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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY COURT OF COMMON PLEAS
Court of Common Pleas
Jennifer B. McCoy, Circuit Judge
Irvin G. Condon, Probate Judge
Tamara C. Curry, Associate Probate Judge

Appellate Case No. 2021-001152
Court of Common Pleas Case No. 2020-CP-10-04036
Probate Court Case No. 2017-ES-10-01946

IN THE ESTATE OF ROY E. MEVERS, JR.,

SOUTH CAROLINA ATTORNEY GENERAL,
Respondent,

versus

MINNIE LEE NEWMAN-MEVERS,
Appellant,

versus

J. JAMES DUGGAN, as Special Administrator of the Estate of Roy E. Mevers, Jr.,
Respondent.

REPLY IN SUPPORT OF PETITION FOR REHEARING

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Pursuant to SCACR 221 and 240(f), Appellant Minnie Lee Newman-Mevers (Minnie) respectfully submits this reply in support of her petition for a rehearing.

(a) The Court's Opinion Overlooks the Impact of S.C. CODE ANN. § 62-3-107 on the Appealability of the Probate Court's Orders.

The South Carolina Probate Code (SCPC) provides that a "final order" of the probate court may be appealed. See S.C. CODE ANN. § 62-1-308. Unfortunately, the SCPC fails to define what constitutes a "final order." Section 62-3-107 of the SCPC, which is derived from Section 3-107 of the Uniform Probate Code (UPC), provides guidance in answering this question.

Section 62-3-107(1) states that "each proceeding before the [probate court] is independent of any other proceeding involving the same estate." Id. § 62-3-107(1). Section 62-3-107(4) further provides that "a proceeding for appointment of a personal representative is concluded by an order making or declining the appointment." Id. § 62-3-107(4). As discussed in Minnie's petition, case law interpreting these uniform provisions show the probate court's orders reopening the estate, appointing a special administrator, and requiring an accounting from Minnie constituted independent proceedings that have been concluded with finality, thus they are appealable.

The South Carolina Attorney General's (SCAG) return claims that § 62-3-107(4) "does not impact the appealability of this Order related to a special administrator" because the statute's language refers only to a "personal representative" and "[e]ven if the definition of personal representative can include a special administrator under section 62-1-201(33), section 62-3-107(4) states the matter is concluded which is different from that matter being a final order subject to appealability." See SCAG Return pp. 3-5, 8. These arguments disregard the SCPC's plain language.

Section 62-1-201 of the SCPC contains definitions for various terms that are used throughout the SCPC. The official comments make clear that "[t]he definitions set out in this section are applicable throughout this Code." See S.C. CODE ANN. § 62-1-201 cmt. Section 62-1-201(33)

expressly defines the term "personal representative" to include a "special administrator." Specifically, § 62-1-201(33) states that throughout the SCPC, "'[p]ersonal representative' includes … [an] administrator, successor personal representative, *special administrator*, and persons who perform substantially the same function under the law governing their status." S.C. CODE ANN. § 62-1-201(33) (emphasis added); see also Fisher on behalf of estate of Shaw-Baker v. Huckabee, 422 S.C. 234, 240, 811 S.E.2d 739, 742 (2018) ("Under the Probate Code …, the terms 'executor' and 'administrator' do not have separate meaning, but are included within the defined term 'personal representative.'" (citing S.C. CODE ANN. § 62-1-201(33))).

Section 62-1-201(44) of the SCPC also states that a "'[s]pecial administrator' means a personal representative as described by Sections 62-3-614 through 62-3-618." See S.C. CODE ANN. § 62-1-201(44). Sections 62-3-614 through 62-3-618 set forth the probate court's authority to appoint a special administrator. The probate court's orders in this very case cited to those sections as the basis for its authority to appoint a special administrator. (R_0009, 0027). Section 62-1-201(33) of the SCPC differentiates a "general personal representative" from a "personal representative." Whereas the term "personal representative" includes a special administrator, the term "general personal representative … excludes [a] special administrator." Id. § 62-1-201(33). The SCPC also provides that "[a] special administrator appointed by order of the court in any formal proceeding *has the power of a general personal representative except as limited in the appointment and duties as prescribed in the order*." Id. § 62-3-617 (emphasis added).

