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FILED Mar 26 2026

FEB 18 2026 S.C. SUPREME COURT

Greenville County
Probate Court

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

IN THE MATTER OF:
DUANE EVANS

☐ Decedent ☒ Alleged Incapacitated Individual
☐ Minor ☐ Other: _____

Tom Vestal Evans

Petitioner(s),

vs.

Elizabeth Evans

Respondent(s).*

▲ PROBATE COURT USE ONLY ▲

IN THE PROBATE COURT

CASE NUMBER 2026-GC-23 - 00023

SUMMONS

*For Guardianship/Conservatorship matters, you must include the alleged incapacitated individual as a Respondent.

TO THE RESPONDENT(S) LISTED ABOVE:

YOU ARE HEREBY SUMMONED and required to Answer the Petition in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer upon the Petitioner(s) listed above at the following address(es):

Please Type or Print.

Brian T. Smith, Esq,

(Name of Petitioner/Attorney for Petitioner)

714 Pettrigu St.

(Street Address or Mailing Address)

Greenville, SC 29601

(City, State, and Zip Code)

Your Answer must be served on the Petitioner at the above address within **thirty (30) days** after the service of this Summons and Petition upon you, exclusive of the day of such service; and if you fail to answer the Petition within that time, judgment by default will be rendered against you for the relief demanded in the Petition.



Signature of Petitioner(s)/Attorney for Petitioner(s)

Date: 2/17/2026

**INSTRUCTION SHEET FOR FORM #530GC
PETITION FOR FINDING OF INCAPACITY, APPOINTMENT OF GUARDIAN,
APPOINTMENT OF SUCCESSOR GUARDIAN**

Payment of the filing fee or filing of a Motion and Affidavit to Proceed In Forma Pauperis (see Form SCCA405PC) is required when this petition is filed. The petition is intended to be used when a petitioner is seeking the appointment of a Guardian for an alleged incapacitated individual (A.I.I.). It can also be used when a petitioner seeks to have a Successor Guardian appointed for an incapacitated individual. The following actions may be requested with the filing of the attached Petition:

• **FINDING OF INCAPACITY**

- The Petitioner may be seeking to have the A.I.I. found to be an incapacitated individual for the purpose of the appointment of a Guardian. This is determined by the Court based upon a physician's examination and report and other relevant evidence. Generally, if there is no finding of incapacity, the court will not be able to proceed with any other action regarding the person who is alleged to be incapacitated.

- If authority is needed to make decisions regarding health care, medical treatment, medical decisions, or appropriate placement for the A.I.I., please read below for situations in which a guardianship may be needed and check the appropriate box(es) in the Petition:

- **APPOINTMENT OF GUARDIAN** (including appointment on an **EMERGENCY** or **TEMPORARY** basis; see Forms #512GC and #513GC) - Can be used to request appointment of an individual, including a professional Guardian, on an emergency, temporary, and/or permanent basis to be the substitute health care decision-maker for an alleged incapacitated individual.
- **APPOINTMENT OF SUCCESSOR GUARDIAN** - Can be used to request appointment of a successor to the permanent Guardian.
- **IF NOMINATED TO SERVE IN A WILL** – Based on the facts of the case and the filings of the parties, pursuant to S.C. Code Ann. § 62-1-100, it is within the discretion of the Court to determine whether a testamentary Guardian designation in a will executed by a parent or spouse prior to January 1, 2019, the effective date of the revisions to Article 5 of the S.C. Probate Code, will fall under the processes and procedures of the 1987 Probate Code or under the processes and procedures enacted by the 2017 amendments. (See §62-5-301 of the 1987 Probate Code versus the changes to §62-5-301 enacted by the 2017 amendments.)

• **RIGHTS AND POWERS OF THE ALLEGED INCAPACITATED INDIVIDUAL**

- S.C. Code Ann. § 62-5-303(B)(7) requires that the petitioner must indicate in the petition what rights the Court is being asked to remove from the A.I.I. For guardianships those rights are stated in S.C. Code Ann. § 62-5-304A. The burden of proof will be on the petitioner to show why certain rights should be removed. Rights not asked to be removed or not stated as being removed in the court order will be retained.
- If the A.I.I. is found to be incapacitated based on mental illness, "mental deficiency," "mental defect," or an impairment other than solely a physical impairment or disability, the court is required to report the name of the incapacitated individual to the State Law Enforcement Division (SLED), pursuant to S.C. Code Ann. § 23-31-1020. He or she will not be allowed to purchase, possess, or have access to firearms or ammunition, pursuant to S.C. Code Ann. § 23-31-1040(A).

FILED

FEB 18 2026

Greenville County
Probate Court

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

IN THE MATTER OF:

DUANE EVANS

an alleged incapacitated individual.

Tom Vestal Evans

Petitioner(s),

vs.

Elizabeth Evans

Respondent(s).*

▲ PROBATE COURT USE ONLY ▲

IN THE PROBATE COURT
CASE NUMBER 2026-GC-23-00023

PETITION FOR:

☐ FINDING OF INCAPACITY

☒ APPOINTMENT OF:

(Check appropriate box(es))

☐ GUARDIAN

☒ TEMPORARY GUARDIAN

☐ SUCCESSOR GUARDIAN

*You must include the alleged incapacitated individual (A.I.I.) as a Respondent.

1. Information about Petitioner(s):

Petitioner(s): Tom Vestal Evans

Address(es): 23 Hillandale Circle, Greenville, SC 29609

Telephone (preferred): /864-608-0586

Telephone (secondary): _____

Email: _____

Relationship to A.I.I. or proceeding: Son to Duane Allen Evans (Alleged Incapacitated Individual)

2. Information about A.I.I.:

A.I.I. Full Legal Name (include all known names): Duane Evans

Date of Birth: 7-21-1954

Last 4 digits of Social Security #: _____

XXX-XX-_____

Address: Prisma Health, Greenville

This address is a: ☐ Private Home

☒ Facility

☐ Other (specify): _____

Telephone (preferred): _____

Telephone (secondary): _____

Email: _____

Hair Color: _____

Eye Color: _____

Height: _____

Weight: _____

3. Existing legal documents and/or legal appointments relating to the A.I.I.:

To my knowledge, the A.I.I.:

☐ Does have

☒ Does not have a Will

☒ Does have

☐ Does not have a general Durable
Power of Attorney (POA)

☐ Does have

☒ Does not have a Health Care POA

☐ Does have

☒ Does not have a Living Will

☐ Does have

☒ Does not have a Guardian

☐ Does have

☒ Does not have a Conservator or Trustee

If the A.I.I. does have any of the above-named documents, copies must be provided with this Petition or an explanation provided as to why the document is not available.

4. Jurisdiction:

☒ The A.I.I. has been physically present in South Carolina for the six (6) month period immediately preceding the filing of this petition or for at least six (6) consecutive months ending within the six (6) month period immediately preceding the filing of this petition.

If the A.I.I. has not been physically present in South Carolina for the period of time described above, explain what connections the A.I.I. has to South Carolina. Please refer to SC Code §§ 62-5-700 through 62-5-711.

5. **Venue (check all that apply):**

Venue for this proceeding is proper in this county because the A.I.I.:

- ☒ resides in this county and has resided in this county for more than six (6) months;
- ☐ resides in this county (this is his/her county of residence);
- ☐ is physically present in this county at this time; or
- ☐ is admitted to an institution in this county pursuant to an order of a court of competent jurisdiction, but this is not the county of residence.

If the A.I.I. has not resided in this county for the six (6) months preceding this action, state the address where the A.I.I. did reside or where he/she is currently residing:

6. **Information about family of the A.I.I. – You must provide information about the spouse and any children of the A.I.I.; if there is no spouse or adult children, then list his/her parents. If no parents are living, then list the closest adult relative(s).**

Spouse**: Elizabeth Evans
Address: 11 Botany Rd., Greenville South Carolina 29615
Year of Birth: Age 69

**If deceased, a certified death certificate is required.

Children of A.I.I.:

Full Legal Name	Year of Birth	Full Address
<u>Anna Okupinski</u>	<u>1981</u>	<u>Bennette Street, Greenville, SC</u>
<u>Mikal McAlister</u>	<u>1983</u>	<u>Athens, Greece</u>
<u>Tom Vestal Evans</u>	<u>1988</u>	<u>23 Hillandale Circle, Greenville, South Carolina 29609</u>

☐ See attached for additional children (check if applicable).

(IF REQUIRED) Living Parents of A.I.I.:

Full Legal Name	Year of Birth	Full Address

(IF REQUIRED) Closest Living Adult Relative(s) of A.I.I. – use additional paper if needed:

Name:
Address:
Relationship to A.I.I.:

7. Information about any other interested parties such as a Guardian, Conservator, Trustee, representative payee, agent under a general durable power of attorney, or a health care agent under a health care power of attorney.

Name

Relation to A.I.I.

Full Address

8. **Rights and Powers of the A.I.I.** (See § 62-5-304A.)

(If you are the A.I.I. in this matter, you should be prepared to defend the assertion that any of the following rights should be removed; however, the burden is on the Petitioner to show why.)

Do you believe the A.I.I. should retain the following rights to:

- | | | |
|--|------------------------------|--|
| A. Make decisions about health care and medical treatment? | ☐ YES | ☒ NO |
| B. Choose a physician? | ☐ YES | ☒ NO |
| C. Make end-of-life decisions? | ☐ YES | ☒ NO |
| D. Authorize disclosure of confidential information? | ☐ YES | ☒ NO |
| E. Choose where to live? | ☐ YES | ☒ NO |
| F. Participate in social and religious activities? | ☐ YES | ☒ NO |
| G. Vote? | ☐ YES | ☒ NO |
| H. Consent to or refuse educational services? | ☐ YES | ☒ NO |
| I. Contract for marriage (i.e., get married)? | ☐ YES | ☒ NO |
| J. File for divorce? | ☐ YES | ☒ NO |
| K. Travel independently? | ☐ YES | ☒ NO |
| L. Be employed without consent of a Guardian? | ☐ YES | ☒ NO |
| M. Operate a vehicle? | ☐ YES | ☒ NO |
| N. Pay his or her bills? | ☐ YES | ☒ NO |
| O. Enter into contracts? | ☐ YES | ☒ NO |
| P. Bring or defend a lawsuit? | ☐ YES | ☒ NO |
| Q. Make gifts? | ☐ YES | ☒ NO |

If you answered NO to any of the above-listed rights, please explain:

Patient is in the Hospital in a coma, but has responded to neice/brother by bodily movement.

