

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF HORRY )

IN THE COURT OF COMMON PLEAS

Orveletta Alston as Personal )  
Representative of the Estate of )  
Willie Earl Alston, Jr., )

Plaintiff, )

v. )

Conway Manor, LLC, Raymond Tiller, )  
and John and Jane Does 1-10, )

Defendants. )  
\_\_\_\_\_ )

**ORDER APPROVING SETTLEMENT  
AGREEMENT AND ORDER OF  
DISMISSAL WITH PREJUDICE**

**C.A. No.: 2017-CP-26-1351**

This matter is before the Court upon the Petition of Orveletta Alston, as Personal Representative of the Estate of Willie Earl Alston, Jr., deceased, seeking approval of a settlement of the terms of which Petitioner will receive the total sum of Two Hundred Twenty-five Thousand and No/100 Dollars (\$225,000.00), in exchange for the execution of a full and final release of all claims against Defendants, and any and all persons, firms, entities and companies whomsoever, and their heirs, successors, assigns, agents, servants, employees, contractors, contractees, insurers, reinsurers, indemnitors and indemnitees.

Petitioner is the wife and Personal Representative of the Estate of Willie Earl Alston, Jr. who died on or about April 22, 2016 in Horry County, South Carolina. Petitioner heretofore filed a Summons and Complaint for survival and wrongful death against Defendants in order to recover damages allegedly arising out of medical,

nursing and other treatment rendered to Willie Earl Alston, Jr. while he was a resident of Conway Manor, LLC.

After settlement negotiations, Conway Manor, LLC agreed to pay the sum of Two Hundred Twenty-five Thousand and No/100 Dollars (\$225,000.00) in order to fully and finally settle all claims against Defendants and against any and all persons, firms, entities and companies whomsoever, and their heirs, successors, assigns, agents, servants, employees, contractors, contractees, insurers, reinsurers, indemnitors and indemnitees, arising out of the things and matters alleged in the Complaint in this matter, and in exchange for which Petitioner will fully and finally release Defendants as well as any and all persons, firms, entities and companies whomsoever, and their heirs, successors, assigns, agents, servants, employees, contractors, contractees, insurers, reinsurers, indemnitors and indemnitees.

Payment of the settlement amount shall be paid within forty-five (45) days of the approval of this settlement by the Court and the execution of a full and final release.

The statutory beneficiaries and heirs at law of the deceased Willie Earl Alston, Jr. are Orveletta Alston, Kimberly Alston Wood, and Willie Alston, Jr., all of whom are sui juris.

Petitioner has placed Medicare on notice of this settlement and is awaiting a final lien letter. Upon information and belief, there are no other debts or claims against the Estate of Willie Earl Alston, Jr.. Petitioner understands that she is solely responsible for all liens which will be satisfied from the settlement proceeds.

Petitioner asks the Court to allocate the entire settlement to the wrongful death claim, with the survival action to be dismissed entirely with prejudice.

Petitioner understands the settlement is not an admission of liability or an admission of any of the facts or circumstances alleged in the matter, but simply an expeditious method of disposing of the matter without the uncertainty of a trial. Petitioner also understands this settlement will forever and finally end and conclude any claims she might be entitled to assert against Defendants and against any other person or entity arising out of the allegations made in the Complaints. Petitioner is comfortable with that and wishes to conclude these matters. Petitioner also agrees that no evidence of negligence was found on the part of Raymond Tiller, and thus he is not contributing towards the settlement in this matter; however, he is being dismissed from this case with prejudice.

The Court has considered all evidence in the case and fully explored the terms and conditions of the settlement and after doing so is constrained to conclude that the settlement agreement is just and fair as outlined, and that it is in the best interests of the estate and statutory beneficiaries of Willie Earl Alston, Jr. for the settlement to be approved by this Court.

IT IS THEREFORE ORDERED that the settlement agreement under the terms of which Petitioner shall receive the sum of Two Hundred Twenty-five Thousand and No/100 Dollars (\$225,000.00) is hereby approved. The settlement funds shall be paid within forty-five (45) days of the approval of this settlement by the Court and the execution of a full and final release.

IT IS ALSO ORDERED that the Petitioner shall be responsible for satisfying any and all valid Medicare, Medicaid, and/or any other healthcare insurance liens, known or unknown, and shall reimburse Medicare, Medicaid, and/or any healthcare insurance

carriers for any payments for medical expenses out of the settlement proceeds. In the event she fails to do so, Petitioner shall indemnify and save harmless Defendants and their insurers and attorneys.

FURTHER ORDERED that Petitioner is authorized, empowered and directed to execute such a reasonable release as might be presented to her by Defendants.

IT IS ORDERED that the settlement will be allocated to the wrongful death claim with the survival action claim dismissed with prejudice.

IT IS ORDERED that the Petitioners' attorneys' fee in the sum of \$90,000.00 and costs advanced in the sum of \$12,229.31 are hereby approved and shall be paid after approval of this settlement.

Upon payment of the sums outlined herein, Defendants and any and all persons, firms, entities and companies whomsoever, and their heirs, successors, assigns, agents, servants, employees, contractors, contractees, insurers, reinsurers, indemnitors and indemnitees, are released, acquitted, and discharged from any further liability, and shall have no responsibility to trace or follow the application of the funds paid.

FURTHER ORDERED that this matter is hereby dismissed with prejudice.

ALL OF WHICH IS SO ORDERED.

*Judge's signature to be electronically applied*



## Horry Common Pleas

**Case Caption:** Orveletta Alston , plaintiff, et al VS Conway Manor LLC , defendant,  
et al  
**Case Number:** 2017CP2601351  
**Type:** Order/Approval Of Settlement

So Ordered

s/ Kristi F. Curtis, Circuit Court Judge, No. 2762