

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE PROBATE COURT
PROBATE COURT CASE NO.:
2021ES0700504

IN THE MATTER OF:
THE ESTATE OF LOIS ANN NEEL
(Decedent)

**Order Denying
Respondent's Rule 59 Motion**

Amanda Leah Schlender, Personal
Representative of the Estate of Lois Neel,
Decedent,

Petitioner,

v.

Virginia Moryadas,

Respondent.

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SC Court of Appeals

This matter came before the Court on Respondent's Rule 59 Motion, filed with this Court on January 12, 2026 (the "Motion"). The court instructed the parties that this Motion would be determined on written briefs, without oral argument. Petitioner filed Petitioner's (I) Objection to Respondent's Motion Pursuant to SCRPC 59 for Reconsideration of Court's December 22, 2025 Order and (II) Request for Sanctions Pursuant to SCRPC 37 and 45 with this Court on January 27, 2026 ("Petitioner's Objection"). Respondent filed Respondent's Reply Brief in Furtherance of Motion for Reconsideration with this Court on February 13, 2026 ("Respondent's Reply"). The Court has fully reviewed and considered all arguments, pleadings, materials, exhibits, and the applicable law.

Having carefully considered the foregoing, makes the following:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. All statutory requirements for jurisdiction, venue, and notice have been satisfied.
2. The Court agrees with Petitioner's argument that Respondent's Motion was untimely filed.

