even happened... and things which the Appellant expected the T.C. to recognize and *Rule* upon, but never did. And, yes, the Appellant realizes that this is a *Civil Case*, however, he

also believes that with so much overwhelming evidence of criminal acts such as forgery, fraud, perjury and identity theft that have been committed by the Defense and/or the Executrix, both before (CF at 232-256) and *during* (CF at 67-102) (CF at 205-231) (CF at 270-274) this case...that it should be **recognized and Ruled upon** by the Courts, and that nothing less than a **full investigation** should immediately take place, as it is highly warranted, necessary and past due... that anything less than this... would be telling the world that such criminal acts as forgery, fraud perjury and identity theft are in fact LEGAL in Mississippi.

[¶80] Nearly from the very beginning, as is evident from our meeting at his office on or about the day of November 10, 2008 (CF at 50), the Appellant fought tooth and nail **against** the Executrix's Attorney... and during this process filed over 25 Letters, Motions and Petitions... consisting of hundreds of pages... and when calculated at the same rate as the opposing Attorney, equaled over \$ 10,500.00 for time spent and work performed... and, even though I filed multiple *Petitions* (with Exhibits) Requesting Non-Payment to the Executrix's Attorney for Services Rendered (because he was not my Attorney and did not represent my best interests), and... even though I expressed **all** of these issues during **many Rule 81 Hearings**... in the end, the Honorable Judge still made me pay Attorney's Fees to the Executrix's Attorney.

C. Whether the T.C. erred by dismissing the many forged, fraudulent and/or perjured actions and/or documents that were admitted into this case by the Executrix / Defense.

[¶81] Following are instances where certain and below said documents were either discussed and/or presented to the T.C. for consideration(s) before Final Decisions, Rulings and/or Judgments were rendered :

A) C.H. submitted a *Petition Denying Confirmation to Support a Forgery* on December 8, 2008, offering evidence that the Decedents (Reproduced) *Will* was Fraudulent and/or a Forgery (CF at 18 – 24), as well as expressed her concerns to the T.C. on this same day (TS at 3 – 6). In fact, the *Will* presented to the *Courts* on this day by C.H., which was dated July 10, 2000... on the third page of presented said *Will*... the “10th day of July, 2000, at Hattiesburg, State of Mississippi,” was clearly written with no errors (CF at 22), however, said *Will* that the Executrix's Attorney presented to the Courts was different, as having a **scribbled out and corrected** July “10th”, 2000 date. Also, if one looks closely at the last two (2) pages of said Wills... one can notice that even all of the writing as well the signatures are also different (CF at 22-23) (See Exhibit 1 “Green”, Page 5 of 5, of the *Executrix's Notice Of Deposition And Subpoena Decus Tecum*, which is maintained apart from this Transcript) (TS at 7, 25-27)

Mississippi Code OF 1972 ; § 97-21-35, Pleadings, process and other court papers, licenses, or written instruments generally : *Every person who, with the intent to injure or defraud, shall falsely make, alter, forge, or counterfeit any instrument or writing being or purporting to be any process issued by any competent court, magistrate, or officer, or being or purporting to be any pleading or proceeding filed or entered in any court of law or equity, or being or purporting to be any license or authority authorized by any statute, or any instrument or writing being or purporting to be the act of another, by which any right or property whatever shall be or purport to be transferred, conveyed, discharged, diminished, or in any manner affected, by which false making, forging, altering or counterfeiting any person may be affected, bound, or in any way injured in his person or property, shall be guilty of forgery ;* **Sources :** Hutchinson's 1848, ch. 64, art. 12, Title 4(33) ; 1857, ch. 64, art. 117 ; 1871, § 2581 ; 1880, § 2827 ; 1892, § 1106 ; 1906, 1187 ; Hemingway's 1917, § 917 ; 1930, § 944 ; 1942, § 2173.

Mississippi Code OF 1972 ; § 97-21-45, Record of will or other instrument constituting evidence, judgment or decree of court, or return on process : *Every person who, with intent to defraud, shall falsely alter, destroy, corrupt or falsify the record of any will, conveyance or other instrument the record of which shall by law be evidence, or any record or any judgment or decree of a court of record, or the enrollment of any such judgment or decree, or the return of an officer, court, or tribunal, to any process of any court, or who shall falsify, make, forge or alter any entry in any book of record, or any instrument purporting to be any such record or return, with intent to defraud, shall upon conviction, be guilty of forgery ;* **Sources : Codes,** Hutchinson's 1848, ch 64, art. 12, Title 4(25) ; 1857, ch 64, art. 110 ; 1871, § 2574 ; 1880, § 2820 ; 1892, § 1096 ; 1906, § 1177 ; Hemingway's 1917, § 907 ; 1930, § 934 ; 1942, § 2163.

Mississippi Code Of 1972 (As Amended), § 97-21-63. Will, deed, certificate of acknowledgment or proof of recordable instrument : *Every person who shall be convicted of having forged, counterfeited, or falsely altered any will of real or personal property, or any deed or other instrument, being or purporting to be the act of another by which any right or interest in real or personal property shall be or purport to be transferred, conveyed, or in any way changed or affected ; or any certificate or indorsement of the acknowledgment of any person of any deed or other instrument which by law may be recorded, made or purporting to have been made by any officer duly authorized to make such certificate or indorsement ; or any certificate of the proof of any deed or other instrument by which law may be recorded, made or purporting to have been made by any officer duly authorized to make such certificate, with intent to defraud, shall be guilty of forgery ;* **Sources ; Codes,** Hutchinson's 1848, ch. 64, art. 12, Title 4(22) ; 1857, ch. 64, art. 107 ; 1871, Sec. 2571 ; 1880, Sec. 2817 ; 1892, Sec. 1093 ; Sec. 1174 ; Hemingway's 1917, Sec. 904 ; 1930, Sec. 931 ; 1942, Sec. 2160.

B) Another major difference between the two said *Wills* was the language, specifically under “Article VII, Powers Of The Executrix.” In fact, said *Will* that C.H. Presented on

this day, when instructing the Executrix of her **power(s)**, consisted of a list of seven (7) “specific” instructions, and took up an “entire page” (CF at 22), whereas the said *Will* that was reproduced by D.G. Of B. and G., consisted of (only) a few sentences and about eight “lines”... and contained language that *did not allow the Executrix to be questioned by or accountable to any of the other three (3) equal heirs...* prohibiting any kind of appraisals to be conducted by any of said four equal heirs, and even stated that no person dealing with the Executor(s) shall even be able to *inquire* into the propriety of any of his/her actions! The Appellant was able to cross-examine the Executrix about this during said Hearing (TS at 15, 15 – TS at 17, 23), as did C.H. (TS at 12, 1 – TS at 13, 18)... as the Defense who had placed her on the *Stand* first, where they and the T.C. had ask her numerous questions too concerning said Reproduced *Will* (TS at 13, 24 – TS at 15, 14). In fact, at one point, the Executrix states that *she was not with the Decedent on his initial visit... that she did not have anything to do with said Last Will and Testament* (TS at 17, 16-22), whereas, only a few minutes earlier during the same questioning of that day... the Executrix, when ask by the T.C. of how she obtained a copy of said *Will*... she explained that *she called the lawyer, D.G., and ask her to fax her a copy of said Will* (TS at 14, 13-22).

Mississippi Code OF 1972 – As Amended ; § 97-9-59 , PERJURY Definition ; *Every person who shall willfully and corruptly swear, testify, or affirm falsely to any material matter under any oath, affirmation, or declaration legally administered in any matter, cause, or preceding pending in any court of law or equity, or before any officer thereof, or in any case where an oath or affirmation is required by law or is necessary for the prosecution or defense of any private right or for the ends of public justice, or in any matter or proceeding before any tribunal or officer created by the Constitution or by law, or where any oath may be lawfully required by any judicial, executive, or administrative officer, shall be guilty of perjury, and shall not thereafter be received as a witness to be sworn in any matter or cause whatever, until the judgment against him be reversed.*
SOURCES : Codes, Hutchinson’s 1848, ch. 64, art. 12, Title 5(1) ; 1857, ch. 64, art. 204 ; 1871, Sec. 2660 ; 1880, Sec. 2921 ; 1892, Sec. 1243 ; 1906, Sec. 1318 ; Hemingway’s 1917, Sec. 1051 ; 1930, Sec. 1082 ; 1942, Sec. 2315

The Appellant argues here, the reason that the Executrix's Attorney as well as the T.C. placed the Executrix on the *Stand to begin with*... was because of the information traded on said morning (in ¶81, a, b and c) between the Defense and C.H., the Plaintiff... maybe even in an attempt to clear *themselves*... and... that all of this actually took place during an unscheduled Rule 81 Hearing that was not even listed on the Chancery Court's General Docket (CF at 5).

C) Other Forms and Documents submitted by the Defense that are *questionable* because they differ from the same and contrasting Forms and Documents that were presented by the Appellant (as well as by C.H.) in the Lower Court's (App. at ¶96) (CF at 206, 5, Exhibits A,C,D, and E) are listed as follows :

1) Warranty Deed :

- a) *Warranty Deed* Presented by the Plaintiff's (CF at 209)... appropriately shows *this indenture* as being made and entered on the 10th day of January, 2005.
- b) *Warranty Deed* Presented by the Defense (CF at 217)... does not show what day *this indenture* took place

2) Signature Page of Warranty Deed :

- a) *Signature Page of Warranty Deed* Presented By the Plaintiff(s) (CF at 210)... including the appropriate Notary Public "Seal" being Witnessed, Signed and Notarized by M.R. on January 6, 2005... as well as a signed and "Notarized" *Affidavit of Value*, and being signed by the Affiant (Virginia) and Notary Public C.W., with this being four (4) days later on the day of January 10, 2005
- b) *Signature Page of Warranty Deed* Presented By the Defense (CF at 218)... includes *no* such and appropriate Notary Public "Seals" and is not even signed *at all* by the above said Affiant and Notary Public C.R.

3) Settlement Statement :

- a) *Settlement Statement* Submitted by the Plaintiff's... shows the appropriate "FILE NO. 11794" for the property (CF at 224)... shows that there **was** "title insurance coverage" on the property (CF at 225, 1108)... and shows where the Executrix was receiving mail from the Memphis, TN property at *her* home, however, in the *name* of the other equal heir and Plaintiff, C.H. (CF at 224).
- b) *Settlement Statement* Submitted by the Defense shows that the FILE NO. had now been changed to "James Boggan" (not James "Z." Boggan) (CF at 222)... and **now** showing absolutely no "title insurance coverage" on said loan (and being marked as #3, CONV. UNINS) (CF at 223)... even though, on the *Affidavit And Indemnity Agreement As To Leases, Contracts, Fixtures, Encumberances, Mechanic's Liens* that was submitted with said *Settlement Statement* shows First American Title Insurance Company as the "Title Company" (CF at 216).

