

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM FAIRFIELD COUNTY
Court of Common Pleas
Brian M. Gibbons, Circuit Court Judge

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SC Court of Appeals

Appellate Case No. 2026-000263
Case No. 2025-CP-20-00274 and 2025-CP-20-00275

Estate of Robert E. Powers, Jr., Jennifer D. Powers, Personal
Representative, Appellants

v.

The Hon. Bradley Caulder as an individual, Law Office of Barbara
E. Brunson, as guardian ad litem for Robert Edward Powers, Jr.,
Barbara Brunson, individual, Family Services, Inc., d/b/a Origin
SC, as Conservator for Robert E. Powers, Jr., Caprice Atterbury, as
an individual, Traci Strickland, as an individual, Leslie P. Taylor,
as Guardian for Robert E. Powers, Jr., Leslie P. Taylor, as
Guardian for Robert E. Powers, Jr., Leslie P. Taylor, individual,
Attorney Brian Dumas, individual, and Attorney Brandon Keith
Poston, individual, Respondents

Respondent Keith Poston’s Return to the Court’s April 9, 2026 Order

Respondent Keith Poston answers the two questions posed by the Court in its April 9, 2026
Order as follows:

First, Appellant Jennifer Powers (“Appellant”) is not an aggrieved party within the
meaning of Rule 201(b), SCACR, because she was never a party to the underlying probate
proceeding in her personal capacity and no order adjudicated or impaired any personal or property
right belonging to her.

Second, the Estate of Robert E. Powers, Jr. (the “Estate”) is likewise not a party to this
appeal, as it was never a litigant in any adversarial proceeding below and no appealable order
affected the Estate’s rights. Even if the Estate could be considered a party, it cannot appear or

prosecute this appeal through Appellant, a nonlawyer personal representative, without engaging in the unauthorized practice of law.

Accordingly, because no proper appellant is before the Court, the appeal must be dismissed.

Argument

I. Appellant Jennifer Powers is not an aggrieved party.

“Only a party aggrieved by an order, judgment, sentence or decision may appeal.” Rule 201(b), SCACR; *see also* S.C. Code § 18-1-30 (“Any party aggrieved may appeal in the cases prescribed in this title.”). This statutory aggrieved-party requirement tracks traditional standing principles. *Beaufort Realty Co. v. Beaufort Cnty.*, 346 S.C. 298, 301–03, 551 S.E.2d 588, 589 (Ct. App. 2001). “A party is aggrieved by a judgment or decree when it operates on his or her rights of property or bears directly on his or her interest.” *Beaufort Realty Co.*, 346 S.C. at 301, 551 S.E.2d at 589 (citing both *Cisson v. McWhorter*, 255 S.C. 174, 178, 177 S.E.2d 603, 605 (1970) and *Bivens v. Knight*, 254 S.C. 10, 13, 173 S.E.2d 150, 152 (1970)). “The word aggrieved refer[s] to a substantial grievance, a denial of some personal or property right or the imposition on a party of a burden or obligation.” *Bivens*, 254 S.C. at 13, 173 S.E.2d at 152. A party cannot appeal from a decision which does not affect his or her interest, regardless of the impact it may have on some other person's rights and interests. *Beaufort Realty Co.*, 346 S.C. at 301, 551 S.E.2d at 589; *Bivens*, 254 S.C. at 13, 173 S.E.2d at 152. Our appellate courts have a “duty to reject an appeal that is prosecuted by a party who is not aggrieved in a legal sense. . . .” *Cisson*, 255 S.C. at 178, S.E.2d at 605.

Here, Appellant is not an “aggrieved party” within the meaning of Rule 201(b), SCACR, because she is not a legitimate party. This matter originated solely as a Fairfield County Probate

Court proceeding captioned “In the Matter of Robert Edward Powers, Jr.,” in which the only subject was administration of the decedent’s estate, not adjudication of claims by or against Jennifer Powers individually. Appellant can point to no evidence in the record that demonstrates she was ever named as a party in her personal capacity, served as a party, or recognized by either the Probate Court or Fairfield County Circuit Court as a litigant distinct from the Estate. Her later attempts to insert her own name into the caption cannot create party status where none existed, as captions alone do not confer standing or transform a nonparty into a party—plaintiffs “cannot become parties by presumptuously adding their names to the caption and calling themselves plaintiffs.” *Valentine v. Davis*, 319 S.C. 169, 171, 460 S.E.2d 218, 219 (Ct. App. 1995). Because Rule 201(b), SCACR permits an appeal only by a party aggrieved by an order, Appellant cannot satisfy that requirement where she was not a party to the underlying proceeding at all. For this independent reason, she lacks appellate standing and the appeal must be dismissed.

Even if Appellant were a party, neither the Probate Court’s June 30, 2025 order nor the Circuit Court’s January 30, 2026 order impacted any personal property right belonging to her. Under South Carolina law, a party is aggrieved only when an order bears directly on the party’s own legal interests or imposes a burden or obligation upon them. *Beaufort Realty Co.*, 346 S.C. at 301, 551 S.E.2d at 589. Here, both courts dismissed Appellant’s filings on threshold grounds (i.e. lack of standing, lack of jurisdiction) without adjudicating any substantive claim. An order that merely declines to entertain an unauthorized or legally nonexistent action does not create aggrievement because it leaves the filer in the same legal position as before the filing. *See Bivens*, 254 S.C. at 13, 173 S.E.2d at 152.

Because the challenged orders neither denied Appellant a personal or property right nor imposed any burden upon her, she has suffered no “substantial grievance” as required to qualify

as an aggrieved party. Because Appellant is not an aggrieved party she is not permitted to bring this appeal.

II. The Estate of Robert E. Powers is not a party to the appeal.

The Estate is not a party to this appeal because it was never a litigant in an adversarial proceeding below, and no order adjudicated or impaired any right of the Estate. The matter originated solely as a probate administration styled “In the Matter of Robert Edward Powers, Jr.,” which, by its nature, is non-adversarial and did not otherwise involve the defendants added to the caption by Appellant. Editing the caption of the Probate Court proceeding did not transform a probate matter into litigation involving the Estate as a party.

Even if the Estate were a party, it still cannot be represented by Appellant. *Brown v. Coe*, 365 S.C. 137, 142, 616 S.E.2d 705, 708, *order clarified*, 365 S.C. 664, 620 S.E.2d 323 (2005) (holding that a nonlawyer personal representative could not prepare and file appellate briefs on behalf of estate). Our Supreme Court reasoned that an estate is a separate legal entity with interests distinct from those of its personal representative, and a nonlawyer personal representative who files an appeal on behalf of an estate is engaging in the unauthorized practice of law. *Id.* *Brown* makes clear that the preparation and filing of appellate documents on behalf of an estate must be performed by licensed counsel, because representation of the estate necessarily involves advocating the legal interests of others. *Id.* Unlike *Brown*, this case does not involve an otherwise valid estate appeal defective only as to representation; rather, there was no valid estate appeal at all. Accordingly, even if the Estate were a party, it cannot appear through Appellant, a nonlawyer.

For either reason, the appeal must be dismissed for lack of a proper appellant.

Conclusion

For these reasons, no proper appellant is before the Court. Jennifer Powers is not an aggrieved party under Rule 201(b), SCACR, and the Estate of Robert E. Powers, Jr. was never a party to any adjudicated, appealable proceeding and cannot appear through a nonlawyer personal representative. Accordingly, the appeal should be dismissed in its entirety.

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