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Dec 30 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ALLENDALE COUNTY
Court of Common Pleas

The Honorable Lawton McIntosh

Appellate Case No. 2019-000905

J. Morgan Kears, Personal Representative of the Estate of G.H. Kears,..... Appellant,

v.

The Kears Family Education Trust, William Gordon Kears, Elizabeth Kears Gooding, Julia Kears Sharp, Rachael Kears Best, Joseph Weber Kears, and John Morgan Kears, of which all are named individually and as Trustees of the Kears Family Education Trust U/A/D Nov. 05, 1992..... Respondents.

RESPONDENT JULIA KEARSE SHARP’S RETURN TO PETITION FOR REHEARING

Pursuant to Rules 220 and 240(e), SCACR, and the Court’s December 9, 2022 letter, as supplemented on December 21, 2022, Respondent Julia Kears Sharp (“Julie”), submits this Return to Appellant’s Petition for Rehearing.

ARGUMENT

Julie incorporates and adopts the Argument set forth in the Return to Petition for Rehearing filed by Respondent Elizabeth Kears Gooding (“Beth”). Julie also reiterates and incorporates those arguments made in her final Brief of Respondent dated June 15, 2020.

The Court correctly affirmed on the basis that Appellant did not have standing to pursue this

action because he is not the personal representative of the Estate. Appellant raises fourteen issues in the petition for rehearing. In deciding to affirm, the Court did not overlook or misapprehend any of these issues, and the Court should deny the petition in its entirety.

Respectfully submitted,

December 30, 2022

/s/ Daniel A. Speights
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Attorneys for Respondent, Julia Kears Sharp

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PROOF OF SERVICE

The undersigned certifies that on December 30, 2022, a copy of Respondent Julia Kears Sharp's Return to Petition for Rehearing and Proof of Service has been served upon the counsel listed below by emailing a copy to the attorneys of record listed below. Pursuant to Supreme Court Order No. 2020-000447, subsection (g)(3), a copy of the email is attached. All *pro se* parties listed below are served by mailing a copy of the same, postage prepaid, in the United States Mail, addressed as shown below. All service is made to the parties in their individual capacities and as Trustees.

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Dated: December 30, 2022

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via E-Mail and U.S. Mail (to court and pro se parties only)

V. Claire Allen
Chief Deputy Clerk for the Court of Appeals
ctappfilings@sccourt.org

Re: *J. Morgan Kearsse, Personal Representative of the Estate of G.H.
Kearsse v. The Kearsse Family Education Trust, et. al.*
Appellate Case No. 2019-000905

Dear Ms. Allen:

Attached for filing is Respondent Julia Kearsse Sharp's Return to Appellant's Petition for Rehearing and Proof of Service. By electronic copy of this letter, I am serving all counsel of record and *pro se* parties as stated below:

With kind regards, I am

s/Daniel A. Speights

cc: Kenneth B. Wingate (via email only)
Matthew J. Myers (via email only)
Kathleen C. Barnes (via email only)
Stephen M. Slotchiver, Esquire (via email only)
Whitney B. Harrison (via email only)
William Gordon Kearsse (via U.S. mail)
Rachael Kearsse Best (via U.S. mail)
Joseph Weber Kearsse (via U.S. mail)
John Morgan Kearsse (via U.S. mail)