

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	CASE NO: 2024-CP-10-01325
COUNTY OF CHARLESTON	)	
	)	
IN THE MATTER OF:	)	
VERONIQUE W. PICKETT	)	
	)	
BAYARD SCOTT PICKETT, JR.,	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	
LAURA V. JONES, AS TRUSTEE OF THE	)	
LAURA V. JONES TRUST AS	)	
ESTABLISHED BY THE WILL OF	)	
VERONIQUE H.W. PICKETT DATED	)	
MARCH 31, 1999 AND AS TRUSTEE OF	)	
THE KATHLEEN E. ANDERSON TRUST	)	
AS ESTABLISHED UNDER THE WILL	)	
OF VERONIQUE H.W. PICKETT DATED	)	
MARCH 31, 1999,	)	
	)	
Respondents/Defendants.	)	
	)	
v.	)	
	)	
KATHLEEN ANDERSON aka KATHLEEN	)	
ELIZABETH ANDERSON, in her	)	
individual capacity,	)	
	)	
Party in Interest/	)	
Counterclaimant.	)	
	)	

**RECEIVED**  
**Jun 25 2024**  
**SC Court of Appeals**

**ORDER DENYING PETITION FOR APPOINTMENT OF SUCCESSOR PERSONAL REPRESENTATIVE**

This matter came before the Court on Petitioner Bayard Scott Pickett, Jr.’s Petition for Appointment of Successor Personal Representative (“Petition”), filed in the Probate Court on February 16, 2024, and removed to this Court by Order of Removal entered on March 12, 2024. On March 26, 2024, Petitioner filed a request for an emergency hearing on his Petition, supported

by his Affidavit. On April 8, 2024, Respondent Laura V. Jones, as Trustee of the Laura V. Jones Trust as Established by the Will of Veronique H.W. Pickett Dated March 31, 1999 (“Respondent Jones”), filed a Memorandum of Law in Opposition to the Petition for Appointment of Successor Personal Representative. A hearing was held on April 15, 2024, attended by: Petitioner Pickett and his attorney, Paul Ferrara, Esquire; Elizabeth J. Palmer, Esquire, attorney for Respondent Jones; and Eric Laquiere, Esquire, attorney for Respondent Kathleen E. Anderson. After considering the parties’ filings and arguments of counsel, and for the reasons set forth hereinbelow, the Petition is **DENIED**.

### **FACTUAL AND PROCEDURAL BACKGROUND**

The Decedent, Veronique W. Pickett, died on December 18, 2018. At the time of her death, she was a resident of Virginia Beach, Virginia, but owned real property in Charleston County, South Carolina. At the time of her death, the Decedent was survived by her son, Petitioner Bayard Scott Pickett, Jr., and her two granddaughters, Respondent Jones and Kathleen E. Anderson.

On March 1, 2019, Petitioner, son of the Decedent, filed an Application for Informal Appointment of Personal Representative. On March 11, 2019, Petitioner was appointed as Personal Representative of the Estate and the Decedent’s Will, dated March 31, 1999, was admitted to probate.

Pursuant to the Will, the devisees of the Estate are as follows with their respected shares as indicated:

- 50%: Bayard Scott Pickett, Jr., Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999
- 25%: Laura V. Jones Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999
- 25%: Kathleen E. Anderson Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999

During the time period that Petitioner was the appointed Personal Representative, he failed to fulfill his obligations as Personal Representative. By letter dated June 21, 2019, the Probate Court notified Petitioner that the Estate's Inventory and Appraisal was overdue and demanded that it be filed within twenty days. Petitioner did not comply. By letter dated September 21, 2020, the Probate Court again demanded that the Inventory and Appraisal, as well as a number of other documents required to administer and close the Estate, be filed within 20 days. Petitioner did not comply. Finally, on March 25, 2021, the Probate Court sent a final demand that Petitioner file the required documentation, including a Final Accounting and Proposal for Distribution. Petitioner again failed to comply.

The Probate Court subsequently issued a Rule to Show Cause and, ultimately, discharged Petitioner as Personal Representative and administratively closed the Estate by Order dated January 19, 2022.

On May 19, 2023, after Respondent Jones had made numerous demands for information as to the amount and location of Estate assets in Petitioner's possession, Petitioner filed an Application for Subsequent Administration, seeking to reopen the Estate and to be reappointed as Personal Representative. On June 27, 2023, Respondent Jones filed a Verified Petition for Appointment of Special Administrator.

Following a hearing, the Probate Court, by order entered September 27, 2023, granted Respondent's Petition and appointed C. Mac Gibson, Esquire, as Special Administrator with all the powers of a general personal representative. Accordingly, the Probate Court declined to appoint Petitioner as Personal Representative. In the Order for Appointment of Special Administrator, the Probate Court found that Mr. Gibson's appointment "is necessary to preserve the estate and to

secure its proper administration.” The Probate Court further ordered that “all parties shall fully cooperate with the Special Administrator”.