Title 18 U.S. Code Sections 1001 and 1010 : *It is a crime to knowingly make false statements to the United States on this or any other similar form. Penalties upon conviction can include a fine and imprisonment* (CF at 226).

Mississippi Code Of 1972 ; § 97-3-82, Extortion ; definitions ; offense and penalties.
(2) *a person is guilty of extortion if he purposely obtains property or things of value of another by threatening to inflict bodily injury on anyone or commit any other criminal*

offense : **Sources** ; Laws, 1994, ch. 466, Secs. 1, 2, eff from and after July 1, 1994 ; Laws, 2001, ch. 348, § 1, HB908, eff from and after July 1, 2001.

Mississippi Code Of 1972 ; § 97-21-45, Record of will or other instrument constituting evidence, judgment or decree of court, or return on process (App. at ¶81A)

Mississippi Code Of 1972 (As Amended), § 97-21-63. Will, deed, certificate of acknowledgment or proof of recordable instrument : *Every person who shall be convicted of having forged, counterfeited, or falsely altered any will of real or personal property, or any deed or other instrument, being or purporting to be the act of another by which any right or interest in real or personal property shall be or purport to be transferred, conveyed, or in any way changed or affected ; or any certificate or indorsement of the acknowledgment of any person of any deed or other instrument which by law may be recorded, made or purporting to have been made by any officer duly authorized to make such certificate or indorsement ; or any certificate of the proof of any deed or other instrument by which law may be recorded, made or purporting to have been made by any officer duly authorized to make such certificate, with intent to defraud, shall be guilty of forgery* : **Sources ; Codes**, Hutchinson's 1848, ch. 64, art. 12, Title 4(22) ; 1857, ch. 64, art. 107 ; 1871, Sec. 2571 ; 1880, Sec. 2817 ; 1892, Sec. 1093 ; Sec. 1174; Hemingway's 1917, Sec. 904 ; 1930, Sec. 931 ; 1942, Sec. 2160.

[¶82] That, during our *Rule 81 Hearing* on December 8, 2008... when discussing the differences between the *Original Will* and the *Reproduced Will*... the T.C. lead the Appellant to believe that he had more time in which to deal with this issue (TS at 31, 7-12), however, on December 11, 2008... only **three days later**, the T.C. Filed a *Judgment Confirming Will in Solemn Form* (CF at 57 – 58)

[¶83] The T.C., even after *Ordering* the Defense to provide statements from the Executrix's personal (Chase) Credit Card in question (TS at 39, 25-28) (in the name of B & B Laundromat) to the Plaintiff... to “prove” that all of said purchases were in fact *strictly* business related (CF at 270-273) (TS at 52, 11-14)... **allowed** the Defense to submit the personal (Chase) Credit Card Statements of the **Executrix's** (CF at 73) instead of the **Decedent's** (Chase) Credit Card Statements (CF at 74-81) (also in the name of B & B Laundromat, but with a different Account Numbers and mailing Address) into the *Courts* and as part of said Estate (TS at 52, 11 – TS at 53, 12) (TS at 59, 5-11), therefore allowing said Estate to pay for the Executrix's past (Chase) Credit Card Debt. The T.C. *allowed* this to happen, even after the many discussions and filings (APP. ¶84) concerning the subject, with said practice being evident in the Executrix's many different Filings of their Accounting and Inventory (CF at 73-81) (CF at 272, 9 – CF at 273, at 9) :

Constitution Of The United States – Amendment 14, Citizenship ; privileges and immunities ; due process ; equal protection ; apportionment of representation ;

disqualification of officers ; public debt ; enforcement : (in part) **Section 1.** *All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States ; [nor shall any state deprive any person of life liberty, or property, without due process of law ; nor deny to any person within its jurisdiction the equal protection of the laws].*

Mississippi Code OF 1972 ; § 9-1-17. Supreme Court, circuit, chancery and county courts and Court of Appeals may punish for contempt and refer certain persons for placement in restitution, house arrest or restorative justice center or program : (in part) ; *If any witness refuse to be sworn or to give evidence, or if any officer or person refuse to obey or perform any rules, order, or judgment of the court, such court shall have power to fine and imprison such officer or person until he shall give evidence... or until the rule, order or judgment shall be complied with ;* **Sources :** **Codes,** Hutchinson's 1848, ch. 53, art. 2(177), ch. 54, art. 2(48) ; 1857, ch. 61, art. 37, ch. 62, art. 4 ; 1871, §§ 538, 980 ; 1880, § 2273 ; 1892, § 923 ; 1906, § 999 ; Hemingway's 1917, § 719 ; 1930, § 741 ; 1942, § 1656 ; **Laws,** 1928, ch. 42 ; **Laws,** 1933, ch. 518, § 10, eff July 13, 1993 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section) ; **Laws,** 2009, ch. 367, § 1, eff from and after July 1, 2009.

[¶84] On March 9, 2009... because of said Executrix's (Chase) Credit Card in question being included as part of said Estate in their *Second Supplemental Inventory and Accounting* Filed on January 9, 2009... and because none of the efforts to work with said Executrix's Attorney was ever productive... the Appellant Filed a *Motion Rejecting Executrix's Chase Credit Card Balance To Be Paid Or Included As Part Of Said Estate* (CF at 270-274)... where the Appellant once again shows where the Executrix actually submits her own personal said Chase Credit Card debt as being the Decedent's Credit Card Debt and includes *them* as being a part of said Decedent's Estate (CF at 67-68, 1) (CF at 270-271, 1-2) (CF at 71, 8)

As for the expenses of the Estate, **Mississippi Code Annotated section 11-7-13 (Rev. 2004)** provides that ; *an amount, as may be recovered for property damage, funeral, medical or other related expenses shall be subject only to the payment of the debts or liabilities of the [deceased] for property damages, funeral, medical or other related expenses.*

Mississippi Code OF 1972 – As Amended ; § 97-9-59 , PERJURY (App. at ¶81B)

Mississippi Code Of 1972 ; § 97-3-82, Extortion ; definitions ; offense and penalties. (App. At 81)

[¶85] **In Re** ; *In alleging fraudulent concealment of a claim, a plaintiff must show : “(1) some affirmative act or conduct was done and prevented discovery of a claim (App., ¶83-84), and (2) due diligence was performed on their part to discover it.” (App., ¶87) ; Channel, 954 So.2d at 423 (quoting Stephens v. Equitable Life Assurance Soc. Of U.S., 850 So.2d 78,84 (Miss. 2003). The affirmative act must be designed to prevent discovery of a claim [that all said credit card transactions were strictly business related] (CF at 272-273, 9) (TS at 79, 6-24)] ; Id. (citing Robinson v. Cobb, 763 So. 2D 883, 887 (Miss. 2000).*

Mississippi Code Of 1972, § 15-1-67 *governs the tolling of statutes of limitations due to fraudulent concealment : If a person liable to any personal action shall fraudulently conceal the cause of action from the knowledge of the person entitled thereto, the cause of action shall be deemed to have first accrued at, and not before, the time in which such fraud shall be, or with reasonable diligence might have been, first known or discovered .*

Mississippi Code Of 1972, Ann. § 15-1-67 (Rev. 2003). *The proper test is whether a “reasonable person” similarly situated would have discovered the potential claims.”* Andrus, 887 So.2d at 180 (citing Am. Banker's Ins. Co. of Fla. v. Wells, 819 So.2d 1196, 1201 (Miss. 2001)).

[¶86] *Fraudulent Concealment of a cause of action tolls its statute of limitations ; Channel v. Loyacono, 954 So.2d 415, 423 (Miss. 2007) (Quoting Robinson v. Cobb, 763 So.2d 883, 887 (Miss. 2000) ; Myers v. Guardian Life Ins. Co. of America, Inc., 5 F.Supp.2d 423, 431 (N.D.Miss.1998). The fraudulent concealment doctrine “applies to any cause of action.” ; Robinson, 763 So.2d at 887 (Quoting Myers, 5 F.Supp.2d at 431).*

[¶87] This, even after as many as 8 attempts by the Plaintiff to see and receive the said and the “correct” (Chase) credit card transaction statements in question... most of which requests were made on the *Record* either in the text of said Filed Letters (CF at 44-46) (CF at 50, 2-4), Petitions and/or Motions (CF at 67-68) (CF at 270-274) or during some of the many *Rule 81 Hearings* that we had (TS at 39, 4-24)

D. Whether the Trial Court erred by allowing the Defense to ignore the Order by the Trial Court to “freeze” the James Z. Boggan Estate Account.

[¶88] During our February 26, 2009 *Rule 81 Hearing*, the T.C. *Ordered* the Executrix's Attorney to “freeze” said Estate Account once the Pacific Life CD was deposited into it (TS at 47, 11 - TS at 48, 20) (TS at 55, 26 – TS at 56, 6) (TS at 103, 15 - TS at 104, 6) (CF at 270 - 271),

[¶89] On March 9, 2009, because the T.C. had previously ordered that the Estate Account be frozen once said Pacific Life Annuity was deposited into said Estate Account (as referenced in ¶ 76 above)... and because the Appellant was still unsure if this had actually

happened or not (as he had not been notified that it had been done)... he Filed and delivered to all participating parties... a *Petition Requesting Proof of Deposit of Pacific Life Annuity Check As A CD Into Said Estate* (CF at 267-269)

[¶90] Also on this day, the Appellant... having not been notified that said bank freeze had taken place either, Filed and delivered to all participating parties... a *Petition Requesting Proof of Bank Freeze On Citizen's National Bank Estate Checking Account* (CF at 275-277)

[¶91] On March 26, 2009... during our scheduled *Rule 81 Hearing*, the Appellant questioned the Executrix's Attorney and rather than answering the question as to whether or not the Estate Account had actually been "frozen" or not... he beat around the bush and placed the responsibility on the Executrix (TS at 103, 15 – TS at 104, 6). At this time, the T.C. then replied "*All I can say, Mr. Murphy, is that it had better be. Okay ?*" (TS at 104, 3-4). And then, in response to the T.C.'s remark... the Executrix stated "*It's been done, your honor.*" (TS at 104, 5-6)

In fact... said Estate Account was *never* frozen, but only "restricted"... as the Appellant found out during his final *Rule 81 Hearing* held on January 28, 2010 (which was really a *continuation* of our previous *Rule 81 Hearing* held on September 15, 2009). He was also informed at this time (**for the first time**), that there had even been a **partial disbursement of funds** that had occurred... with monies not only being paid to R.P., but to the Executrix's Attorney as well (CF at 223, ¶3). And, it was not until the Appellant started working on his Appeal, that he even *discovered* that the Executrix's Attorney had drawn up a *Judgment Authorizing the Executrix to Make a Partial Disbursement in This Cause* (CF at 306-308), and that the T.C. had signed and Filed it on November 20, 2009... as he **never received** any such drawn up and Filed proposal of the sort or any plan or document saying the same. The Appellant would also like the Court's to know, that he and C.H. both *strongly disapproved* of a said partial disbursement of funds during this time, as this case had already been delayed for such a long time, and we felt like the case would end faster if all monies were held until the case was settled once and for all. Yes, a partial disbursement of funds was discussed between the parties, and yes, the Appellant did go by the Executrix's Attorney's office one day and read over an unfinished (rough) draft of a Petition that he had been working on... but as far as ever knowing about, or being able to view any Filed document concerning said disbursement of funds... the Appellant never received any such filed offer or proposal stating such... nor does any such document even appear in the Court Files General Docket as ever being written or Filed (CF at 8). The Appellant argues that even though there is a Judgment Filed by the T.C. allowing said disbursement of funds... that the Defense refused the T.C.'s Order to freeze said Estate Account from the very beginning and in the end, *never did* freeze said Estate Account as they had been Ordered to do (App. ¶88)... but only "restricted" it!

