STATE OF SOUTH CAROLINA	)	**IN THE COURT OF GENERAL SESSIONS**
	)	**FOR THE TENTH JUDICIAL CIRCUIT**
COUNTY OF ANDERSON	)	
	)	**WARRANT NOS.: 2023A0410101937-940**
State of South Carolina,	)	**INDICTMENT NOS: 2024-GS-04-0221AG,**
	)	**-0222AG, -0223AG and -0224AG**
Vs.	)	
	)	
Rosmore Wayne Vilardi,	)	**MOTION TO EXCLUDE TESTIMONY**
	)	**FROM CHARLES SCHULZE**
Defendant.	)	
	)	

Defendant Rosmore Wayne Vilardi moves the Court to exclude the proposed expert testimony of Charles Schulze pursuant to Rules 104(a), 403, 702, and 704 of the South Carolina Rules of Evidence.

INTRODUCTION

The Court is familiar with this 11-year-old murder case set for trial October 12, 2026. Approximately 8 years ago, the Anderson County Sheriff's Office ("ACSO") hired Charles W. Schulze, a certified public accountant and forensic financial investigator, to prepare a "report on Investigation by Financial Forensic Investigator." (Exhibit A) Schulze's report from August 22, 2018, as well as his anticipated testimony, exceeds the permissible scope of expert opinion testimony in several respects.

Schulze's report contains opinions that invade the province of the jury, offer legal conclusions he is not qualified to render, apply no recognized methodology from his field, and will introduce unfair prejudice into this trial that far outweighs any probative value from the proposed testimony. Charles Schulze did not testify in the prior action, but the Defendant also wants to ensure that he will not testify in his October trial. The Court should exclude Schulze's testimony from the trial of this case in order to protect the integrity of this trial and Mr. Vilardi's right to due process.

FACTUAL BACKGROUND

During the ACSO's investigation of Amy and Ross Vilardi for a 2015 murder, the Sheriff's Office retained Schulze to provide a financial analysis of the Vilardis. The introduction to the report recognizes that, even 3 years after the murder, ACSO had not been able to narrow its investigation or come up with any real evidence against the Vilardis. It simply named them as persons of interest. Schulze was tasked by the Sheriff's Office with assessing the Vilardis "overall financial well-being," their "ability to have saved a large sum of money," and "any and all financial transactions" between the Vilardis, their family members, and the victims of homicide.

Schulze reviewed bank statements, credit reports, income tax filings, probate filings, and other financial records provided to him by the Sheriff's Office. He also reviewed video and audio recordings of interviews conducted by investigators, as well as deposition testimony from a related civil case. Schulze reached a number of opinions in his report, which should be excluded from this trial.

LEGAL STANDARD

Rule 702 of the South Carolina Rules of Evidence allows expert testimony when "scientific, technical, or other specialized knowledge" will help the jury understand evidence or determine a disputed fact. To testify to an expert opinion, a witness must be "...qualified as an expert by knowledge, skill, experience, training, or education..." S.C. R. Evid. 702.

While South Carolina has not adopted the familiar *Daubert* standard, it has a modified version that works much the same way. *State v. Council,* 335 S.C. 1, 19-21 (1999). Admission of expert testimony in South Carolina requires three elements: (1) the expert must assist the trier of fact, (2) the expert witness must be qualified, and (3) the underlying science must be reliable. *State v. Wallace*, 440 S.C. 537, 543-44 (2023). Admission of expert testimony should remain limited to the precise area of expertise in which the witness is qualified. Opining on other matters risks reversal even under the abuse of discretion standard. *See generally, State v. Herrera*, 425 S.C. 558 (2019).

ARGUMENT

1. Schulze's opinion that financial distress could be a motivating factor in committing a crime exceeds the scope of his expertise and should be excluded.

A. The opinion is not product of any reliable forensic accounting methodology.

Schulze is a CPA (certified public accountant), CFF (certified in financial forensics), and CFE (certified fraud examiner). With these designations, Schulze would be expected to know how to trace funds, analyze financial records, identify accounting irregularities, and render opinions on financial conditions. Nothing in his training, education, or professional certifications qualifies him to opine on human motivation to commit violent crime. The inferential leap from "these individuals were under financial stress" to "that stress could motivate a quadruple homicide" is not one that any forensic accounting methodology supports. It is a behavioral and psychological inference that falls entirely outside Mr. Schulze's area of expertise.

Schulze states his investigation complied with Standards for Consulting Services No. 1 of the American Institute of Certified Public Accountants ("AICPA"). These standards do not provide any framework, methodology, or analytical process for assessing whether financial conditions create motives for criminal conduct. There does not appear to be any peer-reviewed methodology, professional standard, or recognized analytical framework within forensic accounting that would allow for such an opinion.

This Court is the "gatekeeper" for expert testimony. *State v. Phillips*, 430 S.C. 319, 334 (2020). An important part of that role is determining whether an expert opinion is sufficiently reliable. *State v. Galloway*, 443 S.C. 229, 237-38 (2024). There are two subparts to the reliability of an opinion, and both must be considered: (1) whether the expert's *method* is reliable, and (2) whether the *substance* of the expert's testimony is reliable. *Id.* at 238 (quoting *State v. Warner*, 430 S.C. 76, 86 (Ct. App. 2020) (emphasis in original)). The Supreme Court noted with approval the federal standard for reliability and its three elements, stating testimony should be: (1) based on sufficient facts or data, (2) the product of reliable principles and methods, and (3) reflects the principles and methods were reliably applied to the facts of the case. Galloway, 443 S.C. at 238 (citing Warner and *Phillips, supra.*) Schulze's opinion completely fails this test and should be excluded.

B. The opinion does not assist the trier of fact.

Rule 702 requires that expert testimony "assist the trier of fact to understand the evidence or to determine a fact in issue." Any layperson can understand the theory that people who need money might be motivated to obtain it. Of course, the leap to committing murder is both improbable and far beyond the scope of this expert testimony. Schulze's opinion that financial distress "could be" a motivating factor adds nothing that the jury cannot assess on its own if the underlying financial data is presented. It merely places the imprimatur of expert authority on an improper inference and improperly bolsters the State's theory.

This Court should exclude Schulze's testimony pursuant to its gatekeeping role to avoid introducing unfair prejudice into this trial. As the Fourth Circuit recognized:

> "[E]xpert witnesses have the potential to be 'both powerful and quite misleading.'" *Westberry v. Gislaved Gummi AB*, 178 F.3d 257, 261 (4th Cir.1999) (quoting *Daubert*, 509 U.S. at 592). Given that potential, it is critical for district courts to diligently assess the admissibility of expert testimony. Under Rule 702, the trial judge has a special gatekeeping obligation to make sure an opinion offered by an expert is admissible. *Nease v. Ford Motor Co.*, 848 F.3d 219, 230 (4th Cir. 2017).
> *Small v. WellDyne, Inc.*, 927 F.3d 169, 176 (4th Cir. 2019).

C. Schulze's opinions violate Rule 403.

Schulze's purported opinion on motive is particularly prejudicial because it is framed in the language of professional certainty ("it is my professional opinion within a reasonable degree of certainty") on a question that is inherently speculative. Jurors are likely to give undue weight to this opinion precisely because it comes from a credentialed expert, yet the opinion rests on no greater analytical foundation than the jury's own common sense. There is a significant risk that the jury will defer to the expert on a question it is fully competent to assess, resulting in unfair prejudice. This risk substantially outweighs any marginal probative value.

2. Schulze's use of the "beyond a reasonable doubt" standard is improper, invades the province of the jury, and renders his opinions unreliable.

Throughout his report, Mr. Schulze frames his professional opinions using the phrase "beyond a reasonable doubt." For example, he states: "It is my professional opinion, beyond a reasonable doubt, that Rosmore W. and Amy D. Vilardi did not generate approximately $89,000.00 in cash savings." There are numerous additional statements in which he claims an opinion "beyond a reasonable doubt." That is improper.

A. "Beyond a reasonable doubt" is not a standard recognized in forensic accounting.

The AICPA Standards for Consulting Services, which Schulze cites as the applicable professional standard for his expert work, do not employ the phrase "beyond a reasonable doubt." Nor does any recognized standard within the CPA, CFF, or CFE professional frameworks. The standard is a legal standard governing the burden of proof in criminal cases. It is not a methodological standard within any accounting discipline, and Schulze's adoption of it suggests that his opinions have been framed to serve a prosecutorial function rather than to reflect the application of a recognized professional methodology. An expert's methodology must be assessed on the standards of the expert's own discipline. *Kumho Tire Co. v. Carmichael,* 526 U.S. 137, 152 (1999). Where an expert imports a standard from outside his discipline, particularly a legal standard, it raises serious questions about whether the opinions reflect genuine professional analysis or advocacy.

B. Schulze's "beyond a reasonable doubt" formulation invades the province of the jury.

While Rule 704(a) permits opinion testimony on ultimate issues, the "beyond a reasonable doubt" standard is uniquely the province of the jury. By framing his opinions in this language, Schulze is not merely offering an opinion on an ultimate issue. He is effectively instructing the jury that his conclusions satisfy the very standard the jury is charged with applying. This goes beyond what Rule 704(a) permits and risks supplanting the jury's independent assessment with the expert's own determination of the applicable burden of proof.

C. The use of this standard undermines the reliability of the opinions.

An expert who frames opinions using a standard that does not exist within his professional discipline cannot be said to have applied "reliable principles and methods" as required by Rule 702. The adoption of a legal standard in place of a professional one suggests that the opinions were reverse engineered to support a predetermined conclusion rather than derived from a reliable analytical process.

3. The Court should exclude Schulze's legal opinions regarding South Carolina statutes.

Schulze's report contains extensive discussion and application of South Carolina statutes, including S.C. Code § 62-2-803 (the "slayer statute" governing the effect of homicide on inheritance); § 62-3-703 (fiduciary duties of personal representatives); § 62-3-504 (powers of personal representatives); and § 16-9-10(A)(2) (filing fraudulent documents).

Schulze is a certified public accountant, not an attorney. He is not qualified to interpret or apply South Carolina statutory law, and opinions on the meaning and application of statutes are exclusively within the province of the Court. Expert testimony on questions of law is not proper. *State v. Commander,* 396 S.C. 254, 264 (2011) (citing Dawkins *v. Field,* 354 S.C. 58, 66-67 (2003)).

Schulze's discussion of § 62-2-803 is particularly problematic. He explains the slayer statute, applies it to the facts of this case, and opines on its legal consequences for the Vilardis' inheritance rights. This is a legal argument, not expert testimony. Similarly, his opinions that Co-Defendant Amy Vilardi "violated" § 16-9-10(A)(2) and "breached her fiduciary responsibility as required by law" under § 62-3-703 are legal conclusions that he is not competent to render and that would usurp the function of the Court and the jury.

4. The Court should exclude testimony regarding the Cathy Scott estate under Rule 403.

Nearly seven pages of Schulze's report is devoted to a detailed analysis of Co-Defendant Amy Vilardi's administration of the Estate of Cathy T. Scott. This analysis accuses Mrs. Vilardi of fraudulent probate filings, discrepancies between bank records and probate accountings, unauthorized distributions, and failure to comply with Probate Court orders.

There does not appear to be any relevance to this information. By its very definition, it all took place after the charged crimes. Subsequent bad acts allegations are treated similarly to other evidence of bad acts. Such evidence is not admissible to prove the defendant's "bad character or criminal tendencies". *State v. Atkins*, 309 S.C. 542, 544 (Ct. App. 1992). It must be proven by clear and convincing evidence and have a "close similarity to the charged offense." *Id.* at 545. Because the evidence meets none of those requirements, it is outright inadmissible and should be excluded by the Court. Further, this trial is against Rosmore Vilardi and this irrelevant information should not be admitted against him.

A. The estate administration evidence is inadmissible propensity evidence.

Both Defendants are charged with murder, not with fraud, breach of fiduciary duty, or probate violations. The detailed accounting of estate fund mismanagement invites the jury to convict this Defendant not based on evidence of the charged crime, but based on moral disapproval of separate, uncharged conduct of that of his Co-Defendant. Without analyzing *Bruton* or Confrontation Clause issues, this is classic propensity reasoning that Rule 403 is designed to prevent.

Additionally, counsel cannot locate evidence the Probate Court made any finding specific to these allegations.

B. The evidence of subsequent wrongdoing is confusing and a waste of time.

Rule 403 does not just prohibit the admission of unfairly prejudicial evidence, it also bar's introduction of evidence that would confuse the jury or be a waste of time. S.C. R. Evid. 403.

The level of detail in Mr. Schulze's estate analysis (specific bank account reconciliations, comparison of 40 unaccounted-for transactions totaling $72,073.22, identification of 58 unsupported disbursements, and detailed inventory discrepancies) would require extensive cross-examination and potentially the presentation of rebuttal evidence. This creates a substantial risk of confusing the issues and misleading the jury by diverting attention from the elements of the charged offense to a complex financial dispute over estate administration.

It also wastes time. Counsel will be forced to mount a full defense to allegations of uncharged fraud of his Co-Defendant. The State's current witness list will likely result in a trial lasting two or more weeks. There is no need to add extra days waging war over inadmissible propensity evidence completely unrelated to the murder on trial.

C. Schulze's inflammatory language compounds the prejudice of his testimony.

Schulze's report characterizes the estate filings as "fraudulent," describes them as "a willful attempt to deceive the Probate Court," and states that Co-Defendant Amy Vilardi "forged vehicle documents." These characterizations, presented under the authority of expert testimony, are highly inflammatory and go far beyond neutral financial analysis. They invite the jury to view the Co-Defendant as a dishonest person who is more likely to have committed the charged offense. Once again, this implicates *Bruton* and the Confrontation Clause.

5. Schulze's report is unreliable under Rule 702 based on incomplete data.

Schulze himself acknowledges significant gaps in the data available to him, yet he draws sweeping conclusions despite these acknowledged limitations.

A. Redacted bank statements.

Schulze notes on at least two occasions that "Wells Fargo redacted some of the activity found on the statements making it impossible to discern any conclusions from the statements." Despite this acknowledged impossibility, he proceeds to draw conclusions about the same individuals' financial conditions.

