



IN THE STATE OF SOUTH CAROLINA)
COUNTY OF YORK)
VICKI LYNN VERGELDT,)
Petitioner,)
vs.)
JOHN EDWARD VERGELDT,)
Individually and as Successor Trustee of the)
John Vergeldt, Jr. Revocable Living Trust)
dated September 27, 1978, as amended.)
Respondent.)
_____)

IN THE COURT OF COMMON PLEAS
CASE NO. 2016-CP-46-0820

RECEIVED

Aug 02 2021

SC Court of Appeals

ORDER

This matter came before the Court on May 9, 2018, upon Plaintiff's motion for partial summary judgment on her cause of action for removal of John Edward Vergeldt as Trustee. Present at the hearing were Plaintiff and her counsel, Adam T. Silvernail, Defendant and his counsel, Daniel J. Ballou.

Based on the entire record in this case, and after hearing arguments of counsel, and reviewing the parties' submissions in connection with this motion, I find that there are genuine issues of material fact which will require a full hearing, and the motion for partial summary judgment is therefore denied.

The evidence and allegations presented at the hearing do, however, give rise to a concern about preserving the remaining funds in the Trust. As a result, I find it appropriate and necessary at this time to restrain the Trustee pending a final disposition of this case to prevent further issues arising as to the use of Trust funds.

Therefore, it is ordered as follows:

1. Defendant is enjoined from making any expenditure of Trust funds without either written consent from Plaintiff's counsel, or an order of this court.

2. If consent is not given by Plaintiff's counsel, Defendant shall apply to this court for approval of any proposed expenditure. Such application shall include the amount of the proposed expenditure, an explanation of the necessity of the expenditure, and the bill, estimate, invoice or other documentation, evidencing the need for an expenditure. The application and supporting

documentation shall be served on Plaintiff's counsel, who shall have five business days to file any opposition.

3. Defendant may continue to deposit Trust funds into the Trust's accounts without prior consent by Plaintiff, or approval by this court.

4. These conditions shall continue until modified or removed by subsequent order of this court.

AND IT IS SO ORDERED.

JUDGE'S E-SIGNATURE TO FOLLOW



York Common Pleas

Case Caption: Vicki Lynn Vergeldt VS John Edward Vergeldt

Case Number: 2016CP4600820

Type: Order/Other

So Ordered

s/ S. Jackson Kimball 3063