

Oct 02 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

**EMERGENCY MOTION TO ENFORCE STAY UNDER RULE 241 OF NOVEMBER 2,
2023, ORDER REMOVING APPELLANT AS PERSONAL REPRESENTATIVE AND
MOTION TO PERMIT APPELLANT TO CONTINUE HER FIDUCIARY DUTIES
PENDING APPEAL**

COMES NOW, the Appellant, Dorothy Pierce, by and through the undersigned, and respectfully moves this Honorable Court to enforce the automatic stay under South Carolina Appellate Rule 241 concerning the probate court's November 2, 2023, order removing the Appellant as Personal Representative of the Estate of Doyle Elton Pierce during the pendency of this appeal. This motion seeks to prevent irreparable harm to the estate caused by the delinquent taxes, totaling \$3,600, which have resulted in a notice of levy and scheduled auction of the estate's assets. The Appellant, who has used her personal funds to preserve the estate, including paying taxes and other necessary expenses, has been repeatedly obstructed by the probate court's refusal to honor the automatic stay, thus preventing her from paying the outstanding taxes and fulfilling her fiduciary duties. If the stay is not enforced, the estate—comprised solely of physical assets and with no liquid funds—faces imminent liquidation at a significant financial loss, jeopardizing the rights and interests of all heirs. Appellant has the necessary funds to pay the taxes but requires this court's immediate intervention to prevent the estate from being auctioned and to ensure that she can continue to act as Personal Representative in accordance with the law. **In support of this Motion, the Appellant states as follows:**

I. BACKGROUND

1. On August 18, 2021, the probate court issued an order invalidating the will of Doyle Elton Pierce and removing Appellant as Personal Representative. Appellant timely appealed this order to the South Carolina Court of Appeals under appellate case number : 2021-001552, which automatically stayed the probate and Circuit courts' orders.
2. In July 2022, respondents filed a petition in the probate court to appoint a Special Administrator, alleging that Appellant may have mismanaged the estate's assets.
3. During a hearing on July 28, 2022, Appellant provided evidence demonstrating that she had preserved the estate and submitted records of the expenses incurred in doing so. In a ruling on August 15, 2022, the court acknowledged that the Appellant had indeed preserved the estate and had used her own resources for this purpose. **[See findings and order of Judge Asheley Rice- Exhibit A]**
4. Despite these findings, the probate court appointed a Special Administrator and restrained Appellant from performing her duties as Personal Representative. **[See appointment of Special Administrator- Exhibit B]**
5. The estate of Doyle Pierce consists solely of physical assets and lacks liquid cash, leaving it vulnerable to financial risks. From September 15, 2020, to August 2022, before Appellant was unjustly restrained by Probate Court Judge Ashley Rice, Appellant, Dorothy Pierce, personally spent thousands of dollars of her own funds to maintain the estate. These expenditures included, but were not limited to, the payment of 2020 and 2021 taxes, insurance on estate vehicles, mortgage payments, necessary renovations, and legal costs associated with probate. Despite the financial burden placed on her, Appellant continued to preserve the estate and protect its assets, as there were no liquid funds available within the estate itself. **[See list of expenses paid-Exhibit C]**
6. The Special Administrator was tasked with submitting a full inventory of the estate. His investigation confirmed that no assets were missing and that all estate assets had been well preserved under Appellant's management from the time of Doyle Pierce's death in September 2020 until January 2023. **[See full Updated inventory list- Exhibit D]**
7. On October 11, 2023, during a status conference, the Special Administrator resigned, and Judge Singleton forced the parties into a partial settlement. The parties agreed that Appellant would be reappointed as Personal Representative.
8. On October 17, 2023, the probate court signed an amended order affirming the private family settlement without obtaining signatures from all parties involved. **[See probate court order-Exhibit E]**
9. On October 19, 2023, the probate court issued a separate order reappointing Appellant as Personal Representative and made her sign a Personal Representative Affidavit that

contradicted the October 17, 2023, amended order. [**Affidavit of Personal Representative- Exhibit F**]

10. Appellant raised concerns about the contradictions between the affidavit and the amended order, but the court and parties refused to address these issues. Appellant further objected to the lack of open court during October 11, 2023, the distribution of assets before debts were paid, the absence of signatures, and additional unresolved issues.
11. On October 24, 2023, Appellant appealed the October 17, 2023, order. [**See Amended notice of appeal dated October 24, 2023-Exhibit G**]
12. In response, Judge Singleton threatened to remove Appellant from her position as Personal Representative if she pursued the appeal. No party had appealed her appointment, and there was no waiver of her right to appeal the settlement order. [**See retaliatory Emails- Exhibit H**]
13. On November 1, 2023, Judge Singleton scheduled a hearing and urged the parties to file a motion to remove Appellant, despite no such motion being filed by the parties.
14. On November 2, 2023, the probate court issued an order removing Appellant as Personal Representative.
15. On November 3, 2023, Appellant appealed her removal in the Court of Appeals, and this appeal is currently pending under Case Number: 2024-000455. [**See notice of Appeal- Exhibit I**]
16. On January 5, 2024, Appellant notified all parties that estate taxes of approximately \$3,000 were due by January 15, 2024, and asserted her continued authority as Personal Representative under the automatic stay imposed by South Carolina Rule of Civil Procedure 241. She informed the parties of her intention to process and pay the taxes as Personal Representative of the estate. Parties did not respond to this email with any objection, but Judge Singleton did. [**See email from Appellant-Exhibit J**]
17. Despite the automatic stay, Judge Singleton threatened Appellant with contempt if she performed any fiduciary duties, claiming her appointment was invalid due to her appeal of the family settlement. [**See email from Judge singleton- Exhibit K**]
18. Appellant responded, arguing that no party had appealed her reappointment and that her removal was under appeal, thus staying the order and preserving her authority to pay the estate taxes. [**See email from Appellant-Exhibit L**]
19. On January 17, 2024, the estate taxes became delinquent. [**See delinquent tax Invoices- Exhibit M**]
20. In February 2024, in an effort to fulfill her responsibilities and to avoid penalties from delinquent taxes by the county, Appellant opened a bank account to pay the estate taxes.

However, on February 14, 2024, Judge Singleton informed the parties that the bank had frozen the account after discovering that Appellant had been removed as Personal Representative. He further instructed her to return any certificates of appointment and threatened contempt if she continued to act in the capacity of Personal Representative. **See email from Judge singleton- Exhibit N]**

21. In April 2024, Appellant sent a letter to all parties and the probate court, including delinquent tax notices, and reiterated the urgency of addressing the estate's unpaid taxes. Judge Singleton acknowledged the taxes needed to be paid but continued to assert that Appellant was no longer Personal Representative, even suggesting she might still be responsible due to her possession of estate property. **[See Email from Judge Singleton regarding Executive Notice of Delinquency-Exhibit O]**
22. On August 7, 2024, Oconee County posted a notice of levy on all five parcels of the Estate of Doyle Elton Pierce, seizing every asset within the estate and scheduling the estate's assets for auction on November 17, 2024. This drastic action was triggered by \$3,600 in unpaid taxes—an amount that Appellant, Dorothy Pierce, has had available from her personal resources for months. Despite Appellant's repeated efforts to pay these taxes and prevent the estate from being auctioned off, she has been obstructed at every turn by the probate court's refusal to enforce the automatic stay under South Carolina Rule 241. Without this stay being honored, Appellant has been barred from exercising her fiduciary duties, leaving the estate in financial peril. The estate, comprising five parcels of valuable property, now faces the unconscionable risk of being sold off for a mere \$3,600—an outcome that could have been easily avoided had the probate court allowed Appellant to perform her duties. The inability to pay these delinquent taxes due to the court's obstruction puts the entire estate at risk of being liquidated for a fraction of its value, causing irreparable harm to all involved. Immediate intervention is necessary to allow Appellant to pay the taxes and preserve the estate from this impending auction. **[See Notice of Seizure-Exhibit P]**
23. Appellant has the full amount of \$3,600 from her personal resources to pay the delinquent taxes just like she did with the taxes in 2020 and 2021 but is unable to do so due to the ongoing interference from the probate court and Judge Singleton. Appellant will not pay these taxes as an heir to the estate but only as Personal Representative of the estate. Appellant requires an order enforcing the automatic stay so that she can pay the taxes on behalf of the estate to prevent the assets from being sold at auction.
24. Pursuant to South Carolina Appellate Rule 241, Appellant's appeal triggered an automatic stay of the probate court's November 2, 2023, order removing her as Personal Representative, thereby preserving her authority to manage the estate during the appeal.
25. In June 2024, Appellant filed a lawsuit against two non-heir tenants who had failed to pay rent for 48 months amounting to \$17,600. Despite this action being brought in her

capacity as an heir and Personal Representative, the opposing party moved to dismiss the suit, claiming she lacked standing because she was removed as personal representative of the estate, with full knowledge of the pending Appeal. **[See copy of the complaint filed- Exhibit Q]**

26. Opposing counsel has displayed a blatant inconsistency in their legal strategy, arguing in bad faith. In the lower court, they insisted that Appellant lacked standing to act as Personal Representative, yet in the Court of Appeals, they directly contradicted themselves by asserting that Appellant could not proceed *pro se* precisely because she was still the Personal Representative—thereby acknowledging the automatic stay. This duplicitous tactic exposes counsel's willingness to manipulate the facts and the court's authority to suit their own agenda, disregarding the truth and the law. To further complicate matters, this particular appeal was filed by Appellant in her capacity as an heir to the estate, as the order in question directly affects her individual rights. Despite this, respondents have chosen to make the issue a personal vendetta against Appellant, with their arguments motivated by hostility rather than concern for the estate of Doyle Elton Pierce. This behavior is not only disingenuous but represents an abuse of the judicial process in an effort to punish Appellant for exercising her legal rights. **[Respondent's double-sided argument- Exhibit S]**

27. On September 23, 2024, the Circuit Court incorrectly ruled that the automatic stay did not apply to the probate court's order. **[See order of Circuit Court- Exhibit R]**

WHEREFORE, Appellant respectfully requests that this Honorable Court enforce the automatic stay under South Carolina Rule 241, confirming that the probate court's November 2, 2023, order removing Appellant as Personal Representative is stayed during the pendency of this appeal and that Appellant retains her authority to act as Personal Representative until a final ruling is made. Additionally, Appellant requests that this Court issue an order permitting her to pay the delinquent estate taxes, totaling \$3,600, to prevent the estate from being auctioned on November 17, 2024. Further, Appellant seeks authorization to continue preserving the Estate of Doyle Elton Pierce pending the outcome of this appeal, to protect the estate from irreparable harm and ensure that its assets are safeguarded for the benefit of all heirs.

ARGUMENT

I. The Automatic Stay Under South Carolina Rule 241 Must Be Enforced

South Carolina Appellate Rule 241 mandates that the filing of a notice of appeal in a civil matter automatically stays the enforcement of any order, judgment, or decree that is under appeal. In this case, Appellant Dorothy Pierce timely filed her appeal of the probate court's November 2, 2023, order removing her as Personal Representative of the Estate of

Doyle Elton Pierce. As a result, the probate court's order is automatically stayed pending the outcome of the appeal, and Appellant's authority to act as Personal Representative should remain intact throughout the appellate process.

The primary purpose of Rule 241 is to preserve the status quo and protect the parties from irreparable harm while the appeal is under consideration. In *Santee Cooper Resort, Inc. v. S.C. Public Service Comm'n*, 298 S.C. 179, 379 S.E.2d 119 (1989), the South Carolina Supreme Court emphasized that maintaining the status quo during an appeal is essential to ensuring fairness and preventing prejudice. Similarly, in *Graham v. Graham*, 301 S.C. 128, 390 S.E.2d 469 (Ct. App. 1990), the South Carolina Court of Appeals confirmed that an order under appeal is stayed, and the lower court cannot enforce or alter that order while the appeal is pending.

Rule 241 of the South Carolina Appellate Court Rules (SCACR) explicitly provides that the service of a notice of appeal "acts to automatically stay matters decided in the order, judgment, decree or decision on appeal, and to automatically stay the relief ordered in the appealed order, judgment, or decree or decision." This rule is designed to prevent the enforcement or alteration of an appealed order until the appellate court has had an opportunity to review the lower court's decision. Courts in South Carolina have consistently upheld the application of Rule 241. In *Santee Cooper Resort* and *Graham*, the courts affirmed that the filing of a notice of appeal suspends any enforcement actions related to the order on appeal, prohibiting the lower court from altering or enforcing the contested order.

In this case, Appellant's appeal of the November 2, 2023, order automatically stayed her removal as Personal Representative. However, the probate court disregarded this stay and proceeded to prevent Appellant from fulfilling her duties as Personal Representative. This violation of Rule 241 has placed the estate in jeopardy, as the estate is now facing an impending auction due to delinquent taxes—an issue that Appellant could have resolved had the probate court respected the stay and allowed her to act in her official capacity.

The estate is now facing irreparable harm due to the probate court's failure to enforce the automatic stay. Oconee County posted a notice of levy on the estate's five parcels of land and scheduled the assets for auction on November 17, 2024, due to \$3,600 in unpaid taxes. Appellant has had the funds necessary to pay these taxes but has been obstructed from doing so because the probate court has refused to recognize her authority under Rule 241. The estate, which consists entirely of physical assets, lacks liquid cash. As a result, the auction of these assets would result in a significant loss, as the properties are likely to be sold for far less than their actual value. This would irreversibly harm the estate's financial health and severely prejudice the interests of the heirs.

The primary purpose of Rule 241 is to prevent such outcomes by preserving the status quo until the appellate court can issue its decision. Enforcing the automatic stay in this

case is crucial to safeguarding the estate from financial ruin and ensuring that the legal process is respected. Failure to enforce the stay not only undermines the protections provided by Rule 241 but also exposes the estate to unnecessary financial peril, which could have been avoided had the probate court adhered to the rule.

Therefore, Appellant respectfully requests that this Court enforce the automatic stay under Rule 241, preserve her authority to act as Personal Representative during the pendency of the appeal, and allow her to fulfill her fiduciary duties to protect the estate from irreparable harm.

II. Appellant's Removal Was Not Due to Any Wrongdoing or Breach of Fiduciary Duty

It is crucial to emphasize that Appellant's removal as Personal Representative was not based on any finding of wrongdoing, mismanagement, or breach of fiduciary duty. In fact, the probate court itself acknowledged that Appellant, Dorothy Pierce, had acted in good faith and diligently fulfilled her responsibilities as Personal Representative. From September 2020 to August 2022, she used thousands of dollars of her personal funds to maintain the estate, covering essential expenses such as taxes, insurance, mortgage payments, necessary renovations, and legal fees. These actions were necessary to preserve the estate, which consists solely of physical assets and lacks liquid funds.

Appellant's removal in November 2023 was not due to any alleged mismanagement or failure in her duties; rather, it was a direct consequence of her decision to file an appeal against the probate court's orders related to a family settlement. This removal was unjustly imposed *sua sponte* by the court in retaliation for her exercising her legal right to appeal, which is protected by law. No party had filed a petition for her removal, and no allegations of misconduct or fiduciary violations had been made against her.

South Carolina Code § 62-3-611 provides the statutory framework for removing a personal representative. According to the statute, a personal representative may only be removed for specific reasons, including failure to perform duties, mismanagement of the estate, or incapacity to execute the responsibilities required. The statute states:

"A person interested in the estate may petition for removal of a personal representative for cause at any time. Cause for removal exists when removal would be in the best interests of the estate or if it is shown that the personal representative has mismanaged the estate, neglected the estate, or is otherwise unfit to serve."

None of these conditions applied to Appellant's conduct, and her removal was not based on mismanagement or failure to perform her duties.

Instead, the probate court imposed the first restraint on Appellant's duties, not because she had mismanaged the estate, but simply because there was a perceived need for a

neutral Special Administrator due to disputes between the heirs. However, conflicts between heirs are not a valid ground for removing a personal representative. The South Carolina courts have made clear in *In re Estate of Weeks*, 329 S.C. 251, 495 S.E.2d 454 (Ct. App. 1997), that "mere conflict among heirs does not provide sufficient grounds for removing a personal representative." The court further stated that such removal must be supported by evidence of mismanagement or breach of fiduciary duty, neither of which was present in Appellant's case.

Furthermore, the restraint imposed by Judge Ashleigh Rice was null and void, as there was a pending appeal at the time. The existence of the appeal triggered the automatic stay under South Carolina Rule 241, which should have prevented any enforcement or alteration of the probate court's orders during the appellate process. Despite this, Judge Rice restrained Appellant's fiduciary powers in clear violation of the stay. This action was legally impermissible and further compounded the unjust treatment of Appellant.

The probate court's *sua sponte* decision to remove Appellant on November 2, 2023, for exercising her legal right to appeal undermines the very purpose of South Carolina Rule 241, which is designed to prevent retaliatory actions and preserve the status quo during an appeal. Rule 241 ensures that individuals are not punished for seeking appellate review, and it automatically stays any order, judgment, or decree under appeal until the appellate court can properly review the case. By removing Appellant without any petition or evidence of misconduct, the probate court not only disregarded Rule 241 but also violated Appellant's rights. This decision is a clear retaliation against her for lawfully pursuing an appeal, and it directly contravenes the principles of fairness and justice that Rule 241 seeks to uphold. Additionally, the decision contradicts South Carolina Code § 62-3-611, which specifies that a personal representative can only be removed for cause, such as mismanagement or neglect—neither of which was present in Appellant's case. This unjust removal highlights the court's misuse of its authority, further warranting enforcement of the stay.

III. Appellant Has Acted in Good Faith and Has the Resources to Pay the Delinquent Taxes

From the beginning of her appointment, Appellant has acted in good faith to preserve and protect the estate. She used her own resources to maintain the estate's physical assets because there were no liquid funds available. This included paying the estate's 2020 and 2021 taxes, maintaining insurance on vehicles, covering mortgage payments, and paying legal costs to probate the estate.

The estate currently faces a dire financial situation due to \$3,600 in delinquent taxes, which Appellant has been ready and willing to pay. Despite having the funds to cover the taxes, she has been obstructed by the probate court's refusal to honor the automatic stay, preventing her from fulfilling her fiduciary duties. This obstruction has resulted in

Oconee County posting a notice of levy on the estate's five parcels and scheduling an auction for November 17, 2024. Without immediate court intervention, the estate will be sold for far less than its value, causing irreparable harm.

IV. Irreparable Harm Will Result if the Stay Is Not Enforced

The estate's assets, which consist solely of physical property, are scheduled to be auctioned on November 17, 2024, due to the unpaid taxes. If the estate is liquidated at auction, it is highly likely that the properties will be sold for far below their actual value, resulting in a severe financial loss to the estate and its heirs. The sale of these assets would cause irreparable harm that cannot be undone, particularly when the taxes could have been paid in full had the court respected the automatic stay.

Moreover, by removing Appellant for merely exercising her right to appeal, the probate court has left the estate vulnerable to these financial consequences. Appellant has repeatedly attempted to fulfill her responsibilities, but the probate court's disregard for Rule 241 has prevented her from doing so.

V. The Probate Court and Circuit Court of Oconee County's Violation of Rule 241 Must Be Rectified

The probate court's removal of Appellant and its refusal to allow her to act as Personal Representative, as well as the Circuit Court of Oconee County's failure to recognize and enforce the automatic stay, are direct violations of Rule 241. The automatic stay, triggered by the filing of her appeal, should have preserved her role as Personal Representative and allowed her to continue managing the estate's affairs, including the critical task of paying the delinquent taxes. By refusing to enforce the stay, both the probate court and the Circuit Court of Oconee County have obstructed Appellant's ability to fulfill her fiduciary duties and protect the estate, which now faces the unnecessary liquidation of assets over a relatively small amount of delinquent taxes.

The removal of Appellant for merely exercising her legal right to file an appeal is a punitive action that undermines the very purpose of Rule 241. Both the probate court's and the Circuit Court of Oconee County's failure to respect the automatic stay have created a dire situation where the estate is at risk of being sold off at auction, causing irreparable harm to the estate's value and jeopardizing the interests of its heirs. This Honorable Court must rectify these violations by enforcing the automatic stay and restoring Appellant's authority as Personal Representative, allowing her to continue protecting the estate from financial loss and harm.

VI. The Probate Court Lacks Jurisdiction to Appoint a New Personal Representative Due to Pending Appeals

The probate court is without jurisdiction to appoint a new personal representative while two appeals challenging the removal of Appellant Dorothy Pierce as Personal Representative are pending. Under South Carolina Appellate Rule 241, the filing of a notice of appeal automatically stays the enforcement of any order, judgment, or decree that is under appeal. This stay preserves the status quo and prevents the lower court from taking any further action regarding the appealed order until the appellate court issues its ruling. As such, the probate court's November 2, 2023, order removing Appellant is stayed, and any attempt to appoint a new personal representative is beyond the court's jurisdiction.

South Carolina courts have consistently upheld this principle. In *Santee Cooper Resort, Inc. v. S.C. Public Service Comm'n*, 298 S.C. 179, 379 S.E.2d 119 (1989), and *Graham v. Graham*, 301 S.C. 128, 390 S.E.2d 469 (Ct. App. 1990), the courts confirmed that the filing of an appeal automatically suspends any enforcement or modification of the lower court's order. In this case, the probate court cannot proceed with appointing a new personal representative because the appeals related to Appellant's removal are still pending. The probate court lacks the jurisdiction to take such action, as Rule 241 mandates that all proceedings related to the appealed order are paused.