These definitions are imported into § 62-3-107(4). Section 62-3-107(4) uses the term "personal representative," which is statutorily defined to include a special administrator appointed under § 62-3-614, rather than the term "general personal representative," which is defined to exclude such a special administrator. If the legislature had intended for § 62-3-107(4) not to apply to a

proceeding for the appointment of a special administrator, then it would have utilized the term "general personal representative" in that section, which excludes a special administrator, rather than the term "personal representative," which includes a special administrator. The legislature wanted § 62-3-107(4) to apply to a proceeding for the appointment of a special administrator through its choice of the terms used in those statutes. The plain language of § 62-3-107(4) compels the conclusion that "a proceeding for appointment of a [special administrator] is concluded by an order making or declining the appointment." Id. § 62-3-107(4).

The SCAG's contorted claim that "concluding" a matter is somehow different from issuing a final order for appealability purposes is nonsensical and unsupported by the law. The SCAG cites no law from any jurisdiction supporting his tortured interpretation. Other jurisdictions that have adopted UPC § 3-107—including Colorado whose decisions the SCAG asks this court to follow—have specifically rejected his interpretation. In Matter of Est. of Franchs, 722 P.2d 422 (Colo. Ct. App. 1986), the Colorado Court of Appeals held that "since the probate court's order formally appointing the special administrator did not limit the special administrator's power, the special administrator has the power of a general personal representative." Id. at 423. "Therefore, [the court held] that *the probate court's order appointing the special administrator is final and appealable*." Id. (emphasis added); see also In re Est. of Muncillo, 789 N.W.2d 37, 41 (Neb. 2010) (order denying application for appointment of a special administrator is a final, appealable order); In re Est. of Lakin, 965 N.W.2d 365, 378 (Neb. 2021) (order dismissing petition seeking removal of personal representatives and appointment of a special administrator is a final, appealable order).

The SCAG's return simply ignores the Franchs decision even though he claims Colorado case law should be consulted when interpreting the SCPC. Franchs is nowhere mentioned in the SCAG's return. Rather, to try to implicitly distance this case from Franchs, the SCAG inaccurately

claims the probate court's orders in this case "limited" the special administrator's authority. See Return p.7. To the contrary, the probate court placed no restrictions on the special administer as evidenced by the Fiduciary Letters issued to him. Those letters state the special administrator is "appointed and qualified as Fiduciary(ies) on the above matter by this Court, with all the authority granted to a fiduciary by law." (R_0011). They further state in bold letters and all capitals: "**RESTRICTIONS: NONE**." (R_0011). This is confirmed by the special administrator's pleadings in this case. On May 4, 2020, the special administrator filed a formal response in which he represented that "the Probate Court has already appointed [him] as the Special Administrator of the Estate of Roy E. Mevers, Jr. as of March 13, 2020 *with no restrictions and not in a temporary capacity*." (R_0199 ¶3). The SCAG is attempting to misstate the facts in the record.

Other courts have reached holdings in accord with the Franchs decision. In In re Est. of Severson, 970 N.W.2d 94 (Neb. 2022), a probate court's order appointing a personal representative for an estate was considered a "final order." The court said:

> In the context of multifaceted special proceedings that are designed to administer the affairs of a person, an order that ends a discrete phase of the proceedings affects a substantial right because it finally resolves the issues raised in that phase. Thus, a consideration regarding the finality of orders in probate cases is whether the order ended a discrete—that is, separate and distinct—phase of the proceedings. *A statute provides that "a proceeding for appointment of a personal representative is concluded by an order making or declining the appointment."* [NEB. REV. STAT. ANN. § 30-2407(4)] Here, the probate court's order appointing Kelly as personal representative ended a discrete phase of the probate proceeding. Moreover, the appointment order coupled with the issuance of letters of personal representative imposed fiduciary duties upon Kelly. Because the order was made in a special proceeding and affected a substantial right, it was a final order.

Id. at 100-01 (footnotes omitted and emphasis added).

Similarly, in In re Estate of Newalla, 837 P.2d 1373 (N.M. Ct. App. 1992), the court observed that "[a]lthough it may sometimes be difficult to determine the scope of a proceeding, we are not without guidance from the [UPC] in determining whether proceedings are independent." Id.

at 1377. "For example, … under [UPC § 3-107] itself, '[a] proceeding for appointment of a personal representative is concluded by an order making or declining the appointment,' thereby implying that such an order is final and appealable." Id.; see Edery v. Edery, 73 A.3d 1229, 1239 n.13 (Md. Ct. App. 2013) ("[I]t is well-established that an order appointing a Personal Representative is a final order for purposes of appealability."); In re Est. of Chess, 995 N.W.2d 675, 203-04 (Neb. 2023) (probate court's order terminating a personal representative's appointment was a final, appealable order).

