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Sep 08 2025

SC Court of Appeals

APPEAL FROM KERSHAW COUNTY

District Court

Honorable Daniel Coble, Circuit Court Judge

Court of Appeals Case No. 2024-001152

In Re: Estate of M.K. Jennings 2010ES2800169

Beverly Hennager.....Appellant

Mary E. Dearden, Personal Representative of the Estate of M.K.Jennings...Respondent

**NOTICE OF FILING OF RULE 60(b)(4) MOTIONS
UPDATE ON STATUS OF APPEALS
AND REQUEST FOR APPELLATE OVERSIGHT**

To the Honorable South Carolina Court of Appeals:

Petitioner respectfully notifies the Court of recent procedural developments and requests guidance and oversight.

Status of Post-Judgment and Appeal

On June 11, 2025, the Court of Appeals affirmed the Circuit Court's order, directing Petitioner to pursue post-judgment relief through Rule 60. In reliance on this directive, Petitioner filed Rule 60(b)(4) motions for relief from judgment in both the Circuit and Probate Courts on September 3, 2025. These filings were made to comply with the Court's instructions and preserve all appellate rights.

Notice of Supreme Court Filing

Petitioner has also filed a petition for writ of certiorari with the South Carolina Supreme Court concerning the underlying appellate judgment. Petitioner understands that leave from the appellate court is generally required to file Rule 60 motions while an appeal is pending and the remittitur has not issued. However, since the Court of Appeals expressly directed Petitioner to pursue Rule 60 relief first, Petitioner filed without separately requesting leave, in good faith reliance on the Court's instructions. If the Court finds that leave was required, Petitioner respectfully requests that leave be granted nunc pro tunc, so that the current Rule 60(b)(4) motions may be considered as timely and procedurally proper.

Request for Oversight

On September 4, the Circuit Court entered an unsigned order stating "NO PAPERWORK WILL BE ADDED TO THIS ENDED APPEAL," leaving the Rule 60(b)(4) motion unresolved, and there has been no response from the clerk of court regarding the motion in the Probate Court; the status remains unknown.

Petitioner requests that the Court:

- Take judicial notice of pending Rule 60(b)(4) filings.
- Hold the appeal open pending the Circuit Court's formal ruling.
- Provide guidance to lower courts for prompt review and public recordkeeping.
- Clarify any requirements for coordination and preservation with the Supreme Court.

- Exercise supervisory authority to ensure lower courts address all motions and safeguard appellate rights.

Respectfully submitted,

__S/Beverly Hennager_____date__9/09/2025_____

Beverly Hennager
315 Wood Lane
Corvallis, Mt 59828
hennagerbev@gmail.com
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AFFIRMATION OF SERVICE

I, Beverly Hennager, do hereby certify that I have served a copy of the Notice of Filing

Rule 60(b)(4) Motions to the following addresses:

Moultrie Burns, Esquire
mburns@thesavagelawfirm.com
Savage Royal & Sheheen, LLP
PO Drawer 10
Camden, SC 29021
Attorney for Respondent, Mary Dearden

South Carolina Court of Appeals
Office of Administration
Clerk of Court
1220 Senate Street, Suite 200
Columbia, SC 29201

Kershaw County Probate Court
probatecourt@kershaw.sc.gov

Court of Appeals
Honorable Judge Coble
ginger.farmer@kershaw.sc.gov

Hard copies to follow.

Respectfully Submitted,

____S/Beverly Hennager_____ date__ 9/09/2025_____

Beverly Hennager
315 Wood Lane
Corvallis, Mt 59828
hennagerbev@gmail.com

PRO SE