Furthermore, South Carolina Code § 62-3-611, which governs the removal of a personal representative, specifies that a personal representative may only be removed for cause, such as mismanagement, neglect, or a breach of fiduciary duty. In this case, there has been no finding that Appellant has mismanaged the estate or neglected her duties. On the contrary, Appellant has acted in good faith, using her personal funds to preserve the estate by paying taxes, maintaining insurance, and covering other necessary expenses. *In re Estate of Weeks*, 329 S.C. 251, 495 S.E.2d 454 (Ct. App. 1997), further clarifies that mere conflict among heirs does not provide sufficient grounds for removing a personal representative. Removal must be supported by evidence of wrongdoing, which is absent here.

Additionally, the filing of a notice of appeal is not a violation of fiduciary duty; it is a fundamental constitutional right. Appellant's decision to appeal the probate court's orders was a lawful exercise of her right to seek appellate review, and she cannot be penalized for doing so. The probate court's attempt to appoint a new personal representative while this appeal is pending would not only violate Rule 241 but would also undermine Appellant's constitutional right to appeal.

Given the automatic stay in effect and the lack of any valid cause for removal, the probate court is without authority to replace Appellant as personal representative. Any such attempt would exceed the court's jurisdiction. Appellant, who has faithfully preserved the

estate throughout this process, cannot be replaced while her appeal is being reviewed. Until the appellate court renders a decision, Appellant remains the lawful Personal Representative, and any effort by the probate court to appoint a successor is void for lack of jurisdiction.

Therefore, this Court should confirm that the probate court lacks jurisdiction to appoint a new personal representative and uphold Appellant's position pending the resolution of the appeals.

PRAYER FOR RELIEF

WHEREFORE, Appellant respectfully requests that this Honorable Court grant the following relief:

1. Enforce the Automatic Stay under South Carolina Appellate Rule 241, confirming that the probate court's November 2, 2023, order removing Appellant as Personal Representative is automatically stayed during the pendency of this appeal.
2. Permit Appellant to Continue Her Fiduciary Duties as Personal Representative, including managing the estate's affairs and taking necessary actions to preserve its assets, until a final decision is reached in the appeal.
3. Issue an Order Authorizing Payment of Delinquent Estate Taxes, permitting Appellant to pay the outstanding estate taxes totaling \$3,600 from her personal resources on behalf of the estate, in order to prevent the estate's assets from being sold at auction on November 17, 2024.
4. Declare that the Probate Court Lacks Jurisdiction to remove or replace Appellant as Personal Representative while the appeal is pending, and that any attempts to do so violate South Carolina Rule 241.
5. Hold Null and Void All Orders Made Regarding the Personal Representative Position since the filing of the notice of appeal, as such actions are in violation of the automatic stay under Rule 241 and exceed the probate court's jurisdiction.
6. Grant such other and further relief as this Court deems just and proper to ensure the estate's assets are preserved and Appellant's rights are protected pending resolution of the appeal.

Respectfully submitted, this October 2, 2024



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EXHIBIT A



Dorothy Pierce <dorothypierce84@gmail.com>

Ruling for The Estate of Doyle Elton Pierce concerning the Hearing held on July 28th, 2022

Ashley Rice <arice@oconeesc.com>

Fri, Aug 12, 2022 at 11:36 AM

To: Dorothy Pierce <dorothypierce84@gmail.com>, Donna Moore <75dmoore@gmail.com>, Rick McDuff <rick@mjmlawsc.com>, Robert Gailliard <rlgailliardlaw@outlook.com>, alan pierce <gregory4792@gmail.com>, Jared Pierce <jaredapierce1@gmail.com>

Cc: Griselda Godoy <ggodoy@oconeesc.com>, Magin Eades <meades@oconeesc.com>, Maggie Wells <mwells@oconeesc.com>, Ashleigh Leard <aleard@oconeesc.com>, Kaitlyn C Smith <kaitlyncsmith@oconeesc.com>

Good morning All!

As promised, I am here to give my Ruling concerning the hearing that was held on July 28th, 2022 for the Appointment of a Special Administrator for the Estate of Doyle Elton Pierce, Case Number 2020ES3700-532. Please know that this email is not up for discussion and my decision is final. I do not want any back and forth emails concerning this ruling.

There are numerous things I would like to address, so I will try my best to lay this all out as best I can.

First and Foremost, as Probate Judge for Oconee County, South Carolina, it is my sworn duty to monitor every matter pending in our court and enforce prompt compliance with all requirements imposed by law per the Rules of the Probate Court: Rule 2: Duty of Probate Judge.

With that being said, I am going to **GRANT THE RELIEF** for a Special Administrator for the Estate of Doyle Elton Peirce, Case Number 2020ES3700-532. However, It will be in the best interest of all parties for the Special Administrator to be a third party individual with no interested ties to this case. I will require that this third party be an Estate/Probate Attorney in good standing with the SC Bar for Oconee County, SC. At this moment, the court has not chosen that individual, but will be doing so in the next few days. I am not granting this relief on the premises that the court believes Ms. Pierce has mishandled any estate assets. Ms. Pierce could have administered the estate in a more timely fashion especially concerning the taxes for the estate, but the court does not believe it was done with ill intent nor does the court believe the estate or its assets are in any emergency danger. The court is appointing a Special Administrator on the basis that a Special Administrator would serve the estate in a more appropriate fashion since this specific case is highly contentious between all involved.

The Special Administrator will have the full authority to act to the fullest extent under **SC Code of Laws: Section 62-3-617**. The Special Administrator will be appointed until a ruling from the Court of Appeals is made concerning Ms. Pierce's appeal. Once that decision has been made, this court will have the authority to make further relief acting upon said decision and outcome from the Court of Appeals.

The Special Administrator will need to submit a new Inventory and Appraisement to the Court within Ninety (90) days of appointment along with a detailed accounting of all funds that have come into the estate and disbursed from the estate.

Ms. Pierce will still be considered appointed Personal Representative because of the appeal pending with the Court of Appeals, however until that ruling has been made and while the Special Administrator is in place, this court has decided to restrain her from acting as personal representative per **SC Code of Laws: Section 62-3-607 (a)**. This court will continue to have authority to grant further reliefs concerning the personal representative depending on the decision and outcome of that pending appeal.

The following would be the other issues discussed by all in the hearing and my opinions and findings on those brought to the courts attention.

Any assets that were taken without approval from Ms. Pierce as Personal Representative need to be delivered to the Special Administrator for safe keeping until the time to disburse assets or the ruling from the Court of Appeals is made.

Concerning the granddaughter, Samantha Leigh and her place of residence, I find that issue to coincide to the decision of the appeal. If the Last Will and Testament is upheld by the Court of Appeals, then the issue would be between Greg Pierce and Samantha Leigh. If the Will is deemed invalid, then that property would be considered an Intestate Asset and would need to be handled by the Personal Representative. So, I am unwilling to give an opinion on the collection of rent at the moment until a ruling has been made by the Court of Appeals.

The F350 Truck has been brought before the court as a possible estate asset that was mishandled/unauthorized by Greg Pierce. I give the Special Administrator authority to look into the allegations of said vehicle to make sure it is in fact an estate asset or whether it was a gift prior to the decedent's passing.

Moving forward, the Special Administrator has the authority to hire non-interested parties for any estate business or upkeep to the property and assets. Ms. Pierce, although acting within her scope of duties as personal representative, should have not enlisted the help of a romantic partner for estate business and transactions. That business transaction should have been done by an uninterested party.

Donna Moore is entitled to her authenticated reimbursement of the paid mortgage in the amount of \$13, 120.36. She made this payment in good faith and with the best interest of the estate in mind. I also found there to be no disagreement between parties for her reimbursement.

Ms. Dorothy Pierce, as Personal Representative is also entitled to authorized/authenticated out of pocket expenses she has paid with her own personal funds for the benefit of the estate.

Unfortunately, it appears that this estate does come with a great deal of "debt" with no liquidized funds to pay said "debt". It will be the responsibility of the Special Administrator to sale some estate assets to help pay for the authorized/authenticated estate debts and reimbursements of out of pocket expenses. The current listed unauthenticated debt such as Bobby Alexander, Jon Warthers, and Pioneer Surveyor, will need to be authenticated along with itemized and professional receipts describing the specific business transactions. These companies/individuals have not filed Creditor's Claims against the estate and by not doing so, the court is now requiring the information from them to validate their monies owed.

As far as the Lawsuit involving Firewalker Hot Sauce Company, LLC, it appears that they believe Mr. Doyle E. Pierce was an owner and operator. It appears that the estate could be liable for any relief sought from that said lawsuit. Firewalker Hot Sauce Company, LLC have filed a claim against the estate for \$16,000.00 so if that court did/does in fact prove Mr. Pierce to be an owner, that debt would be valid.

Ms. Pierce filed a Motion To Disqualify Richard H. McDuff from the case due to a Conflict of Interest on July 7th, 2022. It appears Mr. McDuff was the acting attorney for Blue Ridge Bank concerning foreclosure matters, however I do not find that to be a conflict of interest that affects the outcome of this proceeding. I would be happy to hear this in a more formal matter if parties are interested, but it would need to be proven to the court that he acted in a manner that benefited him and/or his clients or maliciously affected the estate. I find he merely passed along information so Ms. Moore could act in good faith and with the best interest of the estate in mind. This information did not affect the Estate nor Ms. Pierce in a negative fashion.

I would like to remind all parties of the **SC Code of Laws Section 62-3-711: Powers of personal representatives; in general.**

(a) Until termination of his appointment or unless otherwise provided in Section 62-3-910, a personal representative has the same power over the title to property of the estate that an absolute owner would have, in trust however, for the benefit of the creditors and others interested in the estate. Except as otherwise provided in subsection (b), this power may be exercised without notice, hearing, or order of court.

(b) Except where the will of the decedent authorizes to the contrary, a personal representative may not sell real property of the estate except as authorized pursuant to the procedures described in Sections 62-3-911 or Sections 62-3-1301 et seq. and shall refrain from selling tangible or intangible personal property of the estate (other than securities regularly traded on national or regional exchanges and produce, grain, fiber, tobacco, or other merchandise of the estate for which market values are readily ascertainable) having an aggregate value of ten thousand dollars or more without prior order of the court which may be issued upon application of the personal representative and after notice or consent as the court deems appropriate.

(c) If the will of a decedent devises real property to a personal representative or authorizes a personal representative to sell real property (the title to which was not devised to the personal representative), then subject to Section 62-3-713, the personal representative, acting in trust for the benefit of the creditors and other interested persons in the estate, may execute a deed in favor of a purchaser for value, who takes title to the real property in accordance with the provisions of Section 62-3-910(B).

HISTORY: 1986 Act No. 539, Section 1; 1987 Act No. 171, Section 28; 2000 Act No. 398, Section 4; 2013 Act No. 100, Section 1, eff January 1, 2014.

Effect of Amendment

The 2013 amendment, in subsection (b), substituted "procedures described in Sections 62-3-911 or Sections 62-3-1301 et seq." for "procedure described in Section 62-3-1301 et seq.", substituted "ten thousand dollars" for "five thousand dollars", and inserted "which may be issued upon application of the personal representative and after notice or consent as the court deems appropriate"; and in subsection (c), substituted "other interested persons" for "others interested", and substituted "Section 62-3-910(B)" for "Section 62-3-910(b)".

AND

SC Code of Laws Section 62-3-715: Transactions authorized for personal representatives; exceptions.

SECTION 62-3-715. Transactions authorized for personal representatives; exceptions.

Except as restricted or otherwise provided by the will or by an order in a formal proceeding and subject to the restrictions imposed in Section 62-3-711(b) and to the priorities stated in Section 62-3-902, a personal representative, acting reasonably for the benefit of the interested persons, may properly:

(1) retain assets owned by the decedent pending distribution or liquidation including those in which the representative is personally interested or which are otherwise improper for trust investment;

(2) receive assets from fiduciaries or other sources;

(3) perform, compromise, or refuse performance of the decedent's contracts that continue as obligations of the estate, as he may determine under the circumstances. In performing enforceable contracts by the decedent to convey or lease land, the personal representative, among other possible courses of action, may:

(i) execute and deliver a deed of conveyance for cash payment of all sums remaining due on the purchaser's note for the sum remaining due secured by a mortgage or deed of trust on the land; or

(ii) deliver a deed in escrow with directions that the proceeds, when paid in accordance with the escrow agreement, be paid to the successors of the decedent, as designated in the escrow agreement.

Execution and delivery of a deed pursuant to this subsection affects title to the subject real property to the same extent as execution and delivery of a deed by the personal representative in other cases authorized by this Code;

(4) satisfy written charitable pledges of the decedent irrespective of whether the pledges constituted binding obligations of the decedent or were properly presented as claims, if in the judgment of the personal representative the decedent would have wanted the pledges completed under the circumstances;

(5) if funds are not needed to meet debts and expenses currently payable and are not immediately distributable, deposit or invest liquid assets of the estate, including monies received from the sale of other assets, in federally insured interest-bearing accounts, readily marketable secured loan arrangements or other prudent investments which would be reasonable for use by trustees generally;

(6) subject to the restrictions imposed in Section 62-3-711(b), acquire or dispose of an asset, including land in this or another state, for cash or on credit, at public or private sale; and manage, develop, improve, exchange, partition, change the character of, or abandon an estate asset;

(7) make ordinary or extraordinary repairs or alterations in buildings or other structures, demolish any improvements, raze existing, or erect new party walls or buildings;

(8) satisfy and settle claims and distribute the estate as provided in this Code;

(9) enter for any purpose into a lease as lessor or lessee, with or without option to purchase or renew, but not for a term extending beyond the period of administration and, with respect to a lease with option to purchase, subject to the restrictions imposed in Section 62-3-711(b);

(10) enter into a lease or arrangement for exploration and removal of minerals or other natural resources or enter into a pooling or unitization agreement;

(11) vote stocks or other securities in person or by general or limited proxy;

(12) pay calls, assessments, and other sums chargeable or accruing against or on account of securities, unless barred by the provisions relating to claims;

(13) hold a security in the name of a nominee or in other form without disclosure of the interest of the estate but the personal representative is liable for any act of the nominee in connection with the security so held;

(14) insure the assets of the estate against damage, loss, and liability and himself against liability as to third persons;

(15) effect a fair and reasonable compromise with any debtor or obligor, or extend, renew, or in any manner modify the terms of any obligation owing to the estate. If the personal representative holds a mortgage, pledge, lien, or other security interest upon property of another persons, he may, in lieu of foreclosure, accept a conveyance or transfer of encumbered assets from the owner thereof in satisfaction of the indebtedness secured by lien;

(16) pay taxes, assessments, compensation of the personal representative, and other expenses incident to the administration of the estate;

(17) sell, or exercise stock subscription or conversion rights; consent, directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution, or liquidation of a corporation or other business enterprise;

(18) allocate items of income or expense to either estate income or principal, as permitted or provided by law;

(19) employ persons, including attorneys, auditors, investment advisors, or agents, even if they are associated with the personal

representative, to advise or assist the personal representative in the performance of his administrative duties; act without independent investigation upon their recommendations; and instead of acting personally, employ one or more agents to perform any act of administration, whether or not discretionary;

(20) prosecute or defend claims, or proceedings in any jurisdiction for the protection of the estate and of the personal representative in the performance of his duties;

(21) subject to the restrictions imposed in Section 62-3-711(b), sell, mortgage, or lease any real or personal property of the estate or any interest therein for cash, credit, or for part cash and part credit, and with or without security for unpaid balances;

(22) continue any unincorporated business or venture in which the decedent was engaged at the time of his death (i) in the same business form for a period of not more than four months from the date of appointment of a general personal representative if continuation is a reasonable means of preserving the value of the business including good will; (ii) in the same business form for any additional period of time that may be approved by order of the court in a formal proceeding to which the persons interested in the estate are parties; or (iii) throughout the period of administration if the business is incorporated by the personal representative and if none of the probable distributees of the business who are competent adults object to its incorporation and retention in the estate;

(23) make payment in cash or in kind, or partly in cash and partly in kind, upon any division or distribution of the estate (including the satisfaction of any pecuniary distribution) without regard to the income tax basis of any specific property allocated to any beneficiary and value and appraise any asset and distribute such asset in kind at its appraised value;

(24) with the approval of the probate court or the circuit court, compromise and settle claims and actions for wrongful death, pain and suffering or both, and all claims and actions based on causes of actions surviving, to personal representatives, arising, asserted, or brought under or by virtue of any statute or act of this State, any state of the United States, the United States, or any foreign country;

(25) donate a qualified conservation easement or fee simple gift of land for conservation on any real property of the decedent in order to obtain the benefit of the estate tax exclusion allowed under Internal Revenue Code Section 2031(c) as defined in Section 12-6-40(A), and the state income tax credit allowed under Section 12-6-3515, if the personal representative has the written consent of all of the heirs, beneficiaries, and devisees whose interests are affected by the donation. Upon petition of the personal representative, the probate court may consent on behalf of any unborn, unascertained, or incapacitated heirs, beneficiaries, or devisees whose interests are affected by the donation after determining that the donation of the qualified real property interest shall not adversely affect them or would most likely be agreed to by them if they were before the court and capable of consenting. A guardian ad litem must be appointed to represent the interest of any unborn, unascertained, or incapacitated persons. Similarly, and for the same purposes and under the same conditions, mutatis mutandis, a trustee may make such a donation for the settlor;

(26) the personal representative has the power to access the decedent's files and accounts in electronic format, including the power to obtain the decedent's user names and passwords.

HISTORY: 1986 Act No. 539, Section 1; 1987 Act No. 171, Sections 29, 30; 1990 Act No. 521, Section 49; 2000 Act No. 283, Section 1(E); 2013 Act No. 100, Section 1, eff January 1, 2014.

Effect of Amendment

The 2013 amendment added subsection (26) relating to access to electronic files, and made other nonsubstantive changes.

This may help clear up the issue of the truck loaded down with "rotting meat and personal belongings." As acting Personal Representative, it was Ms. Pierce's discretion as to what she deemed to be waste given that it was of no monetary value. She also had the discretion to paint walls, cabinets, etc. Judging from the pictures included in Respondent's Exhibit 15, it appears that the painting helped add value to the property and did not de-value or damage said property.

In closing, I would like to say that I understand how emotional this proceeding has been and my heart goes out to each and everyone involved. I did not take this ruling lightly and have spent many hours researching and going through testimony and evidence. I stand by my ruling and believe whole heartedly that until a ruling is made by the Court of Appeals, that a third party Special Administrator will be the best course of action for the estate at this time. Once the ruling

is made, this court will retain jurisdiction and proceed accordingly. Thank you all for your patience and kindness and I send my best wishes to you all during this very difficult time.

Mr. McDuff, since you are the petitioning attorney, if you would be so kind to draw up the Order for me, reserving a blank for the name of the Special Administrator for the court to fill in at a later date. Thank you.

August 12, 2022

IT IS SO ORDERED.....

Sincerely,

Ashley M. Rice

Probate Court Judge

Probate Court of Oconee County, SC

415 S. Pine Street/ PO Box 471

Walhalla, SC 29691

Office: 864-364-5271

Fax: 864-638-4278

Email: arice@oconeesc.com

CONFIDENTIALITY NOTICE: All e-mail correspondence to and from this address may be subject to public disclosure under the South Carolina Freedom of Information Act (FOIA).

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From: Dorothy Pierce [mailto:dorothypierce84@gmail.com]

Sent: Tuesday, August 9, 2022 2:41 PM

To: Ashley Rice <arice@oconeesc.com>

Cc: Donna Moore <75dmoore@gmail.com>; Rick McDuff <rick@mjmllawsc.com>; Robert Gailliard <rlgailliardlaw@outlook.com>; alan pierce <gregory4792@gmail.com>; Jared Pierce <jaredapierce1@gmail.com>

Subject: Re: Requested Proposed Settlement Agreement- The Estate of Doyle Elton Pierce

STATE OF SOUTH CAROLINA)
)
COUNTY OF OCONEE)

IN THE MATTER OF:)
DOYLE ELTON PIERCE, DECEASED.)
)
Gregory A. Pierce,)
)
Petitioner,)
)
Vs.)
)
Dorothy Pierce, Donna Moore)
Jared Pierce)
)
Respondent.)
_____)

IN THE PROBATE COURT

Case No.: 2020ES3700532

OCONEE PROBATE
AUG 16 2022 PM3:51

**AMENDED ORDER
ON PETITION TO APPOINT
SPECIAL ADMINISTRATOR**

THIS MATTER came before the Court for a hearing on July 28, 2022, on the Petitioner's Petition for Appointment of Special Administrator. Having heard the testimony of the witnesses, and after having reviewed the evidence, the Court hereby finds as follows:

1. That it is in the best interests of all the parties and the Estate that relief be granted and a Special Administrator with no interest in this matter be appointed. The Court is not granting this relief on the premises that the current Personal Representative has mishandled any estate assets. Ms. Pierce could have administered the estate in a timelier fashion concerning the taxes for the estate, but the court does not believe it was done with ill intent nor does the court believe the estate assets are in an emergent danger. It is the court's opinion that appointing a Special Administrator would serve the estate more appropriately since it is highly contentious among all involved.
2. That the Special Administrator shall be an Estate/Probate attorney in good standing with the South Carolina Bar. The Special Administrator will be identified and appointed by this Court.