Because the SCPC treats a special administrator as equivalent to a personal representative, § 62-3-107(4) necessarily means that a probate court order making or declining the appointment of a special administrator concludes that particular proceeding. Under the SCPC's plain language, such an order is appealable as a "final order" pursuant to § 62-1-308. As noted in Minnie's petition, state cases decided both before and after the SCPC's enactment have held that probate court orders appointing an administrator and a special fiduciary for an estate are immediately appealable. Ex parte Small, 69 S.C. 43, 48 S.E. 40 (1904); Fisher v. Huckabee, 2016 WL 7495869 (S.C. Ct. App. Dec. 21, 2016), aff'd in part, rev'd in other part, 2018 WL 6528122 (S.C. Dec. 12, 2018).

This court's unpublished decision in In re Est. of Connor, No. 2009-UP-501, 2009 WL 9530096 (S.C. Ct. App. Oct. 29, 2009), further illustrates that a probate court order appointing a special administrator is a "final order" for appeal purposes. In that case, the probate court entered an order on August 24, 2004, which appointed an attorney as special administrator for an estate because the court had determined the decedent's two daughters were incapable of serving. Id. at *1. The daughters did not immediately appeal the probate court's order. In a subsequent order issued on January 30, 2007, the probate court denied the daughters' request to remove the special administrator as well as their petition to appoint a family friend as personal representative. Id. at *1-2. As part of

its ruling, the probate court held that its prior order appointing the attorney as special administrator was a "final order" which the daughters had not timely appealed, thus their objections to the special administrator were "time-barred." Id. at *2.

This court affirmed the probate court's order on appeal, stating "[b]oth the probate court and the circuit court found the probate court's initial orders adjudicating the issues listed above were final and appealable." Id. at *4. "Additionally, both the probate and circuit courts found Appellants' challenges to those orders were procedurally barred due to Appellants' failure to appeal within the time allotted by statute." Id. "We affirm the circuit court's conclusion that appeal of these rulings is untimely and therefore procedurally barred." Id.; see also id. at *5 ("Because the appeal of the issues relating to … the appointment of the special administrator was untimely, these issues are not properly before this court.").

When the appellants in Connor did not immediately appeal the probate court's order appointing a special administrator, this court held their subsequent appeal was untimely. In the present case, even though Minnie has immediately appealed the probate court's orders appointing a special administrator, the SCAG now argues those orders are not immediately appealable. The SCAG is asking this court to contradict its prior decision in Connor.

This court's decision in Estate of Boyce v. Work, 305 S.C. 43, 406 S.E.2d 184 (Ct. App. 1991), does not bar Minnie's appeal in this case. In Boyce, the court held a probate court order *temporarily* appointing two sisters as special administrators for an estate was not appealable. The court said the order was "clearly temporary" and thus not a final order because it stated the sisters are appointed "until such time as a Personal Representative(s) shall be formally appointed" and it placed limitations on their authority. Id. at 44, 406 S.E.2d at 185. The court concluded appellate jurisdiction was lacking because "of the temporary order involved in this case." Id.

The present case does not involve a temporary appointment of a special administrator. The probate court's orders appointed a special administrator on a permanent basis with no limitations on his authority, not a special administrator with only temporary and limited authority. Importantly, the Boyce case nowhere mentions or even acknowledges the language in S.C. CODE ANN. § 62-3-107(4) discussed above. The court failed to address whether an order appointing a special administrator is appealable when § 62-3-107(4) expressly states that a proceeding for appointment of a special administrator "is concluded by an order making or declining the appointment."[1]

Based principally on a Colorado bar journal article discussing Colorado case law, the SCAG incorrectly argues that § 62-3-107(1) "does not change the meaning of a final order or change what matters are immediately appealable from the probate court." See SCAG Return pp.3-6. The bar article and cases cited by the SCAG do not support the dismissal of Minnie's appeal in this case.

