

**STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

APPEAL FROM OCONEE COUNTY CIRCUIT COURT

Order of Honorable Judge R. Lawton McIntosh

Appellate Case No. 2024-001641

Dorothy Pierce-----Appellant,

v.

Samantha Leigh a/k/a Pierce, and Cody Hiott-----Respondents.

MOTION FOR STAY

COMES NOW, the Appellant, Dorothy Pierce, and respectfully moves this Honorable Court to issue an order staying any further proceedings in the Circuit Court, including the hearing scheduled for January 30, 2025, on Respondents’ Motion for Sanctions, pursuant to South Carolina Appellate Rule 241. Under Rule 241, the filing of a notice of appeal automatically stays matters decided in the order under appeal, divesting the Circuit Court of jurisdiction to proceed on related issues while the appeal is pending.

GROUND FOR THE MOTION

1. Following the dismissal of Appellant’s lawsuit by the Circuit Court on September 23, 2024, due to an alleged lack of standing, Respondents filed a Motion for Sanctions against Appellant.
2. On October 25, 2024, the South Carolina Court of Appeals unequivocally ruled in case **2024-000455** that Appellant has standing to act as the Personal Representative (PR) of the estate of Doyle Elton Pierce. This ruling directly resolves the issue of standing that formed the basis of the Circuit Court’s dismissal and Respondents’ Motion for Sanctions.
3. This matter remains pending on appeal, and the issue of standing is central to the appeal. The Circuit Court does not retain jurisdiction to adjudicate Respondents’ Motion for Sanctions,

particularly when the sanctions motion is based on an issue—Appellant’s standing—that has already been resolved by the Court of Appeals.

4. The Circuit Court clerk was notified that this matter is currently on appeal, and a copy of the Notice of Appeal was delivered to the clerk's office. Despite this, the case has been scheduled for a hearing. **[See the attached Circuit Court stamped copy of Notice of Appeal]**
5. On September 26, 2024, the Circuit Court clerk removed the motion for sanctions from the docket, which had previously been scheduled for a hearing on November 14, 2024, following the filing of the Notice of Appeal in case 2024CP3700460. In a written correspondence, the clerk explicitly stated that the motion would be removed pending the resolution of the appeal. **[See the attached email]**
6. However, on December 13, 2024, the same clerk reinstated the motion on the docket, despite the fact that the appeal remains unresolved. This reinstatement occurred after jurisdiction over the matter had shifted to the appellate court due to the pending appeal. Such actions directly conflict with South Carolina’s appellate procedure and disregard the authority vested in the appellate court once a notice of appeal is filed. **[See the attached Email]**
7. On December 30, 2024, Appellant submitted a written request to the Circuit Court judge, seeking clarification on the court's jurisdiction and requesting that the case be removed from the docket due to the lack of jurisdiction. However, the Circuit Court did not respond to the request or take any action to remove the case from the docket. **[See the attached Email]**
8. Proceeding with the motion for sanctions in the Circuit Court would not only violate established appellate jurisdiction but would also create unnecessary confusion and additional appeals. This would result in wasted judicial resources and cause significant prejudice to Appellant, as the appellate court has already ruled in her favor on the standing issue.

RELIEF REQUESTED

For the reasons set forth above, Appellant respectfully requests that this Honorable Court:

1. Issue an order staying the Circuit Court’s proceedings, including the hearing on Respondents’ Motion for Sanctions scheduled for January 30, 2025, until a remittitur is issued by the Court of Appeals returning jurisdiction to the Circuit Court;

2. Issue a directive cautioning the Circuit Court against scheduling or hearing matters that fall within the exclusive jurisdiction of the appellate court during the pendency of this appeal; and
3. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted this January 3, 2025

s/Dorothy Pierce

DOROTHY PIERCE

750 Mourning Dove Lane, Seneca, South Carolina 29678

(864) 324-3247

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Sep 24 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM OCONEE COUNTY CIRCUIT COURT

Order of Honorable Judge R. Lawton McIntosh

Case No.: 2024-CP-37-00460

Dorothy Pierce-----Appellant,

v.

Samantha Leigh a/k/a Pierce, and Cody Hiott-----Respondents.

FILED OCONEE COUNTY, SC
MELISSA C. BURTON
CLERK OF COURT
2024 SEP 26 A 10:48

NOTICE OF APPEAL

PLEASE TAKE NOTICE that Dorothy Pierce, the Appellant in the above-captioned action, hereby appeals to the South Carolina Court of Appeals from the amended order entered by Judge R. Lawton McIntosh on September 23, 2024, which granted the Defendants' Motion to Dismiss the Appellant's Complaint pursuant to Rule 12(b)(6), SCRCP.