3. The Special Administrator shall have the full plenary powers to administer the Estate as set forth in *S.C. Code Ann.* §§ 62-3-617 and 62-3-711.
4. The Special Administrator shall serve until such time as an opinion has been issued by the South Carolina Court of Appeals in the matter styled ***Dorothy Pierce, Appellant v. Jared A. Pierce, Respondent***, Case No. 2021-001552. Once a decision of the Court of Appeals is rendered, this Court shall have the authority to order further relief.
5. The Special Administrator shall be required to submit a new Inventory and Appraisal to this Court within ninety (90) days of appointment, along with a detailed accounting of all funds that have come into or disbursed from the Estate.
6. While the Respondent shall still be deemed to be the Personal Representative due to her pending appeal, pursuant to *S.C. Code Ann.* § 62-3-607(a), Ms. Pierce shall be restrained from acting on behalf of the Estate as Personal Representative. This Court shall have the authority to enter additional orders and grant further relief depending upon the decision of the Court of Appeals.
7. Any Estate assets taken without the approval of the Personal Representative shall be delivered immediately to the Special Administrator for safe keeping. Also, The Special Administrator shall determine the assets of the Estate and seek recovery of those that are not rightfully in the possession of any other party or person until a ruling has been rendered by the Court of Appeals and the time has come for distribution of the assets of the Estate.
8. The Special Administrator shall have the authority to employ disinterested third parties to assist or preserve any assets of the Estate.

9. The Court makes no determination at this time as to the occupancy of a mobile home by Samantha Leigh. The court finds this issue to coincide with the decision of the appeal and retains jurisdiction to grant further relief after said decision.
10. The F350 Truck has been brought before the court as a possible estate asset. The court grants the Special Administrator authority to investigate the allegations of said vehicle to determine if it is an asset of the estate or if it was a gift before the decedent's passing.
11. Upon providing authenticated proof, Donna Moore shall be entitled to reimbursement from the Estate in the amount of \$13,120.36 paid to Blue Ridge Bank in order to satisfy the outstanding mortgage.
12. Ms. Dorothy Pierce as Personal Representative is entitled to reimbursement of authenticated out of pocket expenses she has paid on behalf of the estate.
13. The Special Administrator is authorized to sell estate assets to help fund the authenticated debts of the estate.
14. Any debt that has been charged against the estate, those of which has not been filed as a Creditor's Claim, shall be validated and authenticated before said debt is paid from estate funds.
15. Firewalker Hot Sauce Company, LLC identifies Mr. Doyle E. Pierce as an owner and operator. A claim has been filed against the estate in the amount of \$16,000.00. If the Circuit Court finds that Mr. Pierce was an owner of the company, the claim would be seen as a validated debt of the estate.

Done and ordered this 16TH day of August 2022.



Ashley M. Rice
Probate Judge



EXHIBIT B

STATE OF SOUTH CAROLINA) IN THE PROBATE COURT
)
COUNTY OF OCONEE) Case No.: 2020ES3700532

IN THE MATTER OF:)
DOYLE ELTON PIERCE, DECEASED.)

Gregory A. Pierce,)

Petitioner,)

Vs.)

Dorothy Pierce, Donna Moore)
Jared Pierce)

Respondent.)
_____)

OCONEE PROBATE
AUG 16 2022 PM 3:51

**AMENDED ORDER
ON PETITION TO APPOINT
SPECIAL ADMINISTRATOR**

THIS MATTER came before the Court for a hearing on July 28, 2022, on the Petitioner's Petition for Appointment of Special Administrator. Having heard the testimony of the witnesses, and after having reviewed the evidence, the Court hereby finds as follows:

1. That it is in the best interests of all the parties and the Estate that relief be granted and a Special Administrator with no interest in this matter be appointed. The Court is not granting this relief on the premises that the current Personal Representative has mishandled any estate assets. Ms. Pierce could have administered the estate in a timelier fashion concerning the taxes for the estate, but the court does not believe it was done with ill intent nor does the court believe the estate assets are in an emergent danger. It is the court's opinion that appointing a Special Administrator would serve the estate more appropriately since it is highly contentious among all involved.
2. That the Special Administrator shall be an Estate/Probate attorney in good standing with the South Carolina Bar. The Special Administrator will be identified and appointed by this Court.

3. The Special Administrator shall have the full plenary powers to administer the Estate as set forth in *S.C. Code Ann.* §§ 62-3-617 and 62-3-711.
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6. While the Respondent shall still be deemed to be the Personal Representative due to her pending appeal, pursuant to *S.C. Code Ann.* § 62-3-607(a), Ms. Pierce shall be restrained from acting on behalf of the Estate as Personal Representative. This Court shall have the authority to enter additional orders and grant further relief depending upon the decision of the Court of Appeals.
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Done and ordered this 16TH day of August 2022.



Ashley M. Rice
Probate Judge



EXHIBIT C

EXPENSES INCURRED BY THE PERSONAL REPRESENTATIVE DOROTHY PIERCE The Estate of Doyle Elton Pierce did not have any available funds to administer the estate during this period hence the PR spent her personal funds to manage the Estate Business. Reimbursement is required.			
Item	Amount	Vendor	Refund Amount
Ariens 60 Inch Zero Turn Lawn Mower (2020)	\$4,238.94	Lowe's	\$4,238.94
Ariens 60 Inch Zero Turn Lawn Mower Delivery & Gas	\$290.00	Bobby Alexander	\$290.00
Grave monument (2020)	3,492.70	Gilbert Mortuary & Monument	\$3,492.70
Legal fees from September 2020 to July 2022	18,350.	▪ Carol Johnson PA ▪ Gruber Sires Law firm ▪ Black Welder law ▪ Robert Gailliard Law firm	18,350.00
Legal Consultations and Court Fillings	\$4,190.00	• Oconee Circuit Court • Courts of Appeals • Prospective Attorneys	\$4,190.00
Mortgage loan	\$7,766.08	Blue Ridge Bank	\$7,766.08
Insurance Policies 2020,2021 & 2022	\$2,166.55	Farm Bureau Insurance	\$2,166.55
Property And Motor Vehicle Taxes			
Property Taxes -2020	\$1,374.11	Oconee County Treasury	\$1,374.11
Motor Vehicle Taxes	\$24.39	Oconee County Treasury	\$24.39
Property taxes 2021	\$3,877.30	Oconee County Treasury	\$3,877.30
Motor vehicle Taxes-2021	\$124.12	Oconee County Treasury	\$124.12
Motor vehicle Taxes 2022	\$59.20	Oconee County Treasury	\$59.20
Motor Vehicle Tax 2023	\$59.20	Oconee County Treasury	\$59.20
Title taxes	\$94.00	DMV	\$94.00
Motor Vehicle Maintenance and Repairs Trucks, Tractors and Lawn Mower			
Item	Amount	Vendor	Final Refund
Ford Truck F250 1988	\$307.64	Tom's Repair and Handyman's services	\$307.64

Ford 3235 Tractor	\$833.12	Tom's Repair and Handyman's services	\$833.13
Ariens Zero-Turn Mower	\$212.89	Tom's Repair and Handyman's services	\$212.89
Ford Truck 250 1988	\$424.69	Tom's Repair and Handyman's services	\$424.69
GMC Sierra 2003	\$1,4000	Salvage Body repair	\$1,400.00
Ariens Zero-Turn Mower Repairs	\$320.71	Tom's Repair and Handyman's services	\$320.71
Oils Changes, Diesel, and Battery replacement	\$1,778.00	Gas Stations and AutoZone	\$1,178.00
Building repairs: Cleaning and Painting (750 Mourning Dove Lane)			
Item	Amount	Contractor	Final Refund
Cleaning	\$1,120.00	Prime Commercial Services	\$1,120.00
Painting Materials and Expenses	\$2,117.39	Prime Commercial Services	\$2,117.39
Cleaning The Estate	\$2,358.00	Prime Commercial Services	\$2,358.00
Painting Supplies	\$2,327.25	Lowe's-Seneca	\$2,327.25
Estimate Cleanup	\$326.53	Tom Sullivan	\$326.53
Botany Alexandria	\$2,300.00 (Not Paid) Will be paid by PR	Bush Clearing at the Estate (4 employees, 30 hours)	\$2,300.00
Jon Varthers	\$980.00 (Not Paid) Will be paid by PR	Assembling items Mowing grass Cleaning rusted items 49 hours of hard labor	\$980.00
LED Lights	\$ 267.69	Lowe's	\$ 267.69
708 Warehouse Roof	\$14,575.00	Carolina Roofers	\$14,575.00
Graceland Portable Building 16' x 40'	\$7,733.69	Graceland Portable Buildings	\$7,733.69
Other Expenses			
Gas for mowing the Lawn. (43 hours)	\$120.4	Gas Stations	\$120.4
Diesel for the tractor- bush hogging	\$390.89	Gas Stations	\$390.89
Surveillance Camera (750 Mourning Dove)	\$480.00	Walmart	\$480.00
Camera installation	\$280.00	Handy Man	\$280.00
Surveillance Camera	\$480.00	Walmart	\$480.00

(708 Mourning dove lane)			
Camera Installation	\$280.00	Handy man	\$280.00
Guard line Driveway Alarm	\$566.00	Guard line Security	\$566.00
Mailbox letters	\$ 38.28	Lowe's	\$ 38.28
Mailbox	\$149.00	Lowe's	\$149.00
4 Tarps "20X 30" (Heavy duty)	\$560.00	Lowe's	\$560.00
Plumbing Estimate	\$75.00	Young Plumbing Services	\$75.00
Estate maintenance (lawn mowing Bush hogging)	\$981.00	Handy men	\$981.00
Total			\$89,238.48

PERSONAL REPRESENTATIVE COMPENSATION (5% OF THE ESTATE VALUE)			
Informal Estate Value	5% of the Value		Final Payment
\$656,020.00	\$32,801		\$32,801.00

COUNTY OF: OCONEE

INVENTORY AND APPRAISEMENT☒ ORIGINAL☒ AMENDED #

(must restate the unchanged information from the original Inventory)

IN THE MATTER OF:

Doyle E. Pierce

(Decedent)

CASE NUMBER: 2020ES3700532

File the original Inventory and Appraisement with the Probate Court within ninety (90) days following the fiduciary appointment.

A copy shall be sent to each interested person who has demanded it. A Proof of Delivery must be filed with the Court. The gross fair market value of all probate assets, regardless of location (whether in this state or elsewhere), should be listed as of the date of death. Continue on additional sheets if necessary. An Amended Inventory should be utilized for correcting, adjusting or adding to an original inventory, and *must restate the unchanged information from the original Inventory*. A qualified and disinterested appraiser may be employed to ascertain the value of any asset. If an appraiser is employed, his/her name and address must be indicated with the item or items he/she appraised.

RECAPITULATION

	Non-Probate (OPTIONAL)	Probate
Schedule A - Real Estate		<u>\$511,000.00</u>
Schedule B - Stocks and Bonds		<u>\$0.00</u>
Schedule C - Notes Due Decedent and Cash		<u>\$1,498.67</u>
Schedule D - Insurance on Decedent's Life - Part 1 - Payable to Estate		<u>\$0.00</u>
Part 2 - Payable to Beneficiary	<u>\$ 0.00</u>	
Schedule E - Jointly Owned Property	<u>\$ 0.00</u>	
Schedule F - Other Miscellaneous Assets Payable to Estate		<u>\$134,000.00</u>
Schedule G - Transfers During Decedent's Life.....	<u>\$ 0.00</u>	<u>\$0.00</u>
Schedule H - Powers of Appointment	<u>\$ 0.00</u>	<u>\$0.00</u>
Schedule I - Annuities and Retirement Accounts.....	<u>\$ 0.00</u>	<u>\$0.00</u>
GROSS VALUE OF PROBATE ESTATE		<u>\$646,498.67</u>

The undersigned, being sworn, states: That the following schedules contain a complete and accurate inventory and appraisement of all probate real and personal property of this estate so far as the undersigned is informed; that he/she has estimated and/or appraised all listed property at its fair market value, according to the best of his/her knowledge and ability.

SWORN to before me this _____ day of _____, 20 _____

Notary Public for South Carolina
My Commission Expires: _____

Personal Representative

Signature: _____

Print Name: Adam G. Lee (Special Administrator)Address: 220 Howe StreetGreenville, SC 29601Telephone (Work): 864-271-8171 Extension 210(Home): N/A(Cell): N/A(Email): alee@dobsonlaw.com**Co-Personal Representative**

Signature (if applicable) _____

Name: _____

Address: _____

Telephone (Work): _____

Telephone (Home): _____

(Cell): _____

(Email): _____

Attorney: _____

Address: _____

Telephone: _____

Email: _____

WHEN COMPLETING THE FOLLOWING SCHEDULES LIST ALL PROBATE ASSETS, REGARDLESS OF LOCATION. ALL OUT-OF-STATE PROBATE ASSETS MUST BE DISCLOSED. NON-PROBATE PROPERTY NEED NOT BE DISCLOSED.

SCHEDULE A – REAL ESTATE. List below any real estate in Decedent's name alone or tenants in common (not as joint with right of survivorship or tenants in the entirety). Describe each property by listing its full address, tax map number, deed book and page, and description consistently (for example: house, lot, buildings, acreage). Also list oil/mineral rights and time shares if it is real property. If none, so state. If the property is encumbered, list the full fair market value of the property here and the encumbrance on the Encumbrance Schedule below. (For jointly owned property **with right of survivorship**, you may list in Schedule E.)

Item No.	Description	% owned by Decedent	Fair Market Value	Value of Decedent's interest
1.	750 MOURNING DOVE LN (34.5 Acres--Tract 3) Tax Map Number: 252-00-03-007	100	\$320,000.00	\$320,000.00
2.	(8.00 AC) TRACT 4 Tax Map Number: 252-00-03-027	100	\$40,000.00	\$40,000.00
3.	708 MOURNING DOVE LN (3.69 AC) TRACT 1 Tax Map Number: 252-00-03-097	100	\$30,000.00	\$30,000.00

TOTAL SCHEDULE A

\$ *See Continuance \$511,000.00

(also enter under recapitulation, page 1)

SCHEDULE B – STOCKS AND BONDS. List below all stocks and bonds in the Decedent's name alone or tenants in common (not as joint with right of survivorship). Identify each type of security and the number of shares. If none, so state. (For jointly owned property **with right of survivorship**, you may list in Schedule E.)

Item No.	Description	Face Value	Appraised Value
1.	Not Applicable	\$0.00	\$0.00
2.			
3.			
4.			

TOTAL SCHEDULE B

\$

(also enter under recapitulation, page 1)

SCHEDULE C – CASH, BANK ACCOUNTS, NOTES RECEIVABLES. List all bank accounts owned by Decedent alone or as tenants in common (checking, savings, CDs, money market, brokerage, employment bonus, cash award, final paycheck, etc.), cash on hand, notes payable to Decedent, and survival action proceeds. If none, so state. List each separate account type and institution and last two digits of the account. (For jointly owned property **with right of survivorship**, you may list in Schedule E.)

Item No.	Description	Value
1.	Blue Ridge Bank	\$1,355.64
2.	Bank of America	\$143.03
3.		

TOTAL SCHEDULE C

\$ \$1,498.67

(also enter under recapitulation, page 1)

SCHEDULE D - LIFE INSURANCE (If none, so state.)

Part 1 - Life Insurance – List the insurance on the life of the Decedent which is payable to the Estate.

Item No.	Description	Value
1.	Not Applicable	\$0.00
2.		
3.		

TOTAL PART 1

\$ \$0.00

(also enter under recapitulation, page 1)

(If more space is required, insert additional sheets of same size.)

Part 2 (OPTIONAL) - You may list here the insurance on the life of the Decedent which is payable to beneficiaries.

Item No.	Description	Beneficiary	Value
1.	Not Applicable		\$0.00
2.			
3.			

TOTAL PART 2 \$ 0.00
(also enter under recapitulation, page 1)

SCHEDULE E - (OPTIONAL) JOINT WITH RIGHT OF SURVIVORSHIP– You may list below any non-probate property jointly owned by the Decedent with another **with right of survivorship**. List each separate account type and institution and the last two digits of each account.

Item No.	Description	Joint Owner(s)	Percentage Includible	Value of Decedent's Interest
1.	Not Applicable			\$0.00
2.				
3.				

\$ 0.00
TOTAL SCHEDULE E
(also enter under recapitulation, page 1)

SCHEDULE F – OTHER MISCELLANEOUS ASSETS PAYABLE TO ESTATE. List below any tangible personal property, including household goods & furnishings, vehicles, boats/motors/trailers, mobile homes that are not de-titled (Include year/make/model/VIN, if applicable), airplanes, equipment, interest in a partnership or unincorporated business, articles or collections having either artistic or intrinsic value, including coins, guns, artwork, jewelry, etc., and any other miscellaneous probate items not listed elsewhere, including any digital assets. If none, so state. (For jointly owned tangible personal property **with right of survivorship**, you may list in Schedule E.)

Item No.	Description	Value
1.	2003 GMC 2500 Sierra	\$4,800.00
2.	1970 Ford F350	\$2,000.00
3.	1988 Ford F250 XL	\$3,100.00
4.	2005 Buick Lesabre	\$2,600.00
5.	1953 Jubilee Ford Tractor with Implements (Bushog, Harrows, Scarfire and Disc)	\$4,500.00

TOTAL SCHEDULE F \$ See Continuance--\$134,000.00
(also enter under recapitulation, page 1)

NOTE: FOR SCHEDULES G, H, AND I. LIST VALUES ONLY IF PAYABLE TO ESTATE.

SCHEDULE G – TRANSFERS DURING DECEDENT'S LIFE. List any transfers intended to take effect at death if such property is payable to the Estate. You may list in the "Optional" section below any non-probate transfers intended to take effect at death not payable to the Estate, including United States Government Bonds "Payable on Death," accounts which are "Transfer on Death," a trust created by Decedent in which income for life was retained by the Decedent, power to revoke or other incidents of ownership retained by the Decedent, lifetime transfers of real property in which Decedent retained life estate, etc. If none, so state.

List date and type of transfer and list total amount **payable to estate**:

1.	Not Applicable	\$0.00
2.		

(OPTIONAL) describe and list amounts **not** payable to estate:

1.	Not Applicable	\$0.00
2.		

TOTAL SCHEDULE G \$ 0.0
(also enter under recapitulation, page 1)

(If more space is required, insert additional sheets of same size.)

SCHEDULE H – POWERS OF APPOINTMENT. List property, both real and personal, over which Decedent possessed a Power of Appointment whether testamentary or otherwise, if such property is payable to the Estate. You may list property subject to such power if it was not payable to the Estate in the "Optional" section below. If none, so state.

Describe and list total amount **payable to estate**:

1.	Not Applicable	\$0.00
2.		

(OPTIONAL) describe and list amounts **not** payable to estate:

1.	Not Applicable	\$0.00
2.		

TOTAL SCHEDULE H

(also enter under recapitulation, page 1)

\$ 0.00

SCHEDULE I – ANNUITIES AND RETIREMENT ACCOUNTS (IRA's, 401(K), etc.). List any annuities or retirement accounts owned by the Decedent and payable to the Estate. You may list in the "Optional" section below any accounts payable to a beneficiary which is not payable to the Estate.

Describe and list total amount **payable to estate**:

1.	Not Applicable	\$0.00
2.		
3.		

(OPTIONAL) describe and list amounts **not** payable to estate:

1.	Not Applicable	\$0.00
2.		
3.		

TOTAL SCHEDULE I

(also enter under recapitulation, page 1)

\$

ENCUMBRANCES (e.g., mortgages, liens, judgments, etc., **but not general debts of the estate**). List debts of the Decedent secured by assets on the above Schedules and describe the debt and the specific asset encumbered.

Item No.	Schedule & Item Number Encumbered Thereby	Description & Amount
1.	Blue Ridge Bank Mortgage	\$18,637.12
2.		
3.		

TOTAL ENCUMBRANCES

\$ 18,637.12

(If more space is required, insert additional sheets of same size.)