As a threshold matter, the SCAG ignores the fact that while Colorado has adopted UPC § 3-107, upon which S.C. CODE ANN. § 62-3-107 is based, that state has not adopted UPC § 1-308, upon which S.C. CODE ANN. § 62-1-308 is based. Colorado declined to adopt UPC § 1-308 and instead enacted its own unique provision stating that appellate review of probate court orders "is governed by the Colorado appellate rules." See COLO. REV. STAT. ANN. § 15-10-308. Due to this adjustment to the uniform provision, Colorado has held "the same rules of finality apply in probate cases as in other civil cases." Scott v. Scott, 136 P.3d 892, 896 (Colo. 2006). This is not the law in South Carolina. See Dorn v. Cohen, 421 S.C. 517, 809 S.E.2d 53 (2017) (holding general appeal provisions of S.C. CODE ANN. § 14-3-330 do not govern appeals from probate court orders).

[1] This court's decision in Boyce was appealed to the South Carolina Supreme Court. However, the parties settled the case before the supreme court decided the appeal. Boyce-Abel In re Est. of Boyce v. Work, 308 S.C. 234, 234-35, 417 S.E.2d 597 (1992).

In civil cases, Colorado's appellate rules adhere to the "one final judgment rule." Jones v. Galbasini, 299 P.2d 503, 506 (Colo. 1956). Under this rule, "[t]o constitute a final judgment the trial court's ruling must dispose of the entire litigation on the merits, and leave the court nothing to do but execute the judgment." Mission Viejo Co. v. Willows Water Dist., 818 P.2d 254, 258 (Colo. 1991) (en banc) (citing cases). "A final judgment constitutes a complete determination of the rights of the parties involved." Id. This difference in statutes must be considered when comparing Colorado decisions to other cases applying UPC § 1-308.[2]

Other courts besides Colorado's have remarked that the UPC's provisions reflect "a more expansive determination of the finality of probate orders than articulated in" cases adhering to the "final judgment rule." In re Est. of Geier, 809 N.W.2d 355, 357-58 (S.D. 2012). "As it concerns final orders, unsupervised probate actions represent a special class of cases in the sense that a single action can contain multiple, discrete 'proceeding[s],' each of which results in a final order." Matter of Est. of Smeenk, 2014 WL 1666843, at ¶ 23 (S.D. Apr. 17, 2024).

Based on UPC § 3-107(1)'s directive that each proceeding before the probate court is "independent of" any other proceeding involving the same estate, "[t]he consensus among the courts that have examined this issue is that each probate petition 'should ordinarily be considered as initiating an independent proceeding, so that an order disposing of the matters raised in the petition should be considered a final, appealable order' even if there are other pending proceedings involving the same estate or if the estate has yet to be fully administered." Est. of Sheltra, 238 A.3d 234, 238 (Me. 2020) (quoting Newalla, 837 P.2d at 1377)). "Because each proceeding in an unsupervised probate is considered independent of other proceedings involving the same estate, there need be

[2] Despite the application of the final judgment rule, the court in Franchs nevertheless held the probate court's order appointing a special administrator was a final, appealable order. Franchs, 722 P.2d at 423.

finality only as to that proceeding, not the entire estate." Schmidt v. Schmidt, 540 N.W.2d 605, 607 (N.D. 1995). "An order is final if it is dispositive as to the issues raised in the petition prompting the order." Clinesmith v. Temmerman, 298 P.3d 458, 467 (N.M. Ct. App. 2012).

It is not necessary that the probate court's order fully and finally dispose of the entire probate matter or all the issues in the case. Instead, to be immediately appealable, the order must be conclusive of the issue or controverted question for which the particular part of the proceeding was brought. In re Estate of Ketterling, 885 N.W.2d 85, 87 (N.D. 2016); In re Estate of Sanders, 750 N.W.2d 806, 813 (Wis. 2008); In re Estate of McKillip, 820 N.W.2d 868, 875-76 (Neb. 2012); Wittner v. Scanlan, 959 S.W.2d 640, 641 (Tex. Ct. App. 1995); Schmidt, 540 N.W.2d at 607; Severson, 970 N.W.2d at 100-01; Chess, 995 N.W.2d at 203-04. "An order that resolves a request for relief ends the proceeding and is a final order which may be appealed as a matter of right." Smeenk, 2014 WL 1666843 at ¶ 23.

The probate court's orders in this case made final determinations on the SCAG's proceedings asking the probate court to reopen the estate, appoint a special administrator, and require an accounting from Minnie. The probate court fully and finally adjudicated the parties' rights involving those matters or issues. The orders nowhere indicate the rulings are temporary or that the probate court will conduct future proceedings to revisit whether to reopen the estate, appoint a special administrator, or compel an accounting. Instead, the probate court's rulings on those matters are final and preclusive. That is why Minnie appealed those rulings.

