

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
 IN THE MATTER OF:)
 VERONIQUE W. PICKETT)
)
 LAURA V. JONES, AS TRUSTEE OF THE)
 LAURA V. JONES TRUST AS)
 ESTABLISHED BY THE WILL OF)
 VERONIQUE H. W. PICKETT DATED)
 MARCH 31, 1999)
)
 Petitioner,)
)
 v.)
)
 BAYARD SCOTT PICKETT, JR.,)
 AND KATHLEEN E. ANDERSON AS)
 TRUSTEE OF THE KATHLEEN E.)
 ANDERSON TRUST AS ESTABLISHED)
 UNDER THE WILL OF VERONIQUE)
 H.W. PICKETT DATED MARCH 31, 1999,)
)
 Respondent.)

IN THE PROBATE COURT
 CASE NO: 2019-ES-10-00394

EZ FILING
 PROBATE COURT
 CHARLESTON COUNTY, SOUTH CAROLINA
2019ES1000394
 2/2/2024 1:42PM

**ORDER DENYING MOTIONS FOR
 RECONSIDERATION FOR APPOINTMENT
 OF
 SPECIAL ADMINISTRATOR**

RECEIVED
Feb 04 2025
SC Court of Appeals

Date of Hearing: January 16, 2024
Presiding Judge: David L. Michel, Associate Probate Judge
Petitioner: Laura V. Jones
Petitioner's Attorneys: Elizabeth J. Palmer, Esquire
Respondent: Bayard Scott Pickett, Jr.
Respondent's Attorney: Paul B. Ferrara, III, Esquire
Respondent: Kathleen Anderson
Respondent's Attorneys: Eric B. Laquiere, Esquire
Court Reporter: Molly Powell

THIS MATTER comes before the Court upon Motions to Reconsider this Court's Order dated September 27, 2023. Respondent Pickett's Motion was filed on October 9, 2023 and Respondent Anderson's Motion was filed on October 9, 2023. Even though both Respondents failed to properly serve Petitioner within the time limit as required by the South Carolina Rules of

Civil Procedure, the Motions proceeded on a hearing before the Court pursuant to Rule 59(e) Motion to Alter or Amend a Judgment. Respondents' Motions for Reconsideration are hereby **DENIED**.

The filing of motions and other pleadings in the Probate Court are governed by the South Carolina Probate Code and, where not inconsistent, the South Carolina Rules of Civil Procedure, including Rule 59(e). *In re: Estate of Timmerman*, 331 S.C. 455, 460, 502 S.E.2d 920, 922 (Ct. App. 1998) (see also S.C. Code Ann. §§ 14-23-280, 62-1-304). A party may not use a Rule 59 motion to re-litigate old matters or present issues that could have been raised prior to the judgment but were not. *Exxon Shipping Co. v. Baker*, 554 U.S. 471, 485 n.5 (2008); *Hickman v. Hickman*, 301 S.C. 455, 456, 392 S.E.2d 481, 482 (Ct. App. 1990).

Pursuant to Rule 59, SCRCP this Court has proper jurisdiction, and this Court issues its ruling on the Respondents' Motions to Reconsider after careful review of the Pleadings and after a hearing on same.

Under South Carolina law, a motion to reconsider is appropriate when “[a] party may wish to file such a motion when she believes the court has misunderstood, failed to fully consider, or perhaps failed to rule on an argument or issue, and the party wishes for the court to reconsider or rule on it.” *Elam v. S.C. Dep’t of Transp.*, 361 S.C. 9, 24, 602 S.E.2d 772, 780 (2004).

Background

1. Decedent passed away on December 18, 2018 and she was predeceased by her husband, Bayard Scott Pickett, Sr.
2. Decedent was survived by her son, Respondent Bayard Scott Pickett, Jr. and her two granddaughters, Petitioner Laura V. Jones and Respondent Kathleen Elizabeth Anderson.

Decedent's daughter, and mother of Laura and Kathleen, passed away on December 24, 2003, predeceasing Decedent.

3. Respondent Pickett filed an Application for Informal Probate of Will and Appointment as Personal Representative on or about March 4, 2019. Without objection, the Will dated March 31, 1999 was admitted to Probate and Respondent was appointed as Personal Representative.
4. On June 21, 2019, the Court issued statutory compliance letter #1 to Respondent Pickett that the Inventory and Appraisal should be filed within (20) days.
5. On September 21, 2020, the Court issued statutory compliance letter #2 to Respondent Pickett that the Inventory and Appraisal along with closing documents should be filed within (20) days.
6. On November 2, 2020, Respondent Pickett filed a Deed of Distribution with the Court but had not yet filed an Inventory and Appraisal as required by the South Carolina Probate Code.
7. On March 25, 2021 the Court issued statutory compliance letter #3 to Respondent Pickett that the Inventory and Appraisal along with closing documents should be filed within (20) days.
8. On April 13, 2021 the Court issued statutory compliance letter #4 to Respondent Pickett that the Inventory and Appraisal along with closing documents should be filed within (20) days.
9. On May 12, 2021 the Court issued statutory compliance letter #5 to Respondent Pickett that the Inventory and Appraisal along with closing documents should be filed within (20) days.