The original order, signed on September 18, 2024, was subsequently amended following the discovery of inaccuracies, misrepresentations, and violations of Rule 5(b)(3) of the South Carolina Rules of Civil Procedure. The amended order is now reflected in the court system as the operative and final decision in this matter, and it is from this amended order that the Appellant appeals.

GROUND FOR APPEAL

1. The Court erred in determining that the Plaintiff lacks the lawful authority or standing to pursue the claims stated in the Complaint. As the surviving spouse and heir to the Estate of Doyle Elton Pierce, the Plaintiff holds a vested interest in the Estate and maintains the right to bring claims concerning the occupancy of the mobile home owned by the Estate.
2. The Plaintiff retains the authority to collect rent, as she remains the Personal Representative of the Estate pending the outcome of her appeal. The Plaintiff currently

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has active appeals regarding her removal as Personal Representative under appellate case numbers: Case No. 2021-001552 and Case No. 2024-000455. According to South Carolina Rule 241, as established in *Santee Cooper Resort, Inc. v. S.C. Pub. Serv. Comm'n*, 298 S.C. 179, 184, 379 S.E.2d 119, 122 (1989), and *Graham v. Graham*, 301 S.C. 128, 130, 390 S.E.2d 469, 470 (Ct. App. 1990), the probate court order removing the Plaintiff is stayed during the pendency of the appeal. As such, she retains standing to bring suit against non-heir tenants occupying estate property.

3. The non-heir tenants have resided in the trailer for over 48 months without paying rent, resulting in a total of over \$17,600 in rent arrears. Additionally, the Estate is currently delinquent on taxes amounting to approximately \$3,600. These financial obligations necessitate the Plaintiff's continued action on behalf of the Estate to recover the owed rent and address the tax delinquency.
4. The dismissal of the Plaintiff's claims based on her removal as Personal Representative was improper, as the automatic stay of that order preserves her authority to act on behalf of the Estate throughout the appeals process.

Respectfully submitted, this September 24, 2024

By 

DOROTHY PIERCE

750 Mourning Dove Ln. Seneca, South Carolina 29678

(864) 324-3247

dorothypierce84@gmail.com

STATE OF SOUTH CAROLINA)
)
COUNTY OF OCONEE)

Dorothy Pierce,)
)
Plaintiff,)
)
vs.)
)
Samantha Leigh a/k/a Pierce, and Cody)
Hiott,)
)
Defendants.)
_____)

IN THE COURT OF COMMON PLEAS
TENTH JUDICIAL CIRCUIT

Case No.: 2024-CP-37-00460

**ORDER ON THE DEFENDANTS'
MOTION TO DISMISS**

THIS MATTER came before the Court on September 12, 2024, on the Defendants' Motion to Dismiss pursuant to Rule 12(b)(6), SCRCP, 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

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Sep 24 2024

SC Court of Appeals

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

Electronically signed on 2024-09-23 13:00:00 page 3 of 3

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Sep 24 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA

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2024 SEP 26 A 10:48

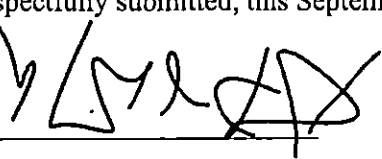
FILED OCONEE COUNTY, SC
MELISSA G. BURTON
CLERK OF COURT

CERTIFICATE OF SERVICE

I hereby certify that on this September 24, 2024, a true and correct copy of the foregoing Notice of Appeal was mailed to Respondents' Counsel of Record to:

Richard Hunt McDuff, Esq.
Merrell & McDuff (MJM Law, LLC)
119B Professional Park Drive
Seneca, South Carolina 29678

Respectfully submitted, this September 24, 2024

By 

DOROTHY PIERCE

750 Mourning Dove Ln. Seneca, South Carolina 29678

(864) 324-3247

dorothypierce84@gmail.com

ENTERED

COMPUTER

Filing of Notice of Appeal 2024CP3700460// Dorothy Pierce vs. Samantha Leigh, et al.

1 message

Amanda Watkins <awatkins@oconeesc.com>

Thu, Sep 26, 2024 at 11:12 AM

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

Cc: Zana Hicks <zana@mjmlawsc.com>, "McIntosh, Lawton Law Clerk (Kjursten Collier)" <Imcintoshlc@sccourts.org>, "McIntosh, Lawton Secretary (Tammy Jennings)" <Imcintoshsc@sccourts.org>

Good morning all,

The Notice of Appeal (attached) was received by the Oconee Clerk's Office this morning for case 2024CP3700460. Defendants pending motion for sanctions, that was added to the November motion roster, will be removed pending the appeal.

