

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE OF DIRECTOR

**ACTION REFERRAL**

TO <i>Single fax</i>	DATE <i>10-7-09</i>
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DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER  <i>100163</i>	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR  <i>Cleared 10/13/09, see attached e-mail response and note.</i>	<input checked="" type="checkbox"/> Prepare reply for appropriate signature DATE DUE <i>10-16-09</i> <input type="checkbox"/> FOIA DATE DUE _____ <input type="checkbox"/> Necessary Action: _____

APPROVALS <small>(Only when prepared for director's signature)</small>	APPROVE	* DISAPPROVE <small>(Note reason for disapproval and return to preparer.)</small>	COMMENT
1.			
2.			
3.			
4.			

**MICHAEL F. TALLEY, LLC**

**Attorney At Law**

206 Green Avenue  
Across From Greenville High School  
Greenville, South Carolina 29601

Talleylaw@aol.com

Post Office Box 10081  
Federal Station

October 6, 2009

Phone: 864-233-6229  
Fax: 864-370-0071

**RECEIVED**

OCT 07 2009

Ms. Allison Mackey  
York County DHHS  
P. O. Box 710  
Rock Hill, S. C. 29731

RE: **My Client - Ms. Lizzie Wright**  
**1464 Gregson Court**  
**Rock Hill, S. C. 29732**

Department of Health & Human Services  
**OFFICE OF THE DIRECTOR**

Dear Ms. Mackey:

I have instructed my wife's sister, Ms. Betty Sims, to reapply for your Department Nursing Home Care for my wife's and her siblings' mother, Ms. Lizzie Wright who, incidentally is my client, and as her Legal Representative, your S. C. Department of Health and Human Services is legally obligated to discuss Ms. Lizzie Wright's case with me along with any one of her Attorneys-in-Fact, Ms. Betty Sims, and/or Mr. B. J. Wright and/or my wife, Ms. Dianne W. Talley.

Also, should your Department refuse to discuss Ms. Lizzie Wright's case with me and my office, this could be considered tortious interference with my Attorney-client relationship which could possibly make the S. C. Department of Health and Human Services liable to me and my office for possible monetary damages.

I have also instructed my wife's Sister, Ms. Betty Sims, to deliver to you and your S. C. Department of Health and Human Services 1) An Affidavit from her brother, B. J. Wright; 2) An Affidavit from my wife and Ms. Sims' sister, Ms. Dianne W. Talley; 3) An Affidavit from her and my wife's brother, Mr. James F. Wright; and 4) Ms. Sims' own Affidavit which all conclusively show that their family home in Jonesville, S. C. is and was always their brother's home and that their mother's deed to her son, Mr. B. J. Wright, for the one-half interest she was holding in her name in trust for her son was only a reaffirmation of the attached 1992 unrecorded deed whereby she transferred the one-half (1/2) interest in which she was holding in trust for her son back to her son.

Also, in reviewing the Affidavits of Ms. Lizzie Wright's children and the attached Corrective Deed from Ms. Lizzie Wright to her son, Mr. B. J. Wright,

attesting that their family home always, beginning in 1973, was always owned by their brother, Mr. B. J. Wright, and that, in reality, their mother, Ms. Lizzie Wright, never owed any legal title or equitable interest in their family home in Jonesville, S.C. and was only holding a one-half (1/2) interest in said home for her son, Mr. B. J. Wright.

Since I am sure that Ms. Lizzie Wright's transfer to her son, Mr. B. J. Wright, conclusively shows without question that Ms. Lizzie Wright's Application for Home Care Nursing in the State's Medicaid Program should now be approved as Ms. Lizzie Wright received nothing in value from her son, Mr. B. J. Wright, for her transfer to him of a one-half (1/2) interest in his home in which she was always holding in trust for him.

Should Ms. Lizzie Wright's Application be denied, I am ready to file a Lawsuit against the S. C. Department of Health and Human Services for a Declaratory Judgment that Ms. Lizzie Wright's Application was improperly and unlawfully denied.

Also, since I am informed that my wife's sister, Ms. Betty Sims, tried to explain to you that their brother, Mr. B. J. Wright, really owned their family home and always took care of their family without receiving of value in return except the satisfaction that he was taking care of his family, I get the impression that Ms. Lizzie Wright was probably the victim of racial discrimination due to the fact that she is black because I am pretty sure that any reasonable amount of discovery in a lawsuit in Circuit Court would uncover the fact that there have been White People somewhere in the State of South Carolina who, unlike my Client, Ms. Lizzie Wright, made improper transfers of real estate, and was readily approved for your Department's Nursing Home Care Program.

By a copy of this letter to the State Office of the S. C. Department of Health and Human Service that, if Ms. Lizzie Wright's Application continues to be held to a different and racially discriminatory standard, I am ready to file a lawsuit against the S. C. Department of Health and Human Services for appropriate relief.

With kindest regards.