10. On November 24, 2021 the Court issued statutory compliance letter #6 to Respondent Pickett that the Inventory and Appraisement along with closing documents should be filed by December 29, 2021 or the Estate **shall be administratively closed**.
11. On January 19, 2022 the Court sent a Notice of Non Filing and Rule 4 letter to Respondent Pickett with a copy of the Order administratively closing the Estate.
12. On May 19, 2023 Respondent Pickett filed an Informal Application/Petition for Subsequent Administration.
13. On May 31, 2023 Petitioner Jones filed an Objection to the Appointment of Respondent Pickett as Personal Representative and requested that the Court appoint a Special Administrator.
14. On June 26, 2023 Petitioner Jones filed a Summons and Petition for the Appointment of a Special Administrator.
15. On June 26, 2023 Petitioner Jones filed an Amended Summons and Petition for the Appointment of a Special Administrator. On July 5, 2023 Petitioner Jones filed Respondent Pickett's Acceptance of Service regarding the same.
16. On August 4, 2023 Respondent Pickett filed an Answer and Requested a Jury Trial. (However, the appointment of a Special Administrator is the exclusive jurisdiction of the Court not a matter before a jury.)
17. On August 18, 2023 Respondent Anderson filed a Motion to Intervene and filed an Answer / Counterclaim / Crossclaim on August 21, 2023.
18. On September 22, 2023, the Court held a hearing regarding the Petition for Formal Appointment of a Special Administrator filed by Petitioner Jones.

19. On September 27, 2023 the Court issued an Order for Appointment of Special Administrator.

Arguments of Respondents

1. That the Court, in considering the formal petition of Petitioner Jones to appoint a special administrator, failed to make a required finding of malfeasance as required by S.C. Code Ann. § 62-3-611(b) and elicited by *Church v. McGee*, 391 S.C. 334, 705 S.E. 2d 481 (Ct. App. 2011).

In this case, the Court's Order of September 27, 2023 did not remove Respondent Pickett as Personal Representative. The Court filings speak for themselves. More specifically, this Court's Order dated January 19, 2022 clearly states that:

Pursuant to the authority granted unto this Probate Court by and in Probate Court Rule 4, as adopted and made effective by the Supreme Court on March 8, 1983, and upon and after due and appropriate compliance with the purport and purview of Law and Statute herein and hereto relevant and appertaining, the above captioned Case and/or Cause is closed and final discharge entered, with leave to restore upon good cause being shown provided that the subject Fiduciary shall be and is fully responsible and liable to the full extent of Law for any and all acts and doings, commissions and/or omissions, prior to the date hereof; but this Order does not alter or release any and all liabilities on and under said Bond prior to the date hereof.

Therefore, the Estate was closed, and Respondent was no longer serving as Personal Representative as of January 19, 2022. This Order was not appealed by Respondent Pickett.

2. The Respondents further argue that the Court only found the inventory and appraisement and accounting were not filed. This act alone does not justify removal of the Personal Representative citing S.C. Code Ann. § 62-3-1001.

Again, the September 22, 2023 hearing was not a removal hearing, it was a hearing regarding Petitioner Jones' Formal Petition for Appointment of a Special Administrator. In this case, Respondent Pickett failed to file an Inventory and Appraisement within ninety days after his appointment. Per S.C. Code Ann. § 62-3-706 it clearly states:

(A) Within ninety days after his appointment, a personal representative, who is not a special administrator or a successor to another representative who has previously discharged this duty, shall:

- (1) prepare an inventory and appraisal of probate property owned by the decedent at the time of his death, listing it with reasonable detail, and indicating as to each listed item, its fair market value as of the date of the decedent's death, and the type and amount of any encumbrance that may exist with reference to any item;
- (2) file the original of the inventory and appraisal with the court; and
- (3) mail a copy of the filed inventory and appraisal to interested persons who have filed a demand for notice of the filing of the inventory pursuant to Section 62-3-204.

It is clear from the Court record that Respondent Pickett did not file an Inventory as required by the South Carolina Probate Code and as a result the Estate was closed per the January 19, 2022 Order which was not appealed by Respondent Pickett. Respondents mistakenly cite S.C. Code Ann. § 62-3-1001 which addresses the Personal Representative's duties regarding the closing documents, more specifically, a full accounting, proposal for distribution, application for settlement, right to demand hearing, and proof of delivery. Respondent Pickett argues that he was not given an opportunity to fully explain the reason for delay in filing an Inventory and Appraisal. Again, this point is moot because the January 19, 2022 Order was not appealed.

3. Respondents argue that the probated Will of Decedent does not authorize the Court to appoint a special administrator.

Respondents argue that a "Court may not by juridical construction make a will for the decedent that he has not made for himself" citing *Guaranty Bank Trust Co. v. Byrd*, 292 S.C. 187, 189, 355 S.E.2d 529, 530 (S.C., 1986) That case concerns the construction of a Will regarding the distribution of estate assets, not the appointment of a special administrator. As per this Court's previous Order the law is clear:

Pursuant to S.C. Code Ann. § 62-3-614(2), a special administrator may be appointed "in a formal proceeding by order of the court on the petition of any interested person and finding, after notice and hearing, that appointment is necessary to preserve the estate or to secure its proper administration including its administration in circumstances where a general personal representative cannot or should not act."

Again, the Court found that the appointment of a Special Administrator was necessary to preserve the estate and to secure its proper administration.

4. That Respondent Pickett filed a Summons and Petition for Subsequent Administration on May 18, 2023 and the Court did not make a finding as to why Respondent was not reappointed in the Order dated September 27, 2023.