All parties have been copied with this email, along with Judge McIntosh's Office.

Respectfully,

Amanda Watkins

Chief Deputy Clerk of Common Pleas

Oconee County Clerk of Court

205 W Main St.

PO Box 678

Walhalla, SC 29691

(864)916-7303 fax (864)638-4282

awatkins@oconeesc.com

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**2024CP3700460 Notice of Appeal.pdf**

112K

Motion "MSANCT-Motion/Sanctions" for Case "2024CP3700460-Dorothy Pierce VS Samantha Leigh , defendant, et al" was added to a Motions Roster for 1/30/2025 at 2:00 PM

6 messages

Courtmail37_DoNotReply@sccourts.org <Courtmail37_DoNotReply@sccourts.org>

Fri, Dec 13, 2024 at 4:24 PM

To: dorothypierce84@gmail.com

Cc: awatkins@oconeesc.com

COMMON PLEAS NONJURY MOTION ROSTER//JANUARY 30, 2025 AT 2PM //HONORABLE JUDGE R LAWTON MCINTOSH, PRESIDING//The case referenced in this email has been scheduled for an in person hearing. Attorneys and Pro Se Litigants will need to appear at the scheduled time.

If your motion has been resolved, settled, needs to be withdrawn, or you have any questions, please contact Amanda Watkins by email at the following address: awatkins@oconeesc.com.

~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

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**Dorothy Pierce** <dorothypierce84@gmail.com>

Fri, Dec 13, 2024 at 4:42 PM

To: Courtmail37\_DoNotReply@sccourts.org

Cc: Amanda Watkins &lt;awatkins@oconeesc.com&gt;

Amanda,

This motion was removed from the docket because the case is in appeal. I'm wondering why it's back again when this appeal has been perfected.

Thanks,

Dorothy Pierce

[Quoted text hidden]

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**postmaster@sccourts.org** <postmaster@sccourts.org>

Fri, Dec 13, 2024 at 4:36 PM

To: dorothypierce84@gmail.com

**Delivery has failed to these recipients or groups:**[Courtmail37\\_DoNotReply@sccourts.org](mailto:Courtmail37_DoNotReply@sccourts.org)

The recipient's mailbox is full and can't accept messages now. Please try resending your message later, or contact the recipient directly.

The following organization rejected your message: [SVP121APP.internal.sccourts.org](mailto:SVP121APP.internal.sccourts.org).

**Diagnostic information for administrators:**Generating server: [SVP121APP.internal.sccourts.org](mailto:SVP121APP.internal.sccourts.org)

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## Clarification on Jurisdiction and Standing in Case 2024-CP-3700460

3 messages

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Dorothy Pierce <dorothypierce84@gmail.com>

Mon, Dec 30, 2024 at 4:47 PM

To: "McIntosh, Lawton Secretary (Tammy Jennings)" <lmcintoshsc@sccourts.org>, "McIntosh, Lawton Law Clerk (Grace Kerley)" <lmcintoshlc@sccourts.org>, Amanda Watkins <awatkins@oconeesc.com>, Rick McDuff <rick@mjmlawsc.com>

Dear Judge McIntosh,

I am writing regarding case **2024-CP-3700460**, which is currently on appeal concerning the dismissal of a lawsuit filed against Samantha Leigh and Cody Hiott, both non-heirs of the estate of Doyle Elton Pierce.

Acting as the personal representative of the estate of Doyle Elton Pierce, I filed this lawsuit to recover rent arrears from the non-heirs in the amount of \$17,760. The case was dismissed by the circuit court on the argument that I had been removed as the personal representative by the probate court and thus lacked standing to pursue the claim.

I appealed the circuit court's decision to the South Carolina Court of Appeals. This appeal has been perfected and is pending the filing of briefs. **[A copy of the Notice of Appeal is herein attached.]**

While the South Carolina Court of Appeals has not yet ruled specifically on the case involving Samantha Leigh and Cody Hiott, it has clarified my standing as the personal representative in a related case, **2023-CP-3700794**, which also involves the estate of Doyle Elton Pierce and my standing as personal representative.

