

IN THE COURT OF APPEALS FOR

THE STATE OF MISSISSIPPI

Cause No. 2011 - CA -01179

RT

John A Salter, pro se

**FILED**

Appellant

FEB 23 2012

V.

OFFICE OF THE CLERK  
SUPREME COURT  
COURT OF APPEALS

MADISON COUNTY CHANCERY CLERK  
AND CARYN QUILTER

Appellees

APPEAL FROM MADISON COUNTY CHANCERY COURT

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REPLY BRIEF OF APPELLANT

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## **STATEMENT OF THE ISSUES**

1. Whether the Chancellor erred in the appointment of her Chancery Clerk to be Conservator of the estate and person of the Ward, Medora Salter Weaver.
2. Whether the Chancellor erred in accepting Certification by a non-qualified person as to the appropriateness of establishing the Conservatorship.

## **STATEMENT OF THE FACTS**

1.) At the present rate of dissipation of the assets of the Estate of Medora Salter Weaver, it appears that no further assets will be available for the upkeep of the Ward within less than four years. Most of the Ward's antecedents lived to well past the age of ninety years, and with proper guidance of diet and other considerations, she could easily fully regain her memory, not suffer from *dementia*, and outlive the retirement funds she accumulated over the fifty-five years she taught school, at the present rate of consumption of over Four Thousand Dollars (\$4,000.00) per month. Estate Conservators have the obligation to not only conserve those assets, but these must be made to last the lifetime of the Ward, which appears not to be on the agenda of the current Conservator, a politician having many duties and other obligations that most definitely obviate his ability to make her assets grow or at least to not be

continuously dissipated. Investments in the present time can be very easily mis-guided and require constant attention in order not to be lost nor unnecessarily reduced from lack of knowledge or lack of attention to the ever-changing ebb and flow of this aspect of managing the ward's estate. The Chancery Clerk's ability to run his office appears to be very good as he is highly qualified in that position, which requires so much of his time that he is totally unable to act in the Ward's behalf to make her funds last more than a minimum length of time. Managing investments is near a full-time occupation if it is to be successful.

2.) Appellant bases his objection to the Chancellor's acceptance of the certification signed by a non-qualified person attesting to the Ward's inability to care for herself even though she had been doing so for eighty years prior to being forcefully dragged out of her home in Texas and brought to Mississippi in the Ward's automobile without her permission, and act of theft committed by the Appellee Caryn Quilter and her husband Steve Quilter. The fact that the signature was executed by one billing himself as a Psychologist does not make him a Medical Doctor as required by State Law. This one fact alone is enough to overturn the Chancellor's dictum in this matter, regardless of whether such non-legal signatures have been accepted in the past, as no matter how many times an illegal act has been condoned does not make any of them legal. The Chancellor committed a clearly erroneous finding by not following the dictates of the law as written. While a student at Ole Miss Appellant

enrolled in and completed every course in Psychology offered by the University at that time, which Appellant could have used to become licensed as a Psychologist, but he did not desire to do so, but had he taken this route, would this have qualified him to sign a Statement requiring a Medical Doctor's signature? Not likely.

### **ARGUMENT**

Appellant herein unequivocally states that he is qualified by education and experience to aid his sister, the Ward, to recover from her disability of dementia so that she may be well able to care for her own business and personal needs. Appellant has assiduously studied the subjects of health, and investing and investments, over a period of time exceeding fifty years, and while not an expert in any of these, he has had the advantage of studying the writings of experts and a few who may think that they are experts. Toward this end, he has read and has a library of dozens of books, white papers, monographs, and articles on the subjects enumerated above, authored by real scientists and investigational scholars, some of which would be brought to Court, should he be allowed Oral Argument, for the purpose of showing this Honorable Court a small portion of the educational materials he has studied these many years that would allow him to well serve his sister's best interests. He avers that his intention is to present honest, interesting, and pertinent information regarding aging, brain health, and other health-related matters that could benefit all who hear it.

Approximately twenty years ago Appellant was asked by the Mississippi Bank to take over as Conservator of his mother's Estate, consisting of real estate and money, which was a new experience for which he was not prepared, but he asked the advice and guidance of attorney Joe Jack Hurst, and fulfilled without any problem the duties thrust upon him. There is no reason to believe that he could not do as well in this case today.

Appellant originally supported Quilter's desire to establish a Conservatorship for his sister as he was told that such was her desire, but after visiting his sister, she told him that she had been kidnaped by the Quilters and forced into the back seat of her car against her will, and driven to Mississippi again counter to her will, but that she had said very little due to believing that she could be the victim of foul play should she show displeasure at what was happening to her. The Ward stated that she did not trust anyone else other than Appellant herein, and that she pleaded with him to help her regain her freedom and God-given liberty and independence . After this conversation with his sister, Appellant determined that the best defense for her would be to apply to the Court to be appointed either Conservator or Guardian ad litem, but upon presenting his petition to the Chancery Clerk, his petition was refused to be recorded on the books of the Chancery Court's office as Mr. Johnston told Appellant that no *pro se* petition could be accepted in his Chancery Clerk's office, therefore, Appellant would be required to

hire an attorney at great and unnecessary expense in order to have his petition recorded, which Appellant did comply with. Since when did the Chancery Clerk begin to make his own laws? Is it not Unconstitutional to deny any citizen the right of petition without an attorney? Did Mr. Johnston swear upon taking his office to uphold and defend the Constitution of The United States of America?

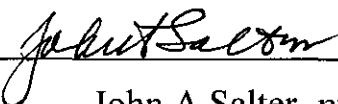
The need for a Conservatorship is not the question herein, as there most certainly is some need to help the Ward recover from her dementia, which can not be accomplished via the Chancery Clerk nor by Appellee Quilter as these are unknowledgeable in matters of Brain Health and overall health of the human body unless they have studied these subjects which at this point is extremely doubtful. Whatever is the motivation of Appellee Quilter is unknown and will not be speculated upon here as such is not of the essence of this Appeal. This is a case of mistaken violation of the Civil Rights of the Ward who is the sole owner and creator of her Estate, but who has been treated worse than a criminal by the Chancery Court by totally disregarding her Civil Rights of owning and controlling her Property and her ability to associate with whomever and whenever she so desires. Justice cries out for recompense.

The motivation of the Appellant is to accede to the ardent request of his sister who has stated she will not rest until she obtains justice. She has pled with Appellant to not abandon her effort as there is no one

else who has her unbounded faith and trust, and as she now has no control of money whatsoever that she rightfully owns with which to hire a lawyer, she is totally dependent upon Appellant becoming her Conservator until such time as she has fully regained her memory, not for the past as she remembers past events well enough, but her memory only for the things that happen here and now today.

It is noted that Appellees do not ask for Oral Argument, because no lawyer would ever ask for Oral Argument who believes his is an air-tight case. Appellee's arguments are frivolous, as they constitute mostly irrelevant and vindictive statements that do not address the points brought up by Appellant, and could be grounds for censure as trained attorneys know Court Procedure and requirements regarding frivolity of counter-arguments.

RESPECTFULLY SUBMITTED this 23<sup>rd</sup> day of February, 2012

  
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John A Salter, *pro se*

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the above  
Reply Brief of Appellant has been sent via U. S. Mail, postage  
prepaid, to the following interested parties:

Luther T. Munford  
Post Office Box 16114  
Jackson MS 39236

Honorable Cynthia Brewer  
Post Office Box 404  
Canton MS 39046

Gary K. Jones  
Post Office Box 1084  
Jackson MS 39215

This the 23<sup>rd</sup> day of February, 2012.

  
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JOHN A. SALTER