

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF OCONEE )  
  
Dorothy Pierce, )  
 )  
Appellant, )  
 )  
vs. )  
 )  
Donna Carol Moore, Gregory Allan Pierce, )  
and Jared Adam Pierce, )  
 )  
Respondents. )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
TENTH JUDICIAL CIRCUIT

Case No.: 2023-CP-37-00794

**ORDER ON APPEAL FROM  
THE OCONEE COUNTY  
PROBATE COURT**

THIS MATTER came before the Court on March 14, 2024, on the Appellant’s appeal of Orders of the Oconee County Probate Court. At the time of the hearing, the Appellant appeared *pro se*. The Respondents were represented by Richard Hunt McDuff, Esquire. Having reviewed the record on appeal, the flings of the parties, and having heard the argument of the Appellant and counsel for the Respondents, the Court hereby finds as follows:

1. The Appellant first challenges Orders of the Probate Court affirming a binding settlement agreement between the parties entered pursuant to *S.C. Code Ann. § 62-3-912*. The Appellant argues there was no binding settlement agreement reached between the parties with regard to the Estate of Doyle Elton Pierce. This Court finds that the record of proceedings in the Probate Court on October 11, 2023, clearly and plainly establishes that the parties entered into a binding settlement agreement that was placed on the record in accordance with Rule 43(k), SCRCP. This Court also finds that the Appellant admitted that a settlement agreement was reached in an email to the Probate Court dated October

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24, 2023, which is a part of the record on appeal. As a result, this Court hereby **affirms** the October 12, 2023, Order Affirming Private Family Agreement and the October 17, 2023, Amended Order Affirming Private Family Agreement.

2. The Appellant also appeals a November 1, 2023, Order of the Probate Court terminating her as appointment as Personal Representative of the Estate of Doyle Elton Pierce. The Probate Court is possessed with the inherent and statutory authority to remove a personal representative. The Appellant has not and cannot establish that this was an abuse of discretion, and this Court hereby **affirms** the Termination of Appointment.
3. The Appellant also appeals the November 2, 2023, Order of the Probate Court holding her in contempt. The Appellant admitted at the time of the hearing that she had paid the contempt fine, thereby rendering her appeal on this issue moot and non-appealable.
4. Alternatively, this Court finds that the Appellant has failed to comply with the strict procedural requirements for appeals from the Probate Court set forth in *S.C. Code Ann.* § 62-1-308. The Appellant failed to comply with the strict provisions of sections 308(b), 308(c), and 308(d). As a result, this Court is divested of jurisdiction to hear this appeal pursuant to the holding of the South Carolina Supreme Court *In re Estate of Cretzmeyer*, 365 S.C. 12, 615 S.E. 2d 116 (2005).
5. This matter is hereby remanded to the Probate Court for further proceedings consistent with this 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 Jared Adam Pierce , defendant, et al  
**Case Number:** 2023CP3700794  
**Type:** Order/Other

S/R. LAWTON McINTOSH

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