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Mar 17 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM ALLENDALE COUNTY  
Court of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

Appellate Case No. 2023-000159

J. Morgan Kears,..... Petitioner,

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 A WRIT OF CERTIORARI

Daniel A. Speights, S.C. Bar No. 5207  
SPEIGHTS & SOLOMONS, LLC  
100 Oak Street, East  
Post Office Box 685  
Hampton, South Carolina 29924  
803-943-4444

*Attorney for Respondent, Julia Kears Sharp*

**JOINDER**

Respondent Julia Kears Sharp (“Julie”) submits this Return to the Petition for a Writ of Certiorari.

The Court of Appeals correctly affirmed on the basis that Petitioner does not have standing to pursue this action because he is not the personal representative of the Estate. Julie made this argument below at multiple hearings and filings in the Probate Court, the Circuit Court, and the Court of Appeals. The Court of Appeals did not overlook or misapprehend any issue, and this Court should deny the Petition in its entirety.

Julie incorporates and adopts the Argument set forth in the Return to Petition for a Writ of Certiorari filed by Respondent Elizabeth Kears Gooding (“Beth”).

Respectfully submitted,

March 17, 2023

/s/ Daniel A. Speights  
Daniel A. Speights, S.C. Bar No. 5207  
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*Attorney for Respondent, Julia Kears Sharp*

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PROOF OF SERVICE

The undersigned certifies that on March 17, 2023, a copy of Respondent Julia Kears Sharp’s Return to Petition for a Writ of Certiorari 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: March 17, 2023

By: s/Daniel A. Speights  
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*Attorney for Respondent,  
Julia Kears Sharp*

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**SPEIGHTS & SOLOMONS, LLC**

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March 17, 2023

**Via E-Mail and U.S. Mail (to pro se parties only)**

The Honorable Patricia A. Howard  
Clerk of Court for the South Carolina Supreme Court  
[supctfilings@sccourts.org](mailto:supctfilings@sccourts.org)

Re: J. Morgan Kearse v. The Kearse Family Education Trust, et al.,  
Appellate Case No. 2023-000159

Dear Mrs. Howard:

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

Please accept my kind regards.

s/Daniel A. Speights

cc: Kenneth B. Wingate (via email only)  
Matthew J. Myers (via email only)  
Kathleen Barnes (via email only)  
Stephen M. Slotchiver (via email only)  
Whitney B. Harrison (via email only)  
William Gordon Kearse (via U.S. mail)  
Rachael Kearse Best (via U.S. mail)  
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