



The South Carolina Court of Appeals

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December 11, 2024

The Honorable Julie J. Armstrong
100 Broad St Ste 106
Charleston SC 29401-2210

REMITTITUR

Re: In the Matter of: The Estate of Roy E. Mevers, Jr.
Lower Court Case No. 2020CP1004036, 2017ES1001946
Appellate Case No. 2021-001152

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

A handwritten signature in blue ink that reads "Catherine Harrison, deputy".

CLERK

Enclosure

cc: Minnie Lee Newman Mevers
Daniel Francis Blanchard, III, Esquire
Alan McCrory Wilson, Esquire

W. Jeffrey Young, Esquire
Robert D. Cook, Esquire
Kristin M. Simons, Esquire
Mary Frances G. Jowers, Esquire
Stephen Lynwood Brown, Esquire
Clyde H. Jones, Jr., Esquire
John James Duggan, Esquire
Rebecca McCormack Hartner, Esquire
C. Michael Branham, Esquire

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

In the Matter of: The Estate of Roy E. Mevers, Jr.

South Carolina Attorney General, Respondent,

v.

Minnie Lee Newman Mevers, Appellant,

v.

J. James Duggan, Respondent.

Appellate Case No. 2021-001152

Appeal From Charleston County
Jennifer B. McCoy, Circuit Court Judge,
Tamara C. Curry, Probate Court Judge,
Irvin G. Condon, Probate Court Judge

Unpublished Opinion No. 2024-UP-119
Submitted February 26, 2024 – Filed April 17, 2024

VACATED

Daniel Francis Blanchard, III, of Rosen Hagood LLC, of
Charleston, for Appellant.

John James Duggan, of Duggan Wynn Law Firm, LLC,
of Charleston, for Respondent J. James Duggan.

Attorney General Alan McCrory Wilson, Chief Deputy
Attorney General W. Jeffrey Young, Solicitor General
Robert D. Cook, Senior Assistant Deputy Attorney
General Clyde H. Jones, Assistant Deputy Attorney
General Mary Frances G. Jowers, Assistant Attorney
General Kristin M. Simons, and Assistant Attorney
General Rebecca M. Hartner, all of Columbia; and
Stephen Lynwood Brown and C. Michael Branham, both
of Clement Rivers, LLP, of Charleston; all for
Respondent South Carolina Attorney General.

PER CURIAM: Minnie Lee Newman Mevers (Widow) appeals the circuit court's affirmance of the probate court's orders (1) granting the South Carolina Attorney General's (the AG's) motions for a temporary restraining order (TRO) and temporary injunction restraining Widow from disposing of assets passing through the residuary clause of the will of Widow's husband Roy E. Mevers (Mevers); (2) appointing James Duggan as Special Administrator of Mevers's estate; (3) denying Widow's motion to alter, amend or vacate the temporary injunction order; and (3) granting Widow's motion to remove the action to circuit court. We vacate the circuit court's order.

Pursuant to the general appealability statute, section 14-3-330 of the South Carolina Code (2017), interlocutory appeals of orders involving injunctions are immediately appealable. *See* § 14-3-330 (4) (providing the supreme court has appellate jurisdiction of "[a]n interlocutory order or decree in a court of common pleas granting, continuing, modifying, or refusing an injunction or granting, continuing, modifying, or refusing the appointment of a receiver"). The South Carolina Probate Code, however, governs appeals from the probate court. *Swiger by & through DeHaven v. Smith*, 426 S.C. 408, 415, 827 S.E.2d 200, 204 (Ct. App. 2019); *see Dorn v. Cohen*, 421 S.C. 517, 520, 809 S.E.2d 53, 54 (2017) (holding this court "erred in applying section 14-3-330 in determining whether the probate court order was immediately appealable"). The Probate Code's appeals provision provides, "A person interested in a final order, sentence, or decree of a probate court may appeal to the circuit court in the same county . . ." S.C. Code Ann. § 62-1-308(a) (2022). Thus, only final orders from the probate court are appealable pursuant to section 62-1-308. *Dorn*, 421 S.C. at 520, 809 S.E.2d at 54.

"Any judgment or decree, leaving some further act to be done by the court before the rights of the parties are determined, is interlocutory and not final." *Ex parte Wilson*, 367 S.C. 7, 12, 625 S.E.2d 205, 208 (2005).

The probate court's orders granting the TRO, granting the temporary injunction, and appointing the special administrator are not final orders. The circuit court did not have appellate jurisdiction to consider Widow's appeal of these orders. Accordingly, we vacate the circuit court's order affirming the probate court's rulings. Because this issue is dispositive, we do not address Widow's arguments. *See Futch v. McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999) (holding an appellate court need not address remaining issues on appeal when its determination of a prior issue is dispositive).

VACATED.¹

THOMAS, MCDONALD, and VERDIN, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.

The South Carolina Court of Appeals

In the Matter of: The Estate of Roy E. Mevers, Jr.

South Carolina Attorney General, Respondent,

v.

Minnie Lee Newman Mevers, Appellant,

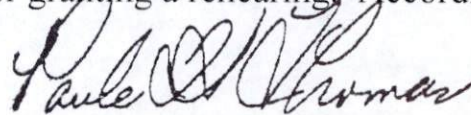
v.

J. James Duggan, Respondent.

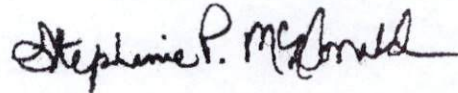
Appellate Case No. 2021-001152

ORDER

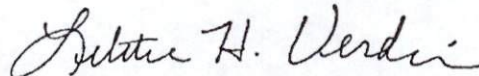
After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.


Paul D. Thomas

J.


Stephanie P. McDonald

J.


Robert H. Verdin

J.

Columbia, South Carolina

FILED
Jun 27 2024

cc:

Daniel Francis Blanchard, III, Esquire

Alan McCrory Wilson, Esquire

W. Jeffrey Young, Esquire

Robert D. Cook, Esquire

Kristin M. Simons, Esquire

Mary Frances G. Jowers, Esquire

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John James Duggan, Esquire

Rebecca McCormack Hartner, Esquire

C. Michael Branham, Esquire

The Honorable Jennifer B. McCoy

The Honorable Irvin G. Condon

The Honorable Tamara C. Curry

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Dec 10 2024

SC Court of Appeals

The Supreme Court of South Carolina

In the Matter of: The Estate of Roy E. Mevers, Jr.

South Carolina Attorney General, Respondent,

v.

Minnie Lee Newman Mevers, Petitioner,

v.

J. James Duggan, Respondent.

Appellate Case No. 2024-001205

ORDER

Based on the vote of the Court, the petition for a writ of certiorari is denied.

FOR THE COURT

BY Patricia A. Howard
CLERK

Verdin, J., not participating

Columbia, South Carolina
December 10, 2024

cc:

John James Duggan
Daniel Francis Blanchard, III
Alan McCrory Wilson
W. Jeffrey Young
Robert D. Cook
Kristin M. Simons
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The Honorable Jenny Abbott Kitchings