A. <u>REAL ESTATE</u>	% Owned by Decedent	Fair Market Value of Decedent's Interest
4. 252-00-03-098 (745 Mourning Dove Lane (10.00 AC) Tract 2)	100%	\$65,000.00
5. 252-00-03-099 (743 Cedarhill Farm (8.00 AC) Tract 5)	100%	\$55,000.00
6. 1975 NEW MOON Mobile Home 12X60 S#11325562 252-00-03-097	50%	\$1,000.00
B. <u>STOCKS, BONDS</u>		
4. _____		
5. _____		
6. _____		
C. <u>CASH, BANK ACCOUNTS, NOTES RECEIVABLES</u>		
4. _____		
5. _____		
6. _____		
D. <u>LIFE INSURANCE</u> payable to the Decedent's estate.		
3. _____		_____
4. _____		_____
E. <u>JOINTLY OWNED PROPERTY – REPORTING IS NOT REQUIRED</u>		N/A _____
F. <u>ALL OTHER MISCELLANEOUS PERSONAL PROPERTY</u>		
5. Belarus Model 822 Tractor		\$5,000.00
6. Two Guitars		\$2,000.00
7. Firearms (Twenty Two Firearms in total)		\$10,000.00
8. Additional Personal Property	100%	\$100,000.00
G. <u>TRANSFERS DURING DECEDENT'S LIFE PAYABLE TO ESTATE ONLY</u>		
3. _____		_____
4. _____		_____
H. <u>POWERS OF APPOINTMENT PAYABLE TO THE ESTATE ONLY</u>		
2. _____		_____
I. <u>ANNUITIES AND IRA, ETC. PAYABLE TO THE ESTATE ONLY</u>		
3. _____		_____
4. _____		_____
TOTAL PROBATE ESTATE VALUE:		\$ _____
<u>ENCUMBRANCES.</u>		
3. _____		_____
4. _____		_____
TOTAL ENCUMBRANCES		\$ _____

EXHIBIT E

STATE OF SOUTH CAROLINA)
)
COUNTY OF OCONEE) Case No.: 2020ES3700532

IN THE MATTER OF:)
DOYLE E. PIERCE)
DECEASED,)
_____))

AMENDED ORDER AFFIRMING PRIVATE FAMILY AGREEMENT

THIS MATTER came before the Court on October 11, 2023, pursuant to Rule 43(k), South Carolina Rules of Civil Procedure, whereby Gregory Alan Pierce, Jared Adam Pierce, Donna Carol Moore (the surviving adult children of Doyle E. Pierce), and Queen Dorothy Amolo Pierce (the surviving widow of Doyle E. Pierce), entered into a Private Family Agreement pursuant to S.C. Code Ann. § 62-3-912 in connection with the Estate of Doyle E. Pierce. The parties placed their agreement on the record before the Court and all acknowledged their agreement. Therefore, it is hereby **Ordered and Adjudged** as follows:

1. **Distributions to Parties.** The Decedent's assets shall be distributed to Gregory Alan Pierce, Jared Adam Pierce, Donna Carol Moore, and Queen Dorothy Amolo Pierce as more fully described in Exhibit A.
2. **Dismissal of Appeals.** Within ten (10) days of the date of this Order, Queen Dorothy Amolo Pierce shall withdraw and dismiss, with prejudice, the appeals pending in the South Carolina Court of Appeals, Appellate Case No.: 2021-001552, and in the Oconee County Court of Common Pleas, Case No. 2023-CP-37-00685.
3. **Estate Debts.** Within thirty (60) days of the date of this Order, Queen Dorothy Amolo Pierce shall pay, in full, the indebtedness to Davenport Funeral Home for funeral expenses and reimburse Adam Lee, Esq., for 2022 real property taxes paid by his law firm in the approximate amount of \$3,000.00. Within sixty (60) days of the date of this Order, Queen

Dorothy Amolo Pierce shall reimburse Donna Carol Moore for the amount paid by Donna Carol Moore in the amount of \$13,120.36 paid by Donna Carol Moore to pay off the mortgage indebtedness with Blue Ridge Bank.

4. **Estate Expenses Paid by Personal Representative.** Any personal expenses owed to Queen Dorothy Amolo Pierce by the Estate or any other party to this Agreement shall be considered paid in full.
5. **Cash Payments to Parties.** Queen Dorothy Amolo Pierce shall pay to Donna Carol Moore the \$10,000.00 cash payment described in Exhibit A within sixty (90) days of the date of this Order.
6. **Removal of Items.** All parties are required to obtain their items or personal property, as detailed on Exhibit A, within thirty (30) days of the execution of this Agreement. All parties will be provided access to retrieve any such personal property upon reasonable notice. The cost of removal of items, transportation, and delivery of the property shall be borne by the respective parties. The estate shall not be responsible for any cost related to the removal of distributed items from the Estate.
7. **Transfer of Titles, Recording of Deeds, and Easements.** Queen Dorothy Amolo Pierce shall be responsible for employing a qualified real estate attorney to prepare necessary Quit Claim Deeds for the transfer of real property as more specifically set forth in Exhibit A. Each party shall be responsible for their pro rata share of the deed preparation costs and recording fees. If required, each party shall provide ingress/egress easement across their property in the event any other party does not have access from their property to a public roadway. The easement shall be located for access to the closest public roadway and located in the least obtrusive place as possible on the servient estate property. Any party

possessing an ingress/egress easement as the dominant estate across the property of another party shall be equally responsible for the cost of maintenance of the easement area. The cost of recording deeds and transfer of the property titles will be borne by each party. Each Party shall be solely responsible for the payment of any tax associated with their inheritance, if any.

8. **Tenant of Mobile Home Located at 745 Mourning Dove Lane.** Within sixty (60) days of the execution of this Agreement, Gregory Alan Pierce must make sure that:

- a) The tenant of such property, Samantha Leigh, vacates the mobile home located at 745 Mourning Dove Lane; and,
- b) Confirm all utility bills are up to date and paid in full before vacating the Mobile home; and,
- c) Clean the interior of the mobile home before vacating.

9. **Legal Fees.** All parties shall bear his or her own individual attorneys' fees and expenses.

10. **Release of Interest in Real Property.** The parties hereby agree, that in consideration of the real property to be received as listed on Exhibit A, each party does remise, release, and forever quit-claim any interest, right, or title he or she may have in and to the real property to be conveyed to the other individual parties as listed on Exhibit A.

11. **Future Documents.** The parties shall sign all additional documents reasonably necessary in the future to fully effectuate this Agreement, including, but not limited to, releases, closing statements, deeds, receipts, accountings, tax returns, etc. All parties shall sign any remaining documentation necessary to close the Estate.

12. Administration of the Estate After Entry of this Order. All parties agree that.

- a) Queen Dorothy Amolo Pierce shall oversee the distribution of assets to the beneficiaries and further make sure the estate debts and obligations are successfully paid before the estate is closed.
- b) Queen Dorothy Amolo Pierce shall act as Personal Representative of the Estate of Doyle Elton Pierce until all pending estate matters are resolved, and the estate is officially closed. Queen Dorothy Amolo Pierce will incur her own expenses incurred in the administration of the Estate, except as otherwise provided.

13. Right of Notice of Auction. Queen Dorothy Amolo Pierce shall be authorized to schedule an auction to sell any remaining assets of the Estate not distributed hereunder. All parties shall be given a ten (10) day notice of the date of any auction to sell the assets of the Estate not distributed hereunder.

14. Trash Disposal. Queen Dorothy Amolo Pierce may allow Donna Carol Moore and Gregory Alan Pierce the option to obtain any items she intends to give away for free or haul away as trash to the landfill after the auction. The timeline for the removal of these items will be determined by mutual agreement. If the parties cannot agree, the Court will determine the dates(s) and time(s).

15. Notices. Any written notice required by or related to this Agreement shall be deemed to have been delivered when deposited into the US Mail, postage prepaid, and addressed as follows:

Gregory Alan Pierce:

638 Zion Church Rd, Easley SC, 29642

Jared Adam Pierce:

C/O Metallityö Vainio Oy

Parkatintie 38, 74120 Lisalmi, Finland-Suomi.

Donna Carol Moore:

149 Flat Rock Church Rd, Liberty SC 29657.

Queen Dorothy Amolo Pierce:

750 Mourning Dove Lane, Seneca, SC. 29678

Each party shall notify all other parties in writing of his or her address changes.

IT IS SO ORDERED!

Dated this 17 day of October, 2023



HON. DANNY SINGLETON
Judge, Oconee County Probate Court

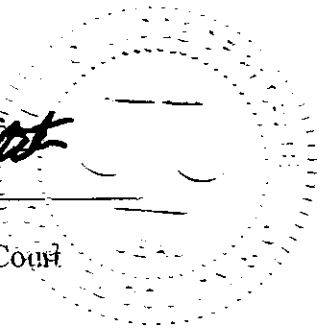


Exhibit A

GREGORY ALAN PIERCE:

1. 16.07 acres of land which is a part of Cedar Hill Farm
2. F350 1970 Ford Truck
3. Simmons Road, measuring 0.04 acre.
4. Belarus tractor beside silver shed.
5. 4 cattle body pieces
6. Two Old Acetylene torches
7. Old Electric Welder
8. Old Small wood heater
9. Red toolbox

JARED ADAM PIERCE:

1. 8.86 acres of Land which is a part of Cedar Hill Farm
2. 2 guitars with amps
3. 20 guns with their ammunition

DONNA CAROL MOORE:

1. 3.30 acres of land and .60 acres of land all adjacent to Cedar Hill Farm for a total of 3.90 acres.
2. \$10,000.00, payable by Queen Dorothy Amol Pierce within sixty (60) days of the date of this Court's Order
3. Jubilee 1953 Ford tractor with its Bush Hog
4. Cutaway Harrows
5. Scarfire
6. Disc Plow
7. Small Backhoe (This backhoe is different from the bigger backhoe that is used with a Ford 3236 Tractor- It's not guaranteed that this item is located on the Estate property)

QUEEN DOROTHY AMOLO PIERCE:

1. Three-bedroom Brick home on 750 Mourning Dove Lane with
2. Land measuring approx. 29.46 Acres of land from the main farm
3. Woods Lots #7, 8, 10, and 15 on Oak Ridge Road
4. Oak Ridge Road measuring 1.66 acres (liability)
5. 3200 sq. ft. Warehouse on 708 Mourning Dove Lane

6. Mobile Home located on 745 Mourning Dove Lane
7. Two small guns with ammunition
8. Motor Vehicles Not taken by other beneficiaries.
9. All the residue of the estate of Doyle Elton Pierce which has not otherwise been taken by any beneficiary or auctioned to pay estate debts.

EXHIBIT F

STATE OF SOUTH CAROLINA
COUNTY OF OCONEE

PROBATE COURT

IN THE MATTER OF: DOYLE ELTON PIERCE,
CASE NUMBER: 2020ES3700532

AFFIDAVIT OF PERSONAL REPRESENTATIVE

I, DOROTHY PIERCE, understand and agree to the following:

- I am required to keep the court informed about any change of address, phone number, or email address;
- The assets and monies in the estate are only to be used to pay the debts and obligations of the estate in the proper order of priority;
- I am to deposit the Decedent's monies into an estate account;
- I am not to use any estate assets or monies for my personal debts or obligations;
- I am not to use any estate assets or monies for the debts or obligations of any heirs or devisees;
- I cannot sell tangible personal property owned by the Decedent that has a value over \$10,000.00 without the authority to do so granted to me in the Decedent's will or a court order giving me this specific authority;
- I cannot sell real property owned by the Decedent without the authority to do so granted to me in the Decedent's will or a court order giving me this specific authority;
- I must resolve the debts of the estate before I make any distributions to the heirs or devisees of the estate;
- I understand that if a claim is filed against the estate, I must respond to the creditor within sixty days after the presentment of the claim, or within fourteen months after the death of the Decedent, whichever is later, stating the claim has been allowed or disallowed in whole or in part; and,
- I will be personally liable to any beneficiary or other person(s) having an interest in the estate for any negligence and/or intentional misconduct in the performance of my duties as Personal Representative.

I am providing the Probate Court with written Agreements signed by all known beneficiaries and other persons having an interest in the Estate to address the issue of bond.

Executed this 19th day of October, 2023.

Signature: [Signature]
Name: Green, Dorey A. Plaque
Address: 750 Airway Drive Lane
Telephone (W): 678 56 3918
(H): _____
(C): 864 324-3242
Email: dr. dorey@plaque84@gmail.com

Signature: _____
Name: _____
Address: _____
Telephone (W): _____
(H): _____
(C): _____
Email: _____

Sworn to me this 19th day of October, 2023
Notary Public for South Carolina
My Commission Expires: 8/2/2031



EXHIBIT G

NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA

In The Court of Common Pleas

2023-CP-37-00794

APPEAL FROM OCONEE COUNTY PROBATE COURT

Danny Singleton, Probate Judge

Case No 2020653700532

Dorothy Pierce, Appellant

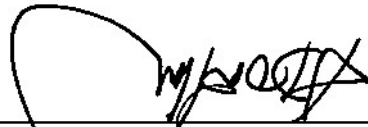
V.

Donna Carol Moore, Gregory Allan Pierce, Jared Adam Pierce

AMENDED NOTICE OF APPEAL

Appellant, Dorothy Pierce Proceeding Pro se appealed the order judgment of Honorable Danny Singleton, the Oconee probate Court Judge dated October 12, 2023 on October 13, 2023, with the Circuit Court of Oconee County. On October 17, 2023, the probate court amended its order. Appellant received a written notice of entry of the amended order on October 17, 2023. Appellant has Amended her Notice of Appeal to include the Probate Order dated October, 17 2023.

Signed and dated this October 24, 2023



DOROTHY PIERCE -Appellant (Pro se)
750 Mourning dove lane, Seneca, SC.29678.

Other Counsel of Record:

Richard H. McDuff, Esq. Merrell, Jahn & McDuff,
P.A. 119-B Professional Park Drive, Seneca, South Carolina 29678.

Donna Moore (Pro se): 149 Flat Rock Church Rd, Liberty SC 29657

Copies to:

Atty (P) ☒ (D) ☐

DSS ☐ other ☐

Mailed ☐ Boxed ☐ handed ☒

ENTERED
COMPUTER

FILED OCONEE COUNTY, SC
MELISSA C. BURTON
CLERK OF COURT

2023 OCT 24 A 10:53

NOTICE OF APPEAL IN A CIVIL CASE

FILED OCONEE COUNTY, SC
MELISSA C. BURTON
CLERK OF COURT

THE STATE OF SOUTH CAROLINA

2023 OCT 24 A 10: 53

In The Court of Common Pleas

2023-CD-37-00794

APPEAL FROM OCONEE COUNTY PROBATE COURT

Danny Singleton, Probate Judge

Case No: 2020E 53700532

Dorothy Pierce, Appellant

V.

Donna Carol Moore, Gregory Allan Pierce, Jared Adam Pierce

PROOF OF SERVICE

I hereby certify that, on October/24/2023, a copy of the foregoing Amended Notice of Appeal was filed in this court. I further certify that on the said date, a copy of the foregoing Amended Notice of Appeal was served electronically to the following:

Other Counsel of Record:

Richard H. McDuff, Esq. Merrell, Jahn & McDuff,
P.A. 119-B Professional Park Drive, Seneca, South Carolina 29678.

Donna Moore (Pro se): 149 Flat Rock Church Rd, Liberty SC 29657

Respectfully Submitted,



Dorothy Pierce, Appellant, pro se.



EXHIBIT H

Dorothy Pierce <dorothypierce84@gmail.com>

Unopposed Order Approving GEICO Settlement- Pierce Estate

Danny Singleton <dsingleton@oconeesc.com>

Tue, Oct 24, 2023 at 11:38 AM

To: Donna Moore <75dmoore@gmail.com>, Dorothy Pierce <dorothypierce84@gmail.com>, Rick McDuff <rick@mjmlawsc.com>

Cc: Griselda Godoy <ggodoy@oconeesc.com>

All,

I am in receipt of an amended notice of appeal from Mrs. Pierce.

Part of the family agreement was to withdraw all appeals. This appears to be a violation of the agreement.

A hearing will be scheduled to determine what actions, if any, the court will take. Should any potential heir petition the court for the removal and placement of the current PR, please file and a hearing will be scheduled the same day.

Mrs. Pierce, if it is your intent to violate the family agreement, I believe an emergency hearing needs to take place to determine if you should immediately be removed as PR.

[Quoted text hidden]



Dorothy Pierce <dorothypierce84@gmail.com>

Unopposed Order Approving GEICO Settlement- Pierce Estate

Danny Singleton <dsingleton@oconeesc.com>

Tue, Oct 24, 2023 at 12:08 PM

To: Dorothy Pierce <dorothypierce84@gmail.com>

Cc: Donna Moore <75dmoore@gmail.com>, Rick McDuff <rick@mjmlawsc.com>, Griselda Godoy <ggodoy@oconeesc.com>

Again, the appeal issue was part of the agreement. If it is your intent to appeal, you have every right to do so, however, it violates the agreement and it was stated in court that the appeals were to be removed. It was proper to remove Item 13 from the order/agreement, you indicated that was fine. Also, on the day of appointment as PR, it was reiterated to you again in which you agreed and stated that would not happen.

A hearing will be scheduled soon to determine the status of the personal representative.

It also appears that you fiancé may have picked up the wrong documents. Further, your fiancé will no longer be allowed in the probate office or lobby area. He was here with your/his child waiting on documents and he took it upon himself to interrupt a judge in the lobby while she was speaking with someone on a separate estate issue. He was offering that person legal advice on what and what not to do and even encouraged him not to listen and come outside and speak to you, that you knew all about probate and you could help him. This is illegal and giving legal advise and acting as a non-licensed attorney. For this reason, he will no longer be able to enter the probate offices and or lobby area.

Thank you!

[Quoted text hidden]

EXHIBIT I

NOTICE OF APPEAL IN A CIVIL CASE
THE STATE OF SOUTH CAROLINA
In The Court of Common Pleas

2023 CP 3700794

FILED OCONEE COUNTY, SC
MELISSA C. BURTON
CLERK OF COURT

2023 NOV -3 P 12:08

APPEAL FROM OCONEE COUNTY PROBATE COURT

Danny Singleton, Probate Judge
Case No 2020ES3700532

Dorothy Pierce, Appellant

V.

Donna Carol Moore, Gregory Allan Pierce, Jared Adam Pierce

SECOND AMENDED NOTICE OF APPEAL

Appellant, Dorothy Pierce Proceeding Pro se appealed the order judgment of Honorable Danny Singleton, the Oconee probate Court Judge dated October 12, 2023, on October 13, 2023, with the Circuit Court of Oconee County.

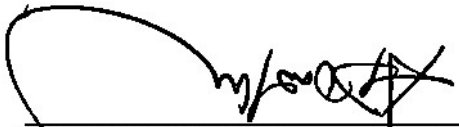
On October 17, 2023, the probate court amended its order. Appellant received a written notice of entry of the amended order on October 17, 2023. Appellant Amended her Notice of Appeal to include the Probate's Amended Order dated October, 17 2023 on October 24, 2023.

In retaliation to Appellant's Amended Notice of Appeal, Judge Danny Singleton made additional orders as follows:

On November 02, 2023, the Probate Court issued another order arising out of the amended order dated October 17, 2023 titled "order of Civil Contempt. Appellant Appeals this order.

On November 02, 2023, the Probate Judge Danny Singleton Issued another order arising out of the Amended order dated October 17, 2023, removing Appellant as Personal Representative. Appellant Appeals this order.

Signed and dated this November 03, 2023


DOROTHY PIERCE -Appellant (Pro se)
750 Mourning dove lane, Seneca, SC.29678.

Other Counsel of Record:

Richard H. McDuff, Esq. Merrell, Jahn & McDuff,
P.A.119-B Professional Park Drive, Seneca, South Carolina 29678.

Donna Moore (Pro se): 149 Flat Rock Church Rd, Liberty SC 29657

Copies to:

Atty (P) ☒ (D) ☐

DSS ☐ other ☐

mailed ☐ Boxed ☐ handed ☒

ENTERED
COMPUTER

NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA

In The Court of Common Pleas
2023CP3700794

APPEAL FROM OCONEE COUNTY PROBATE COURT

Danny Singleton, Probate Judge

Case No: 2020ES3700532

Dorothy Pierce, Appellant

V.

Donna Carol Moore, Gregory Allan Pierce, Jared Adam Pierce

PROOF OF SERVICE

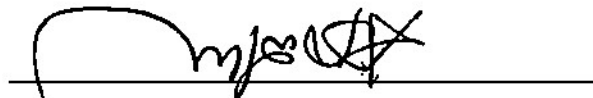
I hereby certify that, on November 03, 2023, a copy of the foregoing Second Amended Notice of Appeal was filed in this court. I further certify that on the said date, a copy of the foregoing Second Amended Notice of Appeal was served electronically to the following:

Other Counsel of Record:

Richard H. McDuff, Esq. Merrell, Jahn & McDuff,
P.A. 119-B Professional Park Drive, Seneca, South Carolina 29678.

Donna Moore (Pro se): 149 Flat Rock Church Rd, Liberty SC 29657

Respectfully Submitted,



Dorothy Pierce, Appellant, pro se.

FILED OCONEE COUNTY, SC
MELISSA C. BURTON
CLERK OF COURT

2023 NOV -3 P 12:09





EXHIBIT J

Dorothy Pierce <dorothypierce84@gmail.com>

Pierce Estate Taxes

Dorothy Pierce <dorothypierce84@gmail.com>

Fri, Jan 5, 2024 at 8:13 AM

To: Danny Singleton <dsingleton@oconeesc.com>, Rick McDuff <rick@mjmlawsc.com>, "Donna Moore (via Google Docs)" <75dmoore@gmail.com>, alan pierce <gregory4792@gmail.com>, Jared Pierce <jaredapierce1@gmail.com>, Griselda Godoy <ggodoy@oconeesc.com>, Donna Moore <donnarnmoore@icloud.com>

All,

The taxes for the estate amounting to approximately \$3,000 needs to be paid before January 15, 2024.

My Appeals in the Circuit Court have automatically stayed all the probate court's orders pursuant to SCRCP; 241, hence I'm still the personal representative of the estate pending determination on the appeals.

I'm therefore notifying you all that I intend to process and pay the taxes in the next few days.

Thanks,

Dorothy Pierce



EXHIBIT K

Dorothy Pierce <dorothypierce84@gmail.com>

Pierce Estate Taxes

Danny Singleton <dsingleton@oconeesc.com>

Fri, Jan 5, 2024 at 1:09 PM

To: Dorothy Pierce <dorothypierce84@gmail.com>, Rick McDuff <rick@mjmlawsc.com>, "Donna Moore (via Google Docs)" <75dmoore@gmail.com>, alan pierce <gregory4792@gmail.com>, Jared Pierce <jaredapierce1@gmail.com>, Griselda Godoy <ggodoy@oconeesc.com>, Donna Moore <donnarnmoore@icloud.com>

Mrs. Pierce,

At this time, you are not the personal representative. Once the appeal is heard a judgement is rendered, that will take effect.