Respondent Pickett's argument is a misstatement of the filings. The record is clear that Respondent Pickett filed an "Informal Application/Petition for Subsequent Administration" on May 19, 2023. On May 31, 2023 Petitioner filed an Objection to the Respondent's Informal Application. First, the Court would note S.C. Code Ann. § 62-3-309 regarding informal appointment proceedings. Second, this matter became a formal action, and a hearing was set regarding Petitioner's filed Objection along with Petitioner's subsequent Summons and Petition for Formal Appointment of a Special Administrator. Respondent Pickett argues that S.C. Code Ann. § 62-3-611 governs a removal of a personal representative, which is correct. As stated previously, the January 19, 2022 Order closing the Estate was not appealed and therefore Respondent Pickett was not the personal representative. Respondent Pickett contends that the September 22, 2023 hearing required his "removal as Personal Representative" before a Special Administrator could be appointed. That argument fails.

The Court would also reference Item 1 of Petitioner Jones' Memorandum in Opposition to Motions to Reconsider that was filed on October 23, 2023. As addressed earlier, Respondents failed to properly serve the Motions for Reconsideration as required by the South Carolina Rules of Civil Procedure. As a matter of law, these Motions were not properly before the Court. Nevertheless, the Court proceed with the hearing and consideration of the Motions.

After a review of the relevant pleadings, memoranda, and hearing notes, the Court finds that the Motions filed raise no new argument and present no new evidence, therefore, the Court respectfully **DENIES** the Motions.

Based upon the foregoing, it is now therefore, hereby:

ORDERED, ADJUDGED, AND DECREED that Respondents' Motions to Reconsider Order dated September 27, 2023 are respectfully **DENIED**.

IT IS SO ORDERED.



David L. Michel
Associate Judge of Probate

This 24 day of January, 2024
Charleston, South Carolina



Attest: A True Copy

Clerk Probate Court
Charleston County, South Carolina

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)
IN THE MATTER OF:)
VERONIQUE W. PICKETT)
LAURA V. JONES, AS TRUSTEE OF THE)
LAURA V. JONES TRUST AS)
ESTABLISHED BY THE WILL OF)
VERONIQUE H.W. PICKETT DATED)
MARCH 31, 1999 AND AS TRUSTEE OF)
THE KATHLEEN E. ANDERSON TRUST)
AS ESTABLISHED UNDER THE WILL)
OF VERONIQUE H.W. PICKETT DATED)
MARCH 31, 1999,)
Petitioners,)
v.)
BAYARD SCOTT PICKETT, JR.,)
Respondent.)

IN THE PROBATE COURT
CASE NO: 2019-ES-10-0394

RECEIVED
Feb 05 2025
SC Court of Appeals

**ORDER FOR APPOINTMENT OF
SPECIAL ADMINISTRATOR**

Date of Hearing:	September 22, 2023
Presiding Judge:	David L. Michel, Associate Probate Judge
Petitioner:	Laura V. Jones (not in attendance)
Petitioner’s Attorneys:	Elizabeth J. Palmer, Esquire
Respondent:	Bayard Scott Pickett, Jr.
Respondent’s Attorney:	Paul B. Ferrara, III, Esquire
Respondent:	Kathleen Anderson (not in attendance)
Respondent’s Attorneys:	Eric B. Laquiere, Esquire
Court Reporter:	Abby Bishop, Clark Bolen

THIS MATTER comes before the Court upon a Petition for Formal Appointment of Special Administrator filed with this Court on June 27, 2023, by Laura V. Jones, in her capacity as the Trustee of the Laura V. Jones Trust and the Kathleen E. Anderson Trust, both established by the Will of Veronique W. Pickett dated March 31, 1999. Also before the Court is an Application

for Subsequent Administration and Appointment of Personal Representative filed with this Court by Bayard Scott Pickett, Jr., on May 19, 2023.

Present at the hearing were Elizabeth J. Palmer, Esquire, attorney for Petitioner Laura V. Jones, Respondent Bayard Scott Pickett, Jr., and his attorney, Paul B. Ferrara, III, Esquire, and Eric B. Laquiere, Esquire, attorney for Katherine E. Anderson.

Based upon a review of the record in this matter, evidence and testimony presented at the hearing, and the laws of the State of South Carolina, the Court makes the following findings of fact and conclusions of law:

FINDINGS OF FACT AND PROCEDURAL HISTORY

1. The Decedent, Veronique W. Pickett, died on December 18, 2018. At the time of her death, she was a resident of Virginia Beach, Virginia, but owned real property in Charleston County, South Carolina.

2. At the time of her death, the Decedent was survived by her son, Bayard Scott Pickett, Jr., and her two granddaughters, Laura V. Jones and Kathleen E. Anderson.

3. On March 1, 2019, Bayard Scott Pickett, Jr., son of the Decedent, filed an Application for Informal Appointment of Personal Representative.

4. On March 11, 2019, Bayard Scott Pickett, Jr. (hereinafter, Respondent), was appointed as Personal Representative of the Estate and the Decedent's Will, dated March 31, 1999, was admitted to probate.