9. Any other rights and powers not specifically stated here that the Court should address:

Last recent brain CT scan showed improvement. Step moms (POA) prevents full medical access to make family decision.

10. Please note any of the rights in Question 8 you believe should be given to the Guardian (*vested in the Guardian*) to exercise on behalf of the incapacitated individual and/or for which the written consent of the Guardian should be obtained prior to exercising such right. Some rights, such as voting, cannot be given to the Guardian.

No, Asking court to grant written consent authority to TOM (Duanes son) to make a consensus family life support decision.

11. **The Authority to Make Decisions About Health Care, Medical Treatment, and Placement for the A.I.I.:**

- A. Why do you believe the A.I.I. needs a Guardian/Successor Guardian/Temporary Guardian to provide continuing care and supervision? Provide a brief description of the nature and extent of the alleged incapacity. (See 62-5-403(B)(6)).

Family believe he is making improvments and believes time is needed as the sustainment of continued life is favorable.

- B. Is there a less restrictive alternative? If so, please explain.

NO, Its urgent to freeze POA & grant son- TOM Guardian authority for COMPLETE family decision making power.

C. In what ways is the A.I.I. able to provide for health, education, maintenance, and support for himself/herself and his or her dependents?
no minor children/dependents. It is unclear of his daily/future needs at this time. Only temporary authority is requested.

D. Is it necessary to hold any type of emergency or temporary proceeding to protect the physical person of the A.I.I., to make immediate decisions concerning health care or medical treatment, or is the appointment of a temporary Guardian necessary before a final hearing can be held on this Summons and Petition? (If seeking emergency or temporary relief, use Form #512GC or Form #513GC.)

☐ NO. ☒ YES. If yes, please explain:

see form 512GC 513GC attached

E. Why does the A.I.I. need a Guardian to give consents or approvals that may be necessary to enable the A.I.I. to receive medical or other professional care, counsel, treatment?

He is in a coma at this time. Family fears that life support may be pulled too soon. Medical Access is limited/denied.

F. What does the A.I.I. need for care, assistance, protection, or supervision on a daily basis?

At this time, family/son is trying to prevent Life Support to be removed without whole family medical access/imput.

G. Has a Guardian appointed by a will accepted such appointment?

☒ NO. ☐ YES. If yes, please explain and provide a copy of the will. NO WILL

H. I request the appointment of (if someone other than Petitioner):

Name: only the Petitioner: Tom Vestal Evans/ SON of A.I.I.

Address: _____

Preferred Phone: _____

Email: _____

Relationship to A.I.I.: _____

I. Priority of appointment for the proposed Guardian (Petitioner or person named in 11H., above):

- ☐ A previously appointed Guardian or his/her nominee;
☐ Person nominated to serve as Guardian by the A.I.I., if A.I.I. has sufficient mental capacity to make a reasoned choice;
☐ An agent designated in a recorded Power of Attorney whose authority includes powers relating to the care of the A.I.I. or his/her nominee;
☐ Spouse of the A.I.I. or person nominated as testamentary Guardian in the probated will of the spouse or their nominee;
☒ Adult child of the A.I.I. or their nominee;
☐ Parent of the A.I.I. or person nominated as testamentary Guardian in the probated will of the parent or his/her nominee;
☐ Closest adult relative to the A.I.I. (specify relationship) _____;
☐ Person with whom A.I.I. resides (does not include health care facility, group home, homeless shelter, prison);
☐ Person nominated by a health care facility caring for the A.I.I.; or
☐ Other (specify): _____

J. What does the A.I.I. own?

- ☒ Real property - Address: _____
☒ Vehicle - Make/Model/Value: _____
☒ Bank Account - Bank and current balance: _____
☒ Monthly Income - Source and amount: _____
☐ Other: _____

VERIFICATION

The Petitioner, being sworn, states: That the facts set forth in the foregoing Petition are true to the best of the Petitioner's knowledge, information, and belief.

SWORN to me this 17th day of February, 2026

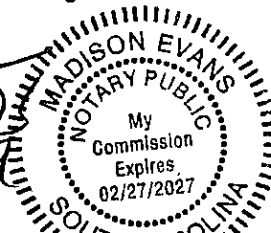
Signature of Petitioner: _____

Signature: _____

Printed Name of Notary: _____

Notary Public for State of: _____

My commission expires: _____



SWORN to me this 17 day of February, 2026

Signature of Co-Petitioner: _____

Signature: _____

Printed Name of Notary: _____

Notary Public for State of: _____

My commission expires: _____

This section is to be signed by the individual(s) nominated to serve in one of the roles listed below.

QUALIFICATION AND STATEMENT OF ACCEPTANCE

I agree to serve as appointed and to perform the duties and discharge the trust of the office of (check the applicable choices): ☐ Guardian; ☐ Successor Guardian; or ☒ Temporary Guardian for Duane Allen Evans (Name of A.I.I.).

Executed this 17th day of February, 2026.

Signature: _____

Printed Name: Tom Vestal Evans

Signature: _____

Printed Name: _____

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE MATTER OF:

Duane Allen Evans

an alleged incapacitated individual.

FILED

FEB 18 2026

Greenville County
Probate Court
PROBATE COURT USE ONLY

IN THE PROBATE COURT
CASE NUMBER 2026 -GC-23 - 00023

PROBATE COURT INSTRUCTIONS
FOR MOTION FOR EMERGENCY RELIEF
AND HEARING PURSUANT TO
S.C. CODE ANN. § 62-5-108

1. This Motion is to be used only where immediate and irreparable injury or damage to the health, safety, or welfare of an alleged incapacitated individual (A.I.I.), or substantial economic loss to the A.I.I., is likely and imminent before a temporary or permanent hearing may be scheduled. If this is not an emergency as described below, but there is a need for action to be taken before a permanent hearing may be scheduled, you may file a Motion for Temporary Relief (Form #513GC).

2. This emergency Motion must be filed at the same time as a (a) Summons and Petition, (b) Motion for Appointment of Counsel for the A.I.I. if none has been retained (Form 523GC), (c) Motion for Appointment of Guardian *ad Litem* (GAL) if none previously appointed (Form 527GC), (d) Physician's Affidavit for Emergency/Temporary Relief (Form 522GC), and (e) any supporting affidavits. Examples of emergencies for which the court may grant a motion for emergency relief are as follows:

- a. A.I.I.'s imminent loss of federal or state assistance such as Medicaid, Medicare, Social Security income, Supplemental Security Income, VA benefits.
- b. Kidnapping or false imprisonment of A.I.I., or transport of A.I.I. out of the state of South Carolina.
- c. Inability or refusal of A.I.I. to give informed consent to emergency medical procedures.
- d. A.I.I.'s inability to provide for own mental and physical needs which requires a guardian to seek immediate treatment.
- e. Need for or loss of housing or nursing home care for A.I.I.; provided, however, homelessness by itself is not an emergency.
- f. Unauthorized transfer of assets of A.I.I. including unauthorized transfer by agent pursuant to power of attorney.
- g. Inability of A.I.I. to take immediate action necessary to preserve assets.
- h. Inability of A.I.I. to prosecute or defend legal actions, or execute legal documents.
- i. A.I.I.'s imminent marriage.

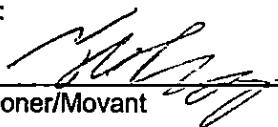
3. Evidence of the suitability and creditworthiness of the proposed guardian, conservator, or other fiduciary must be provided in a written credit report and criminal background check from the state of residence of the proposed guardian, conservator, or other fiduciary, and must be submitted with the Motion.

4. If the Motion includes a request for the freezing or restriction of assets, information as to specific bank accounts of the A.I.I. must be provided.

5. An emergency hearing must be scheduled within ten (10) days of the issuance of the Ex Parte Order or as otherwise ordered by the court.

I HAVE READ AND UNDERSTAND THESE INSTRUCTIONS:

Executed this 17 day of Feb, 2026.


Petitioner/Movant

FILED

FEB 18 2026

Greenville County
Probate Court

STATE OF SOUTH CAROLINA

COUNTY OF

IN THE MATTER OF:

Duane Allen Evans,
an alleged incapacitated individual.

Tom Vestal Evans

Petitioner(s),

vs.

Elizabeth Evans

Respondent(s).

▲ PROBATE COURT USE ONLY ▲

IN THE PROBATE COURT
CASE NUMBER 2026 -GC- 23 - 00023

**NOTICE OF AND MOTION FOR
EMERGENCY RELIEF AND HEARING**

I move for emergency relief to protect the welfare or assets of Duane Allen Evans, an alleged incapacitated individual (A.I.I.), and request a hearing on , 2026, at a.m./p.m., or at such date and time as the Court orders, for:

☒ Emergency appointment of: ☒ temporary guardian, ☐ temporary conservator, or ☐ other fiduciary (specify type):

Proposed fiduciary name: Tom Vestal Evans

Proposed fiduciary address: 23 Hillandale Circle, Greenville, South Carolina 29609

Relationship to A.I.I.: Adult Biological Son

☒ Removal of existing ☐ guardian, ☐ conservator, or ☒ other fiduciary, and appointment of a successor.

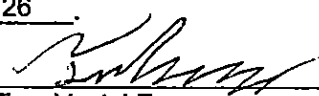
☐ Appointment of Guardian *ad Litem* or ☐ removal of Guardian *ad Litem*.

☒ An emergency protective order as follows (specify):

Immediate and irreparable injury, loss, or damage will result before notice can be served on adverse parties and a hearing held pursuant to S.C. Code Ann. § 62-5-108(B) as shown by the following facts: He is on life support/ death could occur

If an emergency order for temporary guardianship, conservatorship, or other protective order related to the welfare of the A.I.I. is requested, a physician's affidavit dated within the last thirty (30) days is attached.

Executed this 17th day of Feb, 2026.