B. Incomplete temporal coverage.

Schulze acknowledges that the Vilardi's bank records for the Styles for Miles business account only ran through October 15, 2015, yet he opines on their ability to generate savings during 2015. He admits he "was not able to determine if the total income on the 2015 income tax return was more than the business deposits" because of this gap.

C. Cost-of-living extrapolation.

Schulze relies on an MIT study published in February 2017 to estimate the cost of living for a family in Anderson County, South Carolina, and then applies those figures retroactively to assess whether the Vilardi's could have contributed to savings in 2014 and 2015. This methodology, which applies 2017 cost estimates to 2014-2015 financial conditions, lacks the reliability required under Rule 702.

D. Absence of independent investigation.

Schulze reviewed only the records provided to him by ACSO. He did not independently interview the Vilardis, did not subpoena additional records, and did not conduct any independent verification of the records he was provided. His analysis is therefore limited to, and potentially skewed by, the selection of records made by law enforcement.

An expert opinion based on admittedly incomplete data, retroactive application of subsequent cost studies, and a one-sided selection of records does not satisfy the reliability requirement of Rule 702.

6. Schulze's report does not comply with AICPA professional standards for forensic services, and the current standard expressly prohibits some of his opinions.

Schulze states in his report that his "investigation has been performed in compliance with Standards for Consulting Services No. 1 of the American Institute of Certified Public Accountants (AICPA)." This claim warrants scrutiny for two independent reasons: (1) SSCS No. 1 does not support the opinions he renders, and (2) SSCS No. 1 has been superseded for forensic engagements by the Statement on Standards for Forensic Services No. 1 ("SSFS No. 1"), which expressly prohibits several of his opinions.

A. SSCS No. 1 contains no methodology for opining on criminal motive or rendering conclusions "beyond a reasonable doubt."

SSCS No. 1 defines the "consulting process" as "the analytical approach and process applied in a Consulting Service," typically involving "determination of client objective, fact-finding, definition of the problems or opportunities, evaluation of alternatives, formulation of proposed action, communication of results, implementation, and follow-up." Nothing in this process contemplates the rendering of opinions on whether financial conditions create motives for violent crime. Mr. Schulze's claim of compliance with SSCS No. 1 provides no methodological foundation for his motive opinion or his use of the "beyond a reasonable doubt" standard.

SSCS No. 1, issued in 1991, is a brief, general-purpose standard that governed consulting services provided by CPAs. Its performance standards, found at Section 100.06, require only that members: (a) exercise professional competence; (b) exercise due professional care; (c) adequately plan and supervise the engagement; and (d) obtain "Sufficient relevant data to afford a reasonable basis for conclusions or recommendations." The standard contains no framework, methodology, or analytical process for assessing criminal motive, rendering opinions on the probability of criminal conduct, or applying the "beyond a reasonable doubt" standard to financial analysis.

B. SSFS No. 1 now governs forensic engagements and expressly prohibits opining on the ultimate conclusion of fraud.

Schulze's engagement by the ACSO to conduct a financial investigation in connection with a homicide investigation plainly meets the definition of an "investigation" engagement under SSFS No. 1. This provision defines such engagements as matters "conducted in response to specific concerns of wrongdoing in which the member is engaged to perform procedures to collect, analyze, evaluate, or interpret certain evidential matter to assist the stakeholders . . . in reaching a conclusion on the merits of the concerns." SSFS No. 1 is now the applicable standard, not SSCS No. 1.

In 2019, the AICPA's Forensic and Valuation Services Executive Committee issued the Statement on Standards for Forensic Services No. 1 ("SSFS No. 1"), effective for engagements accepted on or after January 1, 2020. SSFS No. 1 was issued specifically to address the growing need for authoritative standards governing forensic accounting work in litigation and investigation settings. Critically, SSFS No. 1, Paragraph 2, provides that when an engagement meets the definition of forensic services, "CS section 100 [SSCS No. 1] *does not apply*." (Emphasis added.)

C. SSFS No. 1, Paragraph 10, prohibits opining on the ultimate conclusion of fraud.

Even under the standard Mr. Schulze claims to follow (SSCS No. 1), these opinions find no support. Under the standard that actually governs his work (SSFS No. 1), they are affirmatively prohibited. This Court should exclude these opinions on the independent ground that they violate the expert's own profession's governing standards.

SSFS No. 1, Paragraph 10, provides: "The ultimate decision regarding the occurrence of fraud is determined by a trier of fact; therefore, a member performing forensic services is prohibited from opining regarding the ultimate conclusion of fraud. This does not apply when the member is the trier of fact. A member may provide expert opinions relating to whether evidence is consistent with certain elements of fraud or other laws based on objective evaluation."

Schulze is not the trier of fact. Yet his report contains multiple opinions that opine on the ultimate conclusion of fraud. He states that Co-Defendant Amy Vilardi's probate filings were "fraudulent," that she made "false and fraudulent statements to the Probate Court," that her accountings constituted "a willful attempt to deceive the Probate Court," and that she "violated" Section 16-9-10(A)(2) of the South Carolina Code. These are not opinions about whether evidence is "consistent with certain elements of fraud." They are opinions on the ultimate conclusion of fraud itself, which Paragraph 10 of SSFS No. 1 expressly prohibits.

D. Mr. Schulze's non-compliance with applicable professional standards undermines the reliability of his testimony under Rule 702.

As discussed earlier, an expert's compliance with the standards of his own profession is a relevant consideration in assessing reliability under Rule 702. *See Kumho, supra.* If the expert's own professional standards prohibit the opinions that he seeks to render, it is difficult to conclude that those opinions are "the product of reliable principles and methods" as Rule 702 requires. The AICPA's prohibition on ultimate fraud opinions reflects the profession's own judgment that such opinions exceed the competence of forensic accountants and belong exclusively to the trier of fact. This Court should give effect to that professional judgment.

7. **Schulze should be estopped from advancing a position already abandoned by the Sheriff's Office which retained him for this opinion.**

It is important to note the extreme delay that has become a hallmark of this case and how it affects this Court's gatekeeping responsibilities. Schulze's report was not entirely geared towards the homicide investigation, though he concentrates on that in his report and does not expressly mention his involvement in the civil case related to these events. He was engaged by ACSO for both this criminal case and a related civil case. The related civil case stemmed from a claim the Vilardis, through their attorney Chris Pracht, brought against ACSO for return of the items taken from the Vilardis' trailer by the police, including the money that seems to be at the center of this report. The Vilardis sued ACSO on May 25, 2016, seeking the return of the money that was taken from their trailer and claimed as evidence in the homicide investigation. That case limped along for some time, with ACSO repeatedly claiming the ongoing investigation prevented return of the money and forcing the Circuit Court to balance the extreme delay by police against the parties' property rights.

On August 30, 2019, Judge Maddox denied the Vilardis' summary judgment motion specifically noting ACSO had told him the "criminal investigation is near conclusion" and "the Anderson County Sheriff's Office anticipates a forensic consultant's report in the near future, after which a decision will be made on charges in the matter." (Exhibit B) This was over a year after the Schulze report was issued, and there were still no charges.

Even more importantly, ACSO abandoned its claim to the evidence in this case even with the very report that is the subject of this motion. Despite receiving this forensic report around the same time ACSO had represented to the Court that it would make a charging decision, no one was charged. ***Two more years*** went by. Not only did they not arrest anyone, but they also gave all the money back. The money found in the Vilardis' trailer was returned to the Vilardis' attorney. The State is essentially asking this Court to allow it to present expert testimony to support a conviction when they did not even rely on the report in a civil matter with a lower burden of proof and none of the constitutional protections that underpin a criminal trial. (Exhibit C)

This alone should cast enough doubt on the expert's opinion that this Court can outright exclude it from this trial. But besides the practical effect of the settlement, it should also operate to prevent the State from relitigating the status of the money found in the trailer. Collateral estoppel is an equitable doctrine that rests on the overriding concern of fundamental fairness. *Pampu v. Wingo*, 446 S.C. 236, 256 (Ct. App. 2025).

There is nothing to prevent collateral estoppel in a criminal case. The Supreme Court has recognized that "[w]hen an issue of fact or law is actually litigated and determined by a valid and final judgment, the determination is conclusive in a subsequent action between the parties, whether on the same or different claim." *State v. Bacote*, 331 S.C. 328, 330-31 (1998). Collateral estoppel has long been applied in South Carolina criminal courts. *State v. Hewins,* 409 S.C. 93, 106-107 (2014). Known as issue preclusion, it prevents a party from relitigating an issue that was already decided. *Id.* at 106. South Carolina requires that the issue was: (1) actually litigated in the prior action, (2) directly determined in the prior action, and (3) necessary to support the prior judgment. *Id.* While courts can refuse to apply collateral estoppel for broad equitable reasons, those reasons support its application here.

All the parties to the instant case were involved in the civil lawsuit. The issue was identical to the one before the Court: is the money found in the Vilards' trailer evidence relevant to the murder? This was the exact defense raised by ACSO against the Vilardis' lawsuit. They claimed they did not have to give the money back because it was evidence of a crime. They repeatedly asserted this position in front of the Circuit Court to defeat multiple motions for summary judgment. They had every opportunity to vigorously defend their position in litigation.

Yet at the end of that litigation, they returned the money. Not in some informal manner, but in a settlement order approved by the Court. This order could not have been entered without ACSO dropping its claim to the money. In other words, ACSO had to admit the money was not evidence related to the murder, or it would not have had to return it. Collateral estoppel principles are focused on this very issue. ACSO should not be able to take contradictory positions with regard to the same facts in different courtrooms. If it wanted to confirm the money was evidence, it had the opportunity to do that. It gave that position up and should not be able to reassert it.

This is directly relevant to the expert testimony. Schulze is essentially going to testify to a claim completely at odds with the position the State (who hired him) took in the very litigation it hired him for. The State should not be able to return money in a settlement that was premised on the money not being evidence, while at the same time presenting testimony that the very same money was evidence. This was a unique settlement. Parties often have to make difficult decisions based on risk assessment. But not here. ACSO only asserted the money was evidence, which meant it never had any claim on the money. By extension, it never had any risk of losing any money. The settlement was simply a recognition law enforcement could not prove the money was evidence, even under the lower civil standard of preponderance of the evidence.

CONCLUSION

For the numerous reasons cited, including the profound flaws in the expert's methods and the contradictory position taken in previous litigation, this Court should exclude Schulze's testimony from the trial of this case.

KENT LAW FIRM, LLC

Shaun C. Kent, Bar #68565
19 South Mill Street
Post Office Box 117
Manning, SC 29102
(803) 433-5368

Manning, South Carolina
July __10__, 2026

EXHIBIT A

EXHIBIT
1

REPORT ON INVESTIGATION BY FINANCIAL FORENSIC INVESTIGATOR

PREPARED FOR THE ANDERSON COUNTY, SOUTH CAROLINA SHERIFF'S OFFICE

CHARLES W. SCHULZE, CPA, CFF, CFE

INDEX TO REPORT

REPORT ON INVESTIGATION BY FINANCIAL FORENSIC INVESTIGATOR

INTRODUCTION - 3

ASSIGNMENT - 3

RECORDS USED IN MY ANALYSIS - 4

EXECUTIVE SUMMARY - 5

OPINIONS - 10

FINANCIAL OVERVIEW OF VICTIMS - 12

FINANCIAL OVERVIEW OF ROSMORE W. VILARDI - 13

FINANCIAL OVERVIEW OF AMY D. VILARDI - 16

LEASE TERMINATION PROCEEDS FROM AMY D. VILARDI - 21

REVIEW OF AMY D. VILARDI'S VIDEO INTERVIEWS WITH REGARD TO SAVINGS - 22

FINANCIAL OVERVIEW OF CATHY SCOTT ESTATE ADMINISTRATION - 25

DEPOSITION TESTIMONY IN A CIVIL MATTER - 29

Charles W. Schulze, CPA, LLC
720 Montague Avenue
Greenwood, South Carolina 29649
cschulzecpa@gmail.com
864-910-1064

August 22, 2018

Anderson County Sheriff's Office

Anderson, South Carolina

REPORT ON INVESTIGATION BY FINANCIAL FORENSIC INVESTIGATOR

INTRODUCTION

This investigation has been performed in compliance with Standards for Consulting Services No. 1 of the American Institute of Certified Public Accountants (AICPA). I have not been engaged to perform an audit of the financial statements of the entity. You may not share this report with anyone outside of law enforcement without my written consent.

ASSIGNMENT

You have engaged me to assist your department in a financial analysis of two individuals who are of interest to your investigation into a quadruple homicide. While you have indicated to me that no "person of interest" has been ruled out by your department, my assignment is directed toward two specific individuals of interest, Rosmore W. and Amy D. Vilardi.

Of particular interest to you is the overall financial well-being of the Vilardi's, their ability to have saved a large sum of money (their "emergency savings"), and any and all financial transactions between these two and Ms. Vilardi's late mother (Cathy T. Scott), including Ms. Scott's estate accounts, her late grandmother (Violet J. Taylor), her late step-father (Terry M. Scott) and her late step-grandmother (Barbara J. Scott).

RECORDS USED IN MY ANALYSIS

Your office has furnished me with bank statements of the victims, including the estate account of Cathy T. Scott, probate filings of the Estate of Cathy T. Scott, bank statements of Rosmore W. Vilardi and numerous bank statements of Amy D. Vilardi's from a number of different accounts.

I have also been furnished with credit reports of the Vilardi's, income tax returns (where filed), a lease signed by Ms. Vilardi and related documents, paid invoices of Ms. Vilardi and other related documents.

EXECUTIVE SUMMARY

Emergency Money

I was asked by the Anderson County Sheriff's Office to assist them in understanding the financial condition of the above referenced parties (Vilardi's) and to make a determination if it was possible for the Vilardi's to amass $89,410 in savings, as was claimed by Amy Vilardi to Detectives of the Department. Such amount was recovered from the Vilardi's residence shortly after the event currently under investigation by the Anderson County Sheriff's Office occurred.