Mississippi Code OF 1972 ; § 9-1-17. Supreme Court, circuit, chancery and county courts and Court of Appeals may punish for contempt and refer certain persons for placement in restitution, house arrest or restorative justice center or program (App. at ¶83)

E. Whether the Trial Court erred by allowing a partial disbursement of funds before the final settlement of this case

[¶92] On November 20, 2009, the T.C. Filed a *Judgment Authorizing the Executrix to Make a Partial Disbursement of Funds* (even though the Appellant and C.H., which represents 50% of said Estate, were strongly against it), with this being done in secrecy between themselves, as the Appellant never received any such Filed documents stating the same, and apparently, the Defense in fact Filed no such Petition or Motion stating such, as nothing of the sort even appears in the Court Files General Docket (CF at 8) As a result, some of the monies in said Estate Account was withdrawn and paid to R.P., the Executrix and the Executrix's Attorney... totaling more than \$ 12,500.00 ! (TS at 324-326) (CF at 324 - 325) ;

Mississippi Code Of 1972 ; § 91-7-303 ; Distribution Compelled (In Part) : 2nd Sentence ; Line 6...*[but the Administrator or Executor shall not be compelled, before Final Settlement, to make distribution or to pay any legacy until bond, with sufficient sureties, be given by the distributee or legatee, conditioned to refund his proportionate part of any debts or demands that may afterward appear against the estate, and the costs of recovering the same] ; In re : Codes, Hutchinson's 1848, ch. 49, art. 1 (91)1857, ch. 60, art. 118; 1871, § 1175; 1880, § 2076; 1892, § 1961; 1906, § 2137; Hemingway's 1917, § 1805; 1930, § 1742; 1942, § 644; Laws, 1924, ch. 152.*

F. Whether the Trial Court erred in forcing the Appellant to pay monies for the Executrix's Attorney Fees

[¶93] Client-Lawyer Relationship ; Mississippi Rules of Professional Conduct... States

A) Rule 1.2 Scope of Representation : (in part) ; a) *A lawyer shall abide by a client's decisions concerning the objectives of representation, subject to paragraphs (c), (d) and (e), and shall consult with the client as to the means by which they are to be pursued. A lawyer shall abide by the client's decision...* 1) The Appellant wrote said Attorney numerous times with suggestions on how said Estate could be handled fairly and equally, yet... said Attorney *never did anything* that the Appellant suggested., and, therefore never abided by the client's (Appellants) decisions (CF at 51-53)(CF at 61-64). 2) Said Attorney, except for one meeting they had about some issues (CF at 50)... *never* consulted with the Appellant about said suggestions, therefore never working with him in *pursuit* of said suggestions.

B) Rule 1.3 Diligence : *A lawyer shall act with reasonable diligence and promptness in representing a client ;* a) Said attorney ignored everything I suggested (CF at 61-64) (CF at 51 – 54) (TS at 106, 3 - 15) while delivering most of their (Filed) inventories and accounting documents on the same morning(s) as our *Rule 81 Hearings* (CF at 5) (CF at 51 ¶5, 2nd sentence) (TS at 36, 16-26) (as opposed to through the mail with time to review before said *Rule 81 Hearings*). b) Said Attorney failed to send C.H. and the Appellant a (confirmation) letter or even give them a courtesy call on what day and time said *Rule 81 Hearing / Continuation* was to take place and what all to expect at said *Rule 81 Hearing* (TS at 33, 1-26)

C) Rule 1.4 Communication : a) *A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information ;* Said Attorney **refused** to give me copies of many things (TS at 49, 1-20), including said Executrix's Chase credit card statements in question (TS at 53, 9 – TS at 54, 4) (TS at 55, 18-20) (CF at 44, # 5) (CF at 50, #2) (CF at 63, # 1)... transcripts from our *Rule 81 Hearings* (other than the first one) (CF at 63, # 4)... paperwork and other information concerning the re-financing of the laundromat (CF at 45, #6) (CF at 50, #6) (CF at 63, #2)... and the paperwork and other information concerning the sale of the Memphis, TN property (CF at 44, #4) (CF at 63, #3) (TS at 28, 20 – TS at 29, 1) (TS at 61, 18-20) : Said Attorney even requested that the Appellant make a *formal request* for said information so that it would be on the *Record* exactly what said Appellant was requesting (TS at 2-24). That, even after the T.C Directed said Attorney to turn over said documents in question (TS at 53, 24 – TS at 54, 4)... said Attorney still never did this.
[The Appellant asks if this is the way that an Attorney treats his Client ?]

[¶94] The T.C., even though I fought tooth and nail **against** the Executrix's Attorney... while at the same time made numerous (failed) attempts to work with him, that during this process filed over 25 Letters and/or Requests, Motions and Petitions... consisting of well over 300 pages... most of which are included as part of the *Record of Appeal*... and when calculated at the same rate as the opposing Attorney, equaled over \$ 10,500.00 for time spent and work performed (TS at 111, 3-12) (CF at 293-295)... and, even though I originally Filed and then re-submitted the same *Petition Rejecting Payment to the Estate Attorney for Services Rendered* (because he was not my Attorney and DID NOT represent my best interests) (CF at 156-157) (TS at 110, 8-27), and... even though I expressed **ALL** of these issues during *Rule 81 Hearings* (TS at 5, 14 – 17) (TS at 61, 18-20) (TS at 106, 3-19) (TS at 110, 8-27)... in the end, the T.C. still made me pay Attorney's Fees to the Executrix's Attorney!!

In Re ; (in part) ... when concerning Attorney's Fees (or) the consideration(s) that a litigant pays or becomes liable to pay in exchange for legal representation... *An Attorney litigating in propria persona pays no such compensation:* Source ; <http://www.lectlaw.com/def/a115.htm>

Mississippi Code of 1972 - § 11-55-5, Assessment of attorney fees and costs against attorney or party for meritless action, claim of defense, unwarranted delay, or unnecessary proceedings : (in part) ; (4) *No party, except an attorney licensed to practice law in this state, who is appearing without an attorney shall be assessed attorney's fees unless the court finds that the party clearly knew or reasonably should have known that such party's action, claim or defense or any part of it was without substantial justification ; Sources : Laws, 1988, ch.495, § 3, eff from and after July 1, 1988.*

[¶95] The Appellant originally Filed a *Petition Requesting Compensation for Time Spent Writing and Filing Motions and Work Performed* on February 13, 2009 and at that time, for working 46 hours... if he were a member of the MS Bar Association, would have performed work totaling over \$ 8,000.00 (CF at 151-152). Then, on September 15, 2009... the Appellant updated this Petition and re-filed it with the Courts, only this time... the Appellant had spent 60 hours writing and filing said Motions and Petitions, which equaled \$ 10,500.00 worth of work performed (CF at 293-295). It should be known that the reason why the Appellant updated and re-filed this Petition as well as re-introduces said Petition in said *Rule 81 Hearing(s)* (TS at 111, 3-12)... was **not** because he was greedy and *expected* this money... it was to show that if he (the Appellant) had to work this hard and work this many hours, then, said Attorney in question most certainly did not represent said Appellant and his best interests (TS at 111, 3-12) (CF at 111, 2 - 12).

[¶96] The Executrix's Attorney, even though the Appellant Filed numerous Motions and Petitions throughout the case... many of which shows patterns and evidence of fraudulent activity and/or foul play (CF at 44-56) (CF at 67-102) (CF at 114-121) (CF at 122-142) (CF at 205-231) (CF at 232-256) (CF at 259-262) (CF at 263, 1-2) (CF at 270-274) ... and even though most of them were also discussed during the many *Rule 81 Hearings* (TS at 42, 13 – TS at 62, 24) (TS at 107, 22 – TS at 116, 4) ... not until the very end (except for one time stating and not substantiating that they were “**frivolous**”) ... in the *Final Judgment*... did he ever oppose, object to, or otherwise try and prove the Appellant wrong about any of them (TS at 94, 1-24) :

Mississippi Code of 1972 - § 11-55-3, Definitions : (in part) *The following words and phrases as used in this chapter have the meaning ascribed to them in this section, unless the context clearly requires otherwise : (a) “Without substantial justification,” when used with reference to any action, claim, defense or appeal, including without limitation any motion, means that it is frivolous, groundless in fact or in law, or vexatious, as determined by the court.* The Appellant argues that everything that he took the time and effort(s) to write and File, including but not limited to said Motions, Letters, Petitions and Requests... play a very important and detrimental role in this case... with each one showing and being backed up with supporting evidence and exhibits... and when looked at as a whole, from beginning to end... shows what many would be lead to believe is a

well planned and thought out **conspiracy** with a time-line that stretches out for over 10 years (App. At ¶106).