Signature: 

Print Name: Tom Vestal Evans

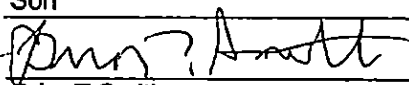
Address: 23 Hillandale Circle
Greenville, South Carolina 29609

Preferred Telephone: 864608-0586

Secondary Telephone:

Email: evanstv54@gmail.com

Relationship to A.I.I.: Son

Attorney Signature: 

Print Name: Brian T. Smith

Firm Name: Brian T. Smith Law Offices

Bar Number: 70232

Address: 714 Pettigru St.
Greenville, SC 29601

Telephone: 864-239-2007

Email: bsmith@btsmithlaw.com

Attorney for: Petitioner

FILED

FEB 18 2026

AFFIDAVIT OF PHYSICIAN

Greenville County
Probate Court

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

Personally appeared before me, the undersigned Notary Public, Dr.

JOSEPH A. EVANS, D.M.D., who, being duly sworn, states as follows:

1. I am a licensed physician in the State of SOUTH CAROLINA, holding medical license number 9798.
2. I have personal knowledge of the medical history and pre-existing medical conditions of Mr. Duane Evans, based upon my treatment of him and/or review of his medical records.
3. I also have knowledge of his current medical condition based upon information provided to me and/or review of available medical information.
4. Based upon my knowledge of Mr. Evans' medical history and present condition, I support the family's present motion and request for continued evaluation and appropriate medical care.
5. I make this affidavit voluntarily and under oath, and affirm that the foregoing statements are true and correct to the best of my knowledge and belief.

FURTHER AFFIANT SAYETH NOT.

Joseph A. Evans

Dr. JOSEPH A. EVANS, D.M.D.

Medical License No.: S.C. #9798

Sworn to and subscribed before me
this 17 day of February, 2026.

Madeline

Notary Public

My Commission Expires:

2-27-27



FILED

FEB 18 2026

Greenville County
Probate Court

AFFIDAVIT OF PHYSICIAN

STATE OF South Carolina
COUNTY OF Greenville

Personally appeared before me, the undersigned Notary Public, Dr.
WHITE, M.D., who, being duly sworn, states as follows:

1. I am a licensed physician in the State of South Carolina, holding medical license number 13431.
2. I have personal knowledge of the medical history and pre-existing medical conditions of Mr. Duane Evans, based upon my treatment of him and/or review of his medical records.
3. I also have knowledge of his current medical condition based upon information provided to me and/or review of available medical information.
4. Based upon my knowledge of Mr. Evans' medical history and present condition, I support the family's present motion and request for continued evaluation and appropriate medical care.
5. I make this affidavit voluntarily and under oath, and affirm that the foregoing statements are true and correct to the best of my knowledge and belief.

FURTHER AFFIANT SAYETH NOT.

[Signature] MD
Dr. M.A. WHITE, M.D.
Medical License No.: 13431



Sworn to and subscribed before me
this 16 day of February, 2026.

[Signature]
Notary Public
My Commission Expires: 2-27-27

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE PROBATE COURT
CASE NUMBER: 2026-GC-23-00023

FILED

FEB 18 2026

Greenville County
Probate Court

IN THE MATTER OF:
Duane Evans,
an alleged incapacitated individual.

Tom Vestal Evans

Petitioner(s),

vs.

Elizabeth Evans

Respondent(s).

**MOTION AND ORDER FOR APPOINTMENT
OF COUNSEL FOR
EMERGENCY OR TEMPORARY PROCEEDINGS**

I request that an attorney be appointed for Duane Evans, an alleged incapacitated individual (A.I.I.), for emergency or temporary proceedings pending before the Court. I understand that I am responsible for the fees and costs of the attorney unless otherwise ordered by the Court.

Petitioner/Movant

Executed this _____ day of _____, 20____.

CONSENT

I consent to appointment as attorney for Duane Evans in the above action and agree to serve in that capacity. I am licensed to practice law in the State of South Carolina and a member in good standing of the South Carolina Bar.

Attorney Signature: _____

Print Name: Joseph Plaxco

Firm Name: Joseph Plaxco, LLC

Bar Number: 100975

Address: 217 East Park Avenue

Greenville, SC 29601

Telephone: (864) 240-9112

Email: Joseph.plaxco@plaxcolaw.com

Attorney for: Duane Evans, A.I.I.

Executed this 18 day of February, 2026.

ORDER APPOINTING ATTORNEY

On consideration of the above motion, it is ordered that Joseph Plaxco is appointed attorney for the A.I.I. to advocate for his/her expressed wishes.

- _____
Elizabeth P. Wiygul
- ☐ Chadwicke L. Groover, Probate Court Judge
☐ Caroline M. Horlbeck, Associate Probate Court Judge
☒ Elizabeth P. Wiygul, Associate Probate Court Judge

Executed this 18th day of February, 2026.

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE PROBATE COURT
CASE NUMBER: 2026-GC-23-00023

IN THE MATTER OF:

Duane Evans

an alleged incapacitated individual.

FILED

FEB 18 2026

Greenville County
Probate Court

**EX PARTE ORDER FOR
EMERGENCY RELIEF AND
NOTICE OF HEARING**

Tom Vestal Evans

Petitioner(s)

vs.

Elizabeth Evans

Respondent(s)*

The Court has jurisdiction over the parties and subject matter, and venue is proper. Based on the physician's affidavit filed with the Court and the factual allegations made, the request for emergency order and hearing is

☒ GRANTED; ☐ DENIED. If granted, **pending the emergency hearing, IT IS ORDERED;**

1. ☒ The physical welfare of the alleged incapacitated individual (A.I.I.) requires emergency relief as follows:
☒ Tom Vestal Evans is appointed Guardian with all of the rights and duties in S.C. Code Ann. § 62-5-304A(B);
☐ _____ is appointed Limited Guardian to
☐ make decisions about the A.I.I.'s custody and residence;
☐ consent to medical or other professional care, counsel, treatment, or service, and/or
☐ access medical records;
☐ other: _____
2. ☐ The assets of the A.I.I. require emergency protection as follows:
☐ _____ is appointed Conservator with all of the rights and duties in SC Code Ann. § 62-5-422(A)
☐ _____ is appointed Limited Conservator to
☐ have access to the A.I.I.'s financial records, provided, however, if this box ☐ is checked no disbursements may be made without written court approval;
☐ apply for, receive and manage money and property with the exception of _____;
☐ institute and maintain proceedings to protect money and property;
☐ other: _____
3. ☒ Cathy Hall is appointed Guardian ad Litem with all of the rights and duties in SC Code Ann. § 62-5-106.
4. ☒ A Protective Order is entered as follows: This Emergency Order temporarily suspends any powers conveyed to an agents under a Healthcare Power of Attorney until this matter may be addressed at the emergency hearing.
- ☐ A fiduciary bond in the amount of \$ _____ is required.

NOTICE OF EMERGENCY HEARING

Date: February 20, 2026

Time: 9:00 a.m.

Place: Greenville County Probate Court 301 University Ridge Greenville County
Square Suite N-T100 Greenville, SC 29601

Petitioner shall serve this Order and Notice of Emergency Hearing on the A.I.I., the attorney and GAL for the A.I.I., and adverse parties immediately after issuance.


☐ Chadwick L. Groover, Probate Court Judge
☐ Caroline M. Horlbeck, Associate Probate Court Judge
☒ Elizabeth P. Wiygul, Associate Probate Court Judge

Executed this 18th day of February, 2026.

Greenville, South Carolina

STATE OF SOUTH CAROLINA

IN THE PROBATE COURT

COUNTY OF GREENVILLE

FILED

C/A No.: 2026-GC-23-00023

IN THE MATTER OF:

FEB 26 2026

DUANE EVANS,

Alleged Incapacitated Individual

**GREENVILLE COUNTY
PROBATE COURT**

**MOTION FOR
EMERGENCY RELIEF
AND EMERGENCY HEARING**

Tom Vestal Evans

Petitioner,

-vs-

Elizabeth Evans

Respondent.

NOW COMES Joseph M. Plaxco, counsel for Duane Evans, who moves the Court for emergency relief and an emergency hearing. This Motion is grounded on the following:

- 1 . This action was filed on February 18, 2026 by the Petitioner, Tom Vestal Evans. Tom Vestal Evans is the adult son of Duane Evans.
- 2 . On February 18, 2026, by of an *ex parte* order, the Court appointed Tom Vestal Evans as Guardian of Duane Evans. An emergency hearing was held on February 20, 2026.
- 3 . Prior to the emergency hearing on February 20, 2026, the parties reached an agreement. Pursuant to the agreement, Tracy Parsons, a professional guardian, was appointed as Duane Evans' Temporary Guardian. The agreement further made provisions concerning access to medical records and visitation.
- 4 . Since her appointment, it appears that Tracy Parsons has performed a significant amount of work assessing Duane Evans and working with his family. Attached as **Exhibit A** is Ms.

Parsons' email to the parties dated February 25, 2026.

- 5 . The Guardian *ad Litem*, Cathy Hall, has also performed a significant amount of work investigating this matter from all perspectives. Her Guardian *ad Litem* Report is attached hereto as **Exhibit B**.
- 6 . There is a tremendous amount of discord between Tom Vestal Evans and Duane Evans' spouse, Elizabeth Evans, specifically with regard to Duane Evans' end of life care and treatment.¹
- 7 . Duane Evans' medical condition is at a juncture where crucial and critical decisions, quite literally those between life or death, must be made and must be made immediately.
- 8 . Understandably and given the circumstances, Ms. Parsons cannot and will not make such decisions.
- 9 . By way of the foregoing, the undersigned is informed and believes, and thus alleges, that an emergency hearing must be held absolutely as soon as possible for the Court to provide one family member with the ultimate responsibility and authority to make all further decisions with regard to Duane Evans.
- 10 . The undersigned would note that Duane Evans is unable to communicate with him as to his wishes and his position on this matter. However, the undersigned believes that in his capacity as Duane Evans' court-appointed attorney, he has an affirmative obligation to bring this matter in front of the Court for immediate resolution.

¹ Insofar as immediate family is concerned, Tom Vestal Evans has the support of Duane Evans' siblings. Elizabeth Evans has the support of Duane Evans' other two (2) children.

Respectfully submitted,

JOSEPH M. PLAXCO, LLC

A handwritten signature in black ink, appearing to read "Joseph M. Plaxco", is written over a horizontal line.

