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Aug 07 2024

SC Court of Appeals

APPEAL BRIEF IN A CIVIL CASE
THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM OCONEE COUNTY
The order of Judge R. Lawton McIntosh
Appellate Case No. 2024-000455

Dorothy Pierce, Appellant,

V.

Donna Carol Moore, Gregory Allan Pierce, Jared Adam Pierce, Respondents

MOTION TO AMEND NOTICE OF APPEAL

Dorothy Pierce, Appellant, files this motion to amend her previously filed Notice of Appeal dated March 19, 2024, to include the final Order of Judge McIntosh dated April 02, 2024. The Appellant received the order in the mail from the court on August 05, 2024.

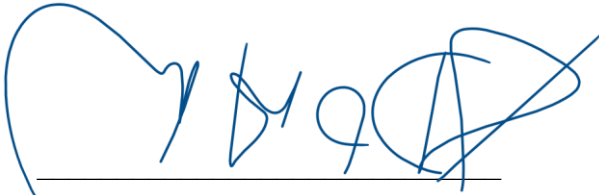
BACKGROUND

1. On March 14, 2024, the Circuit Court of Oconee County held a hearing on the Appellant's appeals.
2. On March 19, 2024, the Honorable Judge McIntosh issued an order inappropriately denying the Appellant's appeal.
3. On the same day, March 19, 2024, the counsel for respondents sent an email to the probate court Judge Danny Singleton to inform the probate court about the denial of the Appellant's appeal. At this point being Pro se, the appellant was not yet aware of this ruling. In this email, he asked the Judge to appoint Respondent Ms. Donna Moore as Personal Representative in leu of the Circuit court order. This request violated the order they claimed was found to be valid because the agreement stipulated that the Appellant was the Personal Representative. If Judge McIntosh found that there was a binding settlement as the respondent claimed, then there was no need for the probate court to

appoint a new Personal Representative of the estate because the Appellant serving as Personal Representative was part of the settlement agreement. The same email further commanded the Probate Judge to immediately authorize the heirs to remove the personal items according to the settlement agreement before estate debts were paid, which was a violation of Probate Law. Furthermore, this email was sent before a final order was signed by Judge McIntosh. **[See Email from Respondents' attorney herein]**

4. The respondent was already acting on the Form 4 order before the final order was signed on April 02, 2024. This was the main reason the Appellant had to file a Notice of Appeal to the Form 4 order on the same day, March 19, 2024, for fear that Respondents were already pushing to execute the form 4 order before the final order was signed and further misleading the court with the appointment of new PR in violation of the same order they claimed was found to be valid.
5. On March 20, 2024, the Appellant sent an email to Judge McIntosh informing him that the Counsel for respondents had informed the probate Judge in a separate email about a draft final order which was allegedly filed without serving her a copy of the draft as required by law. Rule 5(b)(3) of the South Carolina Rules of Civil Procedure mandates that any party providing a proposed order, findings of fact, conclusions of law, or other papers to the court for consideration in any pending matter must serve the same on all counsel of record simultaneously and by the same means. **[See Appellant's email to Judge McIntosh]**
6. The respondents' attorney admitted to not serving the draft order to the Appellant because he filed it directly via the AIS system. The appellant is a Pro se litigant without any privilege to access the AIS filling system or service. He then sent a copy of the draft order to the Appellant on March 20, 2024. **[See Email Exhibit]**
7. When the final order was allegedly signed on April 02, 2024, about two weeks after the Form 4 order was signed, no copy of the final order was served upon the Appellant.
8. On July 22, 2024, in the respondents' Initial Brief and Designation of Matter, which the Appellant received on July 31, 2024, the Appellant was shocked to see that an order was allegedly signed on April 02, 2024, but she was not aware of this order. The Appellant learned through the respondents' filings in the Court of Appeals that a final order was signed on April 02, 2024.

9. On August 01, 2024, the Appellant called the Clerk of Court to request a copy of the order which she had not received. The Clerk mailed a copy of the order to the Appellant on the same day. The Appellant received a copy in the mail on August 05, 2024. [**See the attached order and proof of Mailing**]
10. Appellant therefore requests this court to accept her Amended Notice of Appeal to include this Final order dated April 02, 2024, for the above-mentioned reasons.
11. A copy of the Amended Notice of Appeal is herein attached.



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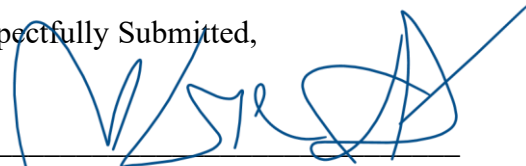
Donna Carol Moore, Gregory Allan Pierce, Jared Adam Pierce, Respondents

PROOF OF SERVICE

I hereby certify that, of August 7, 2024, a copy of the foregoing Motion to accept Amended Notice of Appeal was filed in this court and was served electronically. A hard copy is being mailed to the following addresses.

1. Richard H. McDuff, Esq. Merrell, Jahn & McDuff,
P.A.119-B Professional Park Drive, Seneca, South Carolina 29678.
2. Donna Moore (Pro se): 149 Flat Rock Church Rd, Liberty SC 29657

Respectfully Submitted,



Dorothy Pierce, Appellant, pro se.