On **October 25, 2024**, the South Carolina Court of Appeals issued a ruling in case **2023-CP-3700794**, which resolved the matter of my standing as the personal representative. The Court of Appeals unequivocally confirmed that I remain the personal representative of the estate and, as such, have standing to pursue claims to preserve the estate, including the recovery of rent arrears. A portion of the order is remanded to the circuit court to determine my powers beyond preserving the estate. **[A copy of the October 25, 2024 order is herein attached.]**

The appellate court's order in **2023-CP-3700794** has a direct bearing on that case and, since it affirms my standing as personal representative to preserve the estate, the ruling also has a direct bearing on case **2024-CP-3700460**.

Given the clarification provided by the Court of Appeals in the related case, I respectfully seek guidance on the following:

1. Whether the circuit court retains jurisdiction to hear the motion for sanctions, scheduled for **January 30, 2024**, which argues that I filed the lawsuit without standing, particularly considering that this matter is currently on appeal, thereby removing it from the circuit court's jurisdiction to hear or rule on any related issues.
2. Whether it would be appropriate for me to file a motion to vacate the order of dismissal in **2024-CP-3700460**, given that the South Carolina Court of Appeals has already clarified that I have standing as the personal representative to preserve the estate, which includes pursuing the collection of rent arrears, thereby supporting my authority to ensure the estate's preservation.

I appreciate your time and attention to this matter and look forward to your guidance.

Sincerely,

--  
DOROTHY PIERCE  
Justice is not a Privilege but a Fundamental Human Right.  
"TRUTH is TREASON in an EMPIRE of LIES"

750 Mourning Dove Lane, Seneca, SC.29678  
Tel: 864-324-3247

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### 2 attachments

 **Pierce v. Leigh - Updated NOA.pdf**  
168K

 **Pierce v. Pierce - Order October 25 2024.pdf**  
123K

Dorothy Pierce <dorothypierce84@gmail.com>

Mon, Dec 30, 2024 at 5:01 PM

To: "McIntosh, Lawton Secretary (Tammy Jennings)" <lmcintoshsc@sccourts.org>, "McIntosh, Lawton Law Clerk (Grace Kerley)" <lmcintoshlc@sccourts.org>, Amanda Watkins <awatkins@oconeesc.com>, Rick McDuff <rick@mjmlawsc.com>

Judge McIntosh,

I would like to clarify an error in my previous email regarding the date in the court docket for the motion for sanctions. The correct date scheduled for hearing the motion for sanctions is **January 30, 2025**, not January 30, 2024, as previously stated.

As mentioned, I respectfully seek guidance on whether the circuit court retains jurisdiction to hear the motion for sanctions, scheduled for **January 30, 2025**, which argues that I filed the lawsuit without standing. This is particularly important considering that this matter is currently on appeal, thereby removing it from the circuit court's jurisdiction to hear or rule on any related issues.

Additionally, I seek guidance on whether it would be appropriate for me to file a motion to vacate the order of dismissal in **2024-CP-3700460**, given that the South Carolina Court of Appeals has already clarified that I have standing as the personal representative to preserve the estate. This includes pursuing the collection of rent arrears, which directly supports my authority to ensure the estate's preservation.

Thank you for your understanding, and I apologize for any confusion caused by the earlier misstatement.

Sincerely,

Dorothy Pierce

[Quoted text hidden]

---

Dorothy Pierce <dorothypierce84@gmail.com>  
To: Jasonboyle03 me <jasonboyle03@gmail.com>

Fri, Jan 3, 2025 at 12:03 PM

[Quoted text hidden]

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## 2 attachments



**Pierce v. Leigh - Updated NOA.pdf**

168K



**Pierce v. Pierce - Order October 25 2024.pdf**

123K

**RECEIVED**

**Jan 03 2025**

**SC Court of Appeals**

**STATE OF SOUTH CAROLINA**

**IN THE COURT OF APPEALS**

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Order of Honorable Judge R. Lawton McIntosh

Appellate Case No. 2024-001641

Dorothy Pierce-----Appellant,

v.

Samantha Leigh a/k/a Pierce, and Cody Hiott-----Respondents.

**CERTIFICATE OF SERVICE**

I hereby certify that on January 3, 2025, a true and correct copy of the foregoing Motion for Stay was served upon Respondents' Counsel of Record.

Richard Hunt McDuff, Esq.

Merrell & McDuff (MJM Law, LLC)

119B Professional Park Drive

Seneca, South Carolina 29678

rick@mjmlawsc.com

s/Dorothy Pierce

**DOROTHY PIERCE**

750 Mourning Dove Ln. Seneca, South Carolina 29678

(864) 324-3247

dorothypierce84@gmail.com