Joseph M. Plaxco (SC Bar No. 100975)

217 East Park Avenue

Greenville, South Carolina 29601

(864) 240-9112 (telephone)

(864) 233-4567 (fax)

joseph.plaxco@plaxcolaw.com

Greenville, South Carolina

Dated this 25th day of February, 2026

From: Tracy Parsons tracy@tcparsons.com
Subject: Evans
Date: February 25, 2026 at 4:20 PM
To: Aaron De Bruin adebruin@debruinlawfirm.com, Joseph Plaxco joseph.plaxco@plaxcolaw.com, jferguson@alrlaw.net, bsmith@btsmithlaw.com
Cc: Ritchie, Virginia ViRitchie@greenvillecounty.org, Cathy Hall cathy.hall2023@gmail.com

I was appointed temporary legal guardian for Mr. Duane Evans February 20, 2026. At that time, I was asked to obtain a second opinion, preferably outside Greenville Prisma. The court order allowed HIPPA access to children and spouse. They have right to all medical records and access to clinicians. A visitation schedule has also been established. Each side can visit for 6 hours. When I met with Tom, he allowed Elizabeth to pick her preference due to his flexible schedule. She chose 8am-2pm, he has been allowed 2pm-8pm. The hospital policy is 2 people. I have allowed that to remain, as long as everyone behaves while visiting.

I have met with Tom twice and have had numerous conversations via, phone, text, and e-mail. I have visited the hospital several times. I have observed two neuro assessments by the attending physicians. I have talked with Elizabeth, Anna and Mikal while at the hospital.

Tom told me yesterday he does not want the Peg tube or the Trach. I also do not want to consent to this without knowing next steps. There would need to be a discharge plan in place. I have great concerns about any one individual taking care of him for several reasons. The only facility that accepts trach and Peg patients is Millennium Post- Acute in Columbia, SC. For a semi-private room, the cost is \$450.00/day. They do not have any private rooms for this level of care. This facility presents several obstacles, cost and distance. Also, a trach and Peg cannot just be pulled after a period of time if "it's not working out." There are ethics related to this. I have explained this to all family members.

I was finally able to obtain a second opinion, attached. Initially I asked the current providers how to accomplish this task. It is not typical for family to initiate this process. It is usually done provider to provider. But, Prisma does not feel the need for this so, I had to do on my own. They gave me the names of two providers in the Richland area. I reached out to Dr. Andrew Price as his counterpart was not on this week. He explained he would be happy to treat Mr. Evans inside the Richland hospital. Coming to Greenville was not feasible for him. He also does not have privileges in Greenville. So, I felt all physicians would feel the same way. However, after speaking with some Prisma staff, a second opinion was completed today. I was present for this assessment.

Tom has asked me for a Toxicology screening several times. Initially, when I said what are you looking for, I determined it was not warranted. Anything Prisma gave him would be ordered and signed out by staff. Yesterday, he asked me again. Providing me with a list of 21 possible substances that he felt Elizabeth was giving his father. He has also provided me with several documents outlining behaviors and reasons behind this belief. I did ask Prisma staff about these tests. Markita, RN, legal counsel, said no, there was no medical need. Mr. Evans' labs (kidney and liver and cardiac) show no indication of substances not prescribed by hospital staff. Further, Prisma is not a DHEC forensic lab to perform these tests.

At this point, Tom is not asking for a Trach and Peg. The second opinion, regretfully, shows a poor outcome for Mr. Evans. He would likely require 24/7 care for all ADL's. Everyone describes this man as "full of life." I heard that more than once from both sides. He was a gregarious individual who was greatly loved by so many people. I know this is a shock and so tragic. At this point, I would like the court to appoint a family member to further carry out the medical decisions.

Tracy C. Parsons

...
(864)414-5553

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EvansT2ndopinion2025.pdf



STATE OF SOUTH CAROLINA

Exhibit B

COUNTY OF Greenville

IN THE MATTER OF:

Duane Evans,
an alleged incapacitated individual

▲ PROBATE COURT USE ONLY ▲

IN THE PROBATE COURT
CASE NUMBER 2024-GC-23-00023

GUARDIAN AD LITEM REPORT

The undersigned court-appointed Guardian *ad Litem* in this guardianship and/or protective proceeding submits the following report concerning the investigation which was conducted pursuant to S.C. Code Ann. § 62-5-106.

DURING MY INVESTIGATION, I INTERVIEWED THE FOLLOWING INDIVIDUALS:

	NAME OF PERSON INTERVIEWED:	DATE OF INTERVIEW:	METHOD OF INTERVIEW (e.g. in person, by phone):
1.	Elizabeth Evans	2/19/26	In person
2.	Siobhan Wulf	2/23/26	By Phone
3.	Timmon Drumm	2/23/26	By Phone
4.	Anna Okupinski	2/23/26	By Phone
5.	Mikal Evans	2/23/26	By Phone
6.	Tom Evans	2/22/26	By phone
7.	Andres Ruiz and his nursing staff	2/19/26	In person
8.	Tracy Parsons	2/23/26	By phone
9.	Duane Evans	2/19/26	In person
10.	Dr. M. A. White	2/19/26	By phone

DURING MY INVESTIGATION, I REVIEWED THE FOLLOWING DOCUMENTS:

	TYPE OF DOCUMENT:	PROVIDER OF THE DOCUMENT:
1.	Affidavit of Finding of Incapacity/ Examiners Report	Attorney Jessica Ferguson
2.	Prisma Medical Records	Attorney Jessica Ferguson
3.	Last Will and Testament of Duan Alan Evans	Attorney Jessica Ferguson
4.		

I. REPORT ON ALLEGED INCAPACITATED INDIVIDUAL:

1. Date and place of interview(s): Elizabeth Evans, Dr. Andres Ruiz and staff and the A.I.I. were all seen at Prisma Hospital located at 701 Grove Road Greenville SC. While at the hospital, the GAL was able to see the A.I.I.
2. Was the alleged incapacitated individual (A.I.I.) oriented to the time and place? ☐ YES ☒ NO
3. Describe the A.I.I.'s physical appearance: The A.I.I. was located in the ICU of Prisma Hospital. He was unable to respond to the GAL attempts at speaking to him nor did he appear to wake up or move when anyone spoke during the course of the GAL visit.
4. Who are the A.I.I.'s closest family members? The A.I.I.'s wife is Elizabeth Evans. The A.I.I. has a blended family with Elizabeth. The A.I.I. has three biological children: Anna Okupinski, Mikal Evans and Tom Evans. In addition, he has three stepchildren Siobhan Wulf, Timmon Drumm and Jeffrey.

5. Does the A.I.I. have an attorney? ☒ YES ☐ NO If yes, list the attorney's name, address, and phone number.

Joseph Plaxco- 217 E Park Ave Greenville SC 29601- 864-240-9112

6. Does the A.I.I. have a primary care physician or other treating medical provider? ☒ YES ☐ NO
If yes, list the doctor's name, address, and phone number.

Prisma Hospital is currently providing care for the A.I.I. 864-455-7000, 701 Grove Road Greenville SC 29605

7. Please list any known medical diagnoses of the A.I.I.

Acute Right BG Intracranial Hemorrhage, Intraventricular Hemorrhage

8. What are the current care and treatment needs of the A.I.I.?

A.I.I. cannot currently care for himself. He is currently in the hospital, and it is predicted that he will need long-term hospital care. He cannot communicate his desires or needs at this time and appears unresponsive when given neurological checks.

9. What are the future care and treatment needs of the A.I.I.?

A.I.I. has a diagnosis that appears to be uncertain. Medical providers have dictated that the A.I.I. will likely need long-term hospital care.

10. The A.I.I. has been rated or found to be: (Check all that apply)

- ☒ Disabled;
☐ Mentally ill or incompetent;
☐ Chemically Dependent; or
☐ None of the above.

11. The A.I.I. would benefit from: (Check all that apply)

- ☐ Further education;
☐ Further training;
☐ Therapy or treatment;
☐ Medical aids or equipment;
☐ An operation or medical procedure(s);
☒ Structured living arrangements;
☐ Psychiatric treatment; or
☐ None of the above.

12. Is the A.I.I. capable of communicating, with or without reasonable accommodations, his or her wishes, interests, or preferences regarding a protective proceeding or the appointment of a guardian and/or conservator? ☐ YES ☒ NO

If no, then proceed to **Section III**.

13. What is the plan of the A.I.I. to provide care for himself or herself?

14. What is the plan of the A.I.I. to (i) manage his or her property or financial affairs, (ii) provide for his or her support, and/or (iii) provide support for his or her legal dependents?

15. If a protective proceeding is pending, how does the A.I.I. feel about a finding of incapacity and the issuance of the requested protective order?

16. If a Petition for guardianship is pending, how does the A.I.I. feel about the proposed guardianship and the proposed guardian?

17. If a Petition for conservatorship is pending, how does the A.I.I. feel about the proposed conservatorship and the proposed conservator? _____

II. REPORT ON PETITION FOR PROTECTIVE ORDER AND RATIFICATION OF POA/POAs

If this is a Protective Proceeding in which you are not recommending the appointment of a guardian or conservator please complete Section VI of this report and the Addendum Concerning Petition for Protective Order, which is attached to this Report (see Page 8). However, if you will be recommending the appointment of a guardian or conservator for the A.I.I., instead of a protective order, please complete all of the following sections.

III. REPORT ON THE PROPOSED GUARDIAN: (If there is not a Petition for Appointment of Guardian pending, proceed to **Section IV.**)

18. Name of the proposed guardian: Tracy Parsons
19. Relationship of the proposed guardian to the A.I.I.: Professional Guardian
20. Is the proposed guardian currently a primary caretaker for the A.I.I.? ☐ YES ☒ NO
If no, who is?
21. What are the proposed guardian's long-term plans for the A.I.I.?

Tracy appears appropriate to make decisions for the A.I.I. at this time. She is recognized by the court as a qualified person to perform the role of guardian. She is working with the family and through consultation attempting to make medical decisions for the A.I.I. that are in his best interests.

22. Upon review of the proposed guardian's criminal background check, do you have any concerns regarding the ability of the proposed guardian to serve in this role? ☐ YES ☒ NO
If yes, please explain your concerns. _____
23. Has DSS ever investigated the proposed guardian? ☐ YES ☒ NO
If yes, please explain the circumstances and provide any information the DSS record revealed that you believe the Court should know.
24. Did your investigation of the proposed guardian reveal anything that you believe the Court should know? ☐ YES ☒ NO
If yes, please explain. _____
25. Do you believe the proposed guardian is an appropriate person to serve as a guardian for the A.I.I. considering (i) his or her geographic location, (ii) his or her familial or other relationship, (iii) his or her ability to carry out the duties of the guardianship, (iv) his or her potential conflict of interests, (v) the wishes of the A.I.I., and (vi) the recommendations of the relatives of the A.I.I.? Provide a detailed response.