Yours truly,

  
Michael F. Talley

MFTT/

Enclosures:

cc: Ms. Betty Wright Sims

Mr. B. J. Wright

Ms. Dianne W. Talley

S. C. Department of Health and Human Services, Columbia Office



PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. Property located at Old Eisenhauer Rd, bearing Union County Tax Map Number 028-00-00-01-400, was transferred by Lizzie Wright to B J Wright on 10/6/09

The transaction was (Check one):

   an arm's length real property transaction and the sales price paid or to be paid in money or money's worth was \$    \*

   not an arm's length real property transaction and the fair market value of the property is \$    \*

The above transaction is exempt, or partially exempt, from the recording fee as set forth in S.C. Code Ann. Section 12-24-10 et.seq. because the deed is from mother to her son

As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as:   

I further understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Michael F Tabor Attorney at Law  
Purchaser, Legal Representative of the Purchaser, or  
other Responsible Person Connected with the Transaction

SWORN to before me this 6<sup>th</sup>  
day of October 10 2009  
Arthur Spade  
Notary Public for South Carolina  
My Commission Expires: Jan 17, 2013

\* The fee is based on the real property's value. Value means the realty's fair market value. In arm's length real property transactions, this value is the sales price to be paid in money or money's worth (e.g. stocks, personal property, other realty, forgiveness of debt, mortgages assumed or placed on the realty as a result of the transaction). However, a deduction is allowed from this value for the amount of any lien or encumbrance existing on land, tenement, or realty before the transfer and remaining on it after the transfer.

STATE OF SOUTH CAROLINA  
COUNTY OF UNION

KNOW ALL MEN BY THESE PRESENTS, that I, LIZZIE WRIGHT

in consideration of TEN (\$10.00) DOLLARS and LOVE AND AFFECTION  
AND ASSUMPTION OF THE BELOW DESCRIBED MORTGAGE  
the receipt of which is hereby acknowledged, have granted, bargained, sold, and released, and by these presents do grant, bargain, sell and release unto  
B. J. WRIGHT, RESERVING A LIFE ESTATE IN THE GRANTOR, LIZZIE WRIGHT.

ALL OF MY UNDIVIDED ONE-HALF (1/2) INTEREST IN AND TO:

ALL of that certain piece, parcel or lot of land, with improvements thereon, lying, being and situate in Rinckney Township, Union County, South Carolina, on the northeastern side of S.C. Hwy. 44-55 and being shown on a Plat of lot being deleted from the 187 acre tract of Henry V. Smith by Dan E. Collins, RLS., on February 18, 1973, Reference being made to Deed Book 80, at Page 306 in the Union County Office of the Clerk of Court. Said lot having the following metes and bounds, to-wit:

BEGINNING at an iron pin at the said S. C. Hwy. 44-55 (corner to property of Stewart) thence N. 78-00 E. for a distance of 250 feet to an iron pin; thence S. 26-00 E. for a distance of 150 feet to an iron pin; thence S. 78-00 W. for a distance of 250 feet to an iron pin; thence N. 26-00 W. for a distance of 150 feet to an iron pin the point of beginning. Said lot is bounded on the North of property of Stewart, on the East and South by property of Henry V. Smith, reserved, and on the West by the said S. C. Hwy. 44-55.

BEING a portion of the same property conveyed to the Grantor, Lizzie Wright, and the Grantee herein, B. J. Wright by the Deed of Lofton A. Ivey, dated March 29, 1973, and recorded in the Union County Clerk of Court in Deed Book 183 at Page 238.

AS part of the consideration for this conveyance, the Grantee herein agrees to pay and assume that certain mortgage granted by B. J. Wright and Lizzie Wright, in favored of the United State of America, acting through the Farmers Home Administration, of March 29, 1973 in the original principal amount of \$15,360.00 which is recorded (CONTINUED BACK) together with all and singular the rights, hereditaments and appurtenances to said premises belonging or in any wise incident or pertaining; to have and to hold all and singular the premises before mentioned unto the grantee(s), and the grantee(s)' heirs or successors and assigns, forever. And, the grantor(s) do(es) hereby bind the grantor(s) and the grantor(s)' heirs or successors, executors and administrators to warrant and forever defend all and singular said premises unto the grantee(s) and the grantee(s)' heirs or successors and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

SIGNED, sealed and delivered in the presence of:

Boavena A. Sellers (SEAL)  
Lizzie Wright (SEAL)  
Lizzie Wright (SEAL)

STATE OF SOUTH CAROLINA  
COUNTY OF UNION

PROBATE

Personally appeared the undersigned witness and made oath that (s)he saw the within named grantor(s) sign, seal and as the grantor(s)' act and deed, deliver the within written deed and that (s)he, with the other witness subscribed above, witnessed the execution thereof.

SWORN to before me this 19<sup>th</sup> day of April 1992  
Boavena A. Sellers (SEAL)  
Notary Public for South Carolina.

RECORDED this 19 day of April 1992 at Union, S. C., No. 1

*Log # 000163*

**From:** George Burnett  
**To:** Marie Brown  
**Date:** 10/21/2009 2:02 PM  
**Subject:** Lizie ?? Log 163

This is the one I went to Rock Hill on last week. We took another application and will evaluate it. If anything else comes up the county knows to call me or refer someone to me.

*George visit to Rock Hill was October 13, 2009.  
Marie*