To say you are still the personal representative and file an appeal on the issue of the family agreement stating it was invalid and under 43 k, under your standard, to appointment would also have been invalid because it derived from the family agreement and you appealed it.

At this time, you are not the personal representative because you were removed and you also have an appeal indicating the family agreement was improper. Under either of those and by your standard, that would not allow you to serve.

Please be careful and at this time, you are not allowed to do any fiduciary responsibilities as the PR.

Danny Singleton, Probate Judge

Oconee County

415 S. Pine Street

Walhalla, SC 29691

864-638-4275



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EXHIBIT L

Dorothy Pierce <dorothypierce84@gmail.com>

Pierce Estate Taxes

Dorothy Pierce <dorothypierce84@gmail.com>

Fri, Jan 5, 2024 at 2:52 PM

To: Danny Singleton <dsingleton@oconeesc.com>

Cc: Rick McDuff <rick@mjmlawsc.com>, "Donna Moore (via Google Docs)" <75dmoore@gmail.com>, alan pierce <gregory4792@gmail.com>, Jared Pierce <jaredapierce1@gmail.com>, Griselda Godoy <ggodoy@oconeesc.com>, Donna Moore <donnarnmoore@icloud.com>

Judge Singleton,

RULE 241:STAY AND SUPERSEDEAS IN CIVIL ACTIONS state that:

(a) General Rule. As a general rule, the service of a notice of appeal in a civil matter acts to automatically stay matters decided in the order, judgment, decree or decision on appeal, and to automatically stay the relief ordered in the appealed order, judgment, or decree or decision.

This automatic stay continues in effect for the duration of the appeal unless lifted by order of the lower court, the administrative tribunal, appellate court, or judge or justice of the appellate court. The lower court or administrative tribunal retains jurisdiction over matters not affected by the appeal including the authority to enforce any matters not stayed by the appeal"

In this case, all your actions are affected by the appeals.

You appointed me by an order of the court. No party appealed my appointment. You then inappropriately removed me by an order of the court, no party petitioned for my removal. That Sua Sponte removal/breach has been appealed. Although the appointment arose out of the first order, it was a separate order. It is not within your means to argue this issue because my appeals are ongoing which takes away your jurisdiction to attempt to enforce anything related to your judgments that have been appealed.

No one will sell any of my husband's assets for any reason. All the assets are part of my appeal pending in the Court of Appeals. As the Personal Representative, It's my responsibility to pay taxes. I will only pay the taxes in the capacity of personal representative.

This does not take away the fact that there was no settlement agreement reached by all parties. It was just your orders, which you made with absolute disregard for my due process rights and the fact that there was no valid agreement reached by all parties. These orders have been appealed.

The settlement order as it is is Invalid. Certain clauses still need to be added to the "settlement agreement" if any, some clauses need to be taken out and all parties must sign the "settlement agreement" when that time ever comes.

Without these, the order you signed is null and void.

The family settlement order and the Personal representative order were separate orders. Now you argue that the appointment as PR originated from the family agreement. You breached that agreement by removing me Sua Sponte. I have appealed your breach.

If you did not get personally involved in the Pierce estate, the issues would have never escalated to this level. You chose to be an interested party in my husband's estate other than the judge.

I'm asking you to recuse yourself from the Pierce case.

Please clearly state in the affirmative in your next email that I must not pay taxes for the estate. This tax matter must be resolved ASAP. The deadline is looming. I WILL ONLY PAY TAXES IN THE PR POSITION pending appeals. This is the Law!

Lastly, it's inappropriate to threaten me to be careful when I'm only trying to protect my husband's estate as I have always done from the estate being delinquent.

Best regards,

Dorothy Pierce

[Quoted text hidden]



OCONEE COUNTY TAX NOTICE
CHRISTY HUBBARD, AUDITOR
415 S. PINE STREET, WALHALLA SC 29691
PO BOX 718, WEST UNION SC 29696

EXHIBIT M

2023 TAX NOTICE

OCONEE COUNTY REAL PROPERTY

PIERCE DOYLE E

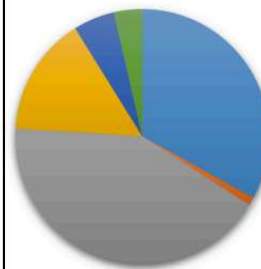
750 MOURNING DOVE LN
SENECA SC 29678

PROPERTY DESCRIPTION			PRIOR YEAR TAXES	
(34.50 AC) TRACT 3 AD#24-42284 750 MOURNING DO				
ASSESSED TAXABLE VALUE		RATIO	ASSESSED VALUE	
161,748	X	4%6%	9,620	
TOTAL ASSESSED VALUE		MILLS	TAX	
9,620	X	214.90	\$ 2,067.34	
* COUNTY INCLUDES-EMERGENCY OPERATIONS, ECONOMIC DEVELOPMENT, BRIDGES AND CULVERTS, ROAD MAINT., CAPITAL VEHICLE FUND, PARKS AND RECREATION.			HOMESTEAD EXEMPTION	(-)
			SCHOOL TAX CREDIT	(-)
			OTHER CREDIT	(-)

MESS AGES Please review the back of this tax notice for additional information

LEGAL RESIDENCE	RECEIPT NUMBER	HOMESTEAD
	045822-23-3	
TAX MAP NUMBER	DISTRICT	TOWN
252-00-03-007	37	

TAX DISTRIBUTION



- County Operating
- County Bonds
- School Operations
- School Bonds
- Special Revenues
- Capital Project Funds

ALLOCATION	MILLAGE	DOLLAR AMOUNT
*COUNTY OBLIGATION	73.3	\$ 676.29
COUNTY BONDS	3.0	\$ 28.86
SCHOOL OBLIGATION	111.6	\$ 1,044.73
SCHOOL BONDS	30.0	\$ 288.60
TRI-COUNTY TECH	3.0	\$ 28.86
SALEM	37.0	\$
SENECA	62.7	\$
WALHALLA	84.0	\$
WEST UNION	54.3	\$
WESTMINSTER	95.8	\$
KEOWEE FIRE	17.5	\$
LESS SCHOOL TAX CREDIT		(-)
LESS HOMESTEAD		(-)
LESS OTHER CREDIT		(-)
PAY THIS AMOUNT NOW		\$ 2,527.44

AVOID STANDING IN LINE.
PLEASE RETURN THIS PORTION WITH YOUR PAYMENT.
MAKE CHECK PAYABLE TO: OCONEE COUNTY TREASURER

RETURN THIS STUB WITH PAYMENT

KEEP TOP PORTION FOR YOUR RECORDS, DUPLICATES \$ 50

CREDIT CARD PAYMENT AT: <https://oconeesc.com/pay-taxes-home>

PAY BY PHONE: 1 (844) 638-1831

2023 TAX NOTICE

OCONEE COUNTY

RECEIPT NUMBER	PAY THIS AMOUNT NOW		INDICATE AMOUNT PAID
045822-23-3			
TAX MAP NUMBER	PAY THIS AMOUNT NOW		INDICATE AMOUNT PAID
252-00-03-007	\$2,527.44		\$

PLEASE PAY ONE OF THE AMOUNTS ACCORDING TO DATE
PAYMENT IS POSTMARKED

CHANGE OF ADDRESS CHECK HERE
SEE BACK FOR DETAILS

PIERCE DOYLE E

750 MOURNING DOVE LN
SENECA SC 29678

MAKE CHECK REMIT AND PAYBLE TO:

OCONEE COUNTY TREASURER
PO BOX 718
WEST UNION SC 29696-0718

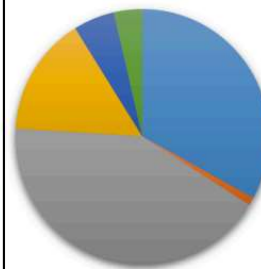


OCONEE COUNTY TAX NOTICE
CHRISTY HUBBARD, AUDITOR
415 S. PINE STREET, WALHALLA SC 29691
PO BOX 718, WEST UNION SC 29696

2023 TAX NOTICE
OCONEE COUNTY REAL PROPERTY

LEGAL RESIDENCE	RECEIPT NUMBER	HOMESTEAD
	045826-23-3	
TAX MAP NUMBER	DISTRICT	TOWN
252-00-03-099	37	

TAX DISTRIBUTION



- County Operating
- County Bonds
- School Operations
- School Bonds
- Special Revenues
- Capital Project Funds

ALLOCATION	MILLAGE	DOLLAR AMOUNT
*COUNTY OBLIGATION	73.3	\$ 58.35
COUNTY BONDS	3.0	\$ 2.49
SCHOOL OBLIGATION	111.6	\$ 90.14
SCHOOL BONDS	30.0	\$ 24.90
TRI-COUNTY TECH	3.0	\$ 2.49
SALEM	37.0	\$
SENECA	62.7	\$
WALHALLA	84.0	\$
WEST UNION	54.3	\$
WESTMINSTER	95.8	\$
KEOWEE FIRE	17.5	\$
LESS SCHOOL TAX CREDIT		(-)
LESS HOMESTEAD		(-)
LESS OTHER CREDIT		(-)
PAY THIS AMOUNT NOW		\$ 355.13

PROPERTY DESCRIPTION			PRIOR YEAR TAXES
TRACT 5 (8.00 AC) AD#24-42288 743 CEDARHILL F			
ASSESSED TAXABLE VALUE		RATIO	ASSESSED VALUE
14,000	X	4%6%	= 830
TOTAL ASSESSED VALUE		MILLS	TAX
830	X	214.90	= \$ 178.37
* COUNTY INCLUDES-EMERGENCY OPERATIONS, ECONOMIC DEVELOPMENT, BRIDGES AND CULVERTS, ROAD MAINT., CAPITAL VEHICLE FUND, PARKS AND RECREATION.		HOMESTEAD EXEMPTION	(-)
		SCHOOL TAX CREDIT	(-)
		OTHER CREDIT	(-)

M E S S A G E S
Please review the back of this tax notice for additional information

AVOID STANDING IN LINE.
PLEASE RETURN THIS PORTION WITH YOUR PAYMENT.
MAKE CHECK PAYABLE TO: OCONEE COUNTY TREASURER

RETURN THIS STUB WITH PAYMENT

KEEP TOP PORTION FOR YOUR RECORDS, DUPLICATES \$ 50
CREDIT CARD PAYMENT AT: <https://oconeesc.com/pay-taxes-home>

PAY BY PHONE: 1 (844) 638-1831

2023 TAX NOTICE
OCONEE COUNTY

RECEIPT NUMBER	PAY THIS AMOUNT NOW		INDICATE AMOUNT PAID
045826-23-3			
TAX MAP NUMBER	PAY THIS AMOUNT NOW		INDICATE AMOUNT PAID
252-00-03-099	\$355.13		\$

PLEASE PAY ONE OF THE AMOUNTS ACCORDING TO DATE
PAYMENT IS POSTMARKED

CHANGE OF ADDRESS CHECK HERE
SEE BACK FOR DETAILS

MAKE CHECK REMIT AND PAYABLE TO:

PIERCE DOYLE E

750 MOURNING DOVE LN
SENECA SC 29678

OCONEE COUNTY TREASURER
PO BOX 718
WEST UNION SC 29696-0718

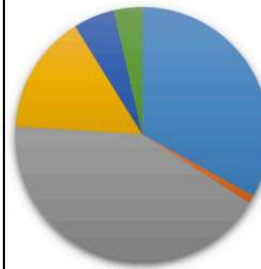


OCONEE COUNTY TAX NOTICE
CHRISTY HUBBARD, AUDITOR
415 S. PINE STREET, WALHALLA SC 29691
PO BOX 718, WEST UNION SC 29696

2023 TAX NOTICE
OCONEE COUNTY REAL PROPERTY

LEGAL RESIDENCE	RECEIPT NUMBER	HOMESTEAD
	045823-23-3	
TAX MAP NUMBER	DISTRICT	TOWN
252-00-03-027	37	

TAX DISTRIBUTION



- County Operating
- County Bonds
- School Operations
- School Bonds
- Special Revenues
- Capital Project Funds

ALLOCATION	MILLAGE	DOLLAR AMOUNT
*COUNTY OBLIGATION	73.3	\$ 3.52
COUNTY BONDS	3.0	\$ 0.15
SCHOOL OBLIGATION	111.6	\$ 5.43
SCHOOL BONDS	30.0	\$ 1.50
TRI-COUNTY TECH	3.0	\$ 0.15
SALEM	37.0	\$
SENECA	62.7	\$
WALHALLA	84.0	\$
WEST UNION	54.3	\$
WESTMINISTER	95.8	\$
KEOWEE FIRE	17.5	\$
LESS SCHOOL TAX CREDIT		(-)
LESS HOMESTEAD		(-)
LESS OTHER CREDIT		(-)
PAY THIS AMOUNT NOW		\$ 162.36



PIERCE DOYLE E

750 MOURNING DOVE LN
SENECA SC 29678

PROPERTY DESCRIPTION			PRIOR YEAR TAXES	
(8.00 AC) TRACT 4 AD#24-42285				
ASSESSED TAXABLE VALUE		RATIO	ASSESSED VALUE	
1,300	X	4%	=	50
TOTAL ASSESSED VALUE		MILLS	TAX	
50	X	214.90	=	\$ 10.75
* COUNTY INCLUDES-EMERGENCY OPERATIONS, ECONOMIC DEVELOPMENT, BRIDGES AND CULVERTS, ROAD MAINT., CAPITAL VEHICLE FUND, PARKS AND RECREATION.			HOMESTEAD EXEMPTION	(-)
			SCHOOL TAX CREDIT	(-)
			OTHER CREDIT	(-)

M E S S A G E S
Please review the back of this tax notice for additional information

AVOID STANDING IN LINE.
PLEASE RETURN THIS PORTION WITH YOUR PAYMENT.
MAKE CHECK PAYABLE TO: OCONEE COUNTY TREASURER

RETURN THIS STUB WITH PAYMENT

KEEP TOP PORTION FOR YOUR RECORDS, DUPLICATES \$ 50
CREDIT CARD PAYMENT AT: <https://oconeesc.com/pay-taxes-home>

PAY BY PHONE: 1 (844) 638-1831

2023 TAX NOTICE
OCONEE COUNTY

RECEIPT NUMBER	PAY THIS AMOUNT NOW		INDICATE AMOUNT PAID
045823-23-3			
TAX MAP NUMBER	PAY THIS AMOUNT NOW		INDICATE AMOUNT PAID
252-00-03-027	\$162.36		\$

PLEASE PAY ONE OF THE AMOUNTS ACCORDING TO DATE
PAYMENT IS POSTMARKED

CHANGE OF ADDRESS CHECK HERE
SEE BACK FOR DETAILS

MAKE CHECK REMIT AND PAYABLE TO:

PIERCE DOYLE E

750 MOURNING DOVE LN
SENECA SC 29678

OCONEE COUNTY TREASURER
PO BOX 718
WEST UNION SC 29696-0718

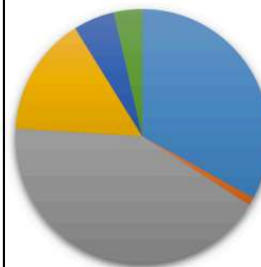


OCONEE COUNTY TAX NOTICE
CHRISTY HUBBARD, AUDITOR
415 S. PINE STREET, WALHALLA SC 29691
PO BOX 718, WEST UNION SC 29696

2023 TAX NOTICE
OCONEE COUNTY REAL PROPERTY

LEGAL RESIDENCE	RECEIPT NUMBER	HOMESTEAD
	045825-23-3	
TAX MAP NUMBER	DISTRICT	TOWN
252-00-03-098	37	

TAX DISTRIBUTION



- County Operating
- County Bonds
- School Operations
- School Bonds
- Special Revenues
- Capital Project Funds

ALLOCATION	MILLAGE	DOLLAR AMOUNT
*COUNTY OBLIGATION	73.3	\$ 84.36
COUNTY BONDS	3.0	\$ 3.60
SCHOOL OBLIGATION	111.6	\$ 130.32
SCHOOL BONDS	30.0	\$ 36.00
TRI-COUNTY TECH	3.0	\$ 3.60
SALEM	37.0	\$
SENECA	62.7	\$
WALHALLA	84.0	\$
WEST UNION	54.3	\$
WESTMINSTER	95.8	\$
KEOWEE FIRE	17.5	\$
LESS SCHOOL TAX CREDIT		(-)
LESS HOMESTEAD		(-)
LESS OTHER CREDIT		(-)
PAY THIS AMOUNT NOW		\$ 446.56

PROPERTY DESCRIPTION			PRIOR YEAR TAXES	
(10.00 AC) TRACT 2 AD#24-42287 745 MOURNING DO				
ASSESSED TAXABLE VALUE		RATIO	ASSESSED VALUE	
20,220	x	4%6%	=	1,200
TOTAL ASSESSED VALUE		MILLS	TAX	
1,200	x	214.90	=	\$ 257.88
* COUNTY INCLUDES-EMERGENCY OPERATIONS, ECONOMIC DEVELOPMENT, BRIDGES AND CULVERTS, ROAD MAINT., CAPITAL VEHICLE FUND, PARKS AND RECREATION.			HOMESTEAD EXEMPTION	(-)
			SCHOOL TAX CREDIT	(-)
			OTHER CREDIT	(-)

M E S S A G E S
Please review the back of this tax notice for additional information

AVOID STANDING IN LINE.
PLEASE RETURN THIS PORTION WITH YOUR PAYMENT.
MAKE CHECK PAYABLE TO: OCONEE COUNTY TREASURER

RETURN THIS STUB WITH PAYMENT

KEEP TOP PORTION FOR YOUR RECORDS, DUPLICATES \$ 50

CREDIT CARD PAYMENT AT: <https://oconeesc.com/pay-taxes-home>

PAY BY PHONE: 1 (844) 638-1831

2023 TAX NOTICE
OCONEE COUNTY

RECEIPT NUMBER	PAY THIS AMOUNT NOW		INDICATE AMOUNT PAID
045825-23-3			
TAX MAP NUMBER	PAY THIS AMOUNT NOW		INDICATE AMOUNT PAID
252-00-03-098	\$446.56		\$

PLEASE PAY ONE OF THE AMOUNTS ACCORDING TO DATE
PAYMENT IS POSTMARKED

CHANGE OF ADDRESS CHECK HERE
SEE BACK FOR DETAILS

MAKE CHECK REMIT AND PAYBLE TO:

PIERCE DOYLE E

750 MOURNING DOVE LN
SENECA SC 29678

OCONEE COUNTY TREASURER

PO BOX 718
WEST UNION SC 29696-0718

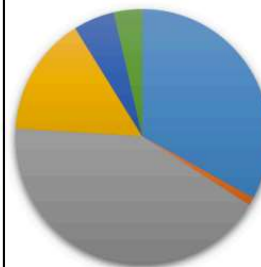


OCONEE COUNTY TAX NOTICE
CHRISTY HUBBARD, AUDITOR
415 S. PINE STREET, WALHALLA SC 29691
PO BOX 718, WEST UNION SC 29696

2023 TAX NOTICE
OCONEE COUNTY REAL PROPERTY

LEGAL RESIDENCE	RECEIPT NUMBER	HOMESTEAD
	045824-23-3	
TAX MAP NUMBER	DISTRICT	TOWN
252-00-03-097	37	

TAX DISTRIBUTION



- County Operating
- County Bonds
- School Operations
- School Bonds
- Special Revenues
- Capital Project Funds

ALLOCATION	MILLAGE	DOLLAR AMOUNT
*COUNTY OBLIGATION	73.3	\$ 124.43
COUNTY BONDS	3.0	\$ 5.31
SCHOOL OBLIGATION	111.6	\$ 192.22
SCHOOL BONDS	30.0	\$ 53.10
TRI-COUNTY TECH	3.0	\$ 5.31
SALEM	37.0	\$
SENECA	62.7	\$
WALHALLA	84.0	\$
WEST UNION	54.3	\$
WESTMINSTER	95.8	\$
KEOWEE FIRE	17.5	\$
LESS SCHOOL TAX CREDIT		(-)
LESS HOMESTEAD		(-)
LESS OTHER CREDIT		(-)
PAY THIS AMOUNT NOW		\$ 587.43

PROPERTY DESCRIPTION				PRIOR YEAR TAXES	
(3.69 AC) TRACT 1 AD#24-42286 708 MOURNING DO					
ASSESSED TAXABLE VALUE		RATIO		ASSESSED VALUE	
29,450	x	6%	=	1,770	
TOTAL ASSESSED VALUE				TAX	
1,770	x	214.90	=	\$ 380.37	
* COUNTY INCLUDES-EMERGENCY OPERATIONS, ECONOMIC DEVELOPMENT, BRIDGES AND CULVERTS, ROAD MAINT., CAPITAL VEHICLE FUND, PARKS AND RECREATION.				HOMESTEAD EXEMPTION	(-)
				SCHOOL TAX CREDIT	(-)
				OTHER CREDIT	(-)

MESS AGES Please review the back of this tax notice for additional information

AVOID STANDING IN LINE.
PLEASE RETURN THIS PORTION WITH YOUR PAYMENT.
MAKE CHECK PAYABLE TO: OCONEE COUNTY TREASURER

RETURN THIS STUB WITH PAYMENT

KEEP TOP PORTION FOR YOUR RECORDS, DUPLICATES \$ 50

CREDIT CARD PAYMENT AT: <https://oconeesc.com/pay-taxes-home>

PAY BY PHONE: 1 (844) 638-1831

2023 TAX NOTICE
OCONEE COUNTY

RECEIPT NUMBER	PAY THIS AMOUNT NOW		INDICATE AMOUNT PAID
045824-23-3			
TAX MAP NUMBER	PAY THIS AMOUNT NOW		INDICATE AMOUNT PAID
252-00-03-097	\$587.43		\$

PLEASE PAY ONE OF THE AMOUNTS ACCORDING TO DATE
PAYMENT IS POSTMARKED

CHANGE OF ADDRESS CHECK HERE
SEE BACK FOR DETAILS

MAKE CHECK REMIT AND PAYBLE TO:

PIERCE DOYLE E

750 MOURNING DOVE LN
SENECA SC 29678

OCONEE COUNTY TREASURER

PO BOX 718
WEST UNION SC 29696-0718



EXHIBIT N

Dorothy Pierce <dorothypierce84@gmail.com>

pierce estate account

Danny Singleton <dsingleton@oconeesc.com>

Wed, Feb 14, 2024 at 3:48 PM

To: Dorothy Pierce <dorothypierce84@gmail.com>, Rick McDuff <rick@mjmlawsc.com>, "Donna Moore (via Google Docs)" <75dmoore@gmail.com>, Jared Pierce <jaredapierce1@gmail.com>

All,

I was contacted by a bank today. I was informed that Dorothy Pierce had created an estate account. The bank researched online records and contacted this court. The bank confirmed that Mrs. Peirce was removed as the PR. The bank has now froze that account.