5. Pursuant to the Will, the devisees of the Estate are as follows with their respected shares as indicated:

50%: Bayard Scott Pickett, Jr., Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999

25%: Laura V. Jones Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999

25%: Kathleen E. Anderson Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999

6. By letter dated June 21, 2019, the Court notified Bayard Scott Pickett, Jr., that the Estate's Inventory and Appraisement was overdue and demanded that it be filed within twenty days. Not receiving the requested filings, by letter dated September 21, 2020, the Court again demanded that the Inventory and Appraisement and other required documents, be filed within 20 days. On March 25, 2021, the Court sent a final demand that Bayard Scott Pickett, Jr., file the required documentation, including, a Final Accounting and Proposal for Distribution. None of the requested or required documents were filed.

7. Due to Respondent's failure to file required documents after multiple demands by the Court dating back to June 21, 2019, the Court ultimately closed the Estate by Order dated January 19, 2022, pursuant to Rule 4. Bayard Scott Pickett, Jr., has not subsequently been reappointed as Personal Representative.

8. As of the date of the hearing in this matter, 4 ½ years after opening the Estate and being appointed as Personal Representative, Respondent had never filed an Inventory and Appraisement. Respondent also failed to file an Interim Accounting in those 4 ½ years, although he testified at the hearing that the Estate originally had approximately \$80,000 in cash.

9. Additionally, Respondent testified at the hearing that he had, just that day, attempted to file an Inventory and Appraisement listing the Decedent's real property, located in Mt. Pleasant, SC, and valuing it at \$4,000,000.

10. Respondent further testified that he had just recently transferred the proceeds from the sale of the real property out of an Estate account and into various accounts, some of which are neither Estate, nor fiduciary.

CONCLUSIONS OF LAW

11. This Court has jurisdiction over this matter and venue is proper pursuant to S.C. Code Ann. §§ 62-1-302 and 62-3-201(b).

12. This Court finds that proper notice was given to all parties with an interest in this matter pursuant to S.C. Code Ann. § 62-1-401.

13. Pursuant to S.C. Code Ann. § 62-3-614(2), a special administrator may be appointed “in a formal proceeding by order of the court on the petition of any interested person and finding, after notice and hearing, that appointment is necessary to preserve the estate or to secure its proper administration including its administration in circumstances where a general personal representative cannot or should not act.”

14. The Court finds that the appointment of a Special Administrator is necessary to preserve the Estate and to secure its proper administration. Therefore, the Court appoints C. Mac Gibson, Esquire as the Special Administrator of this Estate. Mr. Gibson has extensive experience in probate matters and has agreed to serve as a fiduciary to this Court.

15. Mr. Gibson, as Special Administrator, shall proceed with the administration of the Decedent’s Estate pursuant to the South Carolina Probate Code.

NOW THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that, pursuant to S.C. Code Ann. § 62-3-614, C. Mac Gibson, Esquire, is hereby appointed as Special Administrator of the Estate of Veronique W. Pickett; it is further

ORDERED, ADJUDGED, AND DECREED that Attorney Gibson shall not be required to obtain a bond and shall have all powers of a general Personal Representative in proceeding with the administration of this Estate; it is further

ORDERED, ADJUDGED, AND DECREED that all parties shall fully cooperate with the Special Administrator to ensure efficient and effective administration of the Estate; it is further

ORDERED, ADJUDGED, AND DECREED that the Special Administrator shall keep records of all his time devoted to this file and shall submit an Affidavit of Attorney's Fees, itemized statement of his bill, and a proposed order to the Court. These fees shall be paid from the Estate, upon Court approval, pursuant to the South Carolina Probate Code; it is further

ORDERED, ADJUDGED, AND DECREED that Petitioner Laura V. Jones may submit to the Court, and serve on all parties, an Affidavit of Attorney's Fees and itemized statement of costs incurred in connection with her Petition for Formal Appointment of Special Administrator. Respondent shall have 30 days from service thereof to submit any response; it is further

ORDERED, ADJUDGED, AND DECREED that this Order is subject to such further Orders of this Court as may become necessary.

IT IS SO ORDERED.



DAVID MICHEL
Associate Judge of Probate
Charleston County

This 27 day of September, 2023
Charleston, South Carolina.

THE STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS

Appeal from Charleston County
Probate Court

David L. Michel, Associate Judge of Probate

Probate Case No. 2019-ES-10-00394
Appellate Case No.: 2024-CP-10-01509

In re: Veronique W. Pickett Estate

Bayard Scott Pickett, Jr.,..... Appellant,

v.

Laura V. Jones, as Trustee of the Laura V. Jones Trust as Established by the Will of Veronique H.W. Pickett Dated March 31, 1999 and as Trustee of the Kathleen E. Anderson Trust as Established under the Will of Veronique H.W. Pickett Dated March 31,1999..... Respondents.

ORDER DISMISSING APPEAL

THIS MATTER comes before the Court upon a Motion to Dismiss Appeal filed with this Court on April 2, 2024, by Respondent Laura V. Jones, in her capacity as the Trustee of the Laura V. Jones Trust as established by the Will of Veronique W. Pickett dated March 31, 1999.

Present at the hearing were Elizabeth J. Palmer, Esquire, attorney for Respondent Laura V. Jones, Appellant Bayard Scott Pickett, Jr., and his attorney, Paul B. Ferrara, III, Esquire, and Eric B. Laquiere, Esquire, attorney for Katherine E. Anderson.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

- 1) This is an appeal from Charleston County Probate Court. The Decedent, Veronique

W. Pickett, died on December 18, 2018. Appellant Pickett was initially appointed as Personal Representative of the Estate. However, the Probate Court discharged Appellant and administratively closed the Estate on January 19, 2022.