The SCAG cites the Colorado case of In re Est. of Scott, 151 P.3d 642 (Colo. Ct. App. 2006), which involved rather extraordinary circumstances. There, the same trust beneficiary had filed two petitions in the probate court—referred to as the 2000 petition and the 2005 petition—which both sought accountings from the same trustee. The beneficiary had filed the new 2005 petition even

though he had made similar claims in the 2000 petition. The probate court dismissed the 2005 petition based on its conclusion that it "is part of the same proceeding as the 2000 case and could not stand on its own as a separate proceeding." Id. at 644-45. This was nothing more than a recognition that "[w]hen the subject matter of two petitions overlap, it would generally be appropriate to consider both petitions as belonging to the same proceeding." See Newalla, 837 P.2d at 1377.

In Scott, when the beneficiary attempted to appeal the probate court's order, the Colorado court held the appeal did not involve a final judgment because the "determination of the new petition [2005 petition] is inextricably linked to the main probate proceeding [2000 petition], and there is no preclusive effect of the probate court's order as to the new petition." Id. at 644. There was no "final judgment" in that case because the probate court had not yet adjudicated the 2000 petition, which the court considered to be the "same proceeding" as the 2005 petition. The court held that "[u]nder the circumstances presented here, we conclude that the 2005 petition is not a 'proceeding' separate from the 2000 case." Id.

Importantly, the court emphasized that "[b]oth parties agreed at oral argument that there is no preclusive effect to the probate court's order." Id. at 645. "Counsel for petitioner conceded that the same issues raised in the 2005 petition—the sufficiency and frequency of Trustee's accountings—have been raised in the 2000 case after issuance of the order appealed from here, and that the order does not preclude the probate court from granting in the future the relief requested in the petition." Id. "Therefore, that order lacks a key characteristic of a final, appealable judgment." Id.

The Scott case clearly is distinguishable from the present case for several reasons. Unlike the present case, Scott did not involve a probate court's order appointing a special administrator. As such, the Scott case did not involve application of UPC § 3-107(4). As discussed above, Colorado's own court of appeals held in Franchs that an order appointing a special administrator is immediately

appealable under UPC § 3-107(4). Moreover, unlike the situation in Scott, the SCAG in this case is claiming the probate court has issued binding and final adjudications reopening the decedent's estate and appointing a permanent special administrator. There is no other petition pending which asks the probate court to reopen the estate or to appoint a special administrator. Those matters have not been left to future adjudication. Instead, they have already been decided by the probate court with finality. Indeed, the SCAG's return conspicuously omits any statement that the probate court's orders will have no preclusive effect on Minnie. The Scott case has no application to the present case.

The SCAG also cites Chavez v. Chavez, 465 P.3d 133 (Colo. Ct. App. 2020). In that case, a Colorado jury rendered a verdict that a conservator had breached his fiduciary duties owed to the protected person, his mother. Id. at 136-37. The probate court subsequently issued an order finding the conservator's interest in his mother's estate should be surcharged. However, the court had not yet determined the amount of attorneys' fees and prejudgment interest to be awarded as damages. Under Colorado law, prejudgment interest and attorneys' fees are components of damages. Id. at 139-40. The court applied the principle that "an order establishing liability without determining damages is not final or appealable." Id. at 140 (citations omitted). The court followed the rule that "if attorney fees and costs are a component of damages for a statutory claim ..., a judgment for damages on such a claim is not appealable until the amount of the attorney fees and costs has been set." Id. at 140.

The present case is easily distinguishable from Chavez. Here, Minnie is not attempting to appeal from a probate court establishing liability, but which has not yet determined the damages to be awarded. Rather, she is appealing from the probate court's orders, *inter alia*, reopening the decedent's estate, appointing a permanent special administrator, and ordering Minnie to render an accounting. Those issues have been decided by the probate court with finality. There is nothing left for future determination by the probate court.

Finally, the SCAG cites to the Nebraska case of In re Est. of Abbott-Ochsner, 910 N.W.2d 504 (Neb. 2018), as supposed support for his position that an order appointing a special administrator is not appealable. In that case, the probate court had appointed the decedent's son as personal representative for the estate based on the provisions of the decedent's will. After the personal representative's siblings later filed a will contest, the court also appointed a special administrator for the estate, but it did not remove the personal representative from his position. Id. at 507. On appeal, the appellate court held the order was not appealable because it had not affected a substantial right of the personal representative. Id. at 510.[3]

The Abbott-Ochsner case is not controlling for an important reason which the SCAG glosses over—it did not involve application of UPC § 3-107(4). Section 3-107(4) is not mentioned in the court's opinion. The court did not confront appealability of an order appointing a special administrator in the face of the UPC's provisions expressly stating that a proceeding for appointment of a special administrator "is concluded by an order making or declining the appointment."