It is my understanding that Mrs. Pierce's appeal will be heard in March.

Mrs. Peirce, at this time, you are not the PR and cannot create an estate account for Mr. Pierce.

You are now required to return any certificate of appointments that you possess within 5 days.

You are subject to be held in contempt of court should you fail to comply. Proper notice will be sent to you.

Although you have filed an appeal on this matter, which is your right to do so, the order removing you as the PR stands until the circuit court rules on the appeal. Should the circuit court rule in your favor, you would then be reappointed.

This is notice to you to not attempt to create any estate accounts for Mr. Pierce.

Again, proper notice will be sent to you and I expect to have any remaining certificates returned to the court.

I hope you understand and comply with this request.

Thank you!

Danny Singleton, Probate Judge

Oconee County

415 S. Pine Street
Walhalla, SC 29691
864-638-4275



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EXHIBIT O

Dorothy Pierce <dorothypierce84@gmail.com>

Estate of Dpyle Elton Pierce

Danny Singleton <dsingleton@oconeesc.com>

Mon, Apr 22, 2024 at 1:57 PM

To: Dorothy Pierce <dorothypierce84@gmail.com>

Cc: Rick McDuff <rick@mjmlawsc.com>, "Donna Moore (via Google Docs)" <75dmoore@gmail.com>, alan pierce <gregory4792@gmail.com>, Jared Pierce <jaredapierce1@gmail.com>, Zana Hicks <zana@mjmlawsc.com>

All,

As to the taxes of an estate... there is no Personal Representative as Mrs. Pierce has been appointed twice and removed twice.

In general terms for tax purposes. If there is no executor or administrator appointed, qualified and acting, the term "executor" includes anyone in actual or constructive possession of any property of the decedent.

By this, it would appear that Dorothy Pierce would be responsible for the taxes. Although, this is not a court order. Mrs. Pierce, you report that you live there. There have been request for inspections of the property in which you do not want. You have total access of the property. being that no one have been appointed or reappointed, I don't believe I have any authority in ordering anyone to pay the tax.

Regardless, the taxes will have to be paid by someone.

Danny Singleton, Probate Judge

Oconee County

415 S. Pine Street

Walhalla, SC 29691

864-638-4275



EXHIBIT P

NOTICE OF LEVY



2722172

STATE OF SOUTH CAROLINA COUNTY OF OCONEE

DO NOT REMOVE UNTIL TAXES ARE PAID.

NOTICE IS HEREBY GIVEN that pursuant to the tax execution by the Oconee County Treasurer this property has been

SEIZED

By the person officially charged with the collection of delinquent taxes of Oconee County, South Carolina TO BE SOLD FOR DELINQUENT TAXES.

The posting of this notice is equivalent to levying by distress, seizing and taking exclusive possession of the following described property to be sold at delinquent tax sale:

Owner of Record: PIERCE DOYLE E
750 MOURNING DOVE LN

SENECA, SC 29678

Description:

(3.69 ACRES) TRACT 1

Tax Map Number: 252-00-03-097

Unless all taxes, penalties, assessments and costs are paid in full prior to the tax sale, the above described property will be duly advertised and sold to the highest bidder at public auction on Monday, November 18, 2024, to satisfy tax execution and taxes owed.

Taxes must be paid by cash, cashier's check or money order prior to 5:00 PM on Friday, November 15, 2024

NO PERSONAL CHECKS ACCEPTED!

Corinne A. Poore

Oconee County Tax Collector
Oconee County Delinquent Tax Department
415 S. Pine St. Room 111
Walhalla, SC 29691
(864) 638-4147

Property Number: 2722172

Property Type: Real Estate

Batch:
22012

Route:
10

Sequence:
39



*The information contained in these maps should not be relied upon as a determination of property ownership or market value. No warranties, expressed or implied, are provided for the positional or thematic accuracy of the data herein, its use, or its interpretation. Conclusions and actions based on this map and its contents are the sole responsibility of the user.



EXHIBIT Q

STATE OF SOUTH CAROLINA

OCONEE COUNTY

Dorothy Pierce, (Petitioner)

Vs.

Sammantha Leigh; Cody Hiott (Defendants)

IN THE 10TH CIRCUIT COURT

CASE NO.: 2024-37-00460

COMPLAINT

(Jury Trial is Demanded)

INTRODUCTION

As an heir to the Estate of Doyle Elton Pierce, the Plaintiff has a vested legal interest in ensuring that all assets of the estate, including rental income, are properly managed and collected. This interest grants the Plaintiff standing to enforce the collection of unpaid rent from Defendants, who are occupying estate property without fulfilling their rental obligations. The Plaintiff's rights are supported by South Carolina Probate Code and common law principles, which allow heirs to protect their financial interests in the estate, ensuring that the estate's assets are preserved and fairly distributed among the beneficiaries.

PARTIES

1. Plaintiff, Dorothy Pierce, is an heir of the Estate of Doyle Elton Pierce and the surviving spouse of Doyle Elton Pierce, residing in Oconee County, South Carolina.
2. Defendant, Samantha Leigh, is an individual residing at 745 Mourning Dove Lane, Oconee County, South Carolina.
3. Defendant, Cody Hiott, is an individual residing at 745 Mourning Dove Lane, Oconee County, South Carolina. Defendant is the partner of Samantha Leigh.

JURISDICTION AND VENUE

4. This Court has jurisdiction over the parties and the subject matter of this action pursuant to S.C. Code Ann. § 15-7-30 and the South Carolina Constitution.
5. Venue is proper in this Court under S.C. Code Ann. § 15-7-30 because the events giving rise to this action occurred in Oconee County, South Carolina.

FACTUAL ALLEGATIONS

6. In late June 2020, Samantha Leigh approached Doyle Elton Pierce with the intent to rent a trailer located at 745 Mourning Dove Lane, Oconee County, South Carolina.
7. The trailer stand had been damaged by a storm in April 2020 and required repairs. Despite this, Doyle Pierce agreed to rent the trailer to Samantha Leigh for \$370 per month, with the agreement that water and power costs would be paid separately.
8. Samantha Leigh used the month of July 2020 to repair the trailer stand and moved into the trailer in August 2020, at which point her rent obligations began.
9. It was agreed that the first two months of rent, August and September 2020, would be used to cover the cost of fixing the trailer stand. Samantha Leigh, with the help of her stepfather Gregory Pierce, completed these repairs.
10. The rent for the third month, due on October 1, 2020, was to be paid to Doyle Pierce. However, Doyle Pierce passed away on September 14, 2020.
11. Upon Doyle Pierce's death, all his assets, including the trailer, were placed into his estate to be managed and distributed to the beneficiaries. Plaintiff, as an heir and surviving spouse, has a legal interest in the estate according to the Will or under the intestate succession laws of South Carolina.
12. Plaintiff attempted to collect the rental fees from Samantha Leigh, but she refused to pay any rent. In most cases, she employed the help of her stepfather, Gregory Pierce, who intimidated and verbally threatened Plaintiff.
13. In July 2022, Judge Rice authorized the collection of past-due rent amounting to approximately \$9,000. Despite this authorization, Plaintiff was assaulted by both Samantha Leigh and her stepfather during the attempt to collect the rent.
14. Samantha Leigh and Cody Hiott, both non-heirs to Doyle Elton Pierce's estate, were ordered to vacate the trailer at 745 Mourning Dove Lane within 60 days of the order. This order was not appealed by the petitioner or any other party, and the time for appeal has since passed, meaning Samantha Leigh has waived her right to contest her removal.
15. On May 8, 2024, Judge Singleton issued an order that stayed this settlement order in its entirety. While this stay allows Samantha Leigh and Cody Hiott to continue living in the trailer, it does not prevent the enforcement of rent collection or the payment of rental arrears.

16. Given that Samantha Leigh and Cody Hiott are non-heirs, they have no legal right to remain on the premises without paying rent. Following Doyle Pierce's death, the trailer became an asset of the estate on September 14, 2020. Any claims by Samantha Leigh that Doyle had promised her continued residence are invalid under the South Carolina Dead Man's Statute.
17. Samantha Leigh and Cody Hiott have resided in the trailer for the last 45 months without making any payments. At a monthly rent of \$370, the total amount owed to the Estate of Doyle Pierce is \$16,650.
18. The Plaintiff, as an heir of the Estate of Doyle Elton Pierce, has a legal right and standing to enforce rent collection from the Defendants. This action is necessary to protect the assets of the estate and ensure that the beneficiaries receive their rightful share. The Defendants' continued occupation of the property without paying rent is a breach of their agreement and an unjust enrichment at the expense of the estate and its heirs. Therefore, the Plaintiff respectfully requests that this Court enforce the collection of unpaid rent and arrears, thereby protecting the estate's assets for the benefit of its rightful heirs.

FIRST CAUSE OF ACTION

(Breach of Contract and Demand for Rent Arrears)

18. Plaintiff incorporates by reference all preceding paragraphs of this Complaint as if fully set forth herein.
19. Defendants entered into a valid rental agreement with the Plaintiff's deceased husband, Doyle Elton Pierce, obligating them to pay \$370 per month in rent.
20. Defendants failed to make any rent payments since October 2020, breaching the rental agreement.
21. As a result of Defendants' breach, the Estate of Doyle Elton Pierce has suffered damages in the amount of \$16,650.
22. Plaintiff is entitled to collect the unpaid rent and arrears from Defendants.

SECOND CAUSE OF ACTION

(Unjust Enrichment)

23. Plaintiff incorporates by reference all preceding paragraphs of this Complaint as if fully set forth herein.
24. Defendants have resided in the trailer at 745 Mourning Dove Lane without paying rent for 45 months, thereby receiving a benefit at the expense of the Estate of Doyle Elton Pierce.
25. It would be unjust for Defendants to retain the benefit of living rent-free in the trailer without compensating the estate for its use.
26. As a result, Defendants have been unjustly enriched, and Plaintiff is entitled to recover the reasonable value of the benefit conferred upon Defendants, amounting to \$16,650.

THIRD CAUSE OF ACTION

(Conversion)

27. Plaintiff incorporates by reference all preceding paragraphs of this Complaint as if fully set forth herein.
28. The trailer and the rental income derived from it are assets of the Estate of Doyle Elton Pierce.
29. By refusing to pay rent and continuing to occupy the trailer, Defendants have wrongfully exercised control over the property and its income, depriving the estate and its rightful beneficiaries of their property rights.
30. Defendants' actions constitute conversion, and Plaintiff is entitled to recover the value of the converted property, which is the unpaid rent amounting to \$16,650.

FOURTH CAUSE OF ACTION

(Trespass)

31. Plaintiff incorporates by reference all preceding paragraphs of this Complaint as if fully set forth herein.

32. Upon the death of Doyle Elton Pierce, the trailer became an asset of his estate, and Defendants' right to occupy the property was contingent upon the payment of rent.
33. By refusing to pay rent and remaining on the property, Defendants have unlawfully entered and occupied the estate's property without permission.
34. Defendants' unauthorized occupation of the trailer constitutes trespass, causing harm to the estate. Plaintiff is entitled to damages for the trespass, including but not limited to, the unpaid rent of \$16,650.

FIFTH CAUSE OF ACTION

(Breach of Implied Covenant of Good Faith and Fair Dealing)

35. Plaintiff incorporates by reference all preceding paragraphs of this Complaint as if fully set forth herein.
36. Implied in the rental agreement between Doyle Elton Pierce and Defendants was a covenant of good faith and fair dealing, requiring Defendants to act honestly and fairly in fulfilling their rental obligations.
37. By refusing to pay rent and continuing to occupy the trailer, Defendants have breached this implied covenant, acting in bad faith and unfairly depriving the estate of its rightful rental income.
38. As a result of Defendants' breach of the implied covenant of good faith and fair dealing, Plaintiff has suffered damages in the amount of \$16,650, representing the unpaid rent.

SIXTH CAUSE OF ACTION

(Ejectment)

39. Plaintiff incorporates by reference all preceding paragraphs of this Complaint as if fully set forth herein.
40. The trailer at 745 Mourning Dove Lane is rightfully an asset of the Estate of Doyle Elton Pierce, and Defendants have no legal right to remain on the property without paying rent.
41. Despite the order for them to vacate the premises, Defendants have refused to leave the trailer.
42. Plaintiff seeks an order of ejectment to remove Defendants from the property and restore possession to the estate.

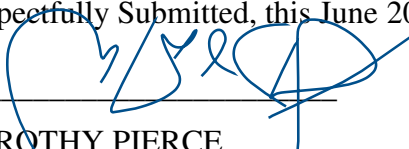
43. Plaintiff is entitled to possession of the property and to recover any unpaid rent accrued during Defendants' unlawful occupation, amounting to \$16,650.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment against Defendants as follows:

- a) For an award of damages in the amount of \$16,650 for unpaid rent and arrears.
- b) For damages for unjust enrichment in the amount of \$16,650.
- c) For damages for conversion in the amount of \$16,650.
- d) For damages for trespass, including but not limited to, the unpaid rent of \$16,650.
- e) For damages resulting from the breach of the implied covenant of good faith and fair dealing in the amount of \$16,650.
- f) For an order of ejectment to remove Defendants from the property and restore possession to the estate.
- g) For pre-judgment and post-judgment interest as allowed by law.
- h) For Plaintiff's costs and attorney's fees incurred in bringing this action.
- i) For such other and further relief as this Court deems just and proper.

Respectfully Submitted, this June 20, 2024.

By 

DOROTHY PIERCE

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STATE OF SOUTH CAROLINA
OCONEE COUNTY

Dorothy Pierce, (Petitioner)

Vs.

Sammantha Leigh; Cody Hiott (Defendants)

IN THE 10TH CIRCUIT COURT
CASE NO.: 2024-37-00460

**PLAINTIFF’S OPPOSITION TO
DEFENDANTS’ MOTION TO DISMISS
MOTION, REQUEST FOR SANCTIONS
AGAINST ATTORNEY FOR DEFENDANTS
FOR FRAUDULENT
MISREPRESENTATION OF FACTS AND
REQUEST FOR SUMMARY JUDGMENT**

SUMMARY OF ISSUES CONTAINED HEREIN

I. PLAINTIFF’S OPPOSITION TO DEFENDANTS’ MOTION TO DISMISS

Plaintiff, Dorothy Pierce, hereby opposes Defendants’ Motion to Dismiss. The motion is based on misrepresentations of material facts, as demonstrated by the fraudulent assertions made by Defendants' attorney. These misrepresentations are intended to mislead the court into believing that Plaintiff lacks jurisdiction and authority, despite being the personal representative and heir to the Estate of Doyle Elton Pierce. Defendants' motions lack merit and are a baseless attempt to obstruct justice.

II. REQUEST FOR SANCTIONS AGAINST DEFENDANTS’ ATTORNEY

Plaintiff further moves for sanctions against Defendants' attorney, Richard Hunt McDuff, for his deliberate and fraudulent misrepresentation of facts in this case, including false statements regarding Plaintiff’s compliance with legal procedures and her entitlement to collect rent from the non-heir Defendants. Such conduct violates Rule 3.3 of the South Carolina Rules of Professional Conduct, which mandates honesty toward the tribunal. The Court should impose sanctions to prevent further obstruction of justice by Defendants and their counsel.

III. MOTION FOR SUMMARY JUDGMENT

Plaintiff also requests that this Court grant summary judgment in her favor for the payment of all outstanding rent owed by the Defendants to the Estate of Doyle Elton Pierce. The undisputed facts show that:

1. Defendants have resided on the estate property for **48 months** without paying any rent.
2. Defendants are not heirs to the estate and have no legal right to live on estate property rent-free.
3. Defendants' failure to pay rent has directly harmed the estate, which is now **delinquent on taxes** due to a lack of financial resources.
4. The total unpaid rent as of the date of this filing is **\$17,760**.

Plaintiff is entitled to recover this amount from Defendants, who have unjustly enriched themselves at the expense of the estate and its rightful heirs. Plaintiff also requests that the Court order Defendants to pay **ongoing rent of \$370 per month** starting in **October 2024** for as long as they remain on the estate property.

I. PLAINTIFF’S OPPOSITION TO DEFENDANTS’ MOTION TO DISMISS
MOTION

INTRODUCTION

1. Despite being fully aware of the fact that Plaintiff’s removal as Personal Representative is automatically stayed pending appeal, Defendants have nevertheless filed this frivolous motion, blatantly misrepresenting facts to this court. Under South Carolina law, the filing of a notice of appeal typically stays the matters decided in the order, judgment, or decree under appeal. The Supreme Court of South Carolina has made clear that the purpose of the automatic stay provision is to allow the appealing party to maintain their legal position pending the outcome of the appeal. **As established in *Santee Cooper Resort, Inc. v. S.C. Pub. Serv Commn.*, 298 S.C. 179, 184, 379 S.E.2d 119, 122 (1989), the court explains that to "stay" an order means "to hold it in abeyance or refrain from enforcing it." Further, a "stay" is defined as "a stopping," preserving the status quo. In this case, the stay prevents enforcement of Plaintiff’s removal as personal representative until the appeal is resolved.**
2. This principle was further elaborated in *Graham v. Graham*, 301 S.C. 128, 130, 390 S.E.2d 469, 470 (Ct. App. 1990), where the court clarified that the stay “preserves the status quo” at the time the appeal is brought. The purpose of a stay, or supersedeas, is not to reverse or annul the lower court's order, but to *suspend its enforcement* while the appeal is pending. This ensures that the appellant can still benefit from a potentially meritorious appeal without losing their legal position or rights during the interim.
3. Given this well-established legal precedent, Defendants’ motion to dismiss is not only without merit but also constitutes an attempt to mislead the court by disregarding the automatic stay. Moreover, Plaintiff, as the personal representative, retains her authority pending the appeal, and her actions to protect the estate remain lawful and valid. Thus, Defendants' motion to dismiss should be denied as frivolous, and they should be admonished for their attempts to misrepresent the legal status of the Plaintiff in this case.
4. Plaintiff, as the personal representative of the Estate of Doyle Elton Pierce and an heir with a 50% interest in the estate, filed this action to collect rent owed to the estate by

Defendants. The Defendants are non-heirs who have been living in estate property without paying rent for 48 months, resulting in significant financial harm to the estate. As such, Plaintiff is duty-bound to ensure that the estate's assets are protected and that debts owed to the estate are collected.

5. Defendants' motion to dismiss rests on erroneous arguments concerning Plaintiff's standing and the merits of her claim. Plaintiff will demonstrate that she has standing to pursue this action both as personal representative (pending the outcome of her appeal) and as an heir of the estate. The claim itself is far from frivolous, as it seeks to recover substantial amounts owed to the estate, which has a direct impact on its financial health.

ARGUMENTS

A. Plaintiff Has Legal Standing to Pursue This Action as Personal Representative of the Estate of Doyle Elton Pierce.

6. Upon removal of Plaintiff as personal representative on November 02, 2023, Plaintiff filed a notice of appeal to the circuit court on November 03, 2023.
7. Under South Carolina Appellate Court Rule 241 (Automatic Stay Provision), a timely appeal automatically stays the enforcement of the appealed order. This means that the lower court's decision cannot be enforced while the appeal is pending unless the court issues a specific order lifting the stay. The rule is intended to preserve the status quo during the appeal process. **[See SC Rule 241 attached]**

As stated in Rule 241:

"The service of a notice of appeal in a civil matter acts to automatically stay matters decided in the order, judgment, decree, or decision on appeal, and to automatically stay the relief ordered in the appealed order... This automatic stay continues in effect for the duration of the appeal unless lifted by order of the lower court... or appellate court." This provision clearly divests the lower court of jurisdiction over the specific matters on appeal unless an order is granted lifting the stay.

8. In the current case, **no motion has been filed in the lower court to lift the stay** as required by Rule 241. The appeal does not meet any exceptions that would justify lifting

the stay, such as harm to the prevailing party or other exceptional circumstances.

Therefore, the automatic stay remains in effect, preventing enforcement of the order, including the removal of the personal representative. The lower court cannot proceed on matters that are directly impacted by the appeal.