On October 9, 2023, Petitioner filed a Motion to Reconsider, asking the Court to reconsider the appointment of a special administrator. This Motion was denied by order of the Probate Court entered on January 24, 2024. Also on January 24, 2024, the Probate Court entered an Order to Compel Transfer of Estate Funds, which ordered Petitioner to transfer all Estate funds in his possession to the Special Administrator and provide bank account statements for each account into which Petitioner had deposited Estate funds. Petitioner appealed the Order for Appointment of Special Administrator, the Order Denying Motion for Reconsideration, and the Order to Compel Transfer of Estate Funds. According to the Affidavit filed in this action by Petitioner on March 26, 2024, Petitioner continues to maintain possession and control of approximately \$1,430,447.39 in funds belonging to the Estate.

On February 5, 2024, Respondent Jones filed an Emergency Application for Appointment of Temporary Special Administrator. The Probate Court entered an Order for Appointment of Temporary Special Administrator on February 8, 2024, again appointing Mr. Gibson to serve in that role. Specifically, the Probate Court determined that “[t]he appointment and service of Attorney Gibson as the Temporary Special Administrator for the Decedent’s Estate is necessary to protect the Estate, to secure its proper administration, and to take appropriate actions involving Estate assets.” Petitioner filed a Notice of Intent to appeal that order on February 20, 2024 (in the Circuit Court) and February 21, 2024 (in the Probate Court). Respondent Jones filed a Motion to Dismiss Appeal on the basis that it was not timely filed in the Probate Court and because the order itself is not immediately appealable. Respondent’s Motion to Dismiss Appeal was heard and granted by this Court in Appellate Case No. 2024-CP-10-00921.

In the interim, on February 16, 2024, Petitioner filed his Petition for Appointment of Successor Personal Representative, seeking to have himself re-appointed as Personal Representative. By Order entered on March 12, 2024, Petitioner's Petition was removed from the Probate Court to this Court. The Order for Removal indicates that the Probate Court retained jurisdiction as to all other matters involving this Estate.

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1) Petitioner has statutory priority to be appointed Personal Representative due to the fact that he is named as such in the Decedent's Will. However, the Court must still make an independent inquiry into Petitioner's suitability to serve in that capacity. See S.C. Code Ann. § 62-3-103 ("to acquire the powers and undertake the duties and liabilities of a personal representative of a decedent, a person must be appointed by order of the court, **qualify**, and be issued letters.") (emphasis added); see also S.C. Code Ann. § 62-3-203(e)(2) ("No person is qualified to serve as a personal representative who is... a person whom the court finds unsuitable in formal proceedings.").

2) Based on his established pattern of disregarding the probate process, ultimately resulting in his discharge as Personal Representative in 2022, the Court finds that that Petitioner is not qualified. See In re McClam's Est., 245 S.C. 315, 320, 140 S.E.2d 478, 480 (1965) ("the granting of letters of administration is not automatic or mandatory as the person having the statutory priority may not be granted the administration if just cause be given").

3) By his own admissions in his Affidavit, Petitioner received, in his capacity as Personal Representative, approximately \$84,963.38 in cash belonging to the Estate at the Decedent's death as well as \$1,760,423.15 in proceeds from the sale of real property formerly owned by the Decedent/Estate. Petitioner admits that he has disbursed \$2,830,909.27 as "expenses

and advancements” and continues to possess \$1,430,447.39 in funds belonging to the Estate. However, no Initial or Final Inventory or Proposal for Distribution, or any of the other probate filings required for administration of an estate, were ever filed by Petitioner when he was the appointed Personal Representative.

4) Moreover, Respondent Jones presented evidence that, in the interim between when Petitioner filed his Application for Subsequent Administration, seeking to reopen the Estate and be reappointed as the Personal Representative, and the time a Special Administrator was appointed, Petitioner disbursed over \$40,000 in Estate funds. There can be no question that, with an application seeking reappointment pending, Petitioner was well-aware during this time period that he was not the Personal Representative of the Estate and, thus, was without the authority to make disbursements from the Estate’s funds.

5) In this formal proceeding, the Court finds that Petition is unsuitable based on his established pattern of disregarding the probate process and directives from the Probate Court.

**IT IS HEREBY ORDERED** that Petitioner’s Petition for Appointment of Successor Personal Representative is **DENIED**.

**AND IT IS SO ORDERED!**

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Judge George M. McFaddin, Jr.

April \_\_\_\_\_, 2024  
Charleston, SC



Charleston Common Pleas

**Case Caption:** Laura V Jones , plaintiff, et al VS Bayard Scott Pickett Jr

**Case Number:** 2024CP1001325

**Type:** Order/Other

So Ordered

S/George M. McFaddin, Jr., #2759