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Oct 30 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
COUNTY OF YORK

APPEAL FROM YORK COUNTY PROBATE COURT
IN THE COURT OF COMMON PLEAS

Carolyn E. Woodruff, Probate Judge
Appellate Case No. 2024CP4602169

IN THE MATTER OF TJ MARTIN,

Decedent,

VIRGINIA M. MORRIS, INDIVIDUALLY AND IN HER CAPACITY AS PERSONAL
REPRESENTATIVE OF THE ESTATE OF T J MARTIN,

Appellant,

v.

PAMELA LIGATO, AS GUARDIAN/CONSERVATOR FOR N.M.Y. AKA N.Y.M, A
PROTECTED PERSON,

Respondent.

ORDER DENYING RESPONDENT'S MOTION TO RECONSIDER

This matter came before the Court on September 4, 2025, pursuant to a Respondent's Motion to Reconsider, Alter or Amend Judgment pursuant to SCRCP 59(e). Respondent contends the probate court order appointing the Respondent as Guardian and Conservator contained provisions authorizing the Respondent to exercise the right of elective share in accordance with SC Code Ann. §62-2-203. The Probate Court Order contains the provisions set out in SC Code Ann. §62-5-433 and §62-5-301 that allows conservators and guardians to bring an action without court order. SC Code Ann. §62-2-203 specifically requires a court order to exercise the right to an elective share. A general grant of authority to bring an action without court order does not comply with the specific requirement of SC Code Ann. §62-2-203 which requires a court order. The

specific statute --- SC Code Ann. §62-2-203 -- controls over the general grants of authority in SC Code Ann. §62-5-422 and §62-5-304.

The Respondent contends that equitable principles provide support for the determination that the probate order(s) of appointment fulfill the requirements set forth in SC Code Ann. §62-2-203 because prior to bringing the action for elective share her attorney inquired of York County Probate Court and was told the Conservatorship and Guardianship Orders cover the right to bring and action for elective share. It appears from the record that Respondent's attorney contacted the Guardianship/Conservator Coordinator for York County Probate Court by email to ask the probate judge whether an order pursuant to SC Code Ann. §62-2-203 was necessary. The coordinator replied to Respondent's attorney's email stating the judge said an additional order was not necessary.

This Court is sympathetic to Respondent's position, in that Respondent acted as instructed by court staff. Nevertheless, an informal legal opinion of a judge communicated through staff has no binding authority, and certainly cannot excuse a party from complying with an otherwise applicable statutory requirement.

After careful consideration the Respondent's Motion is DENIED.

AND IT IS SO ORDERED.

[Signature Page to Follow]



York Common Pleas

Case Caption: Virginia Morris , plaintiff, et al VS Pamela Ligato , defendant, et al

Case Number: 2024CP4602169

Type: Order/Other

So Ordered

/s William A. McKinnon, #2761, Circuit Judge