

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

SC Court of Appeals

Alex Kinlaw, Jr. Circuit Court Judge

Common Pleas Case No.: 2019-CP-23-02032

Appellate Case No.: 2022-000731

John R. Mensch and Shauna M. Waddell
Individually and as Personal Representative
of the Estate of Florence Petrak Mensch
and John R. Mensch

Respondent

vs.

Sterling Raymond Mensch, III, Individually
as Personal Representative of the Estate of
Florence Petrak Mensch and in the former
Capacity as Agent under a Power of
Attorney for Florence Petrak Mensch

Appellant.

Return to Appellant's Motion for Leave to File a Rule 60(b) Motion in Probate Court

Respondents, by way of their Return to appellant's motion, would respectfully submit such motion should be summarily denied. Sterling Mensch misappropriated assets from his mother and following her death, her estate. Mr. Mensch has tried everything humanly possible, including violating the Orders of the probate court and being sanctioned accordingly, to avoid his day of reckoning. He continues his efforts to delay and deny justice to his deceased mother and

family. Appellate has not demonstrated any entitlement to the relief requested in his motion and has failed to appropriately preserve such issues for review. Appellant's motion should also be denied because it is barred by principles of judicial estoppel. Further, the Probate Court clearly had jurisdiction over the matters litigated before it and appellant's request presently before this court is another example of Mr. Mensch continuing to try and deny his family the damages caused to them by his misdeeds. A Supporting memorandum outlining respondents' position is being contemporaneously filed with the court.

Respectfully submitted,

**BROWN, MASSEY, EVANS,
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s/Tyler E. McLeod _____

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