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SC Court of Appeals

**From:** [Robert Hutton](#)  
**To:** [Court Of Appeals Filings](#)  
**Cc:** [Marion Hutton](#)  
**Subject:** Case No. 2024-000664  
**Date:** Friday, December 20, 2024 5:31:41 PM  
**Attachments:** [Mirlene Witherspoon Appeal Case Files.zip](#)

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**\*\*\* EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

To: Jenny Abbott Kitchings, Clerk of Court  
Subject: Request for Clarification

Dear Ms. Kitchings,

This message is to request clarification concerning a letter and set of documents addressed to me and my wife (Robert and Marion Hutton), which we received from Mr. Patrick M. Killen, Attorney at Law, dated December 3, 2024. The enclosed documents are identified as the Initial Brief of Appellant for Case No. 2022-CP-14-00074 heard in the Clarendon County Court of Common Pleas where the parties reached a settlement agreement for the subject property.

Mirlene Witherspoon is the Mother of Marion Hutton. Marion Hutton has been Power of Attorney (Durable) of Mirlene Witherspoon since November 30, 2017 and I, Robert Hutton, was the alternate. Marion Hutton and I have been working on Mirlene Witherspoon's behalf with Mr. Killen to reach the property settlement in Case No. 2022-CP-14-00074. An earlier Case No. 2008-CP-14-172 determined that Mirlene Witherspoon was one of three heirs of the subject property.

The subject of the appeal sent by Gwendolyn Jones Dennis in Case No. 2022-CP-14-00074 is Mirlene Witherspoon who died on November 18, 2024. As a result, the Durable Power of Attorney (POA) is no longer in effect. Marion Hutton is in the process of gathering documentation required to apply for appointment as Mirlene Witherspoon's Personal Representative, but she doesn't know how long that will take to complete.

We are confused as to how and in what time frame the Appeals Court requires a response to the document we received from Gwendolyn Jones Dennis, in light of the fact that Mirlene Witherspoon is deceased and the POA is no longer in effect. A Personal Representative for Mirlene Witherspoon has not been appointed either.

We understand that you cannot give legal advice but at this point we are in limbo and unable to do anything. At the very least, we want the Appeals Court to know where things stand. Please let us know if there are formal ways to inform the court and if there are state approved resources available that may be able to help us navigate this process. Thanks in advance for whatever information you can provide.

Respectfully,

Marion Hutton

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Robert Hutton

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Files attached