In Re ; (1) Objection. *In case the ruling is one admitting evidence, a timely objection or motion to strike appears of record, stating the specific ground of objection, if the specific ground was not apparent from the context., Rule 1.03 Rulings On Evidence, (a) Effect of Erroneous Ruling*

Mississippi Code of 1972 (As Amended) - § 97-1-1, Conspiracy : (in part) *If two (2) or more persons conspire either : (a) to commit a crime... ... and/or, (d) to cheat and defraud another out of property by means which are in themselves criminal, or which, if executed, would amount to a cheat, or to obtain money or any other property or thing by false pretense... ... and/or, (h) to accomplish any unlawful purpose, or a lawful purpose by any unlawful means...* : **SOURCES :** Codes, 1892, Sec. 1006 ; 1906, Sec. 1084 ; Hemingway's 1917, Sec. 810 ; 1930, Sec. 830 ; 1942, Sec. 2056 ; Laws, 1954, Ex. ch. 20 ; 1968, ch. 343, Sec. 1 ; 1981, ch. 488, Sec. 1, eff from and after passage (approved April 15, 1981).

[¶97] The Appellant also argues that, among the many other reasons listed above... if said Executrix's Attorney was *really* the Estate Attorney, whenever he wrote, published and Filed his works... he would sign them "Attorney For The Estate" (or) "Estate Attorney"... as opposed to the way that he signed nearly all of said filed documents, up until the end... as "Attorney For The Executrix." The Appellant made this clear many times during the course of this case (TS at 106, 6-8) (TS at 110, 15-27) (CF at 165) (CF at 106)

[¶98] The T.C.'s explanation for making the Appellant pay Attorneys Fees to the Executrix's Attorney was because of the phrase "share and share alike" (CF at 326) which was stated in the *Will*...however... this Rule only applies to the *distribution* of a right, property or a benefit :

Share and Share Alike ; (adj) *[the phrase is used to represent the distribution of a property, rights, benefits, etc. to the persons eligible to get the benefit by the virtue of his share or to the person bestowed with the right by virtue of any other legitimate process] ; In re ; www.legal-explanations.com/definitions/share-and-share-alike.htm :*

[¶99] **Not included** in the above definition of *Share and Share Alike* is anything about the individual **expenses** of each and every heir ; what if each heir had their "own" attorney... how would share and share alike work then... if we were all individually responsible for paying for our own Attorney's fees ? The Appellant contends that making said Appellant pay Attorney's Fees to the Executrix's Attorney based on *Share and Share Alike* is *Moot* and should be reversed.

In Re : (in part) ; This statute makes it a crime for any person acting under color of law, statute, ordinance, regulation or custom to willfully deprive or cause to be deprived from any person those rights, privileges or immunities secured or protected by the Constitution and Laws of the United. States ; Deprivation Of Rights Under The Color Of Law ; Title 18, U.S.C., Section 242 ;

Source : www.fbi.gov/hq/cid/civilrights/statutes.htm

G. Whether the Trial Court erred when calculating the monies to be divided by the four equal heirs as a result from not Considering and/or Ruling on his Civil *Petition(s) Claiming Shared Estate And New Evidence And Discovery Of Identity Theft By The Executrix Enabling Access And Transfer Of Money's And Properties In Said Estate as well as his Petition Claiming Funds From Sale Of Memphis, TN Property Excluded By The Executrix.*

[¶100] The Appellant (and his sister, C.H.) originally Filed and Delivered the above said Petition on February 17, 2009, (CF at 232-256)... and then I, the Appellant, submitted and discussed it again during what the T.C. is calling our February 23, 2009 *Motion Hearing* (TS at 62, 3-10)... in order to make sure that said Petition was legally presented and discussed during a *Rule 81 Hearing* so that the T.C. would **seriously** consider the contents when Deciding and Ruling on this Case. That, during said Hearing, the T.C. told the Appellant that making a decision on said Petition at this time was premature, until such time that we got to a Trial... to just keep until the right time and bring it to the T.C.'s attention factually (TS at 62, 11-17). The Appellant, at the request of the T.C., re-introduced and spoke about said Petition *again* during their September 15, 2009 *Rule 81 Hearing* (TS at 109, 11-23), in order to remind and/or make sure that the *Courts* would consider *all* of said Petition when Deciding on and Ruling on said case.

[¶101] On November 25, 2009... the T.C. Filed a *Final Judgment Approving Executrix's Second Amended Final Accounting ; Authorizing Payment of Estate Associated Expenses ; Closing This Estate, and Dismissing the Executrix* (CF at 314-327)

[¶102] As part of said *Judgment*, when it came to making decisions and *Ruling* on the Appellant's *Civil Petition in "G" above, his Petition Claiming Shared Estate...* in which there was *proof* of identity theft (CF at 232-256)... the *Ruling* was passed off as a **Criminal** *Petition Questioning Some Type of Identity Theft...* and was denied as such (CF at 618)... with absolutely no mention of the **Civil** Petition that was actually Filed and the Monies Claimed. This, even though during our *Final Rule 81 Hearing* on January 28, 2010, the Appellant expressed his concerns about these things, and respectfully ask the T.C. to amend said Record (CF at 312)... as it was inaccurate and misleading and was a **total misrepresentation** of what the Appellant had Filed ;

In Re ; (in part) Every judgment shall be so drawn as to be definite and certain in all its terms and provisions., Rule 5.02, M.R.C.P., Judgments-Contents and Form

In Re ; [*In all actions where it is required or requested, pursuant to M.R.C.P. 52, the Chancellor shall find the facts specially and state separately his conclusions of law thereon*]. The request must be made either in writing, filed among the papers in the action, or dictated to the Court Reporter for record and called to the attention of the Chancellor, **Rule 4.01, M.R.C.P., Findings By The Court**

In Re : (in part) ; This statute makes it a crime for any person acting under color of law, statute, ordinance, regulation or custom to willfully deprive or cause to be deprived from any person those rights, privileges or immunities secured or protected by the Constitution and Laws of the United. States ; ***Deprivation Of Rights Under The Color Of Law*** ; Title 18, U.S.C., Section 242 ;

Source : www.fbi.gov/hq/cid/civilrights/statutes.htm

[¶103] In fact, on the same afternoon, January 28, 2010... the Appellant was so *disturbed* by what had happened in Court that day, that he Filed a *Requests and Clarifications* to among other things... strike # 19 and # 20 entirely from the record... as the information published in said document was false and misleading (CF at 312).

[¶104] The Appellant, even after reading aloud to the Courts of the actual Petition that was Filed (TS at 109, 11-16), argues that the T.C. based it's *Final Ruling* on said Petition based on the *identity theft*, which was embedded as part of the title of said Petition, and was included as only *a part* of the Original Petition that was Filed. However, said T.C. during said *Rule 81 Hearings* ask the Appellant many questions about the identity theft (TS at 109, 24 – TS at 25, 7) and in the Appellants opinion, actually steered him away from talking about the rest of said Filed *Civil* Petition... that, even though the T.C. talked about during our last *Rule 81 Hearing (of Record)*, on September 15, 2009... *that what we spoke about today... is what will be on the record* (TS at 115, 16 – TS at 116, 14)... the T.C. never made it *clear* to the Appellant that if the Appellant wanted and expected each and every issue and page of his said many past filed Motions, Petitions, Letters and Requests to be *considered* as part of the *Record*... that the Appellant would need to read **word for word** to the T.C. what he had written in said many filed Motions, Petitions, Letters and Requests during said past Rule 81 Hearings! The Appellant also argues that of the Exhibits in which the Executrix's Attorney presented during a *Rule 81 Hearing* (TS at 65) (TS at 66) (TS at 69) (TS at 71) to the Courts... that *none* of them were read entirely, *word for word*, by said Attorney to the Courts for consideration(s).

In Re ; (in part) ... *Reviving the lawsuit of Jose Hernandez against corrections officers who allegedly beat him, the Circuit said Hernandez should have been informed by the Judge of the consequences of converting a Motion to Dismiss into one for Summary Judgment... the Case of Hernandez v. Coffey, 06-4246-pr, was the latest in which the circuit has insisted that the lower courts not be sticklers for regular procedure when it comes to motion practice by pro-se litigants* ; **2nd U.S. Circuit Court Of Appeals** :
Source ; <http://victimsoflaw.net/ProSeNewsViews.htm>

[¶105] The above said Petition filed by the Appellant (and his sister C.H.) was for claiming their share of over \$ 729,000.00 that they were able to locate in a very short period of time... and does not include any properties, trusts or other monies that are there or may be found or located at a later date (TS at 109, 11-23) (CF at 70, c) (CF at 232 - 256). What is not mentioned above, but being closely related to said *Petition Claiming Shared Estate*... mentioned above... is a *Petition Claiming Funds From Sale Of Memphis, TN Property Excluded By The Executrix* (CF at 205-231). Included within this Petition, among other things, is a *Settlement Statement* submitted by the Defense showing a payoff deduction to Union Planters Bank in the amount of \$ 115, 261.00 (CF at 222, 504) and being dated January 10, 2005... while at the same time, the Defense also Filed and submitted *with* said material... a letter from the Law Offices of Krivcher Magids, PLC... stating that on January 5, 2005... only five days *before* the above said *Settlement Statement* was issued... that James Z. Boggan basically had absolutely no debt whatsoever (CF at 213-214) (TS at 108, 21 – TS at 109, 9), including *that there were no judgments, pending litigation, executions or attachments in or from any court affecting said property : NONE* (CF at 214, 5) : The Appellant argues this as being further proof and/or evidence of foul play as far as the “missing” and at one time, impressive Estate of James Z. Boggan... as there is no monetary trail exhibiting and/or showing where said Decedent had “spent” said monies for sale of the Memphis, TN property and other monies.

Mississippi Code Of 1972 (As Amended), § 97-21-63. Will, deed, certificate of acknowledgment or proof of recordable instrument (App. At 81A)

Mississippi Code OF 1972 – As Amended ; § 97-9-59 , PERJURY (App. At ¶81B)

[¶106] Also included as part of said Petition(s) in ¶105 above are numerous instances showing a lot of *relevant evidence* where apparent crimes have been committed along the way... including but not limited to **Forgery, Fraud, Identity Theft, and Perjury (App. ¶81)**... dating back to over 10 years... that could have lead to the taking of said Estate... whether or not all of said monies and properties of the Decedent were *actually included* as part of said Estate (TS at 109, 16-23). The Appellant, in the last paragraph of said Petition... as in many other Letters, Motions, Petitions and Requests... also prays that a **full investigation** be Ordered and take place, in an attempt to find out the facts and the **truth** about said case (CF at 207) (CF at 237) (CF at 286, 10).