Ms. Vilardi has claimed in interviews that her "emergency savings" started in 2011 with the sale of a 2001 Mustang she owned. Anderson County records do confirm that she owned such a vehicle and sometime in 2011 it was transferred out of Vilardi's name. The vehicle was valued at $1,429.00 for tax purposes. While tax records are not a good source of valuing a vehicle, they are generally within a close range. The State of South Carolina is responsible for establishing vehicle values for county tax purposes.

Amy Vilardi claims that she sold the vehicle for $8,000.00 to $10,000.00. She could not remember the exact amount. While this amount appears to be out of an expected range I have no way of disputing this amount. However, on the other hand, Ms. Vilardi has offered no proof of selling the vehicle for that amount or any other amount.

She stated that she gave that money to her mother, Cathy Scott, to hide from her then-husband because he had a gambling problem and she did not want him to know about the money. Vilardi states that her mother hid the money in an outside freezer.

She then stated that by 2013 she had increased that amount to $12,000.00. Once again she offered no proof of such amount. There were also claims by Vilardi that she and her mother buried this money within jars and placed them in the yard of their joint residence. Some jars were buried under an old house located on the property according to Ms. Vilardi.

Amy Vilardi tells detectives that she "slowly" built this amount up to approximately $89,000.00 over 2014 and 2015. She claims that these funds came from her business, Styles for Miles. She further claims that the business is "very profitable." Given her claim, she would have to add $77,000.00 to this "emergency savings" amount over 2014 and most of 2015. This amount is based on the fact that, later in this report, I have ruled out Rosmore Vilardi's ability to add anything to this emergency savings amount.

The problem with her claim is that both Vilardi's additional verbal statements and her income tax returns dispute this claim. She states in a March 31, 2016 video interview with Detectives Gene Culbertson and Tracy Call that her business suffered a loss in 2014. The South Carolina Department of Revenue confirms that Ms. Vilardi did not file an income tax return for the year ending 2014.

That would mean that she would have added some $77,000.00 from the profits of her business in 2015 (given that Rosmore W. Vilardi could not have contributed anything). Vilardi's income tax return, which she has stated was accurate, shows that the profit from the business for that year was $27,424.00. From this amount, she would have to support herself and two children for a year. I have determined from studies on the cost of living in Anderson County that after such cost of living, Ms. Vilardi would not have any substantial funds to add to the "emergency savings" amount in 2015.

Ms. Vilardi also claims in interviews that another $8,500.00 was added to her savings in 2014 from the sale of a trailer to someone in North Carolina. She is not able to produce any evidence of this, nor can she remember the name of the individual who supposedly bought the trailer.

There is evidence that Ms. Vilardi did received a trade-in allowance against the purchase of a new trailer in 2014. It was for $8,500.00 which is the same amount she claims she received from the sale of a trailer in 2014.

At this point, it is apparent that Ms. Vilardi's claims as to her contributions to the "emergency savings" account are not truthful. She has offered no evidence for any "cash" sales of property and she is not being honest about her business' ability to add a large amount money to the savings.

In these same set of interviews, Ms. Vilardi makes reference to her husband's contribution to the "emergency savings" account. She claims that Rosmore Vilardi had $35,515.93 that could have been contributed to the "emergency funds." This amount arose from two sources according to Ms. Vilardi.

I have determined that Rosmore W. Vilardi did receive this amount from a distribution from his Thrift Savings Account ($9,893.84) and an amount received from Veterans Affairs ($25,622.09) for a disability claim filed by Mr. Vilardi.

Ms. Vilardi failed to tell detectives that during this same period, Rosmore Vilardi made a number of payments for a Mustang automobile, and also purchased two motorcycles, a truck and a personal watercraft. As listed below in detail, these purchases amounted to $39,976.40, which would have exceeded any of the funds Amy Vilardi claims Rosmore Vilardi contributed to the "emergency funds."

Therefore, Ms. Vilardi's claims as to how she saved some $89,000.00, which was found in her residence and the Scott house, cannot be validated by any evidence either from her or from outside sources. In fact, what evidence is available disputes Ms. Vilardi's statements about the origin of these funds.

It should be noted that Ms. Vilardi made other statements concerning these "emergency funds." Such comments are found below and do not validate any of her claims.

Overall Financial Condition

With regard to the Vilardi's overall financial condition, I have reviewed their bank statements and associated income tax returns where possible. In addition, I reviewed Experian credit reports and credit history from companies that have done business with them. I also reviewed a report from the South Carolina department of Social Services with regard to Ms. Vilardi's need for "food stamps."

From the filed income tax returns (2011, 2012, 2013 and 2015 filed, and 2014 and 2016 not filed) a grand total of $7,922 of taxable income is shown and that was in 2011. The modified adjusted gross income for these years before 2015 show that Amy Vilardi was either at or near the national poverty level which qualified her and her children for government assistance, which she received from March 31, 2015 through February 29, 2016. The 2015 tax return filed jointly with Rosmore Vilardi shows an amount that is slightly higher than the poverty level for a family of four.

A review of the income tax returns that were filed indicate that Amy Vilardi never generated enough income after paying estimated normal living expenses for herself and two children to create any savings. Additionally, records show that Rosmore Vilardi spent his Thrift Savings Plan distribution and his Veterans Affairs settlement on a car, a truck, two motorcycles and a personal watercraft.

This income and spending history shows that Ms. Vilardi was never in possession of savings or extra money for anything but the basic necessities for living. Mr. Vilardi's apparent spending of his savings and his disability settlement indicate a lack of need for saving on his part.

Rosmore Vilardi does not show any income on their jointly filed 2015 income tax return. At that time and through February 2017, his monthly Veteran Affairs disability payment was between $1,059.09 and $1,275.09. These amounts are non-taxable and would not show on the income tax return. It appears that Mr. Vilardi has been classified as 100% disabled by Veterans Affairs as of March 2017.

In addition, both Rosmore and Amy Vilardi's credit history indicate their struggles with meeting deadlines for making payments on automobiles and their trailer. Their history of walking away from their financial responsibilities (see below) are also indicators of their financial struggles.

There can only be one conclusion with regard to the Vilardi's overall financial condition, in my professional opinion: the lack of any taxable income, qualifying for the "Earned Income Credit" on their income tax returns, a continuing history of being late on obligations and paying late fees, and their credit reports showing where they walked away from obligations all combine to show their continuing financial struggles up to October 31, 2015.

Money to End the Lease

There has been a question posed to me regarding whether or not the Vilardi's had at least $8,000.00 in cash or in a bank account on or about October 31, 2015. Rosmore and Amy Vilardi had entered into a lease arrangement for space to operate her business in 2014. The landlord has stated to the Anderson County Sheriff's detectives that towards the end of October 2015 he was approached by the Vilardi's about terminating such lease.

Mr. Namova (landlord) was given a check (#109) from Rosmore Vilardi's Wells Fargo account # 8223855266 in the amount of $8,000. Namova was asked by Rosmore Vilardi to hold the check for one week (until November 1, 2015). On November 2, 2015, Namova claims that Rosmore Vilardi showed up at the "Pita House" with $8,000 in cash to pay off the lease instead of having the check cashed.

According to Rosmore Vilardi's bank records, he did not have more than $1,238.41 in that account on October 31, 2015, and slightly less a few days later. The Vilardi's other bank account, Styles for Miles, had a balance of $179.18 on October 31, 2015 and $84.88 on November 2, 2015.

Therefore, the Vilardi's could not have taken $8,000.00 out of their accounts to pay off the lease. In addition, as stated above, there is no evidence that the Vilardi's had any cash savings on their person to give to Namova. The question is, if they did have that amount of cash before October 31, 2015, why did they not give Namova cash instead of giving him a check and asking him to hold it until after October 31, 2015? **It is my professional opinion, based on the evidence presented to me, that the Vilardi's did not have $8,000.00 in cash until after October 31, 2015, when they paid the lease off with cash.**

Could Financial Condition be a Motive in this Case

As people of interest in this case, I have been asked if the Vilardi's stressful financial situation could have been a motive if, in fact, they are involved in this case. **I can state that it is my professional opinion within a reasonable degree of certainty that the Vilardi's need for money could be a motivating factor for them to be involved in this matter.**

Administration of Cathy Scott Estate

After Cathy Scott's death, Amy Vilardi was appointed as the Personal Representative of Ms. Scott's estate. **$139,316.05** was deposited by Amy Vilardi into the estate account in November 2015. **As indicated below, Amy Vilardi withdrew all but $152.96 within four months.**

Bank records show that most of the withdrawals were without checks and were either withdrawn by a debit card or a cash withdrawal leaving no evidence of the purpose of the transactions.

Probate officials have also indicated to me that it is the responsibility of the Personal Representative to account for all transactions within the estate bank account. Funds are to be used first for payment of approved claims of the estate before any distributions are made to beneficiaries. **In this case, there are potential claims remaining against the estate with no funds to pay them.**

Also, Probate officials have told me that not using checks to support payment transactions was very unusual and that the practice of direct cash withdrawals was not an acceptable practice.

Ms. Vilardi provided what she claimed was a true and accurate filing of the transactions under her complete control regarding the Estate of Cathy Scott to the Anderson County Probate Court according to officials there. Based on my detailed review of this probate filing and as discussed in depth later in this report, this accounting of the transactions of the Estate of Cathy Scott was not only incorrect, but because of the numerous inconsistencies, are clearly, in my professional opinion, a willful attempt to deceive the Probate Court in believing they were true and accurate when in fact they were fraudulent.

Adding support to my opinion that the Vilardi's had problems with spending issues is the very unusual spending patterns exhibited by Amy Vilardi. She spent over $139,000, perhaps even more, based on her September 1, 2017, probate reporting of the estate's funds, without maintaining proper records, in a four month timeframe, leaving a balance of $152.96, knowing there were claims against the estate. She did not deposit all of the Estate's cash assets in the beginning of the estate's administration while making false and fraudulent statements to the Probate Court about the balances and cash transactions under her administration. This is also indicative of someone struggling with financial issues.

Conclusion

<u>In conclusion, all of the evidence and facts indicate that the Vilardi's were not wealthy and did not have any significant cash savings prior to October 15, 2015. All indicators show they were struggling financially, partly because of their income levels and other evidence which shows they spent most everything they earned daily.</u>

PROFESSIONAL OPINIONS IN THE MATTER REGARDING ROSMORE W. AND AMY D. VILARDI

Professional Opinion

It is my professional opinion, beyond a reasonable doubt, that Rosmore W. and Amy D. Vilardi's past credit history, lack of meeting their current financial obligations on a timely basis, income tax history, and the need for assistance from the Department of Social Services all indicate financial distress for Rosmore W. and Amy D. Vilardi through October 31, 2015.

Professional Opinion

It is my professional opinion, beyond a reasonable doubt, that Rosmore W. and Amy D. Vilardi's stressful personal financial situation cannot be ruled out as a motive for them to commit an unlawful action where there was the possibility of a financial outcome that would benefit them.

Professional Opinion

It is my professional opinion, beyond a reasonable doubt, that Rosmore W. and Amy D. Vilardi did not generate approximately $89,000.00 in cash savings found in their personal residence and the Scott's residence based on their financial history for the last five years.

Professional Opinion

It is my professional opinion, beyond a reasonable doubt, that Amy Vilardi's statements to law enforcement as to how she saved this amount of money cannot be supported and are therefore not truthful.

Professional Opinion

It is my professional opinion, beyond a reasonable doubt, that Rosmore W. and Amy D. Vilardi did not have sufficient cash in their bank accounts or in non-bank savings to use to pay G&N, LLC on November 2, 2015 $8,000.00 in cash to cancel a lease.

Professional Opinion

It is my professional opinion, beyond a reasonable doubt, that Amy D. Vilardi's administration of the Estate of Cathy Scott to date is not consistent with proper estate administration practices as required by law and further show her need for money.

Professional Opinion

It is my professional opinion, beyond a reasonable doubt, that Amy D. Vilardi filed fraudulent Accounting Reports to the Probate Court with regard to the administration of the Estate of Cathy Scott and violated Section 16-9-10 (A) (2) of the South Carolina Code of Laws.

Professional Opinion

It is my professional opinion, beyond a reasonable doubt, that Amy D. Vilardi failed to deposit into an estate bank account all of the cash funds of the Estate of Cathy Scott which she had disclosed on an updated September 1, 2017 probate accounting.

Charles W. Schulze, CPA, CFF, CFE

NOTES ON REVIEW OF FINANCIAL RECORDS OF VICTIMS: MIKE SCOTT, CATHY SCOTT, BARBARA SCOTT AND VIOLET TAYLOR

FINANCIAL OVERVIEW OF VICTIMS

CATHY T. SCOTT

I reviewed a Wells Fargo account #7868461661 (PMA Package). There was nothing of significance to this case found within my review.

I reviewed a Wells Fargo account #71010226652302. There was nothing of significance to this case found within my review.

I reviewed a Wells Fargo account #7785537536 (PMA Package). There was nothing of significance to this case found within my review.

NOTE: On the above accounts, Wells Fargo redacted some of the activity found on the statements making it impossible to discern any conclusions from the statements.

TERRY M. SCOTT

Wells Fargo account #6794610367 (PMA Package) in the joint name of Terry M. Scott and Pamela S. Isbell. There was nothing of significance to this case found within my review.

I reviewed a Wells Fargo account #1010082299857 in the joint name of Terry M. Scott and Cathy D. Scott. There was nothing of significance to this case found within my review.

NOTE: On the above accounts, Wells Fargo redacted some of the activity found on the statements making it impossible to discern any conclusions from the statements.

VIOLET J. TAYLOR

I reviewed a Wells Fargo account #1010173127809. There was nothing of significance to this case found within my review.

BARBARA JEAN SCOTT

I was not presented with any bank account statements for Barbara Jean Scott. The original Probate Inventory and Appraisement shows no checking accounts. There was nothing of significance to this case found within my review.

NOTE: I observed no significant transactions between the victims and the Vilardi's.

NOTES ON REVIEW OF FINANCIAL RECORDS OF PERSON'S OF INTEREST IN THE MATTER OF MIKE SCOTT, CATHY SCOTT, BARBARA SCOTT AND VIOLET TAYLOR

FINANCIAL OVERVIEW OF ROSMORE W. VILARDI

Checking and Savings accounts at the Navy FCU

I was presented with bank statements of Rosmore W. Vilardi, Navy Federal Credit Union Access #04895672, Account # 00003013758317, Checking Account # 7009940615 and Savings Account # 3013758317, beginning August 23,2013 and ending with November 22, 2015 's statement. The beginning balance for checking was $517.50 and for savings was $35.68.