2) On February 8, 2024, the Probate Court entered an Order for Appointment of a Temporary Special Administrator. This Order specified that the Temporary Special Administrator was to open an Estate account and collect and hold all Estate assets. It also ordered Appellant Pickett to provide certain financial information and Estate assets to the Temporary Special Administrator. Appellant Pickett appealed this Order (C/A No. 2024-CP-10-00921).

3) Following Appellant's appeal of the Order for Appointment of a Temporary Special Administrator, Respondent Jones filed a Motion to Lift Any Applicable Stay in the Probate Court, asking the Probate Court to lift any stay that may have resulted from Appellant's appeal.

4) On March 12, 2024, the Probate Court entered its Order Lifting Any Applicable Stay. Appellant Pickett appealed this Order by Notice of Intent to Appeal filed on March 20, 2024. It is this appeal that is presently before this Court.

5) An order lifting a stay is not immediately appealable. See Carolina Water Serv., Inc. v. Lexington Cnty. Joint Mun. Water & Sewer Comm'n, 373 S.C. 96, 98, 644 S.E.2d 681, 682 (2007); Edwards v. SunCom, 369 S.C. 91, 631 S.E.2d 529 (2006) (holding order lifting stay not immediately appealable and dismissing appeal of same).

6) Appellant Pickett argues that the Order Lifting Any Applicable Stay contains findings and directives that go beyond those imposed by the Order for Appointment of a Temporary Special Administrator, and thus the Order Lifting Any Applicable Stay should not be viewed as simply an order lifting a stay.

7) This Court has reviewed the Order Lifting Any Applicable Stay and concludes that

its directives do no more than reiterate those directives contained within the Order for Appointment of a Temporary Special Administrator. As such, the Order Lifting Any Applicable Stay is subject to the well-established precedent that orders lifting stays are not immediately appealable.

8) Therefore, the Order Lifting Any Applicable Stay is not immediately appealable and Respondent Jones' Motion to Dismiss Appeal is GRANTED.

NOW THEREFORE, IT IS ORDERED that Respondent Jones' Motion to Dismiss Appeal is GRANTED; and

IT IS FURTHER ORDERED that this appeal is dismissed and the matter is remanded to the Charleston County Probate Court for further proceedings.

AND IT IS SO ORDERED!

Judge Dale E. Van Slambrook

October 21, 2024
Charleston, SC

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If applicable, describe the property, including tax map information and address, referenced in the order:		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.
Note: Title abstractors and researchers should refer to the official court order for judgment details.
E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

	2781	
Circuit Court Judge	Judge Code	Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney’s box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.



Charleston Common Pleas

Case Caption: Bayard Scott Pickett Jr , plaintiff, et al VS Laura V Jones , defendant, et al
Case Number: 2024CP1001509
Type: Order/Dismissal

And It Is So Ordered!

s/Dale E. Van Slambrook S.C. Circuit Court Judge
#2781

THE STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS

Appeal from Charleston County
Probate Court

David L. Michel, Associate Judge of Probate

Probate Case No. 2019-ES-10-00394
Appellate Case No.: 2024-CP-10-01509

In re: Veronique W. Pickett Estate

Bayard Scott Pickett, Jr.,..... Appellant,

v.

Laura V. Jones, as Trustee of the Laura V. Jones Trust as Established by the Will of Veronique H.W. Pickett Dated March 31, 1999 and as Trustee of the Kathleen E. Anderson Trust as Established under the Will of Veronique H.W. Pickett Dated March 31,1999..... Respondents.

ORDER DENYING MOTION TO RECONSIDER

THIS MATTER comes before the Court upon Appellant’s Motion to Reconsider filed on October 31, 2024. On October 21, 2024, this Court issued an Order dismissing Appellant’s appeal of the Charleston County Probate Court’s Order Lifting Any Applicable Stay. Appellant now asks the Court to reconsider its ruling in that Order.

The basis of Appellant’s Motion to Reconsider is grounded in two arguments: (1) the Court failed to address Appellant’s assertion that the Probate Court’s Order is final under *Ex Parte Small*, 69 S.C. 43, 46, 48 S.E. 40, 41 (1904); and (2) the Court failed to address Appellant’s assertion that Rule 241(c)(2) of the South Carolina Appellate Court Rules states that

a judge or justice of the appellate court should consider whether an order is necessary to prevent a contested issue from becoming moot.

DISCUSSION

I. Appellant's assertion that the Probate Court's Order is final under *Ex Parte Small*

The Court has fully reviewed and considered this matter based upon the case law set forth in *Ex Parte Small*. Appellant's argument seemingly conflates this appeal of the Order Lifting Any Applicable Stay with the appeal of the Order Appointing Temporary Special Administrator. Appellant's argument centers around his contention that an order appointing a temporary special administrator is a final order. Simply put, the Order in this case which was appealed was not an order of appointment of a temporary special administrator; the Order was an order lifting a stay which is not immediately appealable.

Therefore, in consideration of the above, Appellant's motion to reconsider is denied on this ground.

II. Appellant's assertion that the Court failed to appropriately address Rule 241(c)(2), SCACR in issuing its Order Lifting Stay.