It is the opinion of this GAL that all rights to make decisions for the A.I.I. should be restored back to his wife. This investigation did not reveal any reason why she is unable to make the decisions that have been vested within her through marriage. She seems to understand the medical dynamics surrounding the A.I.I.'s health care. In addition, she appears capable of making decisions that would align with her understanding of the A.I.I.'s belief system.

26. Did your investigation reveal any other person who should be considered to be appointed the guardian in this matter? ☒ YES ☐ NO

If yes, please explain, including the name, address, telephone number, age, and relationship to the A.I.I. Elizabeth Evans is the wife to A.I.I. It is the opinion of this GAL that all rights to make decisions for the A.I.I. should be restored back to his wife. This investigation did not reveal any reason why she is unable to make the decisions that have been vested within her through marriage. She seems to understand the medical dynamics surrounding the A.I.I.'s health care. In addition, she appears capable of making decisions that would align with her understanding of the A.I.I.'s belief system. Elizabeth lives in the A.I.I.'s home and is a party to this case.

IV. REPORT ON THE PROPOSED CONSERVATOR

(If there is not a Petition for Appointment of Conservator pending, proceed to Section V.)

27. Name of the proposed conservator:

28. Relationship of the proposed conservator to the A.I.I.:

29. Is the proposed conservator currently the primary person assisting the A.I.I. with his or her finances?

☐ YES ☐ NO

If no, who is?

30. What assets does the A.I.I. own or income does the A.I.I. receive that necessitates the need for a conservator?

31. Upon review of the proposed conservator's criminal background check, do you have any concerns regarding the ability of the proposed conservator to serve in this role? ☐ YES ☐ NO
If yes, please explain your concerns. _____

32. Has DSS ever investigated the proposed conservator? ☐ YES ☐ NO If yes, please explain the circumstances and provide any information the DSS record revealed that you believe the Court should know. _____

33. Upon review of the proposed conservator's credit report, do you have any concerns regarding the ability of the proposed conservator to serve in this role? ☐ YES ☐ NO
If yes, please explain your concerns. _____

34. Did your investigation of the proposed conservator reveal anything that you believe the Court should know? ☐ YES ☐ NO
If yes, please explain. _____

35. Do you believe the proposed conservator is an appropriate person to serve as a conservator for the A.I.I. considering (i) his or her geographic location, (ii) his or her familial or other relationship, (iii) his or her ability to carry out the duties of the conservatorship, (iv) his or her potential conflict of interests, (v) the wishes of the A.I.I., and (vi) the recommendations of the relatives of the A.I.I.? Provide a detailed response.

36. Did your investigation reveal any other person who should be considered to be appointed the conservator in this matter? ☐ YES ☐ NO

If yes, please explain, including the name, address, telephone number, age, and relationship to the A.I.I.

V. REPORT ON THE CONDITIONS OF PRESENT AND FUTURE RESIDENCE

37. Date and time visited: 2/19/26- 10:30 am.
38. Address (including street, city, county, state, zip): The A.I.I. is currently housed at Prisma Hospital. He will remain in a medical setting for the foreseeable future.
39. Type of abode: Hospital
40. Condition:
a. Exterior: The exterior of the hospital was maintained. There were no visible signs of deterioration with the hospital.
b. Interior: The interior of the hospital was well maintained. There were no visible signs of deterioration with the hospital.
c. Utilities working: The hospital had working utilities to include running water, power and heat.
d. Cleanliness: The hospital was well maintained with no visible cleanliness issues.
e. Fire hazards: No obvious fire hazards were noted.
f. Other (explain):

41. Is there a proposed change in the residential plan for the A.I.I.? ☒ YES ☐ NO
If yes, please explain the plan and whether you believe the plan is in the best interest of the A.I.I. The long-term condition of the A.I.I. is unknown. However, based on best case scenario, he will likely not be able to remain in the ICU, nor will he be able to return home. That being said, the guardian will consult with medical providers and find the most suitable arrangements for him when the time comes.

VI. CONCLUSIONS AND ADDITIONAL COMMENTS

42. Do you believe the A.I.I. is an incapacitated person pursuant to S.C. Code Ann. § 62-5-101(13)?

☒ YES ☐ NO

43. Do you believe the A.I.I. needs a guardian?

☒ YES ☐ NO

44. Do you believe there is a less restrictive alternative to the guardianship? ☒ YES ☐ NO

If yes, please explain. The GAL believes that the A.I.I.'s wife could make decisions for the A.I.I. without being his guardian, based on their legal marital status.

45. Do you believe there should be limitations placed on the guardianship? ☐ YES ☒ NO

If yes, please explain. _____

46. Do you believe the A.I.I. needs a conservator?

☐ YES ☒ NO

47. Do you believe there is a less restrictive alternative to the conservatorship? ☒ YES ☒ NO
If yes, please explain.
48. Do you believe there should be limitations placed on the conservatorship? ☐ YES ☒ NO
If yes, please explain. _____
49. Pursuant to S.C. Code Ann. §§ 62-5-304A(A) and 62-5-407, as Guardian *ad Litem*, I believe that the A.I.I. should **retain** the following rights and powers: (Check the rights and powers you recommend the A.I.I. should **retain**.)
- a. ☐ Marry or divorce;
 - b. ☐ Reside in a place of the A.I.I.'s choosing, and consent or withhold consent to any residential or custodial placement;
 - c. ☐ Travel without the consent of a guardian;
 - d. ☐ Give, withhold, or withdraw consent and make other informed decisions relative to medical, mental, or physical examinations, care, treatment, and therapies;
 - e. ☐ Make end-of-life decisions including, but not limited to, a "do not resuscitate" order or the application of any medical procedures intended solely to sustain life and consent or withhold consent to artificial nutrition and hydration;
 - f. ☐ Consent or refuse to consent to hospitalization and discharge or transfer to a residential setting, group home, or other facility for additional care and treatment;
 - g. ☐ Authorize disclosure of confidential information;
 - h. ☐ Operate a vehicle;
 - i. ☐ Vote;
 - j. ☐ Be employed without the consent of a guardian;
 - k. ☐ Consent to or refuse educational services;
 - l. ☐ Participate in social, religious, or political activities;
 - m. ☐ Buy, sell, or transfer real or personal property or transact business of any type including, but not limited to, those powers conferred upon a conservator under § 62-5-422;
 - n. ☐ Make, modify, or terminate contracts;
 - o. ☐ Bring or defend any action at law or equity; and
 - p. ☐ Other: _____
- If necessary, please explain these recommendations. If additional space is needed, please use additional sheets and attach. _____
50. Pursuant S.C. Code Ann. §§ 62-5-304A(B) and 62-5-407(B), as Guardian *ad Litem*, I believe that a guardian or conservator's rights and powers shall include, but not be limited to: (Check the rights and powers you recommend be **vested with a guardian or conservator**.)

- a. ☒ Determine the place where the ward shall reside and consent or withhold consent to any residential or custodial placement;
- b. ☒ Consent to travel;
- c. ☒ Consent or refuse to consent to visitation with family, friends, and others;
- d. ☒ Give, withhold, or withdraw consent and make other informed decisions relative to medical mental, or physical examinations, care, treatment, and therapies;
- e. ☒ Make end-of-life decisions including, but not limited to, a "do not resuscitate" order or the application of any medical procedures intended solely to sustain life and consent or withhold consent to artificial nutrition and hydration;
- f. ☒ Consent or refuse to consent to hospitalization and discharge or transfer to a residential setting, group home, or other facility for additional care and treatment;
- g. ☒ Authorize disclosure of confidential information;
- h. ☒ Consent to employment;
- i. ☒ Consent to or refuse educational services;
- j. ☒ Buy, sell, or transfer real or personal property or transact business of any type including, but not limited to, those powers conferred upon a conservator under § 62-5-422;
- k. ☒ Make, modify, or terminate contracts; and
- l. ☒ Bring or defend any action at law or equity.

If necessary, please explain these recommendations. If additional space is needed, please use additional sheets and attach. _____

51. Prior to your appointment, did you know the A.I.I.? ☐ YES ☒ NO
If yes, please explain. _____
52. Prior to your appointment, did you know the person(s) seeking appointment as guardian and/or conservator? ☐ YES ☒ NO
If yes, please explain. _____
53. Prior to your appointment, did you or do you now have a personal interest in these proceedings? ☐ YES ☒ NO
If yes, please explain. _____
54. Do you believe there should be a formal hearing on this matter even if all parties are in agreement? ☐ YES ☒ NO
If yes, please explain. _____
55. Do you have any other recommendations relevant to this matter? ☐ YES ☒ NO
If yes, please explain. _____

Executed this 25 day of February, 2026

Signature: Cathy Hall

Print Name: Cathy Hall

Firm Name (if applicable): _____

Bar Number (if applicable): _____

Address: PO Box 204

Greer SC 29652

Telephone: 864-561-1972

Email: Cathy.Hall.2013@gmail.com

Brief Summary-

On February 19, 2026, the Guardian ad Litem met with Elizabeth Evans, Andres Ruiz and his medical staff and Duane Evans at Prisma Hospital located at 700 Grove Road Greenville SC. On February 19, 2026, the Guardian ad Litem spoke to Dr. White via telephone. The Guardian ad Litem attempted to engage Duane Evans while at the hospital on February 19, 2026, but was unable to note any responses from him. On February 20, 2026, the Guardian ad Litem spoke to Tom Evans via telephone. On February 23, 2026, the Guardian ad Litem spoke to Siobhan Wulf, Timmon Drumm, Anna Okupinski, Mikal Evans and Tracy Parsons. Each conversation was via telephone and was independent of each other.

At the time of this report, Duane is currently being housed at Prisma Hospital in the ICU. Duane is a 71-year-old male that has been diagnosed with acute right BH Intracranial Hemorrhage, Intraventricular Hemorrhage. He is currently on a breathing tube and receiving medical attention to sustain his current quality of life. Prior to this illness occurring, Duane is reported to be a lively and active male who was capable of making his own decisions. He was a musician by trade and spent his life living freely with very strong opinions related to medicine. Per his family, he was a nonbeliever in most traditional medical procedures and did not routinely attend medical appointments. He smoked roughly two packs of cigarettes a day and drank regularly and heavily.