The primary source of deposits from August 23, 2013 to October 23, 2013 was Rosmore Vilardi's military pay of approximately $2,000 per month. From October 23, 2013 until November 23, 2015, there was nothing of significance happening within the account. There were a few deposits, most being from the Department of Defense, totaling less than $3,000. At the date of the last bank statement, the checking account balance was $0 and the savings account balance was $5.

I reviewed a Wells Fargo checking account #8223855266 from November 1, 2014 through April, 1, 2017. Smaller (less than $1,000.00) deposits were transfers from or deposits generated by Styles for Miles.

Veterans Disability payments, both settlements and monthly payments, are accounted for in this account. There is a change in disability payment amount in March of 2017. I believe this to be an increase in disability rating from somewhere around 50% to perhaps 100%. This increase and the reasons should be explored further by the Anderson County Sherriff's Office.

Beginning in November 2015, after the date of the homicides, and ending in May 2016, there are a series of deposits totaling $24,355. There is no identification on these deposits (except one from Amy Vilardi) and the source for all of the funds is unknown except for the one from Amy Vilardi.

For account #8223855266, the Sheriff's Office handed me a check copy from this account, # 109 made out to G&N, LLC for $8,000.00. It is marked "ending the lease." The markings on the check indicate to me that it has not been cashed or deposited. Furthermore, in my review of the bank statements for this account, this check has not cleared. **(See more discussion on this matter at Lease Termination)**

The balance on the checking account #8223855266 on October 31, 2015 was $1,238.41 and on November 2, 2015 was $1,163.41. At no time between October 31 and November 2, 2015 was the balance more than $1,238.41.

I also reviewed an account referenced in a December 2017 deposition of Mr. Vilardi, USAA Federal Savings Bank account number 01134-8811-4. Beginning with the January 1, 2015 statement and ending with the December 31, 2017, a review of the activity indicated nothing of significance to this case.

Thrift Savings Plan

The beginning balance on July 1, 2008 was $0. From that date until October 30, 2013, Rosmore Vilardi made contributions to the plan. The contributions plus the net investment gains and losses totaled $10,088.03. On October 22, 2013 Ross Vilardi withdrew all funds in the account. Taxes were withheld in the amount of $1,978.77 for a net withdrawal of $9,893.84.

Income Sources

Rosmore W. Vilardi is known to receive a Veterans Disability payment of approximately $1,100 monthly. He nor Amy M. Vilardi have shown any interest income or other investment income on their 2015 tax return. There is no indication from the SC Department of Revenue of a return being filed for Amy Vilardi for 2014, nor is there a return filed for Rosmore Vilardi and Amy Vilardi for the year ending December 31, 2016.

Cash Savings

There are no indications of any material savings or investment accounts for Rosmore Vilardi for 2013, 2014 and 2015.

Other Sources of Cash

At some point after his discharge from the United States Marines, Rosmore Vilardi filed for disability from Veterans Affairs (VA). From May 20, 2015 through July 1, 2015, he received $25,622.09 from the VA. Such payments appear to be consistent with a disability payment settlement.

Income

Rosmore Vilardi receives about $1,059.09 (upgraded in 2017) monthly in Veterans Affairs disability payments. It appears that Rosmore Vilardi has used the monthly disability payments to support his monthly cash flow needs. There may have been some minor employment before these disability payments began, but since that time there are no income tax returns for him.

It is not possible to accurately state if he did or did not have a place of employment before his marriage to Amy Vilardi based on the information presented to me. It appears from tax returns filed jointly with Amy Vilardi (2015) that he did not receive any compensation for work performed with Styles for Miles. Therefore, I believe that his monthly disability payment was used for Rosmore Vilardi's monthly needs during the period before his disability payment increase in 2017.

Review of Rosmore W. Vilardi Experian Credit Report

A review of Rosmore Vilardi's Experian Credit Report shows a history of bad debts or charge-offs by creditors, indicating his inability to manage or take responsibility for his personal finances.

The credit report shows the following bad debts or charge offs:

- Chase Card-438854002577- $5,456. 10/14
- Chase Card-438857606292-$8,950. 09/14
- Navy Federal CU- 69683-$6,179. 1/17

Could Rosmore Vilardi have contributed to the $89,000.00 cash found at Amy Vilardi's house

Amy Vilardi stated to Anderson Sheriff's Office investigators that the approximately $89,000.00 found in her residence belonged to her and Rosmore Vilardi. She stated that the money had come from her savings and those of Rosmore Vilardi. My analysis of Rosmore Vilardi's ability to contribute anything to this amount is as follows:

First, I have seen no evidence that Rosmore Vilardi's monthly disability would have been used to contribute to the $89,000.00. There is no indication from a review of his bank statements that he has any other income sources to use for health, maintenance or welfare. I believe that the monthly disability payment was used for these purposes.

Rosmore Vilardi did have other sources of cash. He received $9,893.84 from the closing of his thrift savings account and $25,622.09 in disability settlement from Veterans Affairs for a total of $35,515.93.

During this same period, Rosmore Vilardi had a number of large purchases. In September of 2014, he bought a 2014 Ford Mustang. There was a $1,000 down payment along with monthly payments of $482.20. During this period there would have been 12 monthly payments for a total of $5,786.40.

He also paid late and other fees on this loan in the amount of $609.00 bringing, the total to $6,395.40. Anderson County, SC property tax records showed that Rosmore Vilardi paid property taxes on this vehicle from purchase through 04/29/2016.

Also during this period, Rosmore and Amy Vilardi purchased a 2014 Ram Truck on 2/14/2014. Payments are $710.00 per month. That would have used $14,200.00 in cash through the first of November 2015.

A review of property tax records show that Rosmore Vilardi also bought two motorcycles and a personal watercraft between 2014 and November of 2015. These were two Harley Davidson's, a HD 1981 FXE and a 2001 XL 883. Public records show the approximate values of the FXE at $10,000.00 in September of 2015 and the XL 883 $5,000.00. A Yamaha 2000 personal watercraft was purchased for approximately $4,381.00 in October of 2015. These purchases totaled $19,381.00. There are no public records indicating liens on these purchases.

Summary

In reviewing his financial records there is no evidence that Rosmore Vilardi had any excess cash that he could have used to add to any non-bank saving amounts.

FINANCIAL OVERVIEW OF AMY D. VILARDI

DOCUMENTS REVIEWED

I have reviewed all known bank accounts in the name of Amy D. Vilardi. Specific comments will be found in my analysis below. I was also able to review income tax returns as supplied by the SC Department of Revenue. I also reviewed credit reports form Experian on both Rosmore and Amy Vilardi. Comments to follow.

General Financial Comments

Amy Vilardi, for the years I reviewed, either worked for someone or ran her own business (Styles for Miles). From actual deposits in various bank accounts, it appears that Amy Vilardi had a business enterprise that did generate profits with Styles for Miles in 2015. However, I am not able to ascertain from the bank statements what the actual business expenses were. I have accepted the expenses she claimed on her income tax returns. She admits that the business lost money in 2014.

Most everything was disbursed from these accounts, meaning that both business and personal expenses were comingled, making a determination of the accuracy of her business profits impossible. It should be noted that there were savings accounts attached to the Wells Fargo accounts but there was little to no material activity in these savings accounts.

Review of Wells Fargo Accounts

Wells Fargo Checking #1216095172 with attached savings account #1231372622 was reviewed from 10/11/2012 to closing on 9/9/2014. The account showed very little material activity. In the end, the account was closed as overdrawn with the overdrawn amount charged off.

Wells Fargo account #125958198 was opened on August 2, 2013 in the joint name of Amy Vilardi and Cathy Scott. The account appears to be closed on or about April, 2014. The account was overdrawn and showed no significant transactions.

Wells Fargo account # 5877681808 was opened in November 2014. A deposit of $4,500.00 was made on November 19, 2014. Records show a cashier's check from Michael W. Eveland in the amount of $4,500.00 being deposited. Amy Vilardi withdrew $3,500.00 on November 21, 2014. Another cash deposit was made on December 8, 2014, in the amount of $5,000.00 (possibly the loan from a friend of Mr. Scott). Amy Vilardi withdrew $4,978.71 on the same date. There is no known source for these funds. This account appears to be closed on or about May 2015.

Styles for Miles opened an account at Wells Fargo on about 9/2013. The checking account number is #6977188926 with an associated savings account number #6977183497. It appears that business deposits reflecting income collected was approximately $40,938.67 for eleven months. Amy Vilardi reported gross revenue in the amount of $43,200.00 on her 2013 income tax return.

Rosmore Vilardi opened a Wells Fargo account in the name of Ross V's Granite Expertise, LLC. The checking account number is #5224126119 and the associated savings account number was #5079002845. The name of the account was changed for the April, 2014 bank account to Styles for Miles Pet Spa, LLC.

Additional 2014 funds were also deposited and are believed to be business deposits. These funds totaled $29,301.00 and would add to the $40,938.67 referenced above. This would bring the total gross revenues to $70,239.67 and, when compared to the 2015 tax return, would be consistent.

The additional revenue does not affect my opinion that Amy Vilardi would still show little to no taxable income as she did in 2015, when she showed gross revenue of $99,667.00 with no taxable income after taking the standard deduction of $12,600.00 and exemptions of $16,000.00 (see discussion below). She has also admitted that the business lost money in 2014.

It appears that the deposits for 2015 to this account are approximately $63,684.67. This is about $35,982.33 less than the gross revenue shown on the 2015 income tax return. As stated in a later section of this report, she admits to holding cash and not depositing it. However, she claims that it has been included on her 2015 income tax return. Amy Vilardi claimed enough expenses against this gross revenue to only produce a $27,424.00 net profit (which includes the un-deposited cash receipts) for her 2015 income tax return.

I also reviewed a Wells Fargo checking account #5877681808 and an associated savings account #7877716600. This account was opened on 11/19/2014. On that date a deposit was made in the amount of $4,500.00. There was a deposit on 12/8/2014 for $5,000.00 and the sources of these funds is unknown at this time.

<u>Review of Amy Vilardi Experian Credit Report</u>

Shows a charge-off to SYNCB/Walmart on 4/2015 of $689.

Shows borrowing from consumer finance companies-LVNV of $1,155 (transfer from Regional Finance) and Republic Finance dated 11/14 for $2043 and now $3,545.

2010 Tax Returns

The 2010 Federal Form 1040 shows negative taxable income for Amy Vilardi and one additional dependent. She reported $2,093 in wages as her only income.

2011 Tax Returns

The 2011 State Form 1040 shows taxable income on the Federal return of $7,922. This is a joint return with Daniel Hill and shows four dependents. There are two Form 1099's for Amy Vilardi totaling $11,051.00.

2012 Tax Returns

The 2012 State Form 1040 shows taxable income on the Federal return of zero. This is a joint return with Daniel Hill and shows four dependents. There is one Form 1099 showing income for Amy Vilardi of $20,774.42.

2013 Tax Returns

The Schedule "C" of the Form 1040 shows that Amy Vilardi reported gross income from the business in the amount of $43,200.00. There were $25,579 in claimed business expenses leaving a profit of $17,621.00

Amy Vilardi claimed a total of three exemptions leaving no taxable income. She received a refund of $4,882 consisting of $5,372.00 in earned income credit and $2,000.00 in additional child credits, less self-employment tax (social security) of $2,490.

2014 Tax Returns

The South Carolina Department of Revenue has reported to the Anderson County Sheriff's Office that Amy Vilardi did not file a 2014 income tax return. Had Amy Vilardi filed a 2014 income tax return, I believe that based on the expenses for 2015 she would have shown no taxable income. The Styles for Miles gross revenues appear to be about $70,239.67 for 2014 as discussed above. Once again, I believe that after the earned income tax credit and child tax credits she would had received a refund. However, she states on a March 31, 2016, in a recorded interview with Detectives Gene Culbertson and Tracy Call that 2014 was a "bad" year and she lost money on the business. This may be the reason she did not file a return for 2014.

2015 Tax Returns

The Schedule "C" of the Form 1040 shows that Amy Vilardi reported gross income from the business in the amount of $99,667.00. There were $72,243.00 in claimed business expenses leaving a profit of $27,424.00.

Amy Vilardi claimed a total of four exemptions (this is a joint income tax return with Rosmore Vilardi) for $16,000 and a standard deduction of $12,600.00 leaving no taxable income. She received a refund of $3,286.00 in 2017 consisting of $5,107.00 in earned income credit, withholding of $54.00 and $2,000.00 in additional child credits, less self-employment tax (social security) of $3875.00.

2016 Tax Returns

As of the date of this report, the South Carolina Department of Revenue has indicated to the Anderson County Sheriff's Office that no income tax return has been filed for Amy and Ross Vilardi.

Carolina Investors Savings

Amy Vilardi has claimed that some of the $89,000.00 found at her residence and the Scott house came from savings she had at Carolina Investors. She furnished several Carolina Investors statements indicating that she did in fact have an account there.

A 9/30/1992 statement in the joint name of Amy Hendricks (Vilardi) and Cathy D. Hendricks (Scott) shows $9,977.54. That is the last statement presented by Amy Vilardi to support her claim.

Some nine years later, around 2003, Carolina Investors (Home Gold) was placed in receivership. Investors only received "pennies on the dollar" for any funds that were still invested in Carolina Investors. She has provided no additional evidence to show the status of those funds. The income tax returns I reviewed showed no interest income leading me to believe there were no savings held by financial institutions.

It is my opinion that based on Ms. Vilardi's spending habits that even if she did in fact receive money from Carolina Investors, it would have been spent and it would not be a part of any savings.

Other Sources of Income

In my review of bank statements, I noticed a refund of income taxes and what appears to be child support payments. I have seen several deposits for $300 and $200 in what could be child support payments for at least one of Amy Vilardi's children. None of these have a material effect on any of my conclusions regarding Amy Vilardi's ability to save funds as she has claimed.