Rule 241(c)(2) applies to the determination of whether or not to issue a stay or lift an automatic stay in the first instance. That is not the issue that was before this Court. Before this Court was Respondent Jones' Motion to Dismiss Appeal, which concerned the appealability of the Order Lifting Any Automatic Stay, not the merits of that Order. This Court is not required to address Rule 241(c)(2), SCACR.

Therefore, in consideration of the above, Appellant's motion to reconsider is denied on this ground.

CONCLUSION

The Court orders that Appellant's Motion to Reconsider filed October 31, 2024 is denied.

AND IT IS SO ORDERED!

The Honorable Dale E. Van Slambrook

January _____, 2025
Moncks Corner, South Carolina

		\$
If applicable, describe the property, including tax map information and address, referenced in the order:		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.
Note: Title abstractors and researchers should refer to the official court order for judgment details.
E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

	2781	
Circuit Court Judge	Judge Code	Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.



Charleston Common Pleas

Case Caption: Bayard Scott Pickett Jr , plaintiff, et al VS Laura V Jones , defendant, et al
Case Number: 2024CP1001509
Type: Order/Other

And It Is So Ordered!

s/Dale E. Van Slambrook S.C. Circuit Court Judge
#2781

THE STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS

Appeal from Charleston County
Probate Court

David L. Michel, Associate Judge of Probate

Probate Case No. 2019-ES-10-00394
Appellate Case No.: 2024-CP-10-00598

In re: Veronique W. Pickett

Bayard Scott Pickett, Jr.,..... Appellant,

v.

Laura V. Jones, as Trustee of the Laura V. Jones Trust as Established by the Will of Veronique H.W. Pickett Dated March 31, 1999 and as Trustee of the Kathleen E. Anderson Trust as Established under the Will of Veronique H.W. Pickett Dated March 31,1999..... Respondents.

ORDER GRANTING MOTION FOR RECONSIDERATION

This matter, an appeal from Charleston County Probate Court, came before the Court on the Motion for Reconsideration filed by Respondent Laura V. Jones, as Trustee of the Laura V. Jones Trust as Established by the Will of Veronique H.W. Pickett Dated March 31, 1999 (“Respondent”), on September 16, 2024. The Motion seeks reconsideration of this Court’s Order, entered September 16, 2024, deciding Appellant’s appeal of the probate court’s September 27, 2023, Order for Appointment of Special Administrator.

For the reasons set forth below, the Motion for Reconsideration is **GRANTED**, the

Charleston County Probate Court's Order for Appointment Special Administrator, dated September 27, 2023, is **AFFIRMED**.

PROCEDURAL HISTORY

This is an appeal from the Charleston County Probate Court and concerns the Estate of Veronique W. Pickett ("Estate"). Appellant Bayard Scott Pickett, Jr. ("Appellant"), the son of the Decedent, was initially appointed as Personal Representative of the Estate on or about March 11, 2019. Following Appellant's failure to file the documents required to administer the Estate after being granted multiple extensions, the probate court administratively closed the Estate and discharged Appellant as Personal Representative by order entered on January 19, 2022.

Appellant filed an informal Application for Subsequent Administration on May 19, 2023, seeking to be reappointed as Personal Representative. Respondent, a devisee of the Estate, filed an Objection to the Application on May 31, 2023. On June 27, 2023, Respondent filed a formal Petition for Appointment of Special Administrator which was verified by Respondent.

Following a duly-noticed hearing, the probate court granted Respondent's Petition and issued an Order for Appointment of Special Administrator on September 27, 2023, finding, pursuant to S.C. Code Ann. § 62-3-614(2), "that the appointment of a Special Administrator is necessary to preserve the Estate and to secure its proper administration."

On October 9, 2023, Appellant filed a Motion to Reconsider, asking the probate court to reconsider its appointment of a Special Administrator. However, Appellant failed to timely serve the Motion to Reconsider on Respondent. A hearing on the Motion to Reconsider was held by the probate court on January 16, 2024. By Order entered on January 24, 2024, the probate court denied the Motion to Reconsider, determining, in part, that it was not timely served on Respondent.

By Notice of Intent to Appeal filed on February 2, 2024, Appellant appealed the Order for Appointment of Special Administrator and the Order Denying Motion for Reconsideration to this Court. Appellant timely served Respondent with the Notice of Intent on February 2, 2024.

The appeal came before this Court for a hearing on September 13, 2024. Appellant argued that the probate court erred in appointing a Special Administrator without first making a finding that Appellant, who was nominated in the Decedent's Will to serve as Personal Representative, was unfit to serve in that capacity.

By Order entered on September 16, 2024, this Court held that it was not inclined to assign error to the probate court's appointment of a Special Administrator and that the probate court's factual findings justified that appointment. However, this Court also ruled that the matter should be remanded to the probate court for it to make findings as to Appellant's Application for Subsequent Administration and, specifically, as to Appellant's fitness to serve as Personal Representative.

Respondent filed a Motion for Reconsideration on September 16, 2024, arguing that remand was not appropriate and that the probate court was within its discretion to appoint a Special Administrator without first making specific findings as to Appellant's Application or his fitness to serve as Personal Representative. Appellant filed a Memorandum in Support of Denying Respondent Laura V. Jones's Motion for Reconsideration Pursuant to Rule 59(e) on September 17, 2024. This Court has reviewed the pleadings and appellate briefs on file, the Record on Appeal, and now rules without holding a hearing pursuant to Rule 59(f).