9. This notice of appeal automatically stayed Probate court's order removing Plaintiff. As established in *Santee Cooper Resort, Inc. v. S.C. Pub. Serv Commn.*, 298 S.C. 179, 184, 379 S.E.2d 119, 122 (1989), the court explains that to "stay" an order means "to hold it in abeyance or refrain from enforcing it." Further, a "stay" is defined as "a stopping," preserving the status quo. In this case, the stay prevents enforcement of Plaintiff's removal as personal representative until the appeal is resolved. **[See Case law attached]**
10. This principle was further elaborated in *Graham v. Graham*, 301 S.C. 128, 130, 390 S.E.2d 469, 470 (Ct. App. 1990), where the court clarified that the stay "preserves the status quo" at the time the appeal is brought. The purpose of a stay, or supersedeas, is not to reverse or annul the lower court's order, but to *suspend its enforcement* while the appeal is pending. This ensures that the appellant can still benefit from a potentially meritorious appeal without losing their legal position or rights during the interim. With an appeal pending the Probate court or the circuit court is divested of jurisdiction to appoint personal representative. **[see case law attached]**
11. Plaintiff remains the Personal Representative of the estate of Doyle Pierce, notwithstanding Judge Danny Singleton's order of removal, which is currently on appeal. Under South Carolina law (S.C. Code Ann. § 62-3-607), a personal representative continues to act in their capacity during an appeal unless a court specifically orders otherwise. No such court order has been issued in this case, meaning Plaintiff retains the authority to bring actions on behalf of the estate, including collecting debts such as rent owed by Defendants. As such, Plaintiff's standing as personal representative remains intact pending the outcome of the appeal.

B. Plaintiff's Standing as an Heir to Enforce Payment of Rent

12. In addition to her role as personal representative, Plaintiff also has standing as an heir to the estate of Doyle Pierce, holding a 50% interest in the estate. Under South Carolina law,

heirs possess the right to protect their interest in estate assets and ensure the estate is managed appropriately. As an heir, Plaintiff has a legal right to take action to preserve the financial health of the estate, especially when estate assets, such as rental income, are jeopardized due to non-payment.

13. The Defendants' failure to pay rent for their continued occupancy of estate property directly diminishes the value of the estate, affecting Plaintiff's rightful inheritance share. This non-payment constitutes unjust enrichment for the Defendants at the expense of the estate and its beneficiaries, including Plaintiff. Consequently, Plaintiff has a vested interest in enforcing payment to protect the estate from financial harm and to safeguard her individual rights as an heir under South Carolina law.
14. By asserting her rights as both personal representative and heir, Plaintiff seeks to uphold her fiduciary responsibilities while also ensuring that her inheritance, along with that of other beneficiaries, is not unjustly diminished through the Defendants' non-compliance. This dual standing reinforces Plaintiff's right to pursue claims on behalf of the estate and herself as an heir, making the pursuit of unpaid rent a valid legal action.
15. **Plaintiff's Right as Heir to 50% of Rental Proceeds:** Additionally, as a 50% heir to the estate, Plaintiff is entitled to her rightful share of any proceeds, including rental income generated from the estate property. By refusing to pay rent, Defendants are not only jeopardizing the financial stability of the estate but are also unjustly enriching themselves at the expense of Plaintiff's inheritance. The rental income directly affects Plaintiff's share of the estate, and by withholding it, Defendants are essentially depriving Plaintiff of her rightful inheritance. Therefore, Plaintiff is entitled to recover the unpaid rent to preserve both her interests as an heir and the overall financial health of the estate.

C. Defendants, Non-Heirs, are Unjustly Enriching Themselves at the Expense of the Estate and Heirs While the Estate Faces Auction Due to Delinquent Taxes.

16. The Defendants, who are non-heirs to the Estate of Doyle Pierce, have been unjustly enriching themselves by residing on estate property for over 48 months without paying

rent. This ongoing failure to contribute rental income has not only provided them with free housing but has also severely jeopardized the financial standing of the estate. The estate is now facing a public auction on November 17, 2024, due to over \$3,600 in delinquent property taxes.

17. This non-payment of rent by non-heirs has directly harmed the estate's ability to meet its financial obligations, particularly in covering necessary expenses such as property taxes. The rent that should have been collected over these 48 months could have been used to pay down the delinquent taxes and prevent the estate property from being auctioned, thereby preserving the estate's assets for the rightful heirs. Instead, the estate is now at risk of losing its primary asset, placing the heirs at further financial detriment.
18. Defendants have no legal right to occupy the estate property without contributing rent, and their actions amount to unjust enrichment. Their refusal to pay rent while simultaneously benefiting from the estate's assets is a direct violation of the Plaintiff's fiduciary duty to manage and protect the estate for its beneficiaries. The Defendants' actions not only drain the estate of potential income but also place its future, and the financial well-being of the heirs, in serious jeopardy.
19. The Plaintiff, both as an heir with a 50% interest and as the estate's personal representative, has the standing to seek back rent to protect the estate from the impending auction. It is imperative that Defendants be held accountable for their failure to pay rent, as their continued enrichment at the estate's expense is both inequitable and detrimental to the estate's survival.

D. Defendants Lack Standing to Challenge Plaintiff's Actions on Behalf of the Estate

20. Defendants, who are non-heirs and have no legal or beneficial interest in the estate, lack standing to challenge Plaintiff's actions aimed at protecting estate assets. South Carolina law provides that only interested parties, such as heirs, beneficiaries, or creditors of the estate, may assert claims or defenses involving the estate. Defendants have failed to demonstrate any legitimate legal interest in the estate, making their motion to dismiss baseless.

21. Moreover, Defendants are occupying estate property and owe rent for their continued use of estate assets. They cannot claim an interest in the estate to defend against claims of rent owed while simultaneously lacking any legal status as heirs, beneficiaries, or creditors. As non-heirs with no legal standing in the estate, Defendants' motion to dismiss is improper and should be denied.

E. The Estate's Financial Interest Requires Immediate Action

22. Plaintiff's claim is not merely about recovering rent owed; it is essential to preserve and manage the estate's assets effectively. Due to Defendants' prolonged failure to pay rent for over 48 months, the estate has been left in a precarious financial state, unable to meet its tax obligations and other necessary expenses. South Carolina probate law places a fiduciary duty on the personal representative to safeguard the estate's financial health, which includes taking steps to collect unpaid rent.

23. If the Defendants are permitted to continue living on the estate property without fulfilling their rent obligations, it would exacerbate the estate's financial strain and further undermine the ability to cover crucial expenses like taxes. This ongoing failure to collect rent directly impacts the estate's financial well-being, potentially leading to a forced auction of the property due to delinquent taxes. Immediate action is therefore necessary to prevent the estate from being further depleted and to fulfill the personal representative's duty to protect the estate's assets for the benefit of all heirs. Allowing Defendants to remain without paying rent would constitute a failure of fiduciary responsibility.

F. Defendants and Their Attorney's Deliberate Interference with Estate Management

24. Plaintiff asserts that both Defendants and their attorney are intentionally interfering with the proper administration of the estate of Doyle Pierce by falsely claiming that Plaintiff lacks the authority to collect rent from non-heirs residing on estate property. This deliberate misrepresentation misleads the court and obstructs Plaintiff's fiduciary duties

to manage and preserve the estate's assets, including the collection of rental income, which is rightfully owed to the estate.

25. For several months, Defendants have refused to pay rent despite Plaintiff's attempts to collect it—even before Plaintiff's wrongful removal as personal representative. Defendants' refusal to pay rent, despite their occupancy of estate property, is a blatant attempt to take advantage of the fact that the estate is involved in an appeal. The Defendants, who are not parties to the appeal and whose living arrangements are not at issue in the appellate process, have continued to live rent-free, enriching themselves at the expense of the estate and its beneficiaries.
26. The appeal does not concern Defendants' obligation to pay rent. As non-heirs, they have no legal right to live rent-free on estate property, and their continued occupancy without payment is an unjust enrichment that has caused financial harm to the estate. The estate is facing significant financial difficulties, including an impending auction due to over \$3,600 in delinquent property taxes, a situation that could have been avoided if Defendants had paid rent.
27. Defendants' refusal to pay rent, combined with their attorney's misrepresentation of Plaintiff's authority, is a clear attempt to obstruct the proper management of the estate. This obstruction violates Plaintiff's duties as personal representative and heir, particularly her duty to ensure that estate debts, such as property taxes, are paid.
28. The court must compel Defendants to pay rent immediately if they intend to continue occupying estate property. Their actions have placed the estate in jeopardy, and they must be held accountable for their unjust enrichment at the estate's expense. It is both legally and morally untenable for Defendants to remain on the property without contributing to the estate's financial obligations.

G. Plaintiff's Right to Collect Rent from Non-Heirs

29. Under South Carolina law, specifically *S.C. Code Ann. § 62-3-709*, the personal representative of an estate is empowered to manage and protect estate assets, which includes collecting rent from any occupants of estate property, regardless of whether those occupants are heirs or non-heirs. The personal representative's primary obligation is

to preserve the estate, and this includes collecting income, such as rent, to ensure the estate's financial health and fulfill obligations like taxes and debts.

30. Plaintiff, as the current personal representative, retains full legal authority to collect rent on behalf of the estate pending the resolution of any appeal. Furthermore, the fact that the individuals occupying the property are non-heirs strengthens Plaintiff's right to collect rent. Non-heirs have no legal claim or right to occupy estate property without a valid lease or permission from the personal representative. The continued failure of these non-heirs to pay rent over a period of 48 months constitutes unjust enrichment at the expense of the estate and poses a direct financial detriment, particularly as the estate is struggling to cover essential expenses, including taxes.

H. Defendant's Attorney is Intentionally Misrepresenting Facts to Mislead the Court

31. Despite being fully aware of the established legal principles, Defendants' attorney has knowingly and falsely asserted that Plaintiff lacks the right to collect rent from non-heirs residing on the estate property. This baseless misrepresentation aims to obstruct Plaintiff's lawful duties as the personal representative, hindering her from collecting the rental income that is crucial for maintaining the estate's financial health. Such conduct not only misleads the court but also attempts to create unnecessary roadblocks to Plaintiff's performance of her fiduciary responsibilities.
32. Defendants' attorney's actions amount to deliberate interference with the proper management of the estate. South Carolina Rules of Professional Conduct, **Rule 3.3** explicitly mandate attorneys to maintain candor toward the tribunal and prohibit making false statements of law or fact to the court. The attorney's blatant misrepresentation of Plaintiff's rights as the personal representative, as well as her authority to collect rent, is a direct violation of this professional duty.
33. This intentional misrepresentation has serious consequences, as it deprives the estate of much-needed funds that are necessary to meet its financial obligations, including delinquent taxes. Furthermore, it unjustly enriches the Defendants at the expense of the estate and its beneficiaries, particularly the Plaintiff. The court should view these

misrepresentations as an attempt to undermine the proper administration of the estate and take appropriate action to ensure that Plaintiff's rights are upheld.

I. The Plaintiff's Claims Are Not Frivolous

34. Contrary to Defendants' assertions, Plaintiff's claim is not frivolous. The Defendants have failed to pay rent for 48 months, and Plaintiff is simply seeking to recover what is owed to the estate. This claim is grounded in the basic legal principle that tenants or occupants of property must pay rent to the owner—in this case, the estate of Doyle Pierce. Failure to pay rent for such a long period causes direct harm to the estate and its beneficiaries, and Plaintiff, as both personal representative and heir, is duty-bound to pursue this action.
35. In fact, the estate is in significant financial distress due to Defendants' failure to pay rent, including being unable to cover tax liabilities. This failure could result in further financial penalties, making it all the more critical that Plaintiff seeks redress for the unpaid rent. Defendants' arguments that the Plaintiff's claim is frivolous are unsupported and should be rejected by the Court.

CONCLUSION TO OPPOSITION TO MOTION TO DISMISS MOTION

For the reasons stated above, Plaintiff Dorothy Pierce respectfully requests that the Court deny Defendants' Motion to Dismiss. Defendants' arguments are based on misrepresentations of the facts and legal principles governing this case. Plaintiff has legal standing to pursue her claims both as personal representative (pending the outcome of her appeal) and as an heir to the Estate of Doyle Pierce.

Defendants' prolonged failure to pay rent for over 48 months has directly harmed the estate, and Plaintiff's claim to recover these funds is valid and necessary to preserve the financial health of the estate. Additionally, under South Carolina's automatic stay provision, Plaintiff retains her authority as personal representative until her appeal is resolved, making Defendants' motion baseless.

Defendants' motion is not only frivolous but represents an attempt to mislead the court and delay justice. Plaintiff respectfully urges the Court to reject the motion and allow this case to proceed on its merits.

II. REQUEST FOR SANCTIONS AGAINST DEFENDANT’S ATTORNEY

RICHARD HUNT MCDUFF

Defendants' attorney, Mr. McDuff, has repeatedly misrepresented material facts before the court, including false claims regarding procedural compliance and Plaintiff's rights as the personal representative of the estate of Doyle Pierce. This pattern of falsehoods culminates in an ongoing attempt to undermine Plaintiff's lawful role in estate management. Specifically, Mr. McDuff misled the court about Plaintiff's compliance with appellate procedures on March 14, 2024, and falsely asserted in that Plaintiff lacked the right to collect rent from non-heirs.

1. Defendants' Attorney is Intentionally Misrepresenting Plaintiff's Right to Collect or enforce Rent to Mislead the Court

Despite being fully aware of the established legal principles, Defendants' attorney has knowingly and falsely asserted that Plaintiff lacks the right to collect rent from non-heirs residing on the estate property. This baseless misrepresentation is aimed at obstructing Plaintiff's lawful duties as personal representative, thereby hindering her from collecting the rental income necessary for maintaining the estate's financial health. Such conduct not only misleads the court but also creates unnecessary roadblocks to Plaintiff's performance of her fiduciary responsibilities.

Automatic Stay under Rule 241:

According to **Rule 241** of the South Carolina Appellate Court Rules:

"The service of a notice of appeal in a civil matter acts to automatically stay matters decided in the order, judgment, decree, or decision on appeal, and to automatically stay the relief ordered in the appealed order... This automatic stay continues in effect for the duration of the appeal unless lifted by order of the lower court, the administrative tribunal, appellate court, or judge or justice of the appellate court."

This provision clearly divests the lower court of jurisdiction over specific matters on appeal unless an order is granted lifting the stay. In this case, **no motion has been filed** to lift the stay, and the appeal does not meet any exceptions justifying the lifting of the stay (such as harm to the prevailing party or other exceptional circumstances). Therefore, the automatic stay remains in

effect, preventing enforcement of the order, including Plaintiff's removal as personal representative.

As explained in **Santee Cooper Resort, Inc. v. S.C. Pub. Serv Commn.**, 298 S.C. 179, 184, 379 S.E.2d 119, 122 (1989), to "stay" an order means "to hold it in abeyance or refrain from enforcing it." In this case, the stay prevents enforcement of Plaintiff's removal until the appeal is resolved.

Jurisdiction and Status Quo: The **Graham v. Graham** decision (301 S.C. 128, 130, 390 S.E.2d 469, 470 (Ct. App. 1990)) elaborates that the stay "preserves the status quo" when an appeal is filed, meaning that no further enforcement actions can be taken. As a result, the Probate Court is **divested of jurisdiction** to appoint a new personal representative while the appeal is pending, thereby keeping Plaintiff in her position until a final ruling is made.

Violation of Professional Conduct Rules: Defendants' attorney's actions amount to candor towards the tribunal Under **South Carolina Rules of Professional Conduct, Rule 3.3**, attorneys are required to maintain **candor toward the tribunal** and are prohibited from making false statements of law or fact. The attorney's blatant misrepresentation of Plaintiff's rights as personal representative, as well as her authority to collect rent, constitutes a clear violation of these professional duties.

This intentional misrepresentation has serious consequences, depriving the estate of crucial funds needed to meet financial obligations, including delinquent taxes. Additionally, it unjustly enriches the Defendants at the expense of the estate and its beneficiaries, particularly Plaintiff. The court should take appropriate action to ensure that Plaintiff's rights are protected and that Defendants' attorney is held accountable for attempting to undermine the proper administration of the estate.

2. Misrepresentation of Procedural Deadlines During Appeal on March 14, 2024

On March 14, 2024, Mr. McDuff falsely asserted to the court that Plaintiff, Dorothy Pierce, missed procedural deadlines in her appeals. Contrary to these claims, Plaintiff meticulously adhered to the procedural requirements of **S.C. Code Ann. § 62-1-308** by filing timely amended notices of appeal in response to evolving orders from the Probate Court.

Timeline of Appellant's Compliance:

- **October 13, 2023:** Plaintiff filed her initial Notice of Appeal following Judge Singleton's October 12, 2023, Order affirming the Private Family Agreement. This triggered the statutory 45-day window to file the Statement of Issues on Appeal. [**See Notice of Appeal**]
- **October 24, 2023:** Plaintiff filed an Amended Notice of Appeal in response to Judge Singleton's October 17, 2023, amended order, which reset the timeline, granting an additional 45 days from October 24 to file the Statement of Issues. [**See Amended Notice of Appeal**]
- **November 3, 2023:** After Judge Singleton retaliated by removing Plaintiff as the Personal Representative on November 2, 2023, Plaintiff filed a Second Amended Notice of Appeal, resetting the timeline once again. [**See Second amended Notice of Appeal**]
- **On October 11, November 01, and November 07, 2023:** On these dates, Plaintiff requested for the whole record on appeal as indicated in the invoice from probate court dated December 04, 2023. The probate court delayed to release this record and transcript [**See Invoice dated December 04, 2023**]
- **November 13, 2023:** Appellant proactively requested audio files of key hearings, which the Probate Court released later that same day in a flash drive. [**See the attached Request for Audio Files**]
- **November 29, 2023:** Plaintiff filed her Initial Brief and Statement of Issues within the required 45-day window following the Second Amended Notice of Appeal. [**See Initial Brief and Statement of issues on appeal**]
- **On November 30, 2023, Defendants' attorney, Richard Hunt McDuff, filed a Motion to Dismiss, in a blatant disregard of ethics which contained obvious and deliberate false information, falsely asserting that Plaintiff had missed procedural deadlines which timelines had not even passed. This assertion was not only factually incorrect but also entirely misleading, representing a clear attempt to deceive the court. [See Fraudulent Motion to Dismiss]**

- **December 4, 2023:** The Probate Court issued an invoice of \$413.50 for the "complete" record, which Appellant contested as the records and transcripts were incomplete and delayed.
- **December 11, 2023:** Appellant filed the Designation of Matter to be Included in the Record on Appeal, continuing her compliance with the required appellate procedures.
- **On March 14, 2024, during a hearing before Judge McIntosh, Defendants' attorney, Richard Hunt McDuff, blatantly lied to the court, leading to a severe ethical violation under the duty of candor towards the tribunal. Unfortunately, the court believed these misrepresentations, resulting in a gross miscarriage of justice. The Plaintiff was not given the opportunity to speak or present evidence, despite the fact that relevant information was already on record, further compounding the injustice of the proceedings.**

For the reasons stated above, Plaintiff respectfully requests that this Court impose sanctions against Defendants' attorney, Richard Hunt McDuff, for his deliberate and repeated misrepresentations of material facts, in clear violation of South Carolina Rules of Professional Conduct, Rule 3.3. Mr. McDuff has knowingly misled the court regarding Plaintiff's compliance with procedural deadlines, her right to collect rent from non-heirs, and the automatic stay in effect pending appeal. These actions have severely hindered Plaintiff's ability to fulfill her fiduciary duties as personal representative of the estate and have unjustly enriched Defendants at the expense of the estate.

Mr. McDuff's conduct amounts to an egregious breach of his ethical obligations to the court and constitutes an abuse of the legal process. The intentional misrepresentation of facts, designed to obstruct Plaintiff's lawful duties and mislead the court, warrants significant sanctions. Plaintiff respectfully requests that this Court take appropriate action to hold Mr. McDuff accountable and to prevent further harm to the estate and its beneficiaries.

III. PLAINTIFF'S REQUEST FOR SUMMARY JUDGMENT

Plaintiff, Dorothy Pierce, as the Personal Representative and an heir of the Estate of Doyle Elton Pierce, respectfully submits this Motion for Summary Judgment pursuant to Rule 56 of the South Carolina Rules of Civil Procedure. There are no genuine issues of material fact in this case, and Plaintiff is entitled to judgment as a matter of law for the full payment of the unpaid rent balance owed by Defendants, Samantha Leigh and Cody Hiott, to the estate.

INTRODUCTION

1. Plaintiff filed this action to recover unpaid rent from Defendants for their prolonged occupancy of a trailer on the estate property without payment. Defendants, who are not heirs to the estate, have resided in the trailer rent-free for **48 months**, resulting in significant financial losses to the estate. The total unpaid rent now amounts to **\$17,760**, based on a monthly rent of **\$370**. As both an heir with a 50% interest and the Personal Representative of the estate, Plaintiff has the right and duty to recover these amounts to preserve the estate's assets.

STATEMENT OF UNDISPUTED FACTS

2. **Defendants' Occupancy:** Defendants, Samantha Leigh and Cody Hiott, have occupied the trailer located on the estate property since September 2020, and no rental payments have been made for 48 months.
3. **Unpaid Rent:** Defendants have failed to pay any rent for 48 months, resulting in a total unpaid rent balance of \$17,760 at \$370 per month.
4. **Non-Heirs:** Defendants are non-heirs to the Estate of Doyle Elton Pierce and have no legal entitlement to occupy the estate property without payment.
5. **Appeal Irrelevance:** The rent owed by Defendants is not subject to any ongoing appeal, nor are the Defendants parties to the appeal.