History of Bad Debts and Late Fees for Amy and Rosmore Vilardi

The Experian credit report shows that both Amy and Rosmore Vilardi had a history of bad debts. The detail is as follows.

- Chase Card-438854002577- $5,456. 10/14 (RWV)
- Chase Card-438857606292-$8,950. 09/14 (RWV)
- Navy Federal CU- 69683-$6,179. 1/17 (RWV)
- SYNCB/Walmart on 4/2015 of $689. (ADV)

Late fees for both include:

- Ally Bank (Mustang) - Shows eleven payments for less than amount due or non-payments between November 21, 2014 and January 28, 2016.
- 21st Mortgage (Live Oak Trailer) – Shows fourteen times late fees were charged between 3/1/2014 and 3/17/2016.
- Chrysler Capital (Ram Truck) – Shows fourteen times late fees were charged between July 2014 and March 27, 2016.

Charge offs (bad debts) and late fees shown above are generally an indication of financial distress.

Food Stamps

Records furnished by the South Carolina Department of Social Services (DSS) indicate that Amy D. Montgomery (Vilardi) and her two children received Food Stamps from March 31, 2015 through February 29, 2016.

Summary

In reviewing her financial records there is no evidence that Amy D. Vilardi had any excess cash that she could have used to add to any type of personal savings.

NOTES ON THE LEASE TERMINATION

Rosmore and Amy Vilardi entered into a lease arrangement for space to operate her business. On or about October 4, 2014 a lease was entered into with Zuhair Namova. Upon information and belief, Namova has stated to the Anderson County Sheriff's detectives that towards the end of October 2015 he was approached by the Vilardi's about terminating the lease.

Namova was given a check (#109) from Rosmore Vilardi's Wells Fargo account # 8223855266 in the amount of $8,000. He was asked by Rosmore Vilardi to hold the check for one week (November 1, 2015). **On November 2, 2015, Namova claims, per Anderson County Sheriff's Office, that Rosmore Vilardi showed up at the "Pita House" with $8,000 in cash to pay off the lease.**

As stated above, Rosmore Vilardi did not have more than $1,238.41 in that account on October 31, 2015 and slightly less a few days later. The Vilardi's other bank account, Styles for Miles, had a balance of $179.18 on October 31, 2015 and $84.88 on November 2, 2015.

In reviewing the financial record of Rosmore and Amy Vilardi, there is no evidence that either Rosmore or Amy D. Vilardi had any cash that they could have used to make a cash payment of $8,000.00 on or about November 2, 2015.

NOTES ON THE REVIEW OF AMY D. VILARDI'S INTERVIEWS AND DEPOSITIONS WITH REGARD TO SAVINGS

November 2, 2015

I viewed this interview by Detective Gene Culbertson. She discusses the $89,000.00 by saying that she gave money to her mother, Cathy Scott to keep for her. Bank records do indicate a joint account (Wells Fargo # 125958198) with Vilardi and Scott. That account was opened on August 2, 2013. There were no significant deposits to this account to support her claim of giving money to Cathy Scott to place in the bank account.

Vilardi also claimed that she gave Cathy Scott money to hide in an outside freezer so her then-husband would not find it due to a gambling problem. She also claimed that there had been money buried in the yard and under an old house on or near the property. See additional comments on this claim later.

November 6, 2015

I listened to this audio interview by Detective Gene Culbertson. She claims that Anderson County Sheriff's Office has her "life savings." You have "our money."

Contrary to other comments made by Vilardi in a later video interview where she states that she has a "very profitable business generating in excess of six figures in revenue", she now states "we do not have the money now to support our business."

When asked why she did not use this money to renovate her new business location, Vilardi continued to claim that this money was her "emergency money" and she did not want to use it.

Also contrary to her statement that 2015 was "very profitable" was her comment that "she needs the money to live on."

March 31, 2016

This section is limited to matters pertaining to Ms. Vilardi's video comments on the $89,000.00 or so found in her residence by Anderson County Sheriff's Office under a search warrant. In addition to Vilardi, those in attendance included Carl Anderson, Gene Culbertson and Tracy Call, all of the Sheriff's Office.

Vilardi claims that the money found in her residence came from the sale of a 2001 Mustang in 2011, the sale of a trailer in 2014, funds she had invested in Carolina Investors and from business profits from 2014 and 2015.

Anderson County tax records do show that Vilardi owned a 2001 Mustang and after 2011 it was not owned by her. She claims that she sold the 2001 Mustang for $8,000.00 to $10,000.00 in 2011. She offered no proof of such sale. Bank records are not available to verify the amount.

However, tax records, while not a perfect indicator of value, show that her ten year old Mustang was valued at $1,429.00.

Vilardi claims she had a trailer for her business which she sold in 2014 to someone in North Carolina for $8,500.00. She could not remember the name of the buyer nor could she show proof of the receipt of $8,500.00. She further claimed that this was a trailer with a "permanent" tag.

Anderson County tax records show no record of such "tagged" trailer. Vilardi was not able to offer any proof of such transaction and bank records do not show any deposits close to that amount. The largest deposit in 2014 was an income refund check from her 2013 income tax returns for $2,854.32.

Upon further investigation, records do show that a trailer (1984 Gueron) was used in a trade-in for a Live Oak trailer purchased on or about February 1, 2014. The used trailer was valued at $8,500.00 on the bill of sale and used as the "cash" down payment.

As noted earlier, Vilardi claims she had funds invested in Carolina Investors, Inc. That company was placed in receivership in 2003. If Vilardi received anything from this, assuming she still had investments with Carolina Investors, it would have been pennies on the dollar. Therefore, it would be impossible to have added these funds to her "emergency savings."

Vilardi claims that some of these "emergency savings "funds came from cash she did not deposit while operating her business. I am not able to determine if that was true in 2014 since she did not file an income tax return and claims to have generated a loss for that year. She insisted that she did keep a record of the amounts of cash not deposited so she could add it to her income tax return. These records have not been provided by Ms. Vilardi.

Because Ms. Vilardi's bank records only went through October 15, 2015, I was not able to determine if the total income on the 2015 income tax return was more than the business deposits. However, it does not make any difference since she only showed a $27,424.00 profit, which includes the cash not deposited per Ms. Vilardi. In a later paragraph, I discuss why Ms. Vilardi would not have excess cash to add to her "emergency savings" in 2015.

Given that she had $27,424.00 in profits for her family to live on in 2015, it is highly unlikely that any savings could have been added to the "emergency funds" maintained by Cathy Scott and kept in a freezer on their property.

It is not possible to accurately assess Ms. Vilardi and her two children's yearly cash needs for survival from her bank statements and other records; however, there are other sources to predict such amounts. No consideration has been given in the following to including Rosmore Vilardi in this analysis, since his living needs have been considered against his income sources which are not taxable.

One such study prepared by Amy K. Glasmeier, PHD, of the Department of Urban Studies and Planning, Massachusetts Institute of Technology (2/7/2017) shows that the annual cost for one adult and two children in Anderson, South Carolina to be $29,316. This is broken down as follows: Food $6,722/ Medical $6,280/ Housing $ 7,956 and Transportation $8,358.

While the above is not intended to be an exact amount Ms. Vilardi could have used to add to her "emergency funds," it does show that it would have been virtually impossible for Vilardi to contribute any significant amount to these "emergency" funds.

It should also be noted that in this interview that Ms. Vilardi claims this is "her and Rosmore's money and did not come from anyone else."

Conclusion with regard to interviews concerning $89,000.00 savings

Ms. Vilardi claims to have $8,000.00 in savings at the end of 2011. She then claims that she had increased this to $12,000.00 by the end of 2013. She then states that she slowly built this up from profits from Styles for Miles from 2014 to 2015. Added to this she claims that Rosmore Vilardi contributed his Veterans Affairs settlement of $25,622.09 and his withdrawal of $9,893.84 from his Thrift Savings plan. This is her statement on how she was able to save some $89,000.00 since 2011.

Ms. Vilardi has offered no evidence of having $12,000.00 cash on hand at the end of 2013. Her claim of "slowly" adding to the savings from her business in 2014 and 2015 are not true based on the facts and her statements. If she lost money in 2014, as she claims, there would have been no cash to contribute to the savings in 2014. Her profits from her 2015 business activity, less the living expenses for herself and two children, would have left little to nothing to send to savings.

Rosmore Vilardi had $35,515.93 that could have been contributed to the "emergency funds." However, during this period, he made a number of payments for a Mustang automobile, purchased two motorcycles, made truck payments and bought a personal watercraft. As listed above in detail, these purchases amounted to $39,976.40 which would have exceeded any of the funds Amy Vilardi claims Rosmore Vilardi contributed to the "emergency funds."

It is my opinion that the $89,000.00 found in Amy Vilardi's residence and the Scott residence could not have been generated by Amy D. or Rosmore Vilardi.

NOTES ON THE FINANCIAL OVERVIEW OF CATHY SCOTT ESTATE ADMINISTRATION

Amy Vilardi was appointed as the Personal Representative of Cathy Scott's estate. A Wells Fargo checking account was established (account # 6971760308). Bank statements indicate that Amy Vilardi placed $139,315.05 in the account in November of 2015. **NOTE: There is a 2/22/16 deposit for $17,111.86 from an unknown source with a corresponding withdrawal of $15,443.50 on 2/26/16. I believe that this could be related to the purchase of real estate by the Vilardi's in Hodges, SC. Both are ignored for the purpose of this report.**

Ms. Vilardi's Interim #1 Probate Accounting report on Form # 361ES, dated September 1, 2017, states that she **"deposited into the estate account $176,298.97."** Wells Fargo account #6971760308 shows that only $139,316.05 was actually deposited into the account, **making a difference of $36,983.92 which is unaccounted for.** Ms. Vilardi signed this report given to the Probate Court under the following declaration: "**The Personal Representative declares that this account has been examined and that its contents represent a correct statement of all records and disbursements and are true to the best knowledge and belief of the Personal Representative.**"

Most likely, such funds were diverted to Ms. Vilardi's personal use instead of being deposited to the estate bank account as she claimed on both the official estate accounting and the official estate inventory and appraisement forms as discussed below. **In my professional opinion this would be a violation of Section 16-9-10 (A) (2) of the South Carolina Code of Laws.**

A review of the probate inventory on Form # 350ES, dated September 1, 2017, shows the following accounts of Ms. Scott's that were deposited:

Wells Fargo #9082	$29,140.73
Wells Fargo #2302	32,236.24
Wells Fargo #1661	75,772.92
Wells Fargo #4990	1,299.69
Wells Fargo #4610	4,518.73
Wells Fargo #9857	12,417.50
Wells Fargo #7536	100.04
Wells Fargo IRA	6,324.45
Wells Fargo #7608	14,488.67
Total Estate Funds deposited	**$176,298.97**

Since this amount agrees with the Probate Accounting on Form # 361ES (the Form #361ES shows $176,298.94), Ms. Vilardi has once again filed an apparent fraudulent form with the Probate Court.

It should be noted that Ms. Vilardi has a fiduciary responsibility under SC CODE **SECTION 62-3-703)** to administer the estate in a prescribed manner. "A personal representative is a fiduciary who shall observe the standards of care described by Section 62-7-804. A personal representative has a duty to settle and distribute the estate of the decedent in accordance with the terms of a probated and effective will and this code, and as expeditiously and efficiently as is consistent with the best interests of the estate."

One might question why it should make any difference how Ms. Vilardi administers her mother's estate since Ms. Vilardi is the only known heir. It should be noted that while at this time Ms. Vilardi remains a person of interest, as do other family members, neighbors, friends and persons unknown, should she ever be charged and found guilty of being a part of this crime, **Section 62-2-803 of the South Carolina Code of Laws would become effective.**

SECTION 62-2-803. Effect of homicide on intestate succession, wills, joint assets, life insurance, and beneficiary designations.

(a) An individual who feloniously and intentionally kills the decedent is not entitled to any benefits under the decedent's will, trust of which the decedent is a grantor or under this article with respect to the decedent's estate, including, but not limited to, an intestate share, an elective share, an omitted spouse's share or child's share, a homestead allowance, and exempt property, and the estate of the decedent passes as if the killer had predeceased the decedent. Property appointed by the will of the decedent to or for the benefit of the killer passes as if the killer had predeceased the decedent.

If Ms. Vilardi did turn out to be convicted of this crime **(once again I have no knowledge of any involvement by Ms. Vilardi),** she would not be entitled to be a beneficiary. That would mean under South Carolina Law that Ms. Vilardi's children would become the beneficiaries and be entitled to Cathy Scott's estate.

While that is not a part of this investigation, it is very unusual, in my professional opinion, having been a personal representative myself and having assisted many clients and their attorneys with the administration of estates over a forty year career as a CPA, that a Probate Court would have appointed a known person of interest in a homicide to be the Personal Representative. **That comment also extends to the estates of other victims of this multiple homicide.**

I would also add that at some point in the administration of the estate, I believe the Court became aware of claims filed against Cathy Scott's estate by other members of the extended family**. I also need to mention that I was told by a member of the Probate Court during my investigation that they were aware that Ms. Vilardi had forged vehicle documents to gain access to vehicles that were in fact not Cathy Scott's and were the property of other estate.** I believe that alone should have been a sign that Ms. Vilardi was not qualified to administer the estate and she should have been replaced as the personal representative at that point. That has led to additional litigation by the other estates involved in this matter.

It did not take Ms. Vilardi very long to disburse all but $152.96 of the $139,316.05 that was placed into the estate bank account in November of 2016. The March 23, 2016 estate bank statement shows that on March 23, 2016 the bank balance was $152.96. Many of the payments from the estate bank account appear to have been made with "debit cards", which the Court informed Detective Tracy Call and me was not a proper method of disbursement.

Many of the distributions are "more personal" in nature than payments to creditors of the estate. It is possible that a February 26, 2016 withdrawal of $15,443.50 was used for a purchase of real estate in Greenwood County on the same date. Ms. Vilardi informed Anderson County Sheriff's Office detectives that the house was for herself. That disbursement does come out of the estate bank account but is not shown on the probate accounting.