On February 19, 2026, the Guardian ad Litem met with Elisabeth Evans at Prisma Hospital. She provided basic family history. She reported that she has been married to Duane for 17 years. They are a blended family and have six adult children among them. Duane has been retired for approximately 8 years. Elisabeth reports that this is the second stroke her husband experienced. The first was approximately 7 months ago. She reports that her husband did not take that issue seriously and failed to notify her when it initially happened. Days later she pushed him to get a medical opinion, and he was ultimately described blood pressure medication. He took that medication for a short time but ultimately stopped that treatment, without medical consultation. Elisabeth reports that on the day of the second stroke, she was with her grandchildren and when she returned home, she found Duane on the floor, barely responsive. She called EMS and was able to coordinate medical treatment for him. Elisabeth's understanding of the time between his initial hospitalization and the time of the interview is that his condition worsened and he is no longer responsive to her or the medical examiners stimuli. Elisabeth maintains that Duane would not want to continue on life support and her original goal was to discontinue these measures to see if Duane could sustain on his own. If his body was unable to sustain itself, Elisabeth was planning to consent to organ donations as this was Duane's wish.

On February 19, 2026, the Guardian ad Litem met with the medical providers at Prisma Hospital to gain an understanding of Duane's medical condition. Per the neurologist on duty, Dr. Andrew Ruiz, Duane's prognosis is not optimistic. He reported that that will require a trach and pec tube if he continues life sustaining measures and they believe this is not what he would have wanted based on conversations that they have had with family. The medical staff talked about a 1-to-2-year recovery period for this type of injury and that the recovery will not return Duane to full capacity. While recovery outcomes are not certain, it is believed that he could retain anywhere from 2 to 30 percent recovery. While at Prisma, he has been seen by all 7 neurologists and staff from palliative care. They have consulted and believe that Duane has declined since he came into the hospital. Neuro checks show responses that fall within triple flexion. These are abnormal responses that show the spinal cord is causing the movement and not the brain. This response reflects severe injury to the brain.

On February 19, 2026, the Guardian ad Litem spoke with Dr. M.A. White. Dr. White signed the Affidavit of Physician report that supports the family's motion and request for continued evaluation and appropriate medical care. During the course of that conversation, Dr. White provided education to the medical diagnosis that Duane has. He also stated that he is related to Duane and therefore does not provide a medical recommendation. He is acting in an advisory capacity to the family. At the time of that conversation, it was the Guardian ad Litem's understanding that while he is an expert in his field, Dr. White had not personally consulted with the medical providers at Prisma Hospital around Duane's current condition, nor did he have any direct knowledge of his status.

On February 22, 2026, the Guardian ad Litem spoke with Tom Evans via telephone. He described his father's medical condition and stated that he has seen his dad track him with his eyes and respond to stimuli. He described his understanding of his father's condition as having improved as he feels that his father has regained some movement on his left side and his breathing is good. When asked what his father would want in this situation, he reported that he thinks his father would want to wait the year to see improvement. He talked about his father enjoying projects and stated that his father would view this recovery as a project. This opinion was formed through Tom's opinion and conversations that Tom has had with Duane's siblings. He reports that he has not had a direct conversation with his father about death and last wishes. Duane expressed concerns that he feels the relationship between Duane and Elisabeth was strained and that she does not have a blood relation to him and those are reasons to cause concern for her making medical decisions for him. When asked for specifics, he stated that Duane and Elisabeth would argue and based on that he has a gut reaction that she would make a bad decision as it relates to his father. Towards the end of the conversation Tom talked about giving the

family time to grieve and stated that he feels his father would want to give everyone time to make peace with his passing. He stated that if time was given to make peace, he could see his dad being moved to hospice and likely dying naturally.

On February 23, 2026, the Guardian ad Litem spoke to Mikal Evans via telephone. She currently lives in Greece with her husband but is local for the purpose of being with family during her father's illness. She was able to articulate her understanding of her father's medical condition, which was consistent with medical providers. She talked about her father hating medicine and not taking care of his body as he didn't exercise, drank frequently and smoked. She talked about her father being argumentative when he drank and noted that she saw that creating tension at times within his marriage. Mikal denied any concerns around Elisabeth making medical decisions for Duane and stated that she feels like her father would not want sustained care on life support.

On February 23, 2026, the Guardian ad Litem spoke to Anna Okupinski via telephone. She currently lives in Greenville, SC with her husband. She was able to articulate her understanding of her father's medical condition, which was consistent with medical providers. She talked about her father and his siblings having a distrust against traditional medicine. She is concerned that medical orders would not be followed if the wrong person made decisions for her father. Anna denied any concerns around Elisabeth making medical decisions for Duane and stated that she feels like her father would not want sustained care on life support.

On February 23, 2026, the Guardian ad Litem spoke to Timmon Drumm. He currently lives in Alabama but is being updated on the situation via family. He was able to articulate his understanding of Duane's medical condition, which was consistent with medical providers. He expressed an opinion that while he did not know what Duane's medical desires would be in this situation, he knew that Duane would not want the family to argue about his medical care. He also acknowledged that Duane was against modern medicine and would likely not be satisfied with a low quality of life. Timmon denied any concerns around Elisabeth making medical decisions for Duane.

On February 23, 2026, the Guardian ad Litem spoke to Siobhan Wulf. She currently lives in Greenville, SC and resides in the same neighborhood as Duane and Elisabeth. She was able to articulate her understanding of Duane's medical condition, which was consistent with medical providers. She expressed an opinion that while she did not know what Duane's medical desires would be in this situation, she did know that he was against pharmaceutical medication and that he would likely be upset at that level of medical treatment. Siobhan stated that she lives in the neighborhood with Duane and Elisabeth and regularly visits. She described observing Elisabeth and Duane's relationship as having

typical arguments that married couples have but stated that Elisabeth loves Duane very much. During the course of this phone call, Siobhan disclosed that she is a pediatrician at the same medical office that the Guardian ad Litem's children attend. The Guardian ad Litem is disclosing this information in this report for the purpose of transparency. The Guardian ad Litem has no personal relationship with Siobhan, nor has she seen her outside of the medical practice. The opinion of this report was largely established prior to the contact had with Siobhan. The purpose of the contact was to ensure that all of Duane and Elisabeth's children had the opportunity to speak on behalf of this case. The Guardian ad Litem had one quick phone call with Siobhan and should not need to reach out to her again.

The Guardian ad Litem has had ongoing communication with Tracy Parsons, the professional Guardian appointed on this case. Tracy has confirmed that her understanding of Duane's medical condition is consistent with the information given to the Guardian ad Litem by medical staff. She has not expressed any concern related to Elisabeth's conduct while at the hospital. She acknowledged that the family is grieving and everyone is mournful of Duane's condition. It is my understanding that Tracy has worked closely with Tom to try to understand doubt and mistrust as it relates to the medical decisions related to his father. This is an ongoing process. Currently, Tracy is trying to honor his wishes and obtain a second medical opinion.

It is the opinion of this Guardian ad Litem that the family overwhelmingly agrees that Duane would not want long-term sustained life support nor would he want to live in a severely diminished capacity. It is the Guardian ad Litem's opinion that the family has relied on the medical recommendations of Duane's doctors to make decisions as it relates to his care, which is consistent in cases like this. Medical documentation reflects that Elisabeth has allowed Duane's children to be a part of the conversations with providers. While Tracy is currently in the role of Guardian for Duane, it is the recommendation of this Guardian ad Litem that the responsibility of decision making be returned to Elisabeth so that she can make decisions for her husband, per the law. If this decision making cannot be transferred back to Elisabeth, it is the recommendation of this Guardian ad Litem that Tracy make decisions in conjunction with the medical providers and Elisabeth as Elisabeth would typically have the right to do per her role as wife.

STATE OF SOUTH CAROLINA

IN THE PROBATE COURT

COUNTY OF GREENVILLE

C/A No.: 2026-GC-23-00023

FILED

IN THE MATTER OF:
DUANE EVANS,
Alleged Incapacitated Individual

FEB 26 2026

**CERTIFICATE OF SERVICE
BY A.I.S. EMAIL**

**GREENVILLE COUNTY
PROBATE COURT**

Tom Vestal Evans

Petitioner,

-VS-

Elizabeth Evans

Respondent.

IT IS HEREBY CERTIFIED that a copy of the **Motion for Emergency Relief and Emergency Hearing** was served on **February 25, 2026** upon the Petitioner and the Respondent by their attorneys of record, as well as the Guardian ad Litem and the Temporary Guardian, as set forth below via AIS Email and pursuant to Order of the Supreme Court of South Carolina dated May 6, 2022 (Appellate Case No. 2022-000029), addressed as follows:

Jessica Ferguson, Esq.
jferguson@alrlaw.net

Aaron De Bruin, Esq.
adebruin@debruinlawfirm.com

Brian Smith, Esq.
bsmith@btsmithlaw.com

Mitchell Appleby, Esq.
mitch@mbllc.com

Cathy Hall
cathy.hall2023@gmail.com

Tracy Parsons
tracy@tcparsons.com

JOSEPH M. PLAXCO, LLC



Joseph M. Plaxco (SC Bar No. 100975)
217 East Park Avenue
Greenville, South Carolina 29601
(864) 240-9112 (telephone)
(864) 233-4567 (fax)
joseph.plaxco@plaxcolaw.com

Greenville, South Carolina
Dated this 25th day of February, 2026

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

) IN THE COURT OF COMMON PLEAS
) IN THE PROBATE COURT
) Case number 2025-~~5~~GC-23-00023
6

In the Matter of Duane Evans, an
allegedly incapacitated individual

FILED

MAR 03 2026

Tom Vestal Evans,
Plaintiff,

GREENVILLE COUNTY
PROBATE COURT

**Motion to Reopen
the Record**

v.

Elizabeth Evans
Defendant.

NOW COMES the Plaintiff, by his undersigned attorney and moves the Court to reopen the record to accept evidence of relevant matters occurring after the close of business Friday, February 27, 2026.

