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September 11, 2025

Appellate Case No. 2025-001793
Supreme Court of South Carolina
Clerk of Court
P.O. Box 11330
Columbia, SC 29201

RECEIVED
Sep 11 2025
SC Court of Appeals

IN REG: Estate of M.K. Jennings; Court of Appeals Case No. 2024-001152
SC Supreme Court Appellate Case No. 2025-001793

Dear Clerk of Court:

Please accept this letter as a formal transmittal and explanation for the enclosed courtesy copy of my Notice of Rule 60(b) Filing and Request for Oversight and Mandamus, filed in the South Carolina Court of Appeals concerning the above-captioned estate matter.

The South Carolina Court of Appeals denied review of the above-captioned case, finding that matters of fraud on the court, void judgment, and due process violations must be first presented through a properly filed and ruled-upon Rule 60(b) motion. As demonstrated by the attached documentation, the Circuit and Probate Courts of Kershaw County have refused to accept, docket, or rule on my Rule 60(b) motions, making it impossible to obtain the relief contemplated by the appellate court.

This submission establishes that all reasonable avenues for lower court relief have been pursued and exhausted.

The attached filing documents these circumstances and is provided so that the Supreme Court has a contemporaneous record showing every reasonable avenue for lower court relief was diligently pursued. For the sake of brevity, the supporting attachments and exhibits referenced in the filing are not included with this courtesy copy, but they are fully available within the official record and attachments submitted to the South Carolina Court of Appeals in the above-referenced matter. Should the Court wish to review any specific attachment or exhibit, I would be pleased to promptly provide copies upon request.

Thank you for your attention to this record. Please contact me if further information is needed.

Respectfully submitted,

/S/Beverly Hennager date: September 11, 2025
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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

v.

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

Notice of Rule 60(b) Filing and Request for Oversight and Mandamus
For the Purpose of Appellate Preservation

To the Honorable Judges of the South Carolina Court of Appeals:

I, Beverly Hennager, pro se appellant, respectfully submit this notice and request for oversight—and for the extraordinary writ of mandamus—directly to the Court of Appeals, regarding the procedural status of my post-judgment filings in the above-captioned matter.

Following the Court’s June 11, 2025 opinion (Unpublished Opinion No. 2025-UP-196), which affirmed the circuit court’s order on grounds that issues including fraud

on the court, void judgment, and due process concerns were not preserved for appellate review absent a properly filed and ruled-upon Rule 60(b) motion in the circuit court, I attempted to cure this deficiency by filing multiple Rule 60(b) motions in both the Circuit and Probate Courts for Kershaw County. These motions assert both fraud on the court and voidness/due process violations under Rule 60(b)(3) and (4).

Despite these efforts, the Clerk of Court (Kershaw County) has refused to docket or transmit these motions, citing a “closed case” and referencing a closure order. Notably, the first Rule 60 motions refused by the court were emailed and mailed on June 16, 2025 (Exhibit 8), nearly three months before the Circuit Court’s September 4, 2025 order closing the case. Prevailing law allows a party to challenge a void judgment at any time, regardless of a case’s administrative closure.

South Carolina rules and established caselaw—including *Kassel v. Kassel*, *Coleman v. Dunlap*, and *Redmond v. Lexington*—require parties to seek judicial intervention and permit the appellate courts to issue a writ of mandamus when a clerk refuses to perform a mandatory duty and all other remedies have been exhausted.

Because the lower courts have refused to accept, docket, or rule on my Rule 60(b) motions and related filings—despite clear legal authority requiring the clerk and supervisory judge to do so—I am compelled to present the complete evidentiary record to the Court of Appeals. Under South Carolina law, mandamus may be invoked only when the petitioner has demonstrated exhaustion of all available remedies and when appellate intervention is necessary to compel performance of a ministerial duty. The enclosed documentary evidence substantiates that every reasonable means for relief has been pursued and establishes the factual predicate for the relief requested.

These materials are submitted to ensure that both the factual and legal barriers to relief are preserved for appellate consideration. As the circuit court judge is also serving as the supervisory judge and refuses to provide rulings on my motions, I am compelled to seek judicial oversight—including mandamus relief—from the Court of Appeals.

Authority

Bank of America v. Wells, 364 S.C. 507, 613 S.E.2d 548 (Ct. App. 2005): Under Rule 60(b)(4), a party may challenge a void judgment at any time; lack of jurisdiction renders a judgment void and subject to collateral attack, regardless of case closure.

Coleman v. Dunlap, 307 S.C. 491, 415 S.E.2d 426 (1992): The judge has discretion to grant or deny a Rule 60(b) motion, but a clerk must docket and transmit such motions, since both fraud on the court and void judgments are grounds for reopening otherwise “closed” cases.

Kassel v. Kassel, 369 S.C. 631, 632 S.E.2d 888, 894 (Ct. App. 2006): Clerks of court have a ministerial duty to docket filings irrespective of potential procedural flaws. Unless specifically authorized by statute or court rule, a clerk may not exercise any judicial power reserved for a judge.

Mandamus standard: The appellate courts may issue a writ of mandamus to compel a public official, including court clerks, to perform a mandatory legal duty, when no other remedy exists (*Redmond v. Lexington County Sch. Dist. No. Four*, 314 S.C. 10, 443 S.E.2d 449 (1994)).

Guenther v. Charleston Light & Water Co., 68 S.C. 540, 47 S.E. 979, 983 (1904):

"The province of a writ of mandamus is to afford redress where a party has a right to have anything done and has no other specific means of compelling its performance.”.

Request for Relief

Given the refusal by the Clerk of Court to perform a ministerial duty, and the supervisory judge’s refusal to adjudicate the presented post-judgment motions, I respectfully request:

1. That the Court of Appeals provide oversight and specific direction to the circuit court and its clerk to ensure acceptance and proper docketing of my Rule 60(b) motions, thereby permitting judicial determination on the merits.
2. That the appellate court clarify that post-judgment motions seeking relief under Rule 60(b) must be accepted and considered even after case closure, particularly when constitutional rights and allegations of fraud on the court are presented.
3. That the Court, if warranted by the record, issue a writ of mandamus compelling the circuit court and its clerk to accept and process the attached motions.
4. That this filing be treated as a continuing effort to preserve all appellate and due process rights in accordance with the Court's prior directives.

If further information or evidence is required, I am prepared to provide all relevant correspondence and documents upon request.

____/S/Beverly Hennager_____date____9/11/2025_____

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ATTACHMENTS

1. Circuit court order closing case.....	6
2. Clerk's refusal emails.....	8
3. Notice to Clerk of Court.....	10
4. Copy of Rule 60 Motion to Circuit Court.....	12
5. Copy of Rule 60 Motion to Probate Court.....	21
6. Copy of Motion for Formal Ruling to Circuit Court.....	31
7. Copy of Motion for Formal Ruling to Probate Court.....	35
8. June 16, 2025 email attempting to file Rule 60 motions.....	8

AFFIRMATION OF SERVICE

I, Beverly Hennager, do hereby certify that I have served a copy of the letter to the Clerk of the Supreme Court with courtesy copy of the Filing Rule 60 Motion and Request for Oversight and Mandamus, 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
Kershaw County Circuit Court
dcoblesc@sccourts.org
Clerk of Court in Kershaw County
ginger.farmer@kershaw.sc.gov

____/S/ Beverly Hennager _____ date 9/11/2025 _____

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