I specifically asked the Probate Court if Ms. Vilardi had requested permission to make distributions on her behalf or to herself. Detective Call and I were informed that she had not. Upon my review of the bank statements, I have found at least $69,000 of expenses that are not related to paying the creditors of the estate. Had Ms. Vilardi followed the law (Section 62-3-504), the estate would have additional funds to pay creditors.

SECTION 62-3-504 of the South Carolina Code of Laws discusses powers of a personal representative. "Unless restricted by the court, a personal representative under Part 5 [Sections 62-3-501 et seq.] has, without interim orders approving exercise of a power, all powers of personal representatives under this Code, **but he shall not exercise his power to make any distribution of the estate without prior order of the court.** Any other restriction on the power of a personal representative which may be ordered by the court."

It should also be noted that Probate Court records show that Ms. Vilardi was required to obtain a bond prior to opening a bank account. In a deposition in a civil matter, Ms. Vilardi indicated that she had not complied with this order of the Court.

Probate Court officials informed Detective Call and me that Ms. Vilardi did not request permission to make any distributions from Cathy Scott's estate. Ms. Vilardi was requested by the Probate Court to make an interim accounting of all estate funds of Cathy Scott. She failed to make the required date for the accounting. Probate Court notes that Amy Vilardi had failed through **August 7, 2017** to make an accounting of the funds she spent, despite being ordered to do so from the Anderson County Probate Court. It should be noted that there are still outstanding claims, subject to court review, against the estate with no funds remaining in the estate's bank account.

On or about September 1, 2017, Ms. Vilardi's attorney, J. Christopher Pracht, filed an Accounting and an Amended #2 Inventory and Appraisement with the Anderson County Probate Court. Such inventory details ownership by Cathy Scott totaled $123,897.56. There were three accounts showing 50% ownership by others and an IRA account in the amount of $6,324.45. This totaled $52,401.41, for a grand total of $176,298.97. **<u>It should also be noted that this probate accounting appears to have been prepared by her attorney given the cover letter accompanying the accounting.</u>**

It is interesting to note now that Ms. Vilardi has complied with the order of the Court to produce an accounting that she has not provided any documentation for the withdrawal of $15,443.50 on February 26, 2016 questioned above. She claims on the probate accounting forms that for the month of February 2016 only one estate expense for $16,550.00, which has documentation and also shows as a disbursement on the bank statement. I am aware of a real estate purchase by the Vilardi's at or near this amount and at this time period in Cokesbury, SC, in Greenwood County, SC.

In comparing Ms. Vilardi's accounting to the Probate Court to the Estate's bank account (Wells Fargo #6971760308) such review highlights some significant reconciliation issues. For example, the bank statement for April 25, 2016 shows a balance of $256.16. Estate bank statements from this date to February 2017 show no net activity (a few deposits which were then voided out by the bank). Yet, Ms. Vilardi claims on her accounting to the Probate Court that the Estate disbursed $7,703.20 to pay liabilities of the Estate when it had no money per the bank statement.

In my review of the interim accounting, given to the Probate Court, I found at least 9 disbursements that lacked any supporting documentation. **There were 58 entries on the accounting that are not reflected on the estate's bank statements.**

In a review of the bank statements comparing them with the accounting, there are 40 bank account transactions that are not shown on the accounting to the probate court. **These 40 transactions show $72,073.22 in transactions that are not accounted for.**

Ms. Vilardi claims under Exhibit C of the Probate Accounting to have paid $6,098.56 in estate expenses between May 15, 2016 and June 1, 2017. These expenses are supported by receipts but no invoices. **However, it would not have been possible for the estate to have paid these expenses since the estate bank account shows the estate had no funds at this time!**

Because of these numerous discrepancies, I can make the following observation: this attempt to provide an accounting after the fact is consistent, in my opinion, with an attempt to cover up the lack of records, cover up the failure to adhere to fiduciary responsibility and to cover up the fact that estate funds were diverted without receiving authorization from the Probate Court.

Because of that and the fact that Ms. Vilardi knowingly failed to account for the February 26, 2016, $15,443.50 transaction, and at least 39 other transactions totaling over $56,600.00, it is my professional opinion that the probate accounting and inventory and appraisement she provided through her attorney to the Probate Court are extremely misleading and are in fact fraudulent.

Now that Ms. Vilardi has provided the Probate Court with an accounting and inventory of the Estate's bank funds I can make a number of observations.

It is my opinion that Amy Vilardi has administered the Estate of Cathy Scott in a haphazard manner not consistent with South Carolina laws applicable to the duties and responsibilities of Personal Representatives and has breached her fiduciary responsibility as required by law.

Based on the inconsistencies with the actual opening balances, per the estate bank account with the September 1, 2017 Probate Accounting filed by Ms. Vilardi, as to what she claims is the opening balance, the number of transactions that Ms. Vilardi claims on her official accounting and inventory that do not appear in the actual estate bank account transactions, the transactions she claims on her official reports to the Probate Court to pay such disbursements, that Ms. Vilardi has prepared and presented to the Probate Court official accountings which are not truthful and, with the number of inconsistencies involved, lead this forensic financial expert to conclude that Ms. Vilardi filed fraudulent documents with the Probate Court.

NOTES ON THE DEPOSITIONS OF AMY AND ROSMORE VILARDI

COURT OF COMMON PLEAS --ANDERSON SC COUNTY-#2016-CP-01200

Rosmore Vilardi

There are a number of inconsistencies in the sworn deposition testimony. First, on page 17, lines 20 through 24, Rosmore Vilardi stated that his VA lump sum funds were saved in his safe. A review of a Wells Fargo bank account, #8223855266, shows that all of his VA lump sum settlement checks were deposited into this bank account from May 26 through June 25, 2015 but only approximately $9,000.00 was taken out in cash. It appears that the remainder of these funds were left in the bank account and spent.

On page 23, lines 1 through 3 relate to a question about his credit worthiness. He was asked if he ever had a loan he did not pay back. A review of Mr. Vilardi's credit report clearly indicate several significant bad debts where he failed to pay back loans or other extended credit.

The credit report shows the following bad debts or charge offs:

- Chase Card-438854002577- $5,456. 10/14
- Chase Card-438857606292-$8,950. 09/14
- Navy Federal CU- 69683-$6,179. 1/17

Rosmore Vilardi was asked about $17,350 that was identified in a search warrant. He claims on page 36, lines 3 through 15 that "it was money that came from either my VA benefit checks or the lump sums of the thrift savings plan I cashed out."

It has already been shown that Mr. Vilardi had received $9,893.94 from his thrift savings and $25,622.09 from the VA in the period from October 2013 through May of 2015. During this same period, he purchased a Mustang automobile and paid $6,639.40 in payments, bought a HD YL 883 motorcycle for approximately $5,000.00, a HD FXE motorcycle for approximately $10,000.00, bought a used Ram Truck in 2014 and paid $14,200.00 in monthly payments during this period, and a Personal Watercraft in October of 2015 for approximately $4,381.00.

During this same period, especially in 2014 and 2015, Ms. Vilardi claims her business lost money in 2014 and did not file a tax return, and in 2015 her business net income, along with her living expenses, could not have contributed to any savings. Since Mr. Vilardi's records indicate he consumed his thrift savings funds and his VA lump sum payments there is no way that any significant, if any at all, funds could have been placed in this "hunter green" safe.

When asked about the VA lumps sum funds, Mr. Vilardi testified that "he went to the Wells Fargo account and cashed them out." This is not consistent with what the bank shows.

Amy Vilardi

Like Mr. Vilardi, Ms. Vilardi's sworn testimony was inconsistent with known facts. In a question regarding her management of her mother's estate, she was asked where all of the money went. On page 79, lines 11 through 14, she states that it went for "various legal fees."

This testimony is false. Probate records as prepared and filed by Ms. Vilardi show that out of some $165,198.00 in expenses, she had paid her attorneys, Thomson and Pracht, only $5,830.00. Some $90,693.13 in disbursements appear to be personal in nature.

When asked about where she "got funds to purchase a Hodges, SC house," she stated that "we just had to get some money together," page 86, lines 4 through 5. The estate account shows a disbursement on or about this date for the house.

EXHIBIT 2

Consulting Services

CS Section

STATEMENT ON STANDARDS FOR CONSULTING SERVICES

Statements on Standards for Consulting Services are issued by the AICPA Management Consulting Services Executive Committee, the senior technical committee of the Institute designated to issue pronouncements in connection with consulting services. Council has designated the AICPA Management Consulting Services Executive Committee as a body to establish professional standards under the "Compliance with Standards Rule" (ET sec. 1.310.001) of the Institute's Code of Professional Conduct (code). Members should be prepared to justify departures from this statement.

CS Section 100

Consulting Services: Definitions and Standards

Source: Statement on Standards for Consulting Services No. 1

Effective for engagements accepted on or after January 1, 1992, unless otherwise indicated.

Introduction

.01

Consulting services that CPAs provided to their clients have evolved from advice on accounting-related matters to a wide range of services involving diverse technical disciplines, industry knowledge, and consulting skills. Most practitioners, including those who provide audit and tax services, also provide business and management consulting services to their clients.

.02

Consulting services differ fundamentally from the CPA's function of attesting to the assertions of other parties. In an attest service, the practitioner expresses a conclusion about the reliability of a written assertion that is the responsibility of another party, the asserter. In a consulting service, the practitioner develops the findings, conclusions, and recommendations presented. The nature and scope of work is determined solely by the agreement between the practitioner and the client. Generally, the work is performed only for the use and benefit of the client.

.03

Historically, CPA consulting services have been commonly referred to as management consulting services, management advisory services, business advisory services, or management services. A series of Statements on Standards for Management Advisory Services (SSMASs) previously issued by the AICPA contained guidance on certain types of consulting services provided by members. This Statement on Standards for Consulting Services (SSCS) supersedes the SSMASs and provides standards of practice for a broader range of professional services, as described in paragraph .05.

.04

This SSCS and any subsequent SSCSs apply to any AICPA member holding out as a CPA while providing consulting services as defined herein.

Definitions

.05

Terms established for the purpose of SSCSs are as follows:

Consulting services practitioner. Any AICPA member holding out as a CPA while engaged in the performance of a Consulting Service for a client, or any other individual who is carrying out a Consulting Service for a client on behalf of any Institute member or member's firm holding out as a CPA.

Consulting process. The analytical approach and process applied in a Consulting Service. It typically involves some combination of activities relating to determination of client objective, fact-finding, definition of the problems or opportunities, evaluation of alternatives, formulation of proposed action, communication of results, implementation, and follow-up.

Consulting services. Professional services that employ the practitioner's technical skills, education, observations, experiences, and knowledge of the consulting process. [fn 1] Consulting services may include one or more of the following:

a. *Consultations*, in which the practitioner's function is to provide counsel in a short time frame, based mostly, if not entirely, on existing personal knowledge about the client, the circumstances, the technical matters involved, client representations, and the mutual intent of the parties. Examples of consultations are reviewing and commenting on a client-prepared business plan and suggesting computer software for further client investigation.

b. *Advisory services*, in which the practitioner's function is to develop findings, conclusions, and recommendations for client consideration and decision making. Examples of advisory services are an operational review and improvement study, analysis of an accounting system, assistance with strategic planning, and definition of requirements for an information system.

c. *Implementation services*, in which the practitioner's function is to put an action plan into effect. Client personnel and resources may be pooled with the practitioner's to accomplish the implementation objectives. The practitioner is responsible to the client for the conduct and management of engagement activities. Examples of implementation services are providing computer system installation and support, executing steps to improve productivity, and assisting with the merger of organizations.

d. *Transaction services*, in which the practitioner's function is to provide services related to a specific client transaction, generally with a third party. Examples of transaction services are insolvency services, valuation services, preparation of information for obtaining financing, analysis of a potential merger or acquisition, and litigation services.

e. *Staff and other support services*, in which the practitioner's function is to provide appropriate staff and possibly other support to perform tasks specified by the client. The staff provided will be directed by the client as circumstances require. Examples of staff and other support services are data processing facilities management, computer programming, bankruptcy trusteeship, and controllership activities.

f. *Product services*, in which the practitioner's function is to provide the client with a product and associated professional services in support of the installation, use, or maintenance of the product. Examples of product services are the sale and delivery of packaged training programs, the sale and implementation of computer software, and the sale and installation of systems development methodologies.

Standards for Consulting Services

.06

The general standards of the profession are contained in the "General Standards Rule" of the code (ET sec. 1.300.001 and 2.300.001) and apply to all services performed by members. They are as follows:

- *Professional competence.* Undertake only those professional services that the member or the member's firm can reasonably expect to be completed with professional competence.
- *Due professional care.* Exercise due professional care in the performance of professional services.
- *Planning and supervision.* Adequately plan and supervise the performance of professional services.
- *Sufficient relevant data.* Obtain sufficient relevant data to afford a reasonable basis for conclusions or recommendations in relation to any professional services performed.

.07

The following additional general standards for all consulting services are promulgated to address the distinctive nature of consulting services in which the understanding with the client may establish valid limitations on the practitioner's performance of services. These standards are established under the "Compliance with Standards Rule" of the code (ET sec. 1.310.001 and 2.310.001):

- *Client interest.* Serve the client interest by seeking to accomplish the objectives established by the understanding with the client while maintaining integrity and objectivity. fn 2
- *Understanding with client.* Establish with the client a written or oral understanding about the responsibilities of the parties and the nature, scope, and limitations of services to be performed, and modify the understanding if circumstances require a significant change during the engagement.
- *Communication with client.* Inform the client of (*a*) conflicts of interest that may occur pursuant to the "Integrity and Objectivity Rule" of the code (ET sec. 1.100.001 and 2.100.001), fn 3 (*b*) significant reservations concerning the scope or benefits of the engagement, and (*c*) significant engagement findings or events.

.08

Professional judgment must be used in applying Statements on Standards for Consulting Services in a specific instance because the oral or written understanding with the client may establish constraints within which services are to be provided. For example, the understanding with the client may limit the practitioner's effort with regard to gathering relevant data. The practitioner is not required to decline or withdraw from a consulting engagement when the agreed-upon scope of services includes such limitations.

Consulting Services for Attest Clients

.09

The performance of consulting services for an attest client does not impair independence. fn 4 However, members and their firms performing attest services for a client should comply with applicable independence standards, rules and regulations issued by AICPA, the state boards of accountancy, state CPA societies, and other regulatory agencies.