(b) The Probate Court's Rulings to Reopen the Estate, Grant a TRO, Grant a Preliminary Injunction, and Order an Accounting are Appealable Because There is an Appealable Issue Before This Court Even if Those Other Rulings Would Not Otherwise be Appealable by Themselves.

The law in this state has long been that an order which is not directly appealable can be considered on appeal if there is an appealable issue before the court. Edge v. State Farm Mut. Auto. Ins. Co., 366 S.C. 511, 623 S.E.2d 387 (2005); Briggs v. Richardson, 273 S.C. 376, 256 S.E.2d 544 (1979); Morris v. Anderson County, 349 S.C. 607, 610, 564 S.E.2d 649, 651 (2002); Cox v.

[3] It is notable the court in Abbott-Ochsner pointed out the personal representative "is not appealing the commencement of formal proceedings, and he is not appealing his removal as personal representative, because no such order has been made." 910 N.W.2d at 510. In contrast, in the present case, Minnie is appealing the probate court's order formally reopening the decedent's estate because that decision was improperly made on an *ex parte* basis without prior notice to Minnie or opportunity to be heard.

Woodmen of World Ins. Co., 347 S.C. 460, 469, 556 S.E.2d 397, 402 (Ct. App. 2001); Pitts v. Jackson Nat. Life Ins. Co., 352 S.C. 319, 338, 574 S.E.2d 502, 511 (Ct. App. 2002); Se. Hous. Found. v. Smith, 380 S.C. 621, 636 n.14, 670 S.E.2d 680, 688 n.14 (Ct. App. 2008).Thus, if this court determines that at least one of the probate court's decision is immediately appealable for the reasons discussed above, it can also consider the probate court's other rulings.

It is also an accepted principle that "[a] properly taken appeal from a final order or judgment generally authorizes the appellate court to review any interlocutory order involving the merits of the case or affecting the judgment, regardless of whether the order itself is appealable." See 5 AM. JUR. 2D *Appellate Review* § 577 (2024); see also S.C. CODE ANN. § 18-1-130 ("Upon an appeal from a judgment the court may review any intermediate order involving the merits and necessarily affecting the judgment.").

Without citation to any law to support his position, the SCAG asserts that the reasoning of these cases "is not applicable to appeals from a probate court." See Return p.9. While § 62-1-308 requires a "final order" for an appeal to be brought, nothing in the statute or our case law indicates an appellate court cannot consider other interlocutory orders when a final order is before the court. The SCTC indicates the normal rules governing appeals will apply to appeals from probate court orders unless otherwise stated in the statute. Section 62-1-308(i) states that appeals from the probate court will be determined "according to the rules of law." S.C. CODE ANN. § 62-1-308(i). "According to the rules of law" means "according to the rules governing appeals." Univ. of S. California v. Moran, 365 S.C. 270, 274, 617 S.E.2d 135, 137 (Ct. App. 2005) (citation omitted); see Matter of Howard, 315 S.C. 356, 434 S.E.2d 254, 257 (1993).

The holdings in Edge and similar cases show the courts resolved other issues accompanying appealable issues in the interest of judicial economy to avoid another appeal in the future, narrow

issues for trial, and eliminate unnecessary litigation. When an appealable order of the probate court is before this court, there is no impediment to this court's consideration of other rulings that have been presented for appellate review when doing so will promote judicial economy. As set forth in Minnie's petition, this court's review of Minnie's appeal involving the propriety of the probate court's orders reopening the estate, appointing a special administrator, granting a TRO and preliminary injunction, and requiring Minnie to account may avoid another appeal in the future and narrow the issues for trial. The SCAG's return does not quarrel with this fact. Minnie respectfully requests the court to consider her appeal in full.

For the forgoing reasons, Minnie respectfully submits a rehearing should be granted and the probate court's orders should be reversed on the merits.

Respectfully submitted,

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PROOF OF SERVICE

I certify that I have served the Reply in Support of Petition for Rehearing on the Respondents by mailing copies to their attorneys of record on June 3, 2024, by United States first-class mail, with sufficient postage affixed thereto, and addressed as follows:

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