Mississippi Rules Of Evidence, Rule 401 ; Definition of Relevant Evidence ; “Relevant Evidence” means evidence having any tendency to make the existence of any fact that is of consequences to the determination of the action more probable or less probable than it would be without the evidence : Article IV, Relevancy And Its Limits

[¶107] The T.C. also states that there is no evidence of *identity theft* shown by the Executrix (CF at 618), whereas, the Appellant contends that there is not only relevant

evidence, but sufficient evidence... consisting of not only one document, but of two documents (CF at 232-239)... both being not long after our mother died, therefore allowing the Executrix to know the *extent* of monies that our family really had... as our mother was a **twin** of the Decedent. Here, the **first** document shows that C.J.H., aka C.H., was the Decedents *real choice* for Executrix of his Estate, back on April 17, 1998 (CF at 238-239). The **second** document shows where the Executrix is receiving mail at her home *in the name of* Cynthia Jon Murphy Hills, aka C.H., with this dating back to April of the year 2,000 (CF at 243-244), concerning the sale of said Memphis, TN property :

In Re ; <http://101-identitytheft.com/idtheft.htm> (CF at 241) *The crime of identity theft occurs when someone, without your knowledge, acquires a piece of your personal information and uses it to commit fraud ; In some cases, with as little as a stolen name, date of birth, and social security number, the identity thief is able to cause major damage; (in part) ... or more commonly, the thief opens up a new credit card account in the victims name (CF at 241, #2)*

Mississippi Code Of 1972, § 97-45-19. Identity Theft : (in part) ; (1) a person shall not obtain or attempt to obtain personal identity information of another person with the intent to unlawfully use that information for any of the following purposes without that person's authorization : ... (b) to purchase or otherwise obtain or lease any real or personal property, and, (e) to commit any illegal act

Mississippi Code Of 1972 (As Amended) § 97-19-85. Fraudulent use of identity, social security number or other identifying information to obtain thing of value : (in part) ; (1) *Any person who shall make or cause to be made any false statement or representation as to his or another person's identity, social security account number or other identifying information for the purpose of fraudulently obtaining or with the intent to obtain goods, services or any thing of value, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than Five Thousand Dollars (\$ 5,000.00) or imprisoned for a term not to exceed one (1) year, or both ; 2) A person is guilty of a fraud under subsection (1) who : a) Shall furnish false information willfully, knowingly and with intent to deceive anyone as ti his true identity or the true identity of another person ; Sources : Laws, 1993, ch. 387, Sec. 1, eff from and after passage (approved March 15, 1993).*

Mississippi Code Of 1972 (As Amended) , § 97-19-83. Fraud By Mail Or Other Means Of Communication (in part) ; (1) *Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money, property or services, or for unlawfully avoiding the payment or loss of money, property or services, or for securing business or personal advantage by means of false or fraudulent pretenses, representations or promises... .. upon conviction, be punished by a fine of not more than Ten Thousand Dollars (\$ 10,000.00) or by imprisonment for not more than five (5) years, or by both such fine and imprisonment : 2) (in part) ; For the purposes of venue under*

the provisions of this section, any violation of this section may be prosecuted... or, in the county in which any act in execution or furtherance of the scheme occurred : (3) This section shall not prohibit the prosecution under any other criminal statute of the state ; Sources : Laws, 1988, ch. 511, Sec.3, eff from and after July 1, 1988

Mississippi Code Of 1972 (As Amended), § 97-19-35, False Personation; Personating Another to Receive Money or Property : *Every person who shall falsely represent or personate another, and, in such assumed character, shall receive any money or valuable property of any description, intended to be delivered to the individual so personated, shall, upon conviction, be punished in the same manner and to the same extent as for feloniously stealing the money or property so received : Sources ; Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(50) ; 1857, ch. 64, art. 102 ; 1871, Sec. 2566 ; 1880, Sec. 2808 ; 1892, Sec. 1083 ; Sec. 1163; Hemingway's 1917, Sec. 890 ; 1930, Sec. 916 ; 1942, Sec. 2146*

[¶108] Also, during what the T.C. is calling a *Motion Hearing* that was supposedly held on February 23, 2010... the Appellant mentioned to the Courts that it appeared as if the Executrix was paying her monthly note on said laundromat out of the Estate Checking Account (TS at 56, 10-17) (CF at 126-132)... as he had showed and filed this in an earlier *Motion To Amend And Include, Pages 2-3...* dated January 26, 2009 (CF at 122-142). The T.C.'s response to this was that it was premature... that if it needed to be offset at the time of the Hearing, that they would look at it (TS at 56, 18-22). The Appellant included this amount of money, totaling at the time \$ 2,460.88... in his *Petition Claiming Shared Estate...* (CF at 235, 5)... as well as discussed with the T.C.'s said Petition during their September 15, 2009 *Rule 81 Hearing* (CF at 321), yet... the T.C. **never Ruled** on said misspent monies out of said Estate Account as they said that they would do.

CONCLUSION

[¶109] The Appellant requests the Court to *recognize* and hold accountable the many fraudulent, forged and/or perjured documents submitted by the Executrix / Defense, and in doing so, do whatever is necessary in order to find out the “real” truth about said Estate ; The Appellant also requests that the Court *recognize* and hold accountable the fact that the Defense failed to follow through with, or uphold... the *Order* from the T.C. to “freeze” said Estate Account ; The Appellant also requests the Court to *recognize* and hold accountable the T.C. for allowing a “partial disbursement of funds”... and doing so without the Defense properly submitting, filing and/or otherwise delivering said documents to all of the said participating parties and doing so on a timely basis ; The Appellant further respectfully requests that the Decision / Ruling by the T.C. to make said Appellant pay Attorney's Fees to the Executrix's Attorney be reversed and remanded as shown and in favor of said Appellant's request ; The Appellant also respectfully requests, in lieu of the many falsehoods and discrepancies submitted in part by said Defense, that

the Court award said Appellant for his ¼ share of the \$ 729,773.69 that he claimed in Said Petition, *Petition Claiming Shared Estate...*, while in the lower courts, and excluding any monies and/or properties received from said Judgment in lower courts... however, *including monies paid by said Appellant for Court Costs of said Appeal*, as he argues that had the lower courts “Ruled” on said Civil Petition(s) in a procedurally correct fashion... that it may not have been necessary for said Appellant to even Appeal said Judgment.

Mississippi Code Of 1972 ; § 65-1-86. Duty of Attorney General with respect to illegal contracts or criminal acts : *The Attorney General shall, with or without a request by the State Highway Commission, bring any lawsuit, in the name of the State Highway Commission, to recover any monies lost through illegal contracts, fraud, false pretense or any other criminal act, and the highway commission shall, at the direction of the Attorney General, supply internal audits or perform any other necessary act to furnish the Attorney General with any evidence pertaining to such loss for use by the Attorney General in the preparation of said lawsuits.*

Constitution Of The State Of Mississippi ; Article V, Section 123. Faithful execution of laws : *The Governor shall see that the laws are faithfully executed.*

Constitution Of The State Of Mississippi ; Article VII, Section 198. Trusts, combinations, contracts and agreements inimical to public welfare : *The legislature shall enact laws to prevent all trusts, combinations, contracts, and agreements inimical to the public welfare.*

[¶110] The Appellant also respectfully requests that he have additional opportunity in the future to present said Court with the many problems and grievances that he has experienced, expressed and had issues with concerning the actions, control and the responsibility of the T.C. to holding the clerk's office and court reporter(s) responsible for carrying out their *judicial duties and obligations* (CF at 344-351) (CF at 362-369) (CF at 375-376)... as well as the 20 Page *Statement Of Issue* Filed with the Supreme Court concerning trying to **Perfect** said Record of Appeal... being Filed on September 28, 2010... and to date, as of November 22, 2010 anyway... not be answered by said Supreme Court.

Mississippi Code Of 1972 ; § 9-13-25. Duties : (in part) ; *The court reporter shall attend each session of the court of the district for which he was appointed, from day to day, and unless the same be waived, shall take, under the control of the judge or chancellor full and complete notes, stenographically (and may use recording machines in aid thereof) of all the oral evidence and other proceedings, except arguments of counsel, in each case, civil and criminal, tried therein upon an issue of facts and, in any other matter or in any other case that the judge or chancellor may especially direct. He shall carefully note... .. ; Sources : Codes, 1892, § 4240 ; 1906, § 4790 ; Hemingway's 1917,*

§3143 ; 1930, § 721, ; 1942, § 1636 ; Laws, 1926, ch. 144 ; Laws, 1958, ch. 280, § 1 ; Laws, 1971, ch. 423, § 1 ; Laws, 1991, ch. 573, § 11, eff from and after July 1, 1991.

Mississippi Code Of 1972 ; § 9-1-29. Court to control clerk's office ; *Each court shall have control over all proceedings in the clerk's office, and such control shall be exercised in a manner consistent with the Mississippi Rules of Civil Procedure :*
Sources : **Codes,** Hutchinson's 1848, ch. 54, art. 2(22) ; 1857, ch. 61, art. 26, ch. 62, art. 9 ; 1871, §§ 542, 982 ; 1880, § 2274 ; 1892, § 924 ; 1906, § 1000 ; Hemingway's 1917, § 720 ; 1930, § 749 ; 1942, § 1664 ; Laws, 1978, ch. 425, § 2 ; Laws, 1991, ch. 573, § 4, eff from and after July 1, 1991.

Mississippi Code Of 1972 ; § 97-11-1. Alteration Of Records : (in part) ; If any clerk of any court, or public officer or any other person, shall wittingly make any false entry, or erase any work or letter, or change any record belonging to any court or public office, whether in his keeping or not...

[¶111] The Appellant also requests that a **full investigation** take place... that there is ample proof and evidence of numerous types of foul play (about 40-50 counts, the Appellants last count)... that the people who need to know about said case and information ... *already know* about said case and information, as the Appellant (and his sister and other ¼ heir of said Estate, C.H.), made *sure* of this... (please see "certificates of service") that the reason for the Appellant's Appeal in the first place... as stated in many said Motions and Petitions previously filed... is to find out the **Truth** about our Uncles Estate... as well as what our **Real** inheritance is suppose to be... whatever it may be! Just the Truth... That's All We Want, and... All That We've Ever Wanted!

Mississippi Code Of 1972 ; § 11-41-1. In what cases a remedy and how obtained ;
On the complaint of the state, by its Attorney General or a District Attorney, in any matter affecting the public interest, or on the complaint of any person who is interested, the judgment shall be issued by the circuit court, commanding any inferior tribunal, corporation, board, officer, or person to do or not to do an act the performance or omission of which the law specially enjoins as a duty resulting from an office, trust, or station, where there is not a plain, adequate and speedy remedy in the ordinary course of law. All procedural aspects of this action shall be governed by the Mississippi Rules of Civil Procedure :
Sources : **Codes,** 1871, § 1517 ; 1880, § 2542 ; 1892, § 2846 ; 1906, § 3231 ; Hemingway's 1917, § 2533 ; 1930, § 2348 ; 1942, § 1109 ; Laws, 1991, ch. 573, § 77, eff from and after July 1, 1991.