Effective Date

.10

This section is effective for engagements accepted on or after January 1, 1992. Early application of the provisions of this section is permissible.

[Revised, January 2015, to reflect the revised Code of Professional Conduct.]

Footnotes (CS Section 100 — Consulting Services: Definitions and Standards):

fn 1 The definition of consulting services excludes the following:

a. Services subject to other AICPA professional standards such as Statements on Auditing Standards (SASs), Statements on Standards for Attestation Engagements (SSAEs), or Statements on Standards for Accounting and Review Services (SSARSs). (These excluded services may be performed in conjunction with consulting services, but only the consulting services are subject to the Statement on Standards for Consulting Services [SSCS].)

b. Engagements specifically to perform tax return preparation, tax planning or advice, tax representation, personal financial planning or bookkeeping services, or situations involving the preparation of written reports or the provision of oral advice on the application of accounting principles to specified transactions or events, either completed or proposed, and the reporting thereof.

c. Recommendations and comments prepared during the same engagement as a direct result of observations made while performing the excluded services.

fn 2 In "Integrity" (ET sec. 0.300.040), *integrity* is described as follows: "Integrity requires a member to be, among other things, honest and candid within the constraints of client confidentiality. Service and the public trust should not be subordinated to personal gain and advantage. Integrity can accommodate the inadvertent error and the honest difference of opinion; it cannot accommodate deceit or subordination of principle."

In "Objectivity and Independence" (ET sec. 0.300.050), *objectivity* and *independence* are differentiated as follows: "Objectivity is a state of mind, a quality that lends value to a *member's* services. It is a distinguishing feature of the profession. The principle of objectivity imposes the obligation to be impartial, intellectually honest, and free of conflicts of interest. *Independence* precludes relationships that may appear to *impair* a *member's* objectivity in rendering attestation services."

fn 3 The "Conflict of Interest Rule" (ET sec. 1.110.010) states, in part, the following:

> A conflict of interest may occur if a *member* or the *member's firm* has a relationship with another person, entity, product, or service that, in the member's professional judgment, the client or other appropriate parties may view as impairing the *member's* objectivity...
>
> A *member* may perform the *professional service* if he or she determines that the service can be performed with objectivity because the *threats* are not significant or can be reduced to an *acceptable level* through the application of *safeguards*...

fn 4 AICPA independence standards relate only to the performance of attestation services; objectivity standards apply to all services. See footnote 2.

CS TOPICAL INDEX

References are to CS section and paragraph numbers.

To begin your research using this index, click on one of the links below.
A C D J P S T

A

ATTEST SERVICES
- Consulting Services for Attest Clients 100.09
- Versus Consulting Service 100.02

C

CERTIFIED PUBLIC ACCOUNTANTS
- Consulting Services 100.01-.10

CLIENTS
- Communications to Client 100.07
- Consulting Services for Attest Clients 100.09

COMMUNICATION
- Consulting Services 100.07

CONDUCT, CODE OF PROFESSIONAL
- Applicability to Consulting Services 100.06-.07

CONSULTING SERVICES
- Attest Clients 100.09
- Background 100.01-.04
- Performance Standards 100.06-.08
- Relationship With Clients 100.07
- Scope 100.01-.02; 100.05
- Scope Limitations 100.08
- Terminology 100.05
- Versus Attest Services 100.02

D

DEFINITIONS—See Terminology

DUE PROFESSIONAL CARE
- General Standards 100.06

J

JUDGMENT
- Consulting Services 100.08

P

PLANNING AND SUPERVISION
- General Standards 100.06

S

SCOPE LIMITATIONS
- Consulting Services 100.08

STATEMENTS ON STANDARDS FOR CONSULTING SERVICES
- No. 1 100.01-.10

SUFFICIENT RELEVANT DATA
- General Standard 100.06

T

TERMINOLOGY
- Consulting Process 100.05
- Consulting Services 100.05
- Consulting Services Practitioner 100.05

STATEMENT ON STANDARDS FOR FORENSIC SERVICES

Statements on Standards for Forensic Services (SSFSs) are issued by the Forensic and Valuation Services Executive Committee (FVS Executive Committee). The FVS Executive Committee provides guidance and establishes enforceable standards for *members* performing certain forensic and valuation services. The AICPA Council has designated the FVS Executive Committee as a body to establish professional standards under the "Compliance With Standards Rule," found in ET sections 1.310.001 and 2.310.001 of the AICPA Code of Professional Conduct. Members should be prepared to justify departures from this statement (ET sec. 0.100.010).

Statement on Standards for Forensic Services No. 1

Effective for engagements accepted on or after January 1, 2020.

Why Issued

The term *forensic* is defined as "used in, or suitable to, courts of law or public debate."[1] Forensic accounting services[2] generally involve the application of specialized knowledge and investigative skills by a member[3] to collect, analyze, and evaluate certain evidential matter and to interpret and communicate findings (forensic services).

The FVS Executive Committee has issued this standard to protect the public interest by preserving and enhancing the quality of practice of a member performing forensic services. Practice aids and other guidance issued at the direction of the FVS Executive Committee continue to serve as nonauthoritative guidance on the application of professional standards.[4] Authoritative standards and nonauthoritative guidance are not a substitute for the use of professional judgment.

[1] Bryan A. Garner, ed. *Black's Law Dictionary*, 10 ed., St. Paul, MN: Thomson West Publishing Co., 2014.
[2] ET section 1.295.140.01.
[3] ET section 0.400.31.
[4] Professionals should be aware of any governmental regulations and other professional standards applicable to the engagement.

Introduction and Scope — Forensic Services

1. This statement establishes standards for a member providing services to a client[5] as part of the following engagements:

- *Litigation.* An actual or potential legal or regulatory proceeding before a trier of fact or a regulatory body as an expert witness, consultant, neutral, mediator, or arbitrator in connection with the resolution of disputes between parties. The term *litigation* as used herein is not limited to formal litigation but is inclusive of disputes and all forms of alternative dispute resolution.
- *Investigation.* A matter conducted in response to specific concerns of wrongdoing in which the member is engaged to perform procedures to collect, analyze, evaluate, or interpret certain evidential matter to assist the stakeholders (for example, client, board of directors, independent auditor, or regulator) in reaching a conclusion on the merits of the concerns.

2. For purposes of this statement, forensic services consist of either litigation or investigation engagements. When an engagement meets the definition of *forensic services*, CS section 100, *Consulting Services: Definitions and Standards*,[6] does not apply. This statement applies when services provided under VS section 100, *Valuation of a Business, Business Ownership Interest, Security, or Intangible Asset*,[7] are provided as part of a litigation or investigation engagement.

Except as provided hereunder, this statement does not apply to a member who performs forensic services as part of an attest engagement (for example, as part of an audit, review, or compilation) or under TS section 100, *Tax Return Positions*.[8]

When a member is engaged as an expert witness by one party in a litigation engagement to provide expert opinions, the member may not perform the work under AT-C section 215, *Agreed-Upon Procedures Engagements*[9] (AUP standard). When performing services under the AUP standard, "the member does not perform an examination or a review and does not provide an opinion or conclusion." However, results may be reported under the AUP standard in an engagement in which a member is engaged by the trier of fact or both sides of the dispute jointly, or both. In each scenario, this statement and the AUP standard applies.

3. The key consideration of this statement's applicability is the purpose for which the member was engaged (for example, litigation or investigation) as opposed to the skill set employed or services provided. As an example, a member may provide data analysis services in a client engagement that does not constitute a litigation or investigation engagement. Conversely, similar data analysis

---

[5] See ET section 0.400.07 for the definition of *client*, which indicates there may be multiple clients for one engagement.
[6] All CS sections can be found in AICPA *Professional Standards*.
[7] All VS sections can be found in AICPA *Professional Standards*.
[8] All TS sections can be found in AICPA *Professional Standards*.
[9] AT-C section 215, *Agreed-Upon Procedures Engagements*, can be found in AICPA *Professional Standards*.

services may also be performed in a client engagement, which constitutes a litigation or investigation engagement. This statement would apply under the second scenario and would not apply under the first scenario.

4. This statement applies when a member, who may have been engaged originally to perform services under another set of standards, discovers that the original scope of the engagement has been modified or amended and has become a litigation or investigation engagement. The member should modify his or her understanding with the client if such an engagement converts to a forensic services engagement.

5. This statement is not applicable to internal use assignments from employers to employee members not in public practice. *Public practice* is defined as the performance of professional services for a client by a member or member's firm (ET sec. 0.400.42). The definition of a *client* specifically excludes a member's employer (ET sec. 0.400.07).

Standards for Forensic Services

6. The general standards of the profession are contained in the "General Standards Rule" (ET sec. 1.300.001 and 2.300.001) and apply to all services performed by a member, including forensic services. They are as follows:

- *Professional competence.* Undertake only those professional services that the member or the member's firm can reasonably expect to be completed with professional competence.
- *Due professional care.* Exercise due professional care in the performance of professional services.
- *Planning and supervision.* Adequately plan and supervise the performance of professional services.
- *Sufficient relevant data.* Obtain sufficient relevant data to afford a reasonable basis for conclusions or recommendations in relation to any professional services performed.

7. A member must serve his or her client with integrity and objectivity, as required by the AICPA Code of Professional Conduct. A member performing forensic services should not subordinate his or her opinion to that of any other party.

8. A member performing forensic services must follow additional general standards, which are promulgated to address the distinctive nature of such services. These standards are established under the "Compliance With Standards Rule" (ET sec. 1.310.001 and 2.310.001):

- *Client interest.* Serve the client interest by seeking to accomplish the objectives established by the understanding with the client while maintaining integrity and objectivity.
  - *Integrity.* Integrity is described as follows: "Integrity requires a member to be, among other things, honest and candid within the constraints of client confidentiality. Service and the public trust should not be subordinated to personal gain and advantage. Integrity can accommodate the inadvertent error and the

honest difference of opinion; it cannot accommodate deceit or subordination of principle." (ET sec. 0.300.040)

- *Objectivity.* Objectivity is described as follows: "Objectivity is a state of mind, a quality that lends value to a member's services. It is a distinguishing feature of the profession. The principle of objectivity imposes the obligation to be impartial, intellectually honest, and free of conflicts of interest." (ET sec. 0.300.050)

- *Understanding with client.* Establish with the client a written or oral understanding about the responsibilities of the parties and the nature, scope, and limitations of services to be performed and modify the understanding if circumstances require a significant change during the engagement.

- *Communication with client.* Inform the client of (*a*) conflicts of interest that may occur pursuant to the "Integrity and Objectivity Rule" (ET sec. 1.100.001 and 2.100.001), (*b*) significant reservations concerning the scope or benefits of the engagement, and (*c*) significant engagement findings or events.

  The "Conflicts of Interest for Members in Public Practice" interpretation (ET sec. 1.110.010) under the "Integrity and Objectivity Rule" provides guidance about the identification, evaluation, disclosures, and consent related to conflict of interest. This section states, in part, the following:

  - In determining whether a professional service, relationship, or matter would result in a conflict of interest, a member should use professional judgment, taking into account whether a reasonable and informed third party who is aware of the relevant information would conclude that a conflict of interest exists.

9. A member engaged as an expert witness in a litigation engagement may not provide opinions pursuant to a contingent fee arrangement, unless explicitly allowed otherwise under the "Contingent Fees" (ET sec. 1.510).

10. The ultimate decision regarding the occurrence of fraud is determined by a trier of fact; therefore, a member performing forensic services is prohibited from opining regarding the ultimate conclusion of fraud. This does not apply when the member is the trier of fact. A member may provide expert opinions relating to whether evidence is consistent with certain elements of fraud or other laws based on objective evaluation.

Effective Date

11. This statement is effective for new engagements accepted on or after January 1, 2020. Early application of the provisions of this statement is permissible.

EXHIBIT B

EXHIBIT 4

STATE OF SOUTH CAROLINA

COUNTY OF ANDERSON

IN THE COURT OF COMMON PLEAS
Case No.: 2016-CP-04-01200

ROSMORE AND AMY VILARDI,

Plaintiffs,

v.

ANDERSON COUNTY SHERIFF'S OFFICE AND DAVID J. TAYLOR AND ROGER D. TAYLOR AS PERSONAL REPRESENTATIVES OF THE ESTATE OF VIOLET J. TAYLOR AND PAM ISBELL, AS PERSONAL REPRESENTATIVE FOR THE ESTATE OF TERRY MICHAEL SCOTT AND ESTATE OF BARBARA SCOTT

Defendants.

ORDER DENYING PLAINTIFFS' SECOND MOTION FOR PARTIAL SUMMARY JUDGMENT

Plaintiffs' Second Motion for Partial Summary Judgment was heard by the Court on June 27, 2019. The parties were represented by their respective counsel. The Plaintiffs were represented by J. Christopher Pracht, V; Defendant Anderson Sheriff's Office by Anderson County Attorney, Leon Harmon; Defendants David and Roger Taylor by James S. Eakes; and Defendant Pam Isbell by Shane W. Rogers.

This action was filed as a claim and delivery action against the Anderson County Sheriff's Office seeking recovery of personal property held by the Anderson County Sheriff's Office as part of a criminal investigation. The Anderson County Sheriff's Office seized the personal property pursuant to search warrants executed on November 2 and 4, 2015 as part of the investigation of a quadruple homicide that occurred on or about October 31, 2015 at one of the homes located at 2217 Refuge Road, Pendleton, South Carolina. Motions to Intervene were filed by David J. Taylor and Roger D. Taylor as Co-Personal Representatives of the Estate of Violet J. Taylor and by Pam S. Isbell as Personal Representatives of the Estate of Terry Michael Scott and as Personal Representative of the Estate of Barbara Scott. The Court granted both Motions to Intervene.

The Plaintiffs previously filed a Motion for Partial Summary Judgment that was heard by the Court on April 26, 2018. This Motion was denied by an Amended Order dated June 5, 2018. The Plaintiffs filed a second Motion for Partial Summary Judgment on January 10, 2019.