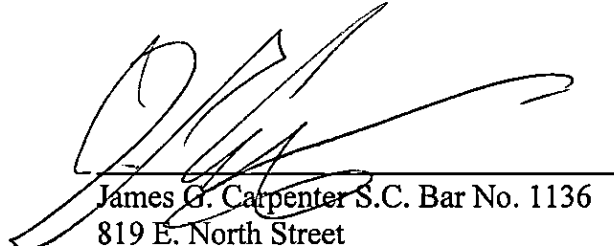
1. Plaintiff submits the affidavit of Joseph A. Evans, Jr. M.D. (attached), brother of Duane Evans, the allegedly incapacitated individual at issue.
2. As stated in the affidavit, by squeezing Joseph's hand, in conversation, Duane expressed his desire to live and to receive medical treatment.
3. Plaintiff is informed and believes that the Defendant Elizabeth Evans has decided to withhold the majority of normative medical care and treatment for Duane Evans, and give him predominately palliative care for his alleged comfort, and bringing about his death.
4. In addition, on Sunday, March 1, 2026, Duane Evans was breathing on his own, with only pressure settings on the ventilation for about seven hours, 20 minutes. The Defendant provided me with her handwritten notes (attached) that indicate the seven hours, 20 minutes, was on Friday, February 27. Regardless of the day, the fact that Duane Evans was breathing on his own effort and of his own accord for seven hours, 20 minutes,

indicates that he should be provided appropriate restorative medicine, and he should be given an opportunity and a “fighting chance” to recover.

5. “Down to only pressure on the ventilator” means that the patient has been successfully weaned from full ventilator support and is breathing spontaneously, assisted only by a set amount of positive pressure (pressure support) in the baseline pressure (PEEP).
6. The Defendant Elizabeth Evans barred the Plaintiff Tom Evans from seeing his father at the hospital on Saturday February 28, 2026.
7. Defendant Elizabeth Evans also barred Dr. Joseph Evans from seeing his brother in the hospital on Saturday, February 28, 2026, and Sunday March 1, 2026.
8. In contrast, the Defendant allowed the daughters of Duane Evans, who are in favor of terminating restorative medical services, to see Duane Evans, and she even allowed his first wife, who is also in favor of terminating restorative medical services, to see him.
9. Several other family members went to see Duane Evans, and they were not permitted to go to the ICU waiting room. They were forced to wait in the hospital lobby, but then hospital security escorted them out of the hospital.
10. The foregoing evidence indicates that Elizabeth Evans is not acting within the best interest of the allegedly incapacitated person, Duane Evans, and therefore is not an appropriate guardian for him.

WHEREFORE, Plaintiff prays the Court to reopen the record of the Probate Court and issue an order terminating Elizabeth Evans as guardian, forbidding the termination of restorative medical care for Duane Evans, and requiring continuing medical treatment as deemed appropriate, for his benefit.

Respectfully submitted,
THE CARPENTER LAW FIRM, P.C.



James G. Carpenter S.C. Bar No. 1136
819 E. North Street
Greenville, SC 29601
Telephone: (864) 235-1269
Facsimile: (864) 331-3083
Attorney for Plaintiff



Brian T. Smith (SC Bar ID 0070232)
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Greenville, SC 29601
Telephone: (864) 239-2007
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Email: bsmith@btsmithlaw.com
Attorney for Plaintiffs

March 3, 2026

) IN THE COURT OF COMMON PLEAS
) IN THE PROBATE COURT
FILED Case number 2025-GC-23-00023

MAR 03 2026

GREENVILLE COUNTY
PROBATE COURT

Joseph A. Evans, Jr. M.D.

Elizabeth Evans
Defendant.

1. My name is Joseph A. Evans, Jr. I am a medical doctor. I am also the brother of Duane Evans, the allegedly incapacitated individual at issue. I have been his physician for a great deal of his adult life.
2. Duane's wife, the Defendant, has not consulted me on his care and treatment. Nor has she allowed me to consult with Duane's hospital physicians. Nor has she shared his medical records with me.
3. I submit this affidavit to the Probate Court, in relation to the above referenced proceeding.
4. Friday evening, February 27, 2026, after this Court concluded its hearing, I was with my brother, Duane Evans. I spoke to him, and I believe he responded to me.
5. I told him he was in the hospital because he had a stroke, like his brother a few years ago.
6. I told him I knew he was uncomfortable, he had a tube down his throat, and that he was in the hospital on the breathing machine. I said, if he wanted to keep fighting and try to get better, get off the ventilator, and leave the hospital, if he wanted to receive medical care with the possibility of helping him get better, to squeeze my hand. At that point, Duane

gave a very definite squeeze on my hand, three to five times in a row.

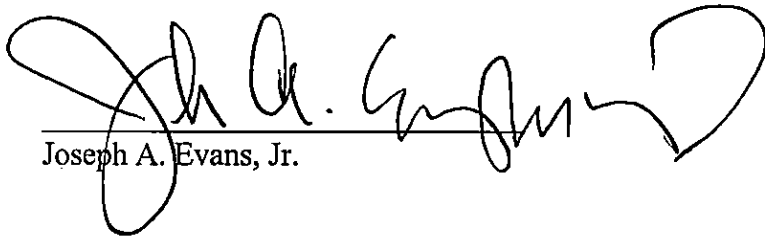
7. After that, I also asked Duane, if he wanted to be left alone, go to sleep, and let nature take its course, and if he wanted that, to squeeze my hand. Duane did not squeeze my hand in response to that question.
8. I am firmly convinced that my brother wants to live, that he wants to receive medical treatment, and that he expressed that desire by firmly squeezing my hand in response to my inquiry.
9. The undersigned is informed and believes that the Defendant Elizabeth Evans has decided to withhold the majority of normative medical care and treatment for Duane Evans, and give him predominately palliative care for his alleged comfort, and bringing about his death.
10. On Sunday, March 1, 2026, Duane Evans was breathing on his own, with only pressure settings on the ventilation for about seven hours. The Defendant provided me with her handwritten notes (attached) that indicate the seven hours, twenty minutes, was on Friday, February 27. Regardless of the day, the fact that Duane Evans was breathing on his own effort and of his own accord for seven hours, twenty minutes, indicates that he should be provided appropriate restorative medicine, and he should be given an opportunity and a “fighting chance” to recover.
11. “Down to only pressure on the ventilator” means that the patient has been successfully weaned from full ventilator support and is breathing spontaneously, assisted only by a set amount of positive pressure (pressure support) in the baseline pressure (PEEP).
12. The Defendant Elizabeth Evans barred the Plaintiff Tom Evans from seeing his father at the hospital on Saturday February 28, 2026.

13. Defendant Elizabeth Evans also barred Dr. Joseph Evans from seeing his brother in the hospital on Saturday, February 28, 2026, and Sunday March 1, 2026.

14. In contrast, the Defendant allowed the daughters of Duane Evans, who are in favor of terminating restorative medical services, to see Duane Evans, and she even allowed his first wife, who is also in favor of terminating restorative medical services, to see him.

15. Several other family members went to see Duane Evans, and they were not permitted to go to the ICU waiting room. They were forced to wait in the hospital lobby, but then hospital security escorted them out of the hospital.

I declare under penalty of perjury that the foregoing is true and correct, this March 3, 2026.



Joseph A. Evans, Jr.

For Clarification!

Pressure Support

2/27 Friday Thrs 20 min

2/28 Saturday 2 min

3/1 Sunday 10 min

3/2 Monday 5 min

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

IN RE: DUANE EVANS,
an Alleged Incapacitated Individual

TOM VESTAL EVANS,
Petitioner,

vs.

ELIZABETH EVANS, ET AL.
Respondent.

FILED

MAR 06 2026

GREENVILLE COUNTY
PROBATE COURT

IN THE PROBATE COURT

C/A Nos.: 2026GC2300023

**ORDER DENYING MOTION TO
REOPEN THE RECORD**

THIS MATTER COMES before the Court on Petitioner's post-hearing Motion to Reopen the Record. Petitioner is seeking the Court's consent to re-open the record for consideration of a new Affidavit of Joseph A. Evans, Jr. M.D., the brother of the protected person. Dr. Evans has already submitted one affidavit in support of Petitioner's pleadings and has given oral testimony at the emergency hearing. Petitioner's Motion comes after he has already rested his case, and the Court has rendered an Order from the bench, which has now been memorialized.

"The decision whether to reopen a record for additional evidence is within the trial court's sound discretion and will not be disturbed on appeal absent an abuse of that discretion. (citation omitted) The trial judge is endowed with considerable latitude and discretion in allowing a party to reopen a case." *Brenco v. SC Dept. Of Transp.*, 377 S.C. 124, 127, 659 S.E. 2d 167, 169 (2008).

While "a trial is a search for the truth" and "liberality is the linchpin of the rule "*State v. Wren* 322 S.C. 103, 106, 470 S.E.2d 111, 113 (Ct.App. 1996), a trial Court should not reopen a

record where the additional evidence could have been presented at trial, where no good reason was provided for the failure to present it, or where the additional evidence would not materially affect the outcome.

The additional affidavit testimony sought to be introduced by the Petitioner reports an incident which happened after the hearing was concluded and the Court's order was already announced from the bench.

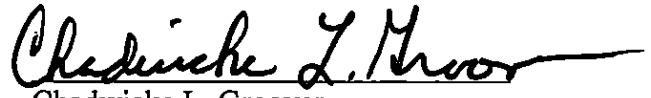
While the Petitioner has a reasonable justification for why the additional evidence was not offered at trial (i.e. the event had not yet happened), the Petitioner has failed to show the new evidence would materially change the outcome of the hearing.

The issue before the Court at the Emergency Hearing was the determination of who was the proper person to serve as the surrogate healthcare decision maker for Duane Evans. The proffered additional testimony does not change his wife, Respondent Elizabeth Evans', priority to serve pursuant to the Adult Healthcare Consent Act, S.C. Code Ann. § 44-66-30(A)(3). The information contained in Dr. Joseph Evans's affidavit may assist her in deciding how to manage his healthcare, but it does not provide justification for bypassing her priority as Duane Evans' spouse.

Additionally, the Court must weigh the credibility of the evidence proffered. The admisability of the evidence is undercut by its self-serving nature and lack of corroboration. In fact the testimony is contradicted by the Physician's Affidavit for Emergency or Temporary Proceedings on file with the Court and Attorney Markita Ebersole's testimony that two physicians have examined Duane Evans and certified that he is unable to consent to medical treatment.

For the foregoing reasons, Petitioner's Motion to Reopen the Record is DENIED.

IT IS SO ORDERED.


