

Mar 26 2026

S.C. SUPREME COURT
IN THE PROBATE COURT
C/A No.: 2026-GC-23-00023

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

IN RE: DUANE EVANS, A.I.I

TOM VESTAL EVANS,

Petitioner,

vs.

ELIZABETH EVANS,

Defendant.

FILED

FEB 20 2026

GREENVILLE COUNTY
PROBATE COURT

ORDER APPOINTING
TEMPORARY GUARDIAN

THIS MATTER COMES BEFORE THE COURT pursuant to the Summons and Petition for a Finding of Incapacity and Appointment of Temporary Guardian for Duane Evans ("Mr. Evans") on February 18, 2026 ("Petition"), by Tom Vestal Evans ("Tom") through his attorney, Brian T. Smith. Accompanying this Petition was a Notice of and Motion for Emergency Relief and Hearing, seeking the emergency appointment of Tom as Guardian of Duane Evans ("Motion"). The Motion was granted via an Ex Parte Order for Emergency Relief and Notice of Hearing on February 18, 2026 ("Emergency Order").

Pursuant to S.C. Code Ann. § 62-5-108 and upon the filing of a Motion for the Appointment of Counsel for Emergency Proceedings, Joseph Plaxco, Esq., was appointed as counsel for Mr. Evans, and upon the filing of a Motion for the Appointment of Guardian ad Litem for Emergency Proceedings, Cathy Hall was appointed as his Guardian ad Litem. On February 19, 2026, Elizabeth Evans filed a counter Summons and Petition for a Finding of Incapacity and for Appointment of a Temporary and Permanent Guardian and Conservator of Mr. Evans, with an accompanying competing Notice of and Motion for Emergency Relief and Hearing, seeking the emergency appointment of Elizabeth Evans as Guardian of Duane Evans.

An emergency hearing to review the Emergency Order was scheduled for and held on February 20, 2026. In attendance were: Tom Vestal Evans with his attorneys, Brian T. Smith, Aaron Debruin, and Mitch Appleby; Elizabeth Evans with her attorney, Jessica S. Ferguson; Mikal McAlister, daughter of Mr. Evans, appearing *pro se*; and Anna Okupinski, daughter of Mr. Evans, appearing *pro se*; Joseph Plaxco as legal counsel for Mr. Evans; Cathy Hall, Guardian ad Litem; and Markita Ebersole, Senior Associate General Counsel of Prisma Health, where Mr. Evans is currently located. Prior to the commencement of the hearing, the parties discussed this matter and made an agreement.

Upon the opening of the record, Jessica S. Ferguson read this agreement to the Court. Each party was evaluated under oath as to their understanding of this agreement and their willingness to enter into it. Therefore, based upon my review of the file and testimony taken in open Court, I make the following:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Jurisdiction, Venue, & Procedure

1. The Probate Court has subject matter jurisdiction over this matter pursuant to S.C. Code Ann. §62-1-302(a)(2)(i) and venue is proper pursuant to S.C. Code Ann. §62-5-302.
2. All parties were properly served with the Summons, Petition, Motion, and Emergency Order filed by Tom Evans.

Incapacity

3. All parties, including the Guardian ad Litem, agree that Mr. Evans is an incapacitated individual. Based on the Physician's Affidavit for Emergency or Temporary Proceedings

completed by Andres Camilo Ruiz, MD, and other evidence in this matter, the Court concludes the evidence is clear and convincing that Duane Evans currently meets the definition of incapacity as defined in S.C. Code Ann. §62-5-101(13).

4. The Court further concludes that Mr. Evans currently lacks the ability to effectively receive, evaluate, and respond to information or make or communicate decisions such that a person, even with appropriate, reasonably available support and assistance, could make and that he cannot meet the requirements for his physical health, safety, or self-care, necessitating the need for a Temporary Guardian.
5. Based on Mr. Evans's incapacity, there will be certain rights he does not retain. However, the Court holds in abeyance findings regarding the specific rights to be retained or removed as a result of his incapacity.
6. The parties agree that Duane Evans is currently on "life support," meaning that a medical apparatus is currently maintaining Mr. Evan's life. This "status quo" condition must not be changed within seven days of the date of this Order; a life-sustaining medical apparatus may not be removed or withdrawn within seven days of the date of this Order, unless the Temporary Guardian determines after medical consultation that the life-sustaining medical apparatus is no longer necessary to sustain life.
7. However, the parties agree that a decision to place a trach and PEG tube, as opposed to the current life sustaining medical apparatus, must be made shortly. Should Tracy Parsons determine that changing the medical apparatus supplying life sustaining treatment from its current form to a trach and PEG tube is in the best interest of Mr. Evans – and with consultation with the named parties – she may authorize that change of "life support."

Appointment of Temporary Guardian

8. The parties agree that Tracy Parsons, a professional guardian, should serve as Duane Evan's Temporary Guardian, and that this appointment is in his best interest.
9. I find that Tracy Parsons is familiar to this Court and that she is a fit and reasonable person to serve in this role. Therefore, the hereby Court appoints Tracy Parsons as Temporary Guardian of Duane Evans.
10. Tracy Parsons is vested with all rights listed in S.C. Code Ann. § 62-5-309.
11. The authority of the Temporary Guardian includes all powers as Personal Representative under HIPAA. All medical providers, physicians, nurses, psychiatrists, counselors, therapists, psychologists, insurance companies, and any and all other individuals or entities providing treatment, care, or maintaining medical records for Mr. Evans shall provide the Temporary Guardian with information, copies, and access to all such information, and the Temporary Guardian shall not be prevented access to information pertaining to him based upon HIPAA regulations. As the Temporary Guardian deems it appropriate, she also has the authority to sign a HIPAA authorization for release of health care information to others.


Further Agreement of the Parties

12. Each party to this action – Tom, Elizabeth, Mikal, and Anna – shall have free and full access to any and all of Duane Evan's medical records. All medical providers, physicians, nurses, psychiatrists, counselors, therapists, psychologists, insurance companies, and any and all other individuals or entities providing treatment, care, or maintaining medical records for Mr. Evans shall provide these individuals with information, copies, and access

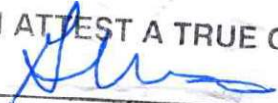
to all such information, and the named parties shall not be prevented access to information pertaining to him based upon HIPAA regulations.

13. Each party to his action – Tom, Elizabeth, Mikal, and Anna – shall have the right to visit with Mr. Evans. However, these visitations must be *one at a time*, unless otherwise determined by Tracy Parsons, and pursuant to hospital internal policies. Tracy Parsons shall oversee and administer the visitations.

THEREFORE IT IS SO ORDERED.


Chadwicke L. Groover
Greenville County Probate Judge

This 20th day of February, 2026
Greenville, South Carolina

I ATTEST A TRUE COPY

Clerk, Probate Court
Greenville County, SC
Dated: 2/20/06