

IN THE STATE OF SOUTH CAROLINA
In the Supreme Court

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APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

S.C. SUPREME COURT

The Honorable Mikell R. Scarborough, Master in Equity Charleston County

Case No. 2017-CP-10-5427
Sup. Ct. Case No. 2024-001669

Family Services, Inc., as Conservator for Muriel W. Clarkin.....Respondent,

v.

Patricia Clarkin Smith and Wells Fargo Bank, NA., Defendants,
Of whom Patricia Clarkin Smith is the Appellant.

NOTICE OF MOTION AND MOTION
FOR AN EXTENSION OF TIME TO
FILE THE RETURN TO PETITION OF RESPONDENT
AND/OR MOTION FOR STAY

Counsel for respondent, Family Services, Inc., as Conservator for Muriel W. Clarkin, respectfully moves before this Court for an order granting Counsel and/or Respondent a stay or extension of time in which to file Respondent’s Return to Petition Brief, until such time that a Special Administrator for the Estate of Muriel W. Clarkin is appointed and directs the undersigned counsel how to proceed on behalf of the Estate. The grounds for the motion are as follows:

1) Respondent Family Services, Inc., as Conservator for Muriel W. Clarkin (“Respondent”), was appointed as Mrs. Clarkin’s conservator roughly a decade ago as result of financial issues regarding Mrs. Clarkin’s financial affairs and Mrs. Clarkin’s children and/or heirs, as well as ongoing family strife between the individual children and/or heirs. Theses issues resulted in multiple lawsuits’ naming Mrs. Clarkin’s children and/or heirs as named defendants, including but not limited to this suit, as well as another matter in which this Court denied the petition for writ of Certiorari of another child and/or by Order dated October 2, 2024, in Appellate Case Number 2023-001904, returning the matter to circuit court to proceed forward with trial.

- 2) On September 24, 2024, Mrs. Clarkin passed away at the age of 92, leaving behind four living children and multiple grandchildren (See Exhibit A attached hereto and incorporated herein by reference).
- 3) Given the family strife and pending lawsuits, naming multiple children and/or heirs as named defendants, Respondent on September 30, 2024, filed petition in the Charleston County Probate Court requesting court appointment of a special administrator to administer the Estate of Mrs. Clarkin. At present a Special Administrator has not been appointed nor has a hearing been set on the matter. (See Exhibit A attached hereto and incorporated herein by reference).
- 4) Upon information and belief the pending lawsuits and/or the damages sought or judgments awarded, would be deemed significant assets of the Estate of Mrs. Clarkin, which a special administrator would want to address. However, undersigned counsel is currently without the authority to proceed forward in this matter until such time as a special administrator of the Estate is appointed and directs counsel on how to proceed in this matter.
- 5) Respondent and/or its undersigned Counsel respectfully requests a stay or extension of time in which to file Respondent's Return to Petition, until such time that a Special Administrator for the Estate of Muriel W. Clarkin is appointed and directs the undersigned counsel how to proceed on behalf of the Estate. Undersigned counsel avers before this Court as an officer of the court that he will notify this Court of upon appointment of the special administrator and counsel receiving future direction from the special administrator of the Estate on how to proceed forward with this matter.

November 4, 2024.

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