

**THE STATE OF SOUTH CAROLINA**

**In the Court of Appeals**

**RECEIVED**

**Dec 15 2025**

**SC Court of Appeals**

---

In Re: Estate of M.K. Jennings 2010ES 2900169

Beverly Hennager, Appellant

v.

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

Appellate Case No: 2024-001152

---

Appeal from Kershaw County  
Daniel Coble, Circuit Court Judge

---

**AMENDMENT TO**

**MOTION TO EXPEDITE RULING ON PETITION FOR WRIT OF MANDAMUS**

Movant amends this motion to add clarification. Movant's first Rule 60(b), SCRCP, motions challenging the September 3, 2021 and June 19, 2024 orders as void for due process violations and fraud upon the court were filed in the lower courts on August 25, 2025. The Circuit Court refused to review those motions, stating: "This was a probate appeal which ended with the probate court being affirmed. My decision was appealed to the court of appeals where the lower court was upheld, order attached. There is no judgment in this case and no paperwork will be added to this ended appeal" (Exhibit 1). The Probate Court copied this language, refusing to act.

When Movant's September 11, 2025 Petition for Writ of Mandamus was unanswered, Movant reasonably understood the Circuit Court's language to mean that it believed it lacked jurisdiction to consider Rule 60 relief while the appeal remained pending, and thus that Rule 60 review would become available only after the appellate process concluded.

When remittitur issued on November 19, 2025, returning jurisdiction to the lower courts, Movant submitted new Rule 60(b)(4) motions in order to obtain the post-judgment review expressly identified by the Court of Appeals as the proper vehicle for addressing fraud-on-the-court and due process claims. It is these newly submitted Rule 60 motions, tendered after remittitur, that the lower courts have refused to accept for filing or adjudication, effectively denying Movant any Rule 60 review at all despite the appellate court's directive and the post-judgment nature of Rule 60 relief.

The lower courts have fundamentally misunderstood that Rule 60 motions are post-judgment motions that cannot simply be disregarded. Their reasoning misapprehends the governing law, because Rule 60(b), SCRCP, by its express terms authorizes post-judgment relief from a "final judgment, order, or proceeding" and contemplates that such motions may be filed and decided after final judgment, including after appellate review and remittitur, provided they are made within a reasonable time.

The current Rule 60 motions were mailed on December 2, 2025, and were signed for at the court by C. Branham on December 8, 2025, but were never filed (see Exhibits 2 and 3). Cynthia Branham is the same clerk who signed for Movant's 2021 motions to compel and transmitted them to the judge, who then returned them without filing (R. 38-40), underscoring

that the present non-filing is not due to any failure of delivery. State law and court rules impose on clerks a ministerial duty to accept and docket properly submitted filings, not to act as secret gatekeepers on off-the-record judicial instructions. Filing rules provide that a paper is filed by delivery to the clerk, and even arguably improper documents should ordinarily be accepted and then addressed by motion or order, not silently blocked at intake.

In this case, the clerk of the probate court—apparently at the probate judge’s behest—intercepted motions to compel that would have produced evidence disproving the erroneous finding that the promissory note was paid; the clerk of the circuit court then refused to accept Rule 46 objections that would have informed the court that it was affirming a non-existent order (R. 111); and, finally, clerks—again acting at the direction of the very judges whose orders are being challenged—now refuse to file Rule 60 motions, despite the Court of Appeals’ instruction that such motions are the required vehicle for Movant’s due process and fraud-on-the-court claims. This entrenched pattern converts nominal remedies into illusory ones, depriving Movant of any meaningful opportunity for post-judgment review and leaving her in a procedural dead end, despite strict compliance with state procedure.

Movant is preparing a petition for a writ of certiorari to the United States Supreme Court because every avenue of relief for fraud on the court and grave due process violations has been obstructed, resulting in a procedural dead end. Given that federal law provides a limited ninety-day window in which to seek certiorari review, and that professional preparation and printing of the certiorari petition will itself require several weeks, Movant will have at most one month in which any ruling below can realistically be obtained and incorporated. In these

circumstances, it is imperative that the Court of Appeals promptly address the pending writ of mandamus directing the lower court to accept and rule upon the Rule 60 motions without further delay. Otherwise, Movant's sixteen-year judicial odyssey in pursuit of relief will not be alleviated, but will instead be further compounded, thereby fortifying the existing blockade to justice.

Copies of the Rule 60 motions themselves are attached as Exhibits 4 and 5.

Respectfully Submitted,

/S/Beverly Hennager    date: December 15, 2025  
315 Wood Lane  
Corvallis, MT 59828  
[hennagerbev@gmail.com](mailto:hennagerbev@gmail.com)  
Pro Se

## **EXHIBITS**

Included in hard copy to follow

1. September 3, 2025 Circuit Court Order Refusing Rule 60 Motion
2. December 8, 2025 Tracking on Rule 60 Motion to Probate Court
3. December 8, 2025 Tracking on Rule 60 Motion to Circuit Court
4. Rule 60(b)(4) Motion to Probate Court
5. Rule 60(b)(4) Motion to Circuit Court

**RECEIVED**

**Dec 15 2025**

**SC Court of Appeals**

AFFIRMATION OF SERVICE

I, Beverly Hennager, do hereby certify that I have served a copy of the foregoing A Amendment to Motion to Expedite Ruling on Petition for Writ of Mandamus to the following addresses:

The fifty dollar filing fee is included in the hard copy.

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

Respectfully Submitted,

/S/Beverly Hennager    date: December 15 2025  
315 Wood Lane  
Corvallis, MT 59828  
[hennagerbev@gmail.com](mailto:hennagerbev@gmail.com)  
Pro Se