

STATE OF SOUTH CAROLINA )  
COUNTY OF OCONEE )  
  
Charlotte Sarah Weiss Shayne )  
Estate, Plaintiff, et al., )  
  
Plaintiff, )  
  
v. )  
  
Sondra Lampl, )  
  
Defendant(s), )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
TENTH JUDICIAL CIRCUIT

Case No.: 2023-CP-37-00052

ORDER DENYING PLAINTIFFS' MOTION  
FOR RECONSIDERATION

**RECEIVED**

FEB 01 2024

SC Court of Appeals

The Court, upon receipt of the Appellant's Motion for Reconsideration pertaining to an order issued July 3, 2023, reviewed the file and considered the arguments heard previously. The Probate of Court of Richland County, which is vested with jurisdiction to hear this Oconee case by order of the Chief Justice, inquired with the Oconee County Clerk of Court prior to the Christmas holiday regarding the status. Apparently, the motion to dismiss on jurisdictional grounds, which was pending in the Probate Court and referenced in this Court's order, still has not been heard. The pending appeal has stayed the proceedings in the Probate Court.

This unusual case arises from an order issued by the Honorable Amy McCulloch on December 13, 2022. The Appellant seeks a modification of that order regarding discovery and accounting of the estate. As outlined in the previous order, this appeal is not filed in accordance with S.C. Code Section 62-1-308. The Court structured its prior order in a manner to give the Appellant an opportunity to amend his pleadings in order to bring it in compliance with the statute and to identify any appealable issues. The appeal is interlocutory in nature, dealing with the scope

the Court that he has had a medical condition that makes it difficult to type, thereby hindering his ability to amend his appeal documents.

The Court is concerned that the case has not been able to go forward because of a defective appeal—the Respondent’s Motion to Dismiss on jurisdictional grounds was not heard due to the Court’s belief that the Probate Court was scheduling a hearing on the same motion. In looking at the Motion for Reconsideration, the Court concludes that it has sufficient information to issue ruling in this highly contentious case. The matter needs immediate resolution.

After considering this matter again, the Court amends its previous order as follows:

1. The appeal is interlocutory. The Appellant admits in his Motion for Reconsideration that this appeal does not arise from a final order.
2. There is no statutory mechanism for an interlocutory appeal of an order of the Probate Court. See S.C. Code Section 14-3-330; *Dorn v. Cohen*, 421 S.C. 517, 809 S.E.2d 53 (2017).
3. Accordingly, the appeal is dismissed.
4. The case is remanded to the Probate Court for adjudication of all issues.
5. This order is without prejudice to any future appeals brought under S.C. Code Section 62-1-308 arising from a final order of the Probate Court.

AND, IT IS SO ORDERED.

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R. SCOTT SPROUSE  
Judge, Tenth Judicial Circuit