STANDARD OF REVIEW

The standard of review applicable to cases originating in the probate court is controlled by whether the underlying cause of action is at law or in equity. Matter of Est. of Paradeses, 426 S.C.

388, 391, 826 S.E.2d 871, 873 (Ct. App. 2019). The appointment of a special administrator is equitable in nature. See Blackmon v. Weaver, 366 S.C. 245, 248, 621 S.E.2d 42, 43 (Ct. App. 2005) (holding that an action to remove a personal representative is equitable in nature). “In an equitable action tried without a jury, the appellate court can correct errors of law and may find facts in accordance with its own view of the preponderance of the evidence.” Church v. McGee, 391 S.C. 334, 342, 705 S.E.2d 481, 485 (Ct. App. 2011) (quoting Blackmon, 366 S.C. at 249, 621 S.E.2d at 44).

Ordinarily, an appellate court reviews cases in equity by finding facts in accordance with its own view of the preponderance of the evidence. Even so, an appellate court should still afford a degree of deference to the trial court because it was in the best position to judge the witnesses’ credibility. Lewis v. Lewis, 392 S.C. 381, 391, 709 S.E.2d 650, 655 (2011).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. By Order entered on September 27, 2023, the Charleston County Probate Court granted Respondent’s Petition for Appointment of Special Administrator, finding pursuant to S.C. Code Ann. § 62-3-614(2) “that the appointment of a Special Administrator is necessary to preserve the Estate and to secure its proper administration.” This Court finds no error in the probate court’s appointment and holds that the appointment of a Special Administrator in this Estate is justified by the factual findings of the probate court which, in turn, are supported by the record.

2. This Court further finds no error in the probate court’s failure to make specific findings as to Appellant’s Application for Subsequent Administration, in which Appellant sought to be reappointed as Personal Representative, or as to Appellant’s fitness to serve as Personal Representative. After giving the matter due consideration, this Court has determined that the probate court was not required to find that Appellant was unfit to serve as Personal Representative

prior to issuing its Order for Appointment of Special Administrator. Furthermore, pursuant to S.C. Code Ann. § 62-3-310, the probate court was required to decline Appellant's Application given that Respondent filed an objection to the Application.

3. This Court further takes notice of S.C. Code Ann. § 62-3-309, which even in the absence of any objection, gives the probate court the discretion to refuse an informal application seeking appointment on any grounds and does not require any specific findings:

If the court is not satisfied that a requested informal appointment of a personal representative should be made because of failure to meet the requirements of Sections 62-3-307 and 62-3-308 or, **for any other reason**, he may decline the application. A declination of informal appointment is not an adjudication and does not preclude appointment in formal proceedings.

See S.C. Code Ann. § 62-3-309 (emphasis added); see also S.C. Code Ann. § 62-3-309, Reporter's Comment ("Because the appointment of a personal representative confers broad powers over the assets of the decedent's estate, the authority granted the court to deny the appointment for unclassified reasons is an important safeguard.").

CONCLUSION

IT IS ORDERED that Respondent Jones's Motion for Reconsidered should be and hereby is **GRANTED**;

IT IS FURTHER ORDERED that the Charleston County Probate Court's September 27, 2023, Order for Appointment of Special Administrator is **AFFIRMED**.

Judge J. Mark Hayes
Presiding Circuit Court Judge

December __, 2024
Charleston, SC



Charleston Common Pleas

Case Caption: Bayard Scott Pickett Jr VS Laura V Jones , defendant, et al

Case Number: 2024CP1000598

Type: Order/Other

IT IS SO ORDERED

s/ J. Mark Hayes, II #2132

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EXHIBIT 1

ELECTRONICALLY FILED - 2024 Oct 31 8:50 PM - CHARLESTON - COMMON PLEAS - CASE#2024CP1001509
ELECTRONICALLY FILED - 2024 Oct 21 4:34 PM - CHARLESTON - COMMON PLEAS - CASE#2024CP1001509

THE STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS

Appeal from Charleston County
Probate Court

David L. Michel, Associate Judge of Probate

Probate Case No. 2019-ES-10-00394
Appellate Case No.: 2024-CP-10-01509

In re: Veronique W. Pickett Estate

Bayard Scott Pickett, Jr.,..... Appellant,

v.

Laura V. Jones, as Trustee of the Laura V. Jones Trust as Established by the Will of
Veronique H.W. Pickett Dated March 31, 1999 and as Trustee of the Kathleen E.
Anderson Trust as Established under the Will of Veronique H.W. Pickett Dated March
31,1999..... Respondents.

ORDER DISMISSING APPEAL

THIS MATTER comes before the Court upon a Motion to Dismiss Appeal filed with this Court on April 2, 2024, by Respondent Laura V. Jones, in her capacity as the Trustee of the Laura V. Jones Trust as established by the Will of Veronique W. Pickett dated March 31, 1999.

Present at the hearing were Elizabeth J. Palmer, Esquire, attorney for Respondent Laura V. Jones, Appellant Bayard Scott Pickett, Jr., and his attorney, Paul B. Ferrara, III, Esquire, and Eric B. Laquiere, Esquire, attorney for Katherine E. Anderson.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

- 1) This is an appeal from Charleston County Probate Court. The Decedent, Veronique

W. Pickett, died on December 18, 2018. Appellant Pickett was initially appointed as Personal Representative of the Estate. However, the Probate Court discharged Appellant and administratively closed the Estate on January 19, 2022.

