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Oct 23 2023

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM BEAUFORT COUNTY
COURT OF COMMON PLEAS
BENTLEY PRICE, CIRCUIT COURT JUDGE

In re: IN THE MATTER OF: Estate of Paul Brandon Barringer II

Hampton Barringer Luzak,Appellant,

v.

Merrill B. Light, Merrill U. Barringer, as Personal Representative of the Estate
Of Paul Brandon Barringer II, Merrill B. Light as putative
trustee of the Paul B. Barringer II Revocable Trust dated December 4, 1998,
and Merrill B. Light as Trustee of the Merrill Barringer Light Revocable
Trust, Respondents,

--and--

Hampton B. Luzak,Appellant,

v.

Merrill U. Barringer,Respondent.

Coastal Forest Resources Company (“CFRC”).....Intervenor/Respondent.

Appellate Case No. 2021-000837

AND

IN THE MATTER OF: Estate of Paul Brandon Barringer II

Hampton Barringer Luzak,Appellant,

v.

Merrill U. Barringer,Respondent.

Appellate Case No.: 2021-001337

PETITION FOR REHEARING

This Court issued its Order of October 18, 2023 with the intent of clarifying the current status of issues on appeal. The Appellant is compelled to file this brief Petition¹ lest she be later deemed to have abandoned the ruling regarding bifurcation. This Petition is to present and preserve issues relating to bifurcation and not to test patience.

The Appellant petitions for rehearing of the October 18, 2023 Order on the grounds that the Bifurcation Appeal was properly included for direct appeal under S.C. Code Ann. § 14-3-330(1) to Appellant’s appeal in Case No. 2021-000837, including the issues on appeal numbered 1, 2, and 3 on page (i) in Appellant’s Final Brief, which remain on appeal. The proper appeal of the Bifurcation Order in Appellate Case No. 2021-000837 pursuant to section 14-3-330(1) was not specifically addressed in the Clarification Order of October 18, 2023 or any prior Order. Earlier dismissal of only part of the appeal did not affect the appeal of the Bifurcation Order that was included in the appeal of a final order pursuant to paragraph (1) of § 14-3-330; see also § 14-3-430. Since the Bifurcation Order will necessarily affect when and how issues numbered 1, 2 and 3 on page (i) of Appellant’s brief are tried if Petitioner/Appellant prevails in her appeal, the Bifurcation Order is presently reviewable under § 14-3-330(1). Petitioner/Appellant requests that this Court confirm that Petitioner's appeal of the Bifurcation Order pursuant to section 14-3-330(1) is not dismissed.

Respectfully submitted,

s/ Desa Ballard
Desa Ballard (S.C. Bar No. 498)
226 State Street

¹ This petition is filed pursuant to Rule 221(a), SCACR. This Court’s order of October 18, 2023 was *sua sponte*.

West Columbia, South Carolina 29169
Telephone 803.796.9299
Facsimile 803.796.1066
desab@desaballard.com

James R. Gilreath (S.C. Bar No. 02133)
William M. Hogan (S.C. Bar No. 65272)
THE GILREATH LAW FIRM, PA
110 Lavinia Avenue (zip 29601)
P.O. Box 2147
Greenville, South Carolina 29602
Telephone: 864.242.4727
Facsimile: 864.232.4395
jim@gilreathlaw.com
bhogan@gilreathlaw.com

S. Alan Medlin (S.C. Bar No. 3924)
1713 Phelps Street
Columbia, South Carolina 29205
Telephone: 803.777.7465
Facsimile: 803.777.7465
amedlin@sc.rr.com

Charles B. Macloskie (S.C. Bar No. 3514)
MACLOSKIE LAW FIRM
P.O. Box 280
Beaufort, South Carolina 29901
Telephone: 843.524.0909
Facsimile: 843.521.1379
macloskielawfirm@hargray.com

Thomas W. Traxler (S.C. Bar No. 5624)
CARTER, SMITH, MERRIAM ROGERS
& TRAXLER, PA
900 East North Street (29601)
P.O. Box 10828 (29603)
Greenville, South Carolina
Telephone: 864.242.3566
Facsimile: 864.232.1558
tom.traxler@carterlawpa.com

ATTORNEYS FOR APPELLANT

October 23, 2023
West Columbia, South Carolina