6. **Estate's Financial Status:** The estate is currently delinquent on property taxes due to the lack of financial resources, which has been exacerbated by Defendants' failure to pay rent. Plaintiff is entitled to 50% of the proceeds from rent collected on estate property as an heir.
7. **Plaintiff's Role:** Plaintiff, as the Personal Representative of the estate, has the fiduciary duty to manage and preserve estate assets, including the collection of unpaid rent owed to the estate.

LEGAL STANDARD

8. Rule 56 of the South Carolina Rules of Civil Procedure allows for summary judgment when there is no genuine issue of material fact, and the moving party is entitled to judgment as a matter of law. *Meehan v. Meehan*, 357 S.C. 461, 464, 593 S.E.2d 152, 154 (2004).

ARGUMENT

A. Plaintiff Has the Right to Recover Rent as Personal Representative and Heir

Under South Carolina law, a personal representative is charged with managing and preserving estate assets. S.C. Code Ann. § 62-3-709 grants the personal representative the authority to collect income due to the estate, which includes rent payments for estate property. Additionally, Plaintiff has a 50% interest in the estate as an heir and is therefore entitled to ensure the protection and financial health of the estate, including the recovery of rent.

B. Defendants Are Unjustly Enriched by Their Failure to Pay Rent

Defendants, as non-heirs, have unjustly benefited from living rent-free on the estate property for over 48 months. Allowing Defendants to continue residing on the estate property without paying rent deprives the estate and its rightful heirs of income. S.C. Code Ann. § 62-3-709 clearly mandates that estate property must be preserved and managed to benefit the heirs and creditors of the estate. The unpaid rent directly violates this mandate and constitutes unjust enrichment, warranting immediate payment.

C. No Genuine Issue of Material Fact Exists

There is no dispute that Defendants have lived on estate property rent-free for over 48 months and that they are not heirs to the estate. The facts establishing their occupancy and failure to pay rent are undisputed, and Defendants have no legal right to live on the property without paying. As such, Plaintiff is entitled to summary judgment as a matter of law.

V. CONCLUSION

For the reasons stated above, Plaintiff respectfully requests that this Court grant summary judgment in her favor and order the Defendants to pay the full balance of unpaid rent owed to the estate, totaling \$17,760. Further, Plaintiff requests that this Court grant any additional relief it deems just and proper, including attorney's fees and costs associated with this motion.

III. PRAYER FOR RELIEF

For the reasons outlined above, Plaintiff Dorothy Pierce respectfully requests the following relief:

1. **Denial of Defendants' Motion to Dismiss:** The motion to dismiss is both frivolous and misleading and should be denied.
2. **Sanctions Against Defendants' Attorney Richard Hunt McDuff:** Mr. McDuff has knowingly and repeatedly misrepresented material facts before the court, in clear violation of South Carolina Rules of Professional Conduct, Rule 3.3. Plaintiff respectfully requests that this Court impose appropriate sanctions against Mr. McDuff for his unethical conduct, including but not limited to, a formal reprimand, monetary penalties, referral to the South Carolina Office of Disciplinary Counsel for further investigation, or any other relief the Court deems just and proper.

3. **Summary Judgment against Defendants:** That the Court enter judgment in favor of Plaintiff and against Defendants, Samantha Leigh and Cody Hiott, for the full amount of rent arrears owed to the estate, totaling **\$17,760** for 48 months of unpaid rent at a rate of **\$370 per month**.
4. **Ongoing Rent Payments:** That the Court order Defendants to continue paying rent for their occupancy of the estate property in the amount of **\$370 per month**, effective **October 2024**, for as long as they remain on the estate property.
5. **Ejectment:** That the Court order the immediate ejectment of Defendants from the estate property if they fail to comply with the rent payment requirements.
6. **Further Relief:** That the Court grant any further relief it deems just and proper in order to ensure the estate's financial stability and protect the rights of the heirs.

Respectfully submitted, this September 9, 2024

By


DOROTHY PIERCE

750 Mourning Dove Ln. Seneca, South Carolina 29678

(864) 324-3247

dorothypierce84@gmail.com

STATE OF SOUTH CAROLINA
OCONEE COUNTY

Dorothy Pierce, (Petitioner)

Vs.

Sammantha Leigh; Cody Hiott (Defendants)

IN THE 10TH CIRCUIT COURT

CASE NO.: 2024-37-00460

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Opposition to Defendants' Motion to Dismiss , Request for Sanctions and Request for Summary Judgment has been served upon counsel of record via AIS and Email. (rick@mjmlawsc.com)

Respectfully submitted, this September 9, 2024

By


DOROTHY PIERCE

750 Mourning Dove Ln. Seneca, South Carolina 29678

(864) 324-3247

dorothypierce84@gmail.com

EXHIBIT R

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	TENTH JUDICIAL CIRCUIT
COUNTY OF OCONEE	)	
	)	Case No.: 2024-CP-37-00460
Dorothy Pierce,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER ON THE DEFENDANTS'
	)	MOTION TO DISMISS
Samantha Leigh a/k/a Pierce, and Cody	)	
Hiott,	)	
	)	
Defendants.	)	
	)	

THIS MATTER came before the Court on September 12, 2024, on the Defendants' Motion to Dismiss pursuant to Rule 12(b)(6), SCRPC, and Motion to Declare the Plaintiff a Vexatious Litigant. At the time of the hearing, the Plaintiff appeared *pro se*. The Defendants were represented by Richard Hunt McDuff, Esquire. Having reviewed the record on appeal, the filings of the parties, and having heard the argument of the Plaintiff and counsel for the Defendants, the Court hereby finds as follows:

1. The Plaintiff seeks to allege causes of action against the Defendants related to their occupancy of a mobile home owned by the Estate of Doyle Elton Pierce.
2. The Plaintiff is not the Personal Representative of the Estate of Doyle Elton Pierce, having been removed as personal representative by the November 2, 2023, Order of the Oconee County Probate Court pursuant to South Carolina Code section 62-3-611.
3. The Plaintiff does not have the lawful authority or standing to maintain the claims alleged in the Complaint as such claims, if viable, may only be brought by the duly appointed

Personal Representative. As a result, the Plaintiff's claims fail to state a cause and action and the Motion to Dismiss is hereby **GRANTED**.

4. The issue of vexatious litigant will be handled in a separate order.

IT IS SO ORDERED!

Dated this ____ day of _____, 2024

R. LAWTON McINTOSH,
PRESIDING CIRCUIT COURT JUDGE



Oconee Common Pleas

Case Caption: Dorothy Pierce VS Samantha Leigh , defendant, et al

Case Number: 2024CP3700460

Type: Order/Dismissal

S/R. LAWTON McINTOSH

S/R.LAWTON McINTOSH

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM OCONEE COUNTY
In the Court of Common Pleas

R. Lawton McIntosh, Circuit Judge

Case No. 2023-CP-37-00794
Appellate Case No. 2024-000455

Dorothy Pierce,

Appellant,

v.

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

Respondents.

RETURN TO THE APPELLANT'S MOTION TO AMEND
NOTICE OF APPEAL

/s/ Richard Hunt McDuff

Richard Hunt McDuff, Esq.

SC Bar No. 76242

Merrell & McDuff

(MJM Law, LLC)

119-B Professional Park Drive

Seneca, South Carolina 29678

Tel: (864) 882-2466

*Attorney for Respondents Gregory Allan Pierce
and Jared Adam Pierce*

COMES NOW the Respondents, Jared Adam Pierce and Gregory Allen Pierce, by and through their undersigned counsel and pursuant to Rule 240, South Carolina Rules of Appellate Procedure, and hereby file their Return to the Appellant's Motion to Amend Notice of Appeal. In opposition thereto, the Respondent would show unto the Court following:

I. BACKGROUND AND PROCEDURAL HISTORY

Appellant, Dorothy Pierce, was appointed by the Oconee County Probate Court to serve as Personal Representative of the Estate of Doyle Elton Pierce ("the Decedent"). Her appointment was based upon the nomination contained in the purported Last Will and Testament of the Decedent dated July 7, 2020. On August 2, 2021, an evidentiary hearing was held before the Oconee County Probate Court on the issue of the validity of the Decedent's purported Last Will and Testament. By Order dated August 18, 2021, the Probate Court ruled that the purported Last Will and Testament of the Decedent was invalid as a forgery and removed the Appellant as the Personal Representative. The judgment of the Probate Court was affirmed by the Circuit Court on December 29, 2021. The Appellant has appealed the judgment to this Court where the matter remains pending (Case No. 2021-001552).

On October 11, 2023, a status conference was held before the Oconee County Probate Court Judge Danny Singleton to address the resignation of the Special Administrator, Adam Lee, Esquire. After the status conference concluded, the Respondents and the Appellant engaged in discussions about settling all probate matters. An agreement was reached between the Respondents and the Appellant

whereby all probate matters would be resolved, and the Appellant would dismiss her pending appeals. By agreement of all parties, the settlement agreement was placed on the record pursuant to Rule 43(k), SCRCP, with the understanding that the terms of the settlement agreement would be confirmed by an Order affirming the Private Family Agreement pursuant to *S.C. Code Ann.* § 62-3-912. The agreement was placed on the record and all parties acknowledged their assent to the terms and that it was a binding agreement pursuant to Rule 43(k), SCRCP.

On October 12, 2023, and in accordance with the terms of the settlement placed on the record on October 11, 2023, and pursuant to Rule 43(k), SCRCP, the Probate Court entered an Order Affirming Private Family Agreement which set forth all the terms of the settlement and division of estate assets. On October 12, 2023, by email to Judge Singleton, the Appellant began voicing objections to the October 12, 2023, Order Affirming Private Family Agreement. On October 13, 2023, the Appellant filed a Notice of Appeal of the Order Affirming Private Family Agreement with the Circuit Court. To address the Appellant's objections, Judge Singleton held a telephone conference with the parties on October 17, 2023. During the telephone conference, the Appellant stated that she was unable to meet the deadlines to which she had agreed in the agreement placed on the record on October 11, 2023. All parties agreed to the extension of certain deadlines sought by the Appellant and the Appellant agreed that she would dismiss her appeals. Pursuant to the revised agreement of the parties, the Probate Court entered and Amended Order Affirming Private Family Agreement containing the revised deadlines.

On October 19, 2023, pursuant to the provisions of the parties' settlement agreement, Judge Singleton reappointed the Appellant as the Personal Representative of the Estate of Doyle Elton Pierce. The Certificate of Appointment stated, "Restrictions: None at this time of Appointment except those required by law and the Personal Representative must abide by the Amended Order Affirming Private Family Agreement dated October 17, 2023."

On October 24, 2023, the Appellant filed an Amended Notice of Appeal with the Circuit Court as to the October 17, 2023, Amended Order Affirming Private Family Agreement. On that same day, the Appellant sent an email to Judge Singleton wherein she stated:

"[o]ur last conversation was the best I have ever had in a long time. I didn't want to think about going against the agreement. Above all, it was that moment in your office that I didn't want to betray. It still kills me to think that I'm going against it. It's your trust that matters to me. Not an order. Nothing else matters as long as you trust me. The parties left me no choice. . . . Hear me out first, as a father. Not as a judge."

(See email attached here to as **Exhibit "A."**)

On November 1, 2023, Judge Singleton conducted an emergency hearing to determine whether the Appellant should be removed as Personal Representative for violating the Amended Order Affirming Private Family Agreement. On November 1, 2023, Judge Singleton terminated the Appellant's appointment as Personal Representative for failing to abide by the Amended Order Affirming Private Family Agreement entered pursuant to the settlement agreement placed on the record on October 11, 2023, pursuant to Rule 43(k), SCRCP.

On November 2, 2023, Judge Singleton held the Appellant in contempt of court due to her conduct during the November 1, 2023, emergency hearing. (Order of Civil Contempt dated November 2, 2023.) On that same date, the Appellant filed her Second Amended Notice of Appeal to the Circuit Court wherein she challenged the Order of Civil Contempt. (Second Amended Notice of Appeal dated November 2, 2023.)

On March 14, 2024, Judge R. Lawton McIntosh heard the appeal of the October 17, 2023, Amended Order Affirming Private Family Agreement. On March 19, 2024, Judge McIntosh issued a Form 4 Order affirming the Probate Court's October 17, 2023, Amended Order Confirming Private Family Agreement, or, in the alternative finding that the Circuit Court was divested of appellate jurisdiction as a result of the Appellant's failure to comply with the strict requirements of *S.C. Code Ann.* § 62-1-308. The Circuit Court's Form 4 Order directed counsel for the Respondents to "file a formal order." The Appellant filed her Notice of Intent to Appeal the March 19, 2024, Order on that same day.

On April 2, 2024, the Judge McIntosh entered the formal Order affirming the Probate Court's October 17, 2023, Amended Order Affirming Private Family Agreement and further finding that the court was divested of appellate jurisdiction because the Appellant failed to abide by the procedural requirements set forth in *S.C. Code Ann.* § 62-1-308.

II. ARGUMENT

A. This Court Should First Determine Whether the Appeal Should Be Dismissed Because the Parties Entered into a Binding Settlement of all Issues.

The Appellant challenges the Circuit Court's ruling that she entered into a binding settlement agreement on October 11, 2023, in accordance with Rule 43(k), SCRPC, to settle all issues involving the Estate of Doyle Elton Pierce. Without record evidence or support, the Appellant argues that the agreement was not made in "open court" because Judge Singleton had not formally convened the Probate Court and that he was acting in the capacity of a mediator rather than judge.

Rule 43(k), SCRPC, provides that enforceable agreements may be made between the parties to litigation when made in open court and noted upon the record. Rule 43(k) is applicable to settlement agreements. Ashfort Corp. v. Palmetto Construction Group, Inc., 318 S.C. 492, 494, 458 S.E. 2d 533, 534 (1995). A settlement agreement read into the record in open court is enforceable under Rule 43(k) when the material terms of the agreement are present. Cheap-O's Truck Stop, Inc. v. Cloyd, 350 S.C. 596, 603-604, 567 S.E. 2d 514, (Ct. App. 2002).

The record in the present case clearly establishes that the Appellant entered into a binding settlement agreement on October 11, 2023, pursuant to Rule 43(k), SCRPC, when the Appellant and the Respondents read an agreement into the record before Judge Danny Singleton in his capacity as Oconee County Probate Judge. It is beyond cavil that all material terms related to the division of the estate property between the heirs, the responsibility for the payment of any estate obligations, and

the dismissal of all probate-related appeals was placed onto the record. The parties clearly and unequivocally agreed upon the division of real property, personal property, vehicles, firearms, farm implements, and the payment of estate creditors. It was plainly expressed on the record that the settlement was be placed onto the record pursuant to Rule 43(k), and the Appellant expressed her assent to the terms. During the October 11, 2023, proceeding, Judge Singleton directly asked the Appellant the following question and the Appellant gave the following response:

Judge Singleton: We've already established that your brother [sic], by video, was in agreement. Ms. Pierce, are you in agreement?

Appellant: Yes, I am.

(GoTranscript of October 11, 2023, pp. 1-15, attached hereto as **Exhibit "B."**)¹

As a result, the settlement agreement placed onto the record on October 11, 2023, is binding an enforceable, the litigation has ended, and the Appellant's issues on appeal are moot and the appeal should be dismissed. Cheap-O's Truck Stop, Inc. v. Cloyd, 350 S.C. at 603.

B. This Court Should First Determine Whether Appellate Jurisdiction Has Been Divested Due to the Appellant's Failure to Comply with the Procedural Requirements of S.C. Code Ann. § 62-1-308.

Appeals from an order of the Probate Court are governed by *S.C. Code Ann.* § 62-1-308(a). Pursuant to section 62-1-308(b), the Appellant was required to file a Statement of Issues on Appeal with the clerk of the circuit court within forty-five (45) days of receipt of the order from which an appeal is taken. In her Notice of Appeal to the Circuit Court, the Appellant stated that she received the order from which she

¹ The "GoTranscript" was provided by the Appellant to the Circuit Court as part of her appeal.

appealed on October 12, 2023. Consequently, she was required to file her Statement of Issues on Appeal by November 27, 2024, but failed to do so. Instead, she filed her Appeal Brief with the Circuit Court on November 29, 2023.

Section 62-1-308(d) required the Appellant, within thirty (30) days after service of her Statement of Issues on Appeal, to serve upon all other parties a Designation of Matter to be Included in the Record on Appeal. The Appellant did file a Designation on December 11, 2023, but did so without having first complied with the mandates of section 62-1-308(b). Likewise, the Appellant failed to make “satisfactory arrangements” for the furnishing of the transcript of the October 11, 2023, proceeding within ten (10) days of service of her Notice of Appeal as required by section 62-1-308(c). Instead, on February 2, 2024, the Appellant submitted a “GoTranscript” version of a transcript of proceedings from October 11, 2023, to the Circuit Court.

The mandatory language contained in section 62-1-308 is clear and unequivocal. Each provision in the statute states the appellant or the parties “must” or shall.” The Appellant’s failure to strictly comply with the procedural requirements set forth in *S.C. Code Ann.* §§ 62-1-308(b), (c), and (d) divested the Circuit Court of appellate jurisdiction. In re Estate of Cretzmeyer, 365 S.C. 12, 615 S.E. 2d 116 (2005) (appellant’s failure to comply with the procedural requirements for an appeal under *S.C. Code Ann.* § 62-1-308 divested the court of appellate jurisdiction). Consequently, the matters now before this Court have not been properly preserved for review and

the appeal should be dismissed. Ulmer v. Ulmer, 369 S.C. 486, 632 S.E. 2d 858, 861 (2006).

C. The Appellant Should Be Prohibited from Proceeding *Pro Se*.

In this appeal, the Appellant challenges, *inter alia*, the her termination of reappointment as Personal Representative of the Estate of Doyle Elton Pierce on November 1, 2023.² In Brown v. Coe, 365 S.C. 137, 616 S.E. 2d 705 (2005), the South Carolina Supreme Court squarely addressed the issue of whether the personal representative of an estate, who is not a lawyer, may represent the estate in an appeal before the circuit court or the appellate courts. In answering the question in the negative, the Court stated as follows:

In the case at hand, the filing of a notice of appeal on behalf of the estate and preparation of brief that will be required to further perfect this appeal clearly constitutes the practice of law as defined by this Court. Section 40-5-310 prohibits appellant who, while the administratrix of the estate, is not a lawyer, from taking such actions on behalf of the estate because the estate is a separate legal entity with interests other than [the administratrix's] alone. Moreover, the further reasoning employed by this Court in previous opinions, that such a prohibition is necessary to protect the public from representation by those unlearned in the law, also applies to the situation at hand.

In light of our duty to ensure that parties are represented by people knowledgeable and trained in the law, we cannot say that the unauthorized practice of law simply results in an amendable defect. **Where a party not licensed to practice law in this state attempts to represent the interests of others by submitting himself or herself to jurisdiction of a court, those actions such as the filing of pleadings, are rendered a nullity.** (Emphasis supplied).

Id. at 616 S.E. 2d 708-709.

² The Appellant was reappointed as Personal Representative pursuant to the October 17, 2023, Amended Order Affirming Private Family Agreement.

The Appellant is not only attempting to represent her own personal interest, but she is also appealing matters that affect the interests of the Respondents. The Appellant's conduct violates the clear mandate of the South Carolina Supreme Court and Section 40-5-310. As a result, the Appellant should be prohibited from proceeding further with this appeal until she retains an attorney licensed to practice in the State of South Carolina.

III. CONCLUSION

For the reasons set forth above, the Respondents respectfully request that this Court dismiss the instant appeal because (a) the parties entered into a binding settlement agreement on October 11, 2023, and (b) the Appellant failed to preserve the issues now raised for appellate review. Alternatively, the Respondents request that this Court enter an order requiring the Appellant to retain licensed legal counsel for the purposes of her appeal.

Respectfully submitted this 13th day of August 2024.

/s/ Richard Hunt McDuff
Richard Hunt McDuff, Esq.
S.C. Bar No. 76242
Merrell & McDuff
(MJM Law, LLC)
119-B Professional Park Drive
Seneca, South Carolina 29678
Tel: (864) 882-2466

Attorney for the Respondents

PROOF OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Respondent's Return to Motion to Amend Notice of Appeal has been sent this 13th day of August 2024 via Regular U.S. Mail, Postage Prepaid, and electronic mail, to: **DOROTHY PIERCE, APPELLANT *PRO SE***, 750 Mourning Dove Lane, Seneca South Carolina 29678, and **DONNA CAROL MOORE, RESPONDENT *PRO SE***, 149 Flat Rock Church Road, Liberty, South Carolina 29657.



Richard Hunt McDuff, Esq.
S.C. Bar No. 76242
Merrell, Jahn & McDuff
(MJM Law, LLC)
119-B Professional Park Drive
Seneca, South Carolina 29678
Tel: (864) 882-2466

Oct 02 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.

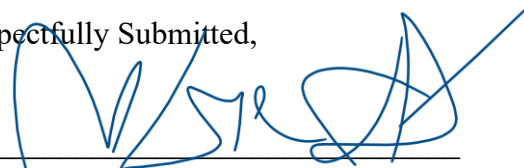
Donna Carol Moore, Gregory Allan Pierce, Jared Adam Pierce, Respondents

PROOF OF SERVICE

I hereby certify that, of October 2, 2024, a copy of the foregoing Motion To Enforce Stay Under Rule 241 Of November 2, 2023, Order Removing Appellant As Personal Representative 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.