2) On February 8, 2024, the Probate Court entered an Order for Appointment of a Temporary Special Administrator. This Order specified that the Temporary Special Administrator was to open an Estate account and collect and hold all Estate assets. It also ordered Appellant Pickett to provide certain financial information and Estate assets to the Temporary Special Administrator. Appellant Pickett appealed this Order (C/A No. 2024-CP-10-00921).

3) Following Appellant's appeal of the Order for Appointment of a Temporary Special Administrator, Respondent Jones filed a Motion to Lift Any Applicable Stay in the Probate Court, asking the Probate Court to lift any stay that may have resulted from Appellant's appeal.

4) On March 12, 2024, the Probate Court entered its Order Lifting Any Applicable Stay. Appellant Pickett appealed this Order by Notice of Intent to Appeal filed on March 20, 2024. It is this appeal that is presently before this Court.

5) An order lifting a stay is not immediately appealable. See Carolina Water Serv., Inc. v. Lexington Cnty. Joint Mun. Water & Sewer Comm'n, 373 S.C. 96, 98, 644 S.E.2d 681, 682 (2007); Edwards v. SunCom, 369 S.C. 91, 631 S.E.2d 529 (2006) (holding order lifting stay not immediately appealable and dismissing appeal of same).

6) Appellant Pickett argues that the Order Lifting Any Applicable Stay contains findings and directives that go beyond those imposed by the Order for Appointment of a Temporary Special Administrator, and thus the Order Lifting Any Applicable Stay should not be viewed as simply an order lifting a stay.

7) This Court has reviewed the Order Lifting Any Applicable Stay and concludes that

its directives do no more than reiterate those directives contained within the Order for Appointment of a Temporary Special Administrator. As such, the Order Lifting Any Applicable Stay is subject to the well-established precedent that orders lifting stays are not immediately appealable.

8) Therefore, the Order Lifting Any Applicable Stay is not immediately appealable and Respondent Jones' Motion to Dismiss Appeal is GRANTED.

NOW THEREFORE, IT IS ORDERED that Respondent Jones' Motion to Dismiss Appeal is GRANTED; and

IT IS FURTHER ORDERED that this appeal is dismissed and the matter is remanded to the Charleston County Probate Court for further proceedings.

AND IT IS SO ORDERED!

Judge Dale E. Van Slambrook

October 21, 2024
Charleston, SC

STATE OF SOUTH CAROLINA
 COUNTY OF CHARLESTON
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2024 CP-10-01509

BAYNARD SCOTT PICKETT, JR.

LAURA V. JONES, as Trustee of the Laura V. Jones Trust as Established by the Will of Veronique H.W. Pickett Dated March 31, 1999 and as Trustee of the Kathleen E. Anderson Trust as Established under the Will of Veronique H.W. Pickett Dated March 31, 1999.

APPELLANT(S)

RESPONDENT(S)

Submitted by: The Court.	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant or <input type="checkbox"/> Self-Represented Litigant
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DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

See attached formal Order.

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk : _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)



Charleston Common Pleas

Case Caption: Bayard Scott Pickett Jr , plaintiff, et al VS Laura V Jones , defendant, et al
Case Number: 2024CP1001509
Type: Order/Dismissal

And It Is So Ordered!

s/Dale E. Van Slambrook S.C. Circuit Court Judge
#2781

Laura V Jones

Bayard Scott Pickett Jr.

The Kathleen E Anderson Trust, et al

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or <input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
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- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk : See page 2 for additional information. Formal Order to follow.

INFORMATION FOR THE JUDGMENT INDEX		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
N/A		\$
		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order:		

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 SC Court of Appeals

or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.
Note: Title abstractors and researchers should refer to the official court order for judgment details.

<hr/> Circuit Court Judge	<hr/> 2132 Judge Code	<hr/> Date
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For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney’s box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

_____ _____ _____ ATTORNEY(S) FOR THE PLAINTIFF(S)	_____ _____ _____ ATTORNEY(S) FOR THE DEFENDANT(S) CLERK OF COURT
--------------------------------------------------------------------	---------------------------------------------------------------------------------------------

Court Reporter:

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This matter came before the Court as an appeal from an order appointing a Special Administrator of an estate. The appointment of the Special Administrator was challenged claiming that the Probate Judge erred in making the appointment because he should have appointed the person originally appointed to serve as the personal representative who had been designated in the deceased’s will. After considering the arguments presented, this Court is not inclined to rule the probate judge erred in making the appointment. In reviewing the Order making the appointment of the Special Administrator, the judge provided factual findings that justified the need of the appointment of a special administrator. The order was challenged because it did not state a reason to disregard the personal representative. In reading the order, the factual basis for needing the special administrator can be read as the same reasons for not appointing the person named in the will. The order stops short, however, of making a finding that the person named in the will should not appointed as the new personal representative. Appellant claims without such a finding, the order is defective as a matter of law, the respondent disagrees and asserts that such a finding is not necessary.

After considering the arguments presented, this Court decision is to remand this matter to the Probate Court for clarification as to whether the reasons stated for needing a Special Administrator are the same reasons for not appointing the former Personal Representative.



Charleston Common Pleas

Case Caption: Bayard Scott Pickett Jr VS Laura V Jones , defendant, et al

Case Number: 2024CP1000598

Type: Order/Form 4

IT IS SO ORDERED

s/ J. Mark Hayes, II #2132