Dated this 24th day of November, 2010

William James Scott Murphy

William James Scott Murphy

Pro-Se

9313 U.S. Hwy 98

Sumrall, MS 39482

(H) 601 264-7941

(C) 601 543-5966

email : inventor@2invent.com

**IN THE SUPREME COURT OF MISSISSIPPI
COURT OF APPEALS OF THE STATE OF MISSISSIPPI**

William James Scott Murphy Plaintiff
v.
Stephenie Velma Baggett Defendant

IN THE MATTER OF THE ESTATE }
OF JAMES Z. BOGGAN, DECEASED } CIVIL ACTION NO. 2008-0102-PR-TH

CERTIFICATE OF SERVICE

RE : Appellant Brief

Case # 2010-CA-00372

COME THIS DAY, WEDNESDAY, NOVEMBER 24, 2010... I, WILLIAM JAMES SCOTT MURPHY, ACTING **PRO-SE**, DO CERTIFY THAT I HAVE / WILL HAND DELIVER THE FOREGOING DOCUMENTS AND INFORMATION TO THE FOLLOWING PEOPLE. WHEN NOT POSSIBLE , THE DOCUMENTS WILL BE FAXED OR MAILED TO THE REMAINING PEOPLE VIA THE U.S.P.S, POSTAGE PRE-PAID.

Lester Clark Jr. – Miss. Bar No. 6271
Clark and Clark, P.A.
912 West Pine Street
Hattiesburg, MS 39401

Ms. Patsy (Ainsworth) Young
Court Reporter
P. O. Box 1102
Hattiesburg, MS 39403

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Supreme Court of Mississippi
Court of Appeals of the State of MS
Office of the Clerk
450 High Street
Jackson, MS 39201-1082

Submitted By : W.J. Scott Murphy / W. J. Scott Murphy : November 24, 2010

No. 37-2008-0102-P

CFN 20035

ESTATE OF JAMES Z. BOGGAN
Vs.Counsel for Plaintiff
Lester Clark, Jr.
Counsel for Defendant
Pro Se

Probate

JUDGE James H. C. Thomas Jr.

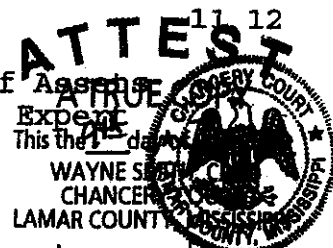
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ORDERS, JUDGMENTS, ETC.

BK/PG

7/10/2008	Last Will and Testament of James Z. Boggan	15 235
7/10/2008	Petition Requesting Probate of the Estate of James Z. Boggan, Deceased, as a Testate Estate, and for the Appointment of Executrix.	
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8/28/2008	Proof of Publication - Date of First Publication on the 7th day of August, 2008 in The Lamar Times. (newspaper)	
9/09/2008	Executrix's Inventory of the Assets of the Estate of James Boggan, Deceased; and Petition to Divide and have a Partial Disbursement of the Personal Property Located in Decedent's Homeplace and Left to his Named Beneficiaries.	52 71
9/10/2008	Rule 81 Notice of Hearing - 9/18/2008 Forrest County	
9/10/2008	Rule 81 Summons Issued to: Lester Clark, Jr. for service upon: Cindy Hills and returnable on the 18th day of September, 2008.	
9/18/2008	Rule 81 Summons Returned: I hereby certify that after diligent search and inquiry the within named: Cynthia Hills cannot be found in Lamar county. This the 17th day September, 2008. By: LCSO	
9/18/2008	Order	10 549
10/02/2008	Letter from Cynthia Hills to Chancellor James H.C. Thomas, Jr	
10/02/2008	Petition Requesting Confirmation of Will in Solemn Form	
10/02/2008	Rule 81 Notice of Hearing - 11/19/2008 Lamar Chancery Court	
10/03/2008	Probate Claim of: JPMorgan Chase Bank, N.A. in the amount \$12276.47	
10/06/2008	Letter to Cynthia Hills from Robert T. Jackson, Sr.	
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12/08/2008	Motion to Identify Property Unlisted in Inventory of Assets	
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Probate

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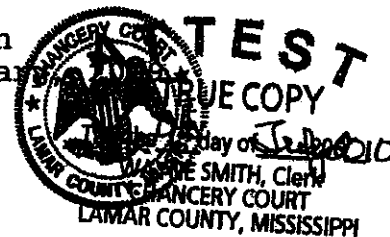
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1/05/2009	Letter to Lester Clark from William James Scott Murphy	
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1/14/2009	Petition Requesting Appointment of Real Estate Appraiser	
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1/23/2009	Motion to: Reject Second Supplemental Inventory and Accounting to Support a Fraud	
1/26/2009	Motion to Reject Laudromat Appraisal and All Associated Costs Thereof to Support a Fraud	
1/26/2009	Motion to Show and Include, on Page 5, The Following #5, of My "Motion to Reject Second Supplemental Inventory and Accounting to Support a Fraud" ... Filed on Jan. 23, 2009... (See Exhibit "A") to Read as Follows Below:	
1/26/2009	Motion to Amend and Include, Pages 2-3, #3, Para. 2 & 3 ... of My "Motion to Reject Second Supplemental Inventory and Accounting to Support a Fraud" ... Filed on 1/23/09 (see Exhibit "A") to Read as Follows Below: And That, This Amend-	
1/27/2009	Order and Scheduling Order	11 153
1/27/2009	Rule 81 Notice of Hearing - March 26, 2009 Forrest County	
2/03/2009	Motion Requesting Immunity from Prosecution	
2/09/2009	Subpoena Duces Tecum issued to Scott Murphy for service on: Hancock Bank to bring: records of B & B Laudromat and returnable the 16th day of February, 2009.	
2/09/2009	Subpoena Duces Tecum issued to Scott Murphy for service on: Regions Bank to bring: records for a/c #9001473342 and returnable the 16th day of February, 2009.	
2/09/2009	Subpoena Duces Tecum issued to Scott Murphy for service on: Citizens National Bank to bring: records for a/c #0101801314 and returnable the 16th day of February, 2009.	
2/13/2009	Subpoena Duces Tecum returned showing service on Citizen's Nat'l Bank of Meridian returnable on the 9th day of February, 2009. By: Davy Keith	
2/13/2009	Subpoena Duces Tecum returned showing service on Regions Bank returnable on the 9th day of February, 2009. By: Davy Keith	
2/13/2009	Subpoena Duces Tecum returned showing service on Hancock Bank returnable on the 9th day of February, 2009. By: Davy Keith	

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No. 37-2008-0102-P

CFN 20035

ESTATE OF JAMES Z. BOGGAN
Vs.Counsel for Plaintiff
Lester Clark, Jr.
Counsel for Defendant
Pro Se

Probate

JUDGE James H. C. Thomas Jr.

DATE

ORDERS, JUDGMENTS, ETC.

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** CONTINUED FROM PREVIOUS PAGE **

2/13/2009 Petition Requesting Compensation for Time Spent Writing and Filing Motions and Work Performed

2/13/2009 Petition Rejecting Payment to the Estate Attorney for Services Rendered

2/13/2009 Motion to Amend Certificat(s) of Service

2/13/2009 Petition to Freeze all Assets and Funds Associated with this Case

2/13/2009 Motion for Continuance

2/13/2009 Motion Requesting Clarification of Order and Scheduling Order

2/17/2009 Petition Denouncing and Revoking Entry of Appearance and Waiver of Process and Joinder - William James Scott Murphy

2/17/2009 Petition Claiming Funds from the Sale of Memphis, TN Property Excluded by the Executrix

2/17/2009 Petition Claiming Shared Estate Introducing New Evidence and Discovery of Identity Theft by the Executrix Enabeling Access and Transfer of Money's and Properties in Said Estate - William James Scott Murphy

2/17/2009 Petition Claiming Shared Estate Introducing New Evidence and Discovery of Identity Theft by the Executrix Enabeling Access and Transfer of Money's and Properties in Said Estate - Cynthia Jon Murphy Hills

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3/09/2009 Plaintiff's First Set of Interrogatories to Defendant

3/09/2009 Petition Requesting Proof of Deposit of Pacific Life Annuity Check as a CD into Said Estate

3/09/2009 Motion Rejecting Ececutrix's Chase Credit Card Balance to be Paid by or Included as Part of Said Estate

3/09/2009 Petition Requesting Proof of Bank Freeze Citizens National Bank Estate Checking Account

3/10/2009 Sealed Records from Hancock Bank

3/19/2009 Executrix's Notice of Discovery Responses

3/19/2009 Notice of Trial Setting - March 26, 2009 Forrest County

3/31/2009 Executrix's Final accounting and Petition to Pay Estate Associated Expenses; to Close this Estate and to Dismiss the Executrix 55 1

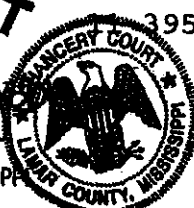
4/03/2009 Order Authorizing Executrix to Disburse Estate Personally and Other Determinations 11 396

4/03/2009 Order 395

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ATTEST
A TRUE COPY
This the 1 day of July
WAYNE SMITH, Clerk
CHANCERY COURT
LAMAR COUNTY, MISSISSIPPI
BY *Kara McNeil*



No. 37-2008-0102-P

CFN 20035

ESTATE OF JAMES Z. BOGGAN
Vs.Counsel for Plaintiff
Lester Clark, Jr.
Counsel for Defendant
Pro Se

Probate

JUDGE James H. C. Thomas Jr.

DATE

ORDERS, JUDGMENTS, ETC.

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4/07/2009 Petition Requesting Approval for Executrix to Purchase Headstone for the Decedent

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4/10/2009 For The Record - Submitted by Scott Murphy

4/20/2009 Amended Certificate of Service

5/14/2009 Rule 81 Notice of Hearing - May 27, 2009 Lamar County

5/29/2009 Petition Requesting Inclusion of Rule 81 Hearing Held on March 26, 2009... Discussions at Rule 81 Hearing Held on May 27, 2009... and Other Information for the Record Concerning said Estate.

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ATTES
A TRUE COPYThis the 9th day of July
WAYNE SMITH, Clerk
CHANCERY COURT
LAMAR COUNTY, MISSISSIPPI

No. 37-2008-0102-P

CFN 20035

ESTATE OF JAMES Z. BOGGAN
Vs.

Counsel for Plaintiff
Lester Clark, Jr.
Counsel for Defendant
Pro Se

Probate

JUDGE James H. C. Thomas Jr.