Chadwicke L. Groover
Greenville County Probate Judge

March 6, 2026
Greenville, South Carolina

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF GREENVILLE)

IN THE PROBATE COURT

Case Number 202~~7~~-GC-23-00023

In the Matter of Duane Evans, an)
allegedly incapacitated individual)

Tom Vestal Evans,
Petitioner

FILED

**Motion to Alter or Amend
Pursuant to Rule 59(e), SCRPC**

MAR 16 2026

v.)

**GREENVILLE COUNTY
PROBATE COURT**

Elizabeth Evans
Defendant.)
)
)
)

NOW COMES the Petitioner, Tom Vestal Evans, by and through undersigned counsel, and pursuant to Rule 59(e), SCRPC, moves the Court to alter or amend the Court's Order filed on March 5, 2026, specifically the portion of the Order addressing the allocation of attorneys' fees and costs. In support of this Motion, Petitioner would show the Court as follows:

1. The Court's Order requires Petitioner to bear **full** responsibility for **all** the fees and costs associated with the proceedings for the temporary Guardian, her attorney, the Guardian *ad litem*, and Mr. Plaxco, the counsel for the allegedly incapacitated individual.
2. Petitioner respectfully requests that the Court reconsider this portion of the Order pursuant to Rule 59(e), SCRPC.
3. On February 18, 2026, Petitioner, Tom Vestal Evans, filed for Temporary Guardianship over his father, Duane Evans. He initiated these proceedings in good faith for the protection and welfare of his father.
4. The Court appointed Kathy Hall Temporary Guardian, but she spoke to Elizabeth more than Tom. Before the hearings, Joseph Plaxco rarely spoke to Tom.
5. The Court scheduled an emergency hearing for February 20, 2026. At this hearing **all**

- parties agreed** to appoint Ms. Tracy Parsons as guardian.
6. Ms. Parsons quit on February 25, 2026. She said she could not fulfill her duties (*see email attached*). Ms. Parsons (not the court) obtained Mr. Pillsbury. *See transcript from February 27, 2026.*
 7. At that point, **Mr. Plaxco** filed for an emergency hearing, which was set for February 27, 2026.
 8. Petitioner Tom Vestal Evans did not select the guardians and did not control the course of litigation once competing positions were asserted by other interested parties.
 9. The allocation of attorneys' fees and costs in a guardianship proceeding is committed to the sound discretion of the Court. S.C. Code § 62-5-105. The statute does not mandate that such fees be imposed upon any particular party.
 10. The Court may award costs and attorney's fees "as justice and equity may require." The Court may costs and award fees, "**from the assets of a ward or protected person** who is the subject of a formal proceeding." S. C. Code Ann. § 62-5-105(a) (*emphasis added*).
 11. Petitioner respectfully submits that to impose on him the **sole** responsibility for **all** the guardians' and attorneys' fees does not reflect the equitable considerations contemplated by §62-5-105, particularly where Petitioner acted in good faith and did not control the course of the litigation.
 12. The current allocation of fees imposes a substantial financial burden on Petitioner and does not reflect the equitable considerations contemplated by the statute.
 13. Petitioner does not object to paying for the costs and fees imposed from the time of his filing his Petition February 18, 2026, until the agreement reached on February 20, 2026.
 14. Thereafter, the filings were at the impetus of **other parties**, and this Petitioner respectfully

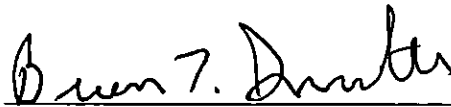
suggests that “justice and equity” would require that those costs not be laid at his feet, but rather that they be taken “from the assets of a ward or protected person who is the subject of a formal proceeding.” S. C. Code Ann. § 62-5-105(a) (*emphasis added*).

WHEREFORE, Petitioner prays the Court to reconsider pursuant to Rule 59(e), SCRCF, and delegate the costs and attorneys’ fees after February 20, 2026, to the estate of the allegedly incapacitated individual.

Respectfully submitted,
THE CARPENTER LAW FIRM, P.C.



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Email: bsmith@btsmithlaw.com
Attorney for Plaintiffs

March 15, 2026

1 Mr. De Bruin, how are you this morning?

2 MR. DE BRUIN: I'm doing well, Your Honor.

3 THE COURT: All right.

4 MR. DE BRUIN: Yes, I'm also an attorney for the
5 Petitioner, Tom Evans.

6 THE COURT: All right. Ms. Ferguson?

7 MS. FERGUSON: Good, morning, Judge, I'm Jessica
8 Ferguson. I'm the attorney for Ms. Elizabeth Evans.

9 THE COURT: And Ms. Evans is with you?

10 MS. FERGUSON: She is right here beside me.

11 THE COURT: All right. Thank you. Hi, Mr. Plaxco.

12 MR. PLAXCO: Good morning, Your Honor. Mr. Plaxco here
13 for Mr. Duane Evans. Obviously, he is not present today.
14 (Indiscernible).

15 THE COURT: All right. Thank you. And the Court notes
16 that it's not possible for him to be here and waiving his
17 presence is completely appropriate.

18 MR. PLAXCO: Thank you, Judge.

19 THE COURT: Thank you, Mr. Plaxco. Mr. Pillsbury, good
20 to see you.

21 MR. PILLSBURY: Good to see you, Your Honor. I'm here
22 for Tracy Parsons. She called me last night and asked if I
23 would just be here to make sure she's taken care of.

24 THE COURT: All right. Thank you. Do we have any other
25 attorneys in the room who have clients? No, good. Good.

IN THE COURT OF COMMON PLEAS
IN THE PROBATE COURT
Case number 2024-GC-23-00023

Affidavit of Tom Evans

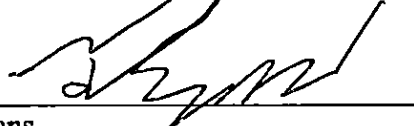
FILED

MAR 16 2026

GREENVILLE COUNTY
PROBATE COURT

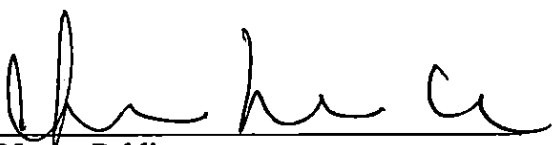
1. My name is Tom Vestal Evans. I am the adult and only son of Duane Evans and the Petitioner in the above-captioned guardianship proceeding.
2. I filed my Petition in this matter in good faith during an emergent medical situation involving my father. My actions were motivated by concern for his life, medical treatment, and overall best interests.
3. I am currently experiencing significant emotional and financial strain due to my father's ongoing hospitalization and the litigation surrounding his medical care.
4. The Court's Order dated March 5, 2026, requires that I pay the invoices of the Temporary Guardian, her legal counsel, the Guardian ad Litem, and court-appointed counsel for my father within thirty (30) days.
5. I did not select or retain these professionals, and their services were performed pursuant to court appointment.
6. I do not presently have sufficient liquid assets available to pay these multiple professional invoices within the time required by the Order without incurring substantial financial hardship.
7. Requiring immediate payment of these obligations will impair my ability to meet ordinary living expenses and will materially affect my ability to fund continued legal representation and appellate review in this matter.
8. I make this Affidavit in support of my Rule 59(e) Motion to Alter or Amend the Order.

FURTHER AFFIANT SAITH NAUGHT.

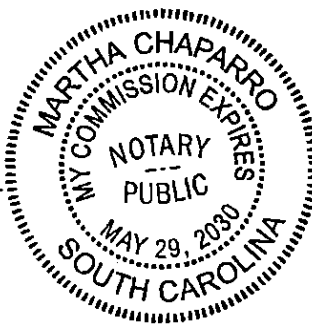


Tom Evans

Sworn to and subscribed before me
this 16 day of March, 2026.



Notary Public
My Commission Expires: 5-29-30



STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE PROBATE COURT
CASE NUMBER: 2026-GC-23-00023

IN THE MATTER OF:

Duane Evans

an alleged incapacitated individual.

FILED

FEB 18 2026

Greenville County
Probate Court

**EX PARTE ORDER FOR
EMERGENCY RELIEF AND
NOTICE OF HEARING**

Tom Vestal Evans

Petitioner(s)

vs.

Elizabeth Evans

Respondent(s)*

The Court has jurisdiction over the parties and subject matter, and venue is proper. Based on the physician's affidavit filed with the Court and the factual allegations made, the request for emergency order and hearing is

☒ GRANTED; ☐ DENIED. If granted, **pending the emergency hearing, IT IS ORDERED;**

1. ☒ The physical welfare of the alleged incapacitated individual (A.I.I.) requires emergency relief as follows:
☒ Tom Vestal Evans is appointed Guardian with all of the rights and duties in S.C. Code Ann. § 62-5-304A(B);
☐ _____ is appointed Limited Guardian to
☐ make decisions about the A.I.I.'s custody and residence;
☐ consent to medical or other professional care, counsel, treatment, or service, and/or
☐ access medical records;
☐ other: _____
2. ☐ The assets of the A.I.I. require emergency protection as follows:
☐ _____ is appointed Conservator with all of the rights and duties in SC Code Ann. § 62-5-422(A)
☐ _____ is appointed Limited Conservator to
☐ have access to the A.I.I.'s financial records, provided, however, if this box ☐ is checked no disbursements may be made without written court approval;
☐ apply for, receive and manage money and property with the exception of _____;
☐ institute and maintain proceedings to protect money and property;
☐ other: _____
3. ☒ Cathy Hall is appointed Guardian ad Litem with all of the rights and duties in SC Code Ann. § 62-5-106.
4. ☒ A Protective Order is entered as follows: This Emergency Order temporarily suspends any powers conveyed to an agents under a Healthcare Power of Attorney until this matter may be addressed at the emergency hearing.
- ☐ A fiduciary bond in the amount of \$ _____ is required.

NOTICE OF EMERGENCY HEARING

Date: February 20, 2026

Time: 9:00 a.m.

Place: Greenville County Probate Court 301 University Ridge Greenville County
Square Suite N-T100 Greenville, SC 29601

Petitioner shall serve this Order and Notice of Emergency Hearing on the A.I.I., the attorney and GAL for the A.I.I., and adverse parties immediately after issuance.


☐ Chadwicke L. Groover, Probate Court Judge
☐ Caroline M. Horlbeck, Associate Probate Court Judge
☒ Elizabeth P. Wiygul, Associate Probate Court Judge

Executed this 18th day of February, 2026.
Greenville, South Carolina