Plaintiffs contend that significant time has passed since execution of the search warrants and no charges have been brought against any person. United States currency and other personal property were seized from a double wide trailer and a single wide trailer, both of which are located at 2217 Refuge Road. The single wide mobile home was the residence of Plaintiffs. Plaintiffs take the position that the rights of the claimants to their property must be weighed against the evidentiary value of the property.

The Anderson County Sheriff's Office contends that the criminal investigation into the quadruple homicide is active and ongoing and that the property seized under the validly issued search warrants has potential evidentiary value. The criminal investigation is near conclusion and the Anderson County Sheriff's Office anticipates a forensic consultant's report in the near future, after which a decision will be made on charges in the matter. The intervenors also opposed the Plaintiffs' Second Motion for Partial Summary Judgment and assert an ownership interest in the personal property seized by the Anderson County Sheriff's Office.

After consideration of the arguments, I find that the immediate release of the property seized under validly issued search warrants could negatively impact and jeopardize the investigation into the quadruple homicides, especially in light of the fact that the investigation will be concluded in the near future. In addition, there are competing claims to the personal property that are not presently ripe for adjudication. Therefore, I conclude the Plaintiffs' Motion for Partial Summary Judgment is denied.

AND IT IS SO ORDERED.

J. Cordell Maddox
Circuit Court Judge

Anderson, South Carolina
August________, 2019

Anderson Common Pleas

Case Caption:	Rosmore Vilardi , plaintiff, et al VS Anderson County Sheriff'S Office , defendant, et al
Case Number:	2016CP0401200
Type:	Order/Summary Judgment

So Ordered

s/ J. Cordell Maddox Jr.

EXHIBIT C

EXHIBIT
5

EXIHIBIT A

STATE OF SOUTH CAROLINA)
) SETTLEMENT AGREEMENT
COUNTY OF ANDERSON)

This Settlement Agreement ("Settlement Agreement") is entered into this 31st day of May, 2021 ("Effective Date") by and between Rosmore and Amy Vilardi ("Plaintiffs"), on one hand, and Anderson County Sheriff's Office ("ACSO"), David J. Taylor and Roger D. Taylor as co-Personal Representatives of the Estate of Violet J. Taylor ("Taylors"), and Pam S. Isbell, as Personal Representative for the Estate of Terry Michael Scott and as Personal Representative for the Estate of Barbara Scott ("Isbell"), on the other hand. Plaintiffs, ACSO, Taylors, and Isbell may be referred to individually as a "Party" or collectively as the "Parties."

PURPOSE

This Settlement Agreement is a compromise between the Parties for the settlement of the claims, counterclaims, and cross-claims asserted in the lawsuit commenced by Plaintiff in the Anderson County Court of Common Pleas identified as *Rosmore and Amy Vilardi vs. Anderson County Sheriff's Office, David J. Taylor and Roger D. Taylor as co-Personal Representatives of the Estate of Violet J. Taylor, and Pam S. Isbell, as Personal Representative for the Estate of Terry Michael Scott and as Personal Representative for the Estate of Barbara Scott* - Civil Action No.: 2016-CP-04-01200 ("ACSO Litigation"). This Settlement Agreement is further entered into between Amy Vilardi and Pam Isbell for the settlement of the claims and counterclaims asserted in the lawsuit commenced by Amy Vilardi in the Anderson County Court of Common Pleas identified as *Amy Vilardi v. Pamela Isbell* - Civil Action No.: 2016-CP-04-00729 ("Vehicle Litigation").

STATEMENT OF DISPUTE

The claims, counterclaims and cross-claims asserted in the ACSO Litigation are all related to U.S. currency and other personal property seized by ACSO in relation to the criminal investigation of a quadruple homicide that occurred at 2217 Refuge Road, Pendleton, South Carolina, on or about November 2, 2015 ("Criminal Investigation"). At all relevant times, there were two homes located at 2217 Refuge Road, Pendleton, South Carolina. One was a double-wide home ("Double-Wide") occupied by Terry Michael Scott, Cathy Taylor Scott, Barbara Scott, and Violet J. Taylor. The other home was a single-wide ("Single-Wide") that was occupied by Plaintiffs at or around the time of the homicide. The quadruple homicide occurred in the Double-Wide and the victims of the quadruple homicide were Terry Michael Scott, Cathy Taylor Scott, Barbara Scott, and Violet J. Taylor. Several search warrants were issued for various items of evidence related to the homicides. The search warrants attached to the Complaint involved the two (2) mobile homes except for the search warrant for a storage unit located at 4303 Edgewater Way, Anderson, South Carolina. The items of evidence seized are detailed in the return to each search warrant. The Criminal Investigation is active and ongoing, and no charges have been brought.

The ACSO Litigation was commenced when Plaintiffs filed asserting a claim and delivery action against

Initials: ____ ____ ____ ECM -RSC

ACSO related to the U.S. currency and tangible personal property seized and held by ACSO as part of the Criminal Investigation. Subsequently, Taylors and Isbell were granted leave to intervene in the ACSO Litigation and have asserted claims related to the U.S. currency and other property currently held by ACSO.

After a series of motions and the passage of time, ACSO identified a list of items that it is prepared to release and provided Plaintiffs, Taylors and Isbell with photographs of said items. Consistent with the Order executed and filed on January 28, 2020, Plaintiffs and Defendants have examined the list and photographs to identify those items that are contested. Plaintiffs, Taylors, and Isbell have asserted competing claims related to the U.S. currency and other personal property currently held by ACSO.

A trial was scheduled for March 16, 2020; however, the matter was continued due to certain COVID-related issues and/or concerns. A bench-trial was scheduled for June 1, 2021 before the Honorable J. Cordell Maddox, Jr.

After engaging in extensive discovery, filing of various motions, participating in a mediation, and trial preparation, the Parties engaged in a series of settlement negotiations.

The Parties desire to avoid further costs and expense associated with the ACSO Litigation, and/or Vehicle Litigation, and without any admission of liability, further agree to compromise, settle, and resolve their respective claims, counterclaims, and cross-claims as set forth herein.

NOW, THEREFORE, for and in consideration of the mutual agreements, representations, covenants, and warranties recited herein below, the Parties agree as follows:

<u>TERMS OF SETTLEMENT</u>

1. Distribution of Currency and other personal property to currently available for release by ACSO.

a. Currency and other Personal Property removed from Single-Wide:

i. The Parties have asserted competing claims related to Sixty-Five Thousand, Eight Hundred Ninety and no/100 Dollars ($65,890.00) of the currency removed from the Single-Wide. The Parties agreed that ACSO shall release the $65,890.00 in cash to Plaintiffs' attorney, J. Christopher Pracht, Esquire, who shall deposit said funds into his firm's trust account to be disbursed as follows:

(1) $34,890.00 to Rosmore Vilardi and Amy Vilardi;

(2) $3,000.00 to David J. Taylor and Roger D. Taylor;

(3) $7,000.00 to Thomas W. Cox, CPA, as custodian for Savannah Thomas, under the South Carolina Uniform Gifts to Minors Act to age 21;

(4) $7,000.00 to Thomas W. Cox, CPA, as custodian for Brady Hill, under the South Carolina Uniform Gifts to Minors Act to age 21;

(5) $7,000.00 to Thomas W. Cox, CPA, as custodian for Raiden Vilardi, under the South Carolina Uniform Gifts to Minors Act to age 21; and

(6) $7,000.00 to Thomas W. Cox, CPA, as custodian for Ambrose Vilardi, under the South Carolina Uniform Gifts to Minors Act to age 21.

(7) The Parties acknowledge and agree that none of them shall serve as successor custodian for the funds disbursed under the South Carolina Uniform Gifts to Minors Act in paragraphs (3) - (6) of this subsection.

ii. Pam Isbell shall receive the North American .22 Magnum Silver in color, SN 249115.

iii. Rosmore Vilardi and Amy Vilardi shall receive all remaining personal property items removed from the Single-Wide.

b. Currency and other Personal Property removed from Double-Wide:

i. David J. Taylor and Roger D. Taylor shall receive the $400.00 in cash from bedroom of the Double-Wide.

ii. Pam Isbell shall receive all items removed from the Double-Wide including the $21,412.00 in cash found in the master bath.

c. Vehicles:

i. Pam Isbell shall receive the following vehicles: (a) 2010 Toyota Tundra (VIN: xxxxxxxxxxxx3183), (b) 2005 Toyota Corolla (VIN: xxxxxxxxxxxxx9620), (c) 1996 Nissan (VIN: xxxxxxxxxxxxxx6743), and the 2003 Toyota Camry (VIN: xxxxxxxxxxxx2684). To the extent any Party, other than Isbell, is listed as the owner of one of the above-described vehicles, said Party will execute any document(s) required to transfer title to Isbell in a timely manner. Likewise, any Party having keys to the vehicles shall deliver the keys to Pam Isbell or her attorney.

2. Future Distribution of Currency and/or other Personal Property by ACSO. Given that the Criminal Investigation is active and ongoing, ACSO is still in possession of certain currency and/or other personal property items ("Remaining Items"). If and when ACSO is prepared to release the Remaining Items, those items removed from the Single-Wide shall be disbursed to Rosmore and Amy Vilardi and those items removed from the Double-Wide shall be disbursed to Pam Isbell.

3. Representations. The Parties each acknowledge and affirmatively state that they have not assigned, transferred, or conveyed in any manner all or any part of their legal claims or legal rights in connection with the matters set forth in the ACOS Litigation, Vehicle Litigation, or this Settlement Agreement.

4. Dismissal of Vehicle Litigation. By execution of this Settlement Agreement, Amy Vilardi and Pam Isbell hereby authorize and direct their respective attorneys to execute and file a Stipulation of Dismissal with prejudice as to claims and counterclaims asserted in the Vehicle Litigation provided that the Vehicles have been transferred in accordance with this Agreement.

Initials: _____ _____ _____ acm PSo

5. No Admission of Liability. The Parties each acknowledge and agree that the matters set forth in this Settlement Agreement constitute the settlement and compromise of disputed claims, and that this Settlement Agreement does not constitute an admission or evidence of liability by any of them regarding any claim alleged or damages sought by any Party.

6. Binding on Successors and Assigns. This Settlement Agreement shall be binding upon, inure to the benefit of and be enforceable by and against, the Parties hereto and their respective heirs, devisees, members, managers, officers, successors, assigns, affiliates, and agents, provided, however, that nothing contained in this Settlement Agreement shall confer upon any other person or entity not a party to this Settlement Agreement any rights or remedies hereunder.

7. Enforceability. Nothing contained herein shall be interpreted as releasing or compromising any claim regarding the enforcement of the terms of this Settlement Agreement or right to enforce the dismissal of the Vehicle Litigation.

8. Acknowledgment. The Parties hereto, as evidenced by their signatures below, acknowledge that this Settlement Agreement has been fully explained to them by their respective attorneys, that they understand the terms and conditions of the Settlement Agreement, and that they voluntarily agree to be bound by the terms and conditions of this Settlement Agreement.

9. Construction of Settlement Agreement. If this Settlement Agreement requires construction or interpretation by any court, the Parties agree that interpretation and construction of this Settlement Agreement shall not be subject to the rule that any agreement shall be construed more strictly against the party which itself, or through its agents, prepared the same; the Parties agreeing that each participated equally in the preparation hereof.

10. Counterparts. This Settlement Agreement may be executed in a number of counterparts and each counterpart signature shall, when taken with all other signatures, be treated as if executed upon one original of this Settlement Agreement. A photocopy, scan, or facsimile of this Settlement Agreement or of the signatures hereto will serve in place of an original.

11. Expenses. Unless specifically referred to herein to the contrary, each Party shall be responsible for any debt, liability or obligation, cost, expense, or fee of any nature whatsoever including, without limitation, any and all legal, accounting, and other professional fees and expenses incurred by it in connection with the dispute, negotiation, execution, or performance of this Settlement Agreement.

12. Headings and Definitions. The headings in the sections of this Settlement Agreement are inserted for convenience only and in no way alter, amend, modify, limit, or restrict the contractual obligations of the Parties.

13. Entire Agreement; Law Governing. All prior negotiations and agreements between the Parties hereto are superseded by this Settlement Agreement, and there are no representations, warranties, understandings, or

Initials: ____ ____ ____ CCM PSG

agreements other than those expressly set forth herein or in a document delivered pursuant hereto. This Settlement Agreement shall be governed and construed and interpreted according to the laws of the State of South Carolina. The terms of this Settlement Agreement may not be changed, modified, waived, discharged, or terminated in any manner, except by written instrument signed by all of the Parties.

IN WITNESS WHEREOF, the Parties hereto have executed this Settlement Agreement as of the day and year first above written.

WITNESSES:

_______________ Rosmore Vilardi (SEAL)

_______________ Amy Vilardi (SEAL)

Roger D. Taylor

David J. Taylor (SEAL)

Jorge M. Franbrell

David J. Taylor and Roger D. Taylor as co-Personal Representatives of the Estate of Violet J. Taylor

_______________ (SEAL)

Pam S. Isbell, as Personal Representative for the Estate of Terry Michael Scott and as Personal Representative for the Estate of Barbara Scott

_______________ (SEAL)

Anderson County Sheriff's Office

By: CHAD McBRIDE

Its: SHERIFF

Initials: _____ _____ R.D.T. D.J.T. _____

agreements other than those expressly set forth herein or in a document delivered pursuant hereto. This Settlement Agreement shall be governed and construed and interpreted according to the laws of the State of South Carolina. The terms of this Settlement Agreement may not be changed, modified, waived, discharged, or terminated in any manner, except by written instrument signed by all of the Parties.

IN WITNESS WHEREOF, the Parties hereto have executed this Settlement Agreement as of the day and year first above written.

WITNESSES:

______________________ (SEAL)
Rosmore Vilardi

______________________ (SEAL)
Amy Vilardi

______________________ (SEAL)
David J. Taylor and Roger D. Taylor as co-Personal Representatives of the Estate of Violet J. Taylor

______________________ (SEAL)
Pam S. Isbell, as Personal Representative for the Estate of Terry Michael Scott and as Personal Representative for the Estate of Barbara Scott

______________________ (SEAL)
Anderson County Sheriff's Office
By: CHAD MCBRIDE
Its: SHERIFF

Initials: ____ ____ ____ CCM-SD