DATE

ORDERS, JUDGMENTS, ETC.

BK/PG

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7/09/2010	Certificate of Court Reporter	

ATTES
A TRUE COPY

This the 1st day of July
WAYNE SMITH, Clerk
CHANCERY COURT
LAMAR COUNTY, MISSISSIPPI



BY *[Signature]*

IN THE CHANCERY COURT OF LAMAR COUNTY, MISSISSIPPI

**IN THE MATTER OF THE ESTATE }
OF JAMES Z. BOGGAN, DECEASED } CIVIL ACTION NO. 2008-0102-PR-TH**

**FINAL JUDGMENT APPROVING
EXECUTRIX'S SECOND AMENDED FINAL ACCOUNTING;
AUTHORIZING PAYMENT OF ESTATE ASSOCIATED EXPENSES;
CLOSING THIS ESTATE, AND DISMISSING THE EXECUTRIX**

THIS DAY this Cause came on for hearing upon the Executrix, STEPHENIE BAGGETT'S Second Amended Final Accounting; requesting authority to Pay Estate Associated Expenses; for final disbursement of Estate funds; to Close This Estate, and for her Dismissal as Executrix, and upon Notice of a Rule 81 Hearing in this Estate to all Beneficiaries and to Citizens National Bank, and the Court being fully apprised in the premises, finds and Orders as follows:

That this Estate was opened as a testate Estate by Judgment of this Court dated July 24, 2008 upon the sworn Petition of the Petitioner herein; that said Judgment accepted for probate in common form an instrument of writing purporting to be the Last Will and Testament of the Decedent, and gave the Executrix, after taking her Oath and receiving her Letters Testamentary, authority to issue Notice to Creditors and to otherwise proceed with the probate of this Estate according to said Will and the Orders of this Court.

Since that time, the Executrix sent a copy of that Notice to all known or possible Creditors of which she was aware; filed her Creditors' Affidavit and caused the Notice To Creditors to be published in the Lamar Times, a newspaper of general circulation in Lamar County, Mississippi, as provided by law; with the Proof of Publication having

been filed in this Cause on August 28, 2008; that during the time period statutorily dictated, two (2) Creditor's Claims were filed in this Cause; both dealing with the B & B Laundromat in which the Decedent owned a fifty percent (50%) interest:

a) On August 19, 2008 Citizens National Bank of Meridian filed a Creditor's Claim @ \$46,834.40. This claim was for a loan on B & B Laundromat, of which the Decedent was a fifty percent (50%) owner; Eric Cranford, officer for said bank, has agreed that said bank will refinance said loan in the names of the Co-owners, Roy and Stephenie Baggett, upon condition that they obtain full title to said Laundromat and that all money Stephenie Baggett realizes as a beneficiary under the Last Will and Testament of the Decedent be paid to Citizens National Bank of Meridian to reduce said loan; with the then due and owing balance to be re-financed in the names of Roy and Stephenie Baggett; that Stephenie Baggett and husband, Roy Baggett agree to and confirm that agreement; with a Court authorized Assignment of the Decedent's interest in B & B Laundromat having been executed and filed with the Chancery Clerk of Lamar County, Mississippi. Citizens National bank has indicated it will sign and file its Waiver and Entry of Appearance to the Executrix's Second Amended Final Accounting And Petition..

b) On October 3, 2009, within the ninety (90) day period allowed for the filing of Creditor's claim (with the first publication being on August 7, 2008), J P Morgan Chase Bank N.A. filed a Creditor's Claim against this Estate in the amount of \$12,276.47. This Credit Card was in the name of "James Z. Boggan -- B & B Laundromat." The Executrix has testified under Oath and in her several Inventories, as filed with this Court, that the charges on that card were used to purchase washers and

dryers for B & B Laundromat and that none of the charges and/or purchases on that card were for charges other than those attributable to B & B Laundromat. With the understanding that Stephenie Baggett and her husband, Roy Baggett, owed one-half (1/2) of the Creditor's Claim, with prior approval of the Court, the Executrix, Stephenie Baggett, on or about June 11, 2009 compromised and paid off said Creditor's claim with the understanding that the said payoff amount would be deducted from her net share of the Estate proceeds when divided between the four (4) primary Beneficiaries of this Estate.

(NOTE: Lester Clark, the Estate Attorney, received several calls on another personal Chase Credit Card for Mr. Boggan, inquiring about its \$7,000+ Claim and when the Estate would be finalized. Upon checking the Court file, Mr. Clark found that no other Creditor's Claims, (save a) and b) listed above), had been filed in this Estate within the time and manner required by law, and upon reporting that to the party inquiring about that Claim, he was faxed a potential Creditor's Claim that was addressed only to "Purvis, MS 39475." Obviously, it was therefore never received or filed with the Court and the Executrix strongly objects and has asked this Court to disallow such claim in that it still has never been filed as a Creditor's Claim in this Cause and the Court finds that this and all other claims of Creditors are now barred).

That on September 9, 2008 the Executrix filed her initial Inventory in this Estate. It should be noted that one of the assets listed on that Inventory was a \$100,000.00 annuity from Pacific Life. That figure was not correct, as when the check from Pacific Life was received by the Executrix, it was for \$82,462.14, not \$100,000.00 as she thought.

On October 2, 2008 the Executrix file a Petition Requesting Confirmation of the Last Will of the Decedent Admitted To Probate in Solemn Form; a Rule 81 Hearing upon said Petition was originally set for November 19, 2008; however, said Hearing Date was continued by the Court until December 8, 2008, to allow for the taking of Donna Green's deposition (the Attorney who drew up Mr. Boggan's Last Will and Testament). That Deposition was properly noticed to all interested Parties and was attended by the Deponent, the Estate Attorney, the Executrix and Scott Murphy, and was held on November 25, 2008 at the offices of Donna Green, Attorney.

That on November 19, 2008 the Executrix filed her sworn Supplemental Inventory of the Assets of this Estate dealing mainly with B & B Laundromat and its tax returns for the past three (3) years indicating that in 2005 Laundromat lost \$9,748; in 2006 it lost \$9,899, and in 2007 it lost \$10,096.

That on December 8, 2008 the properly noticed Hearing for Confirmation of Will in Solemn Form was held with all interest parties, except Randi Pace, being present. On the record testimony was taken, and the Deposition of Donna Green, Attorney was introduced. On December 12, 2008 the Chancellor issued his Judgment confirming said Will in Solemn Form.

That on January 9, 2009 the Executrix filed her sworn Second Supplemental Inventory. That Supplemental Inventory contained an itemized ledger showing all income and expenses of B & B Laundromat, along with all the closing papers sent the Estate Attorney by Charles C. Cottam, the Attorney in Memphis, who handled the closing on the Memphis, Tennessee property owned and sold by Mr. Boggan in January of 2005. After diligent search and inquiry neither the Executrix nor the Estate Attorney has been

able to uncover the whereabouts of any other assets belonging to Mr. Boggan at his death, other than those listed in the Executrix's Inventories as previously filed in this Estate.

That the Executrix has asked that the Court re-confirm its prior adjudication of Randi Pace, Cindy Hills, Scott Murphy and Stephenie Baggett as the residuary Beneficiaries to the assets of this Estate; share and share alike; also confirming that all other specific bequests made in the Decedent's Will have now been made, and she asks that she be directed to distribute the net assets of said Estate to the designated Beneficiaries thereof, after payment of Court considered and approved Court costs, reimbursements, and fees, and the Court finds that request should be granted.

Stephenie Baggett, the Executrix designated in the Will of the Decedent and the appointed and acting Executrix of this Estate, has asked that the Court award her an Executrix's fee commensurate with her work involved in the Administration of this Estate, and that is reasonable in the eyes of the Court.

The Executrix has also asked the Court to award reasonable Attorney's fees to Lester Clark, Jr. of Clark and Clark Attorneys PLLC, as determined by the Court, for valuable legal services rendered unto her in the Administration of this Estate; taking into consideration his itemized billing statement which is attached to the Executrix's original Accounting and Petition as Exhibit "1" upon which he has noted the billable hours attributable, by in large, to the objections and/or filings of Scott Murphy and/or Cindy Hills respectively, and which has been updated accordingly. The Executrix has asked the Court to consider those charges in finalizing this Estate, and the Court finds that request should also be granted.

The gross assets of this Estate are well below the state and federal Estate tax exemptions and no Estate taxes are anticipated; However, the Executrix filed both State and Federal 2008 Income Tax Returns for B & B Laundromat, in which the Decedent owned a fifty percent (50%) interest and for the Decedent. That no taxes were owed by either the Decedent or B & B Laundromat, but the Executrix has requested that the \$125.00 fee to Acme Tax, Inc. for preparation of the 2008 tax returns for James Z. Boggan, Deceased, and one-half (1/2) the \$150.00 fee for B & B Laundromat be paid from the assets of this Estate.

The Executrix has reported to the Court that at the March 26th Hearing of this Cause all Parties agreed to how said personalty would be split and an itemized listing of said personalty and the designated Beneficiaries of same was entered into the Court record on that date as Exhibit "4". She further reports that said personalty has been amicably divided between the four (4) principal Beneficiaries of this Estate, and the Court has previously approved this aspect of her accounting.

The Executrix supplemented her prior Inventories at the March 26th Hearing with the Court Ordered Appraisal.

Copies of the five (5) Exhibits to the on the record hearing held on March 26, 2009 are attached as Exhibits "3" through "7" respectively to the Executrix's original First and Final Accounting and Petition.

That according to the Estate Account statements from Citizens National Bank said account contained \$2,160.37 on August 4, 2008; from that time through the time of her Second Amended Accounting and Petition, the Executrix has made the following deposits and withdrawals from said account:

08/20/08	Coughlin's Florist...(check).....	\$ 321.00
08/29/08	Pearl River Valley EPA...(check).....	\$ 302.28
09/03/08	Travelers, AARP & Blue Cross (Deposit).....	\$ 2,401.35
09/08/08	State tax refund (deposit).....	\$ 555.00
09/17/08	Acme Tax, Inx. (check).....	\$ 155.00
10/31/08	U.S. Treasury (deposit).....	\$ 1,972.00
11/05/09	Roy Baggett (check for expense reimbursement).....	\$ 408.50
11/21/08	Nationwide (Ins. For B & B Laundromat).....	\$ 189.00
01/02/09	Cash (partial disbursement to Randi Pace).....	\$ 550.00
01/02/09	Roy Baggett (reimbursement check).....	\$ 262.00
01/25/09	Heaven's Gate (storage payment).....	\$ 160.00
01/26/09	North Lamar Water.....	\$ 26.40
02/23/09	Pacific Life check (paid to CD).....	\$82,462.14
020309	Pearl River Valley EPA (Check).....	\$ 209.30
03/30/09	Pearl River Valley EPA (Refund check).....	\$ 543.45
04/03/09	Pacific Life money from CD w/ interest).....	\$82,475.70
04/08/09	Woodstone Monument (Court approved).....	\$ 909.50
06/11/09	Phillips & Cohan Assoc. LTD (payoff of Creditor's claim).	\$ 7,500.00

Attached to the Executrix's Amended Final Accounting and made a part thereof for all purposes as Exhibit "A" collectively are copies of the monthly bank statements on the Estate Account from Citizens National Bank from 07/04/08 – 07/04/09.

Also attached to the Executrix's Amended Final Accounting and made a part thereof for all purposes as Exhibit "B" is a statement from Citizens National Bank, dated July 4, 2009, signed by a bank official indicating that as of that time the Estate Account contained \$79,319.66.

The Executrix has further asked that she be authorized by the Court to pay the appraisal fee of \$750.00 to Court appointed Appraiser, Stan Lightsey, from the Estate account.

Scott Murphy, one of the beneficiaries of the estate, has filed pleadings (1) claiming funds from the sale of Memphis property formerly owned by the deceased, but which apparently was sold prior to his death; (2) questioning some type of identity theft by the Executrix; (3) requesting the attorney for the Estate not be paid; (4) requesting compensation for payment to himself; (5) requesting reimbursement of estate funds; and (6) rejecting payment to the Executrix. While some of the pleading were not timely filed to be heard at the hearing on September 15, 2009, all parties waived any notice requirement and agreed for the Court to proceed to hear those requests.

After hearing all evidence presented at said hearing, the Court finds there was no record or showing of any funds or real property of the deceased not included in the accounting and inventory presented nor is there shown to be any identity theft by the Executrix. Therefore, those requests are denied.

Furthermore, Mr. Murphy filed a multitude of other motions including a Petition to Freeze All Assets and Funds Associated with This Case; Petition Requesting Inclusion of Rule 81 Hearing Held on March 26, 2009, Discussions at Rule 81 Hearing Held on May 27, 2009, and Other Information for the Record Concerning Said Estate; Petition Requesting that All Previous Motions and Petitions Filed in this Case Remain in Effect; and Motion Requesting The Honorable Judge James H.C. Thomas to Make Decisions and Rule on the Case. The court, having taken these pleadings and motions under advisement

and now having heard the concerns and arguments made by each party to this cause during the multiple hearings which have been held over the past year and a half, will now grant the request of Mr. Murphy, as well as the other beneficiaries of this Estate, by issuing its final judgment in this matter. While the Court understands and empathizes with the plight of Mr. Murphy to assure that the Estate of James Z. Boggan is handled with the utmost of care and with due diligence, it is also this Court's obligation to ensure that the disposition of this matter is efficient and that the ultimate goal of closing the Estate and distributing funds of the Estate, if any, amongst its beneficiaries is reached. Therefore, though the court may find Mr. Murphy's pleadings and motions to possess merit, it must deny said motions as moot, as they have no bearing on the final disposition of this matter and the distribution of the Estate funds.

Subsequent to the January 28, 2010 hearing Mr. Murphy filed his Requests and Clarifications with the court. After careful consideration, the Court must overrule said requests as they are not material to the closing of the Estate and the distribution of the funds.

The record and file *sub judice* reflects extensive work by the attorney for the Executrix, without which certain aspects of this Estate could not have been properly investigated, reported and presented to the Court for its determination. The attorney for the Executrix is entitled to be paid based upon the amount of work he has performed. Further, while some of the beneficiaries, including Scott Murphy have obviously done extensive *pro se* work, much of which the Court would find to be outside the scope of the matter and superfluous to the issues presented, the Court can not pay, as legal fees, the expenses of a *pro se* litigant when he or she is not a licensed member of the State Bar

Association. Those litigants will receive a share of the Estate out of which they would have paid any attorney representing them in any event, it being noticed they save those legal fees by doing their own work. That request by Scott Murphy is also denied.

Since the Executrix filed her Amended Final Accounting and Petition to Pay Estate Associated Expenses, To Close This Estate, And To Dismiss The Executrix on August 20, 2009, the Executrix has taken the following actions:

The Executrix sought and received Court authority to make a Partial Distribution of \$5,000.00 each from Estate funds to the other three (3) Beneficiaries of the Decedent; she also received authority to pay Clark and Clark Attorneys, PLLC \$5,000.00 as partial Attorney fees. That only Randi Pace requested the partial distribution of \$5,000.00 at that time and signed her Waiver to that Partial Distribution. Clark and Clark Attorneys, PLLC took the \$5,000.00 in partial Attorney fees, as requested and approved by the Court.

That after consultation with Citizens National Bank's title attorney, it was decided that in order to get the Decedent's one-half (1/2) interest in B & B Laundromat into the names of Roy and Stephenie Baggett so Citizens National could refinance the loan from B & B Laundromat into the names of Roy and Stephenie Baggett and therefore said bank could cancel its Creditor's Claim of \$46,834.40, (and/or the balance now due, as Roy and Stephenie Baggett have been making the monthly payments on said loan since it was filed as a Creditor's Claim in this Estate), and Assignment of the Decedent's interest in said LLC should be made by the Executrix to Roy and Stephenie Baggett; that the Executrix sought that authority, and it was given by Court Order filed on November 20, 2009.

That a true copy of said Assignment is attached hereto and made a part of the Executrix's Second Amended Accounting and Petition for all purposes as Exhibit "A".

That a print out from Citizens National Bank of Meridian showing the current balance of the Estate Account is also attached thereto as Exhibit "B".

That on January 12, 2010 the Executrix Noticed this Estate for final Hearing on January 28, 2010.

IT IS, THEREFORE, ORDERED AND ADJUDGED, that the Second Amended Final Accounting and Petition to Close This Estate is hereby received and approved as filed; that all of the primary Beneficiaries of this Estate, along with Citizens National Bank, were properly noticed of the final hearing of this Cause; that the required thirty (30) days notice that the Seconded Amended Final Accounting and Petition must remain on file has not passed, but the other Beneficiaries and interested Parties to this Estate attended the Final Hearing, or signed their Waivers to same, waiving the required Notice provision.

IT IS FURTHER ORDERED AND ADJUDGED, that the Court ratifies and approves the Executrix's Seconded Amended Final Accounting and Petition; reconfirms and adjudicates Randi Pace, Cindy Hills, Scott Murphy, and Stephenie Baggett as the residuary Beneficiaries to the net assets of this Estate, share and share alike.

IT IS FURTHER ORDERED AND ADJUDGED, that there be a \$5,000.00 deduction, pursuant to the Court's Order dated November 20, 2009 and another deduction of the \$550.00 advance payment to Randi Pace she took as another partial deduction from

the Estate account from her one-fourth (1/4) share of the net proceeds of this Estate and a deduction from Stephenie Baggett's net one-fourth (1/4th) share of \$2,000.00 she mistakenly withdrew as a partial deduction, pursuant to the Court's Judgment allowing a partial disbursement and dated November 20, 2009.

IT IS FURTHER ORDERED AND ADJUDGED, that the Executrix is authorized to pay, from the Estate Account, Stan Lightsey, the Court appointed Appraiser, his fee of \$750.00 for appraisal of B & B Laundromat; Acme Tax Service \$200.00; (\$125.00 for preparation of the personal 2008 Tax Return of the Decedent and \$75.00, or one-half (1/2) of the 2008 Tax Return for B & B Laundromat).

IT IS FURTHER ORDERED AND ADJUDGED that the Executrix is hereby awarded \$ 1,500⁰⁰ as reasonable Executrix's fees for the valuable services she has rendered this Estate.

IT IS FURTHER ORDERED AND ADJUDGED that Lester Clark, Jr. of Clark and Clark Attorneys, PLLC is also awarded \$ 11,633³² as reasonable Attorney's fees and out of pocket expenses, for the valuable legal services he has rendered unto the Executrix, with a \$5000.00 deduction therefrom for the Court authorized partial payment of Attorney fees, based upon his itemized accounting of time and charges he has expended on this Estate.

IT IS FURTHER ORDERED AND ADJUDGED, that the Court finds this is a solvent Estate, with the two (2) timely filed Creditor's Claims mentioned above; one of which has been compromised and paid off, with Court approval, by the Executrix in the amount of \$7,500.00, said amount to be also deducted from her net share of the Estate residuary; the other concerning the loan from Citizens National Bank on B & B

Laundromat, has been refinanced by Roy and Stephenie Baggett, based upon the Waiver and Entry of Appearance of Citizens National Bank, upon condition that Stephenie Baggett's net proceeds as a Beneficiary of this Estate will be made jointly to Stephenie Baggett and Citizens National Bank, and that thereafter Citizens National Bank's \$46,834.40 (and/or the remaining balance thereon), Creditors' Claim will be considered "paid in full" as far as this Estate is concerned; with Roy and Stephenie Baggett getting the required Assignment of the Decedent's one-half (1/2) interest in B & B Laundromat and thereafter refinancing same with Citizen National Bank.

IT IS FURTHER ORDERED AND ADJUDGED, that the current balance on account with Citizens National Bank in the Estate account will be divided equally between adjudicated residuary beneficiaries; Randi Pace, (with the \$550.00 previously paid, and the partial distribution of \$5,000.00 deducted from her share), Cindy Hills, Scott Murphy and Stephenie Baggett, share and share alike (with \$2,000.00 deducted from Stephenie Baggett's share), and after payment of all Court authorized fees; with the \$7,500.00 paid to compromise the Creditor's Claim of J. P. Morgan Chase Bank N.A. of \$12,276.00 also deducted from Stephenie Baggett's one-fourth (1/4) share of the net proceeds of this Estate.

IT IS FURTHER ORDERED AND ADJUDGED, that upon the filing of the Executrix's Supplemental Accounting verifying the final disbursements in this Estate, that she will then be dismissed as Executrix, with the Clerk directed to drop this Cause from the Docket of the Court.

SO ORDERED AND ADJUDGED, this the 18 day of February, A.D., 2010.



CHANCELLOR

JUDGMENT PRESENTED BY:

LESTER CLARK, JR., MSB# [REDACTED]
CLARK AND CLARK Attorneys PLLC
912 W. Pine Street (39401)
P.O. Drawer 270
Hattiesburg, MS 39403-0270
(601) 582-1977
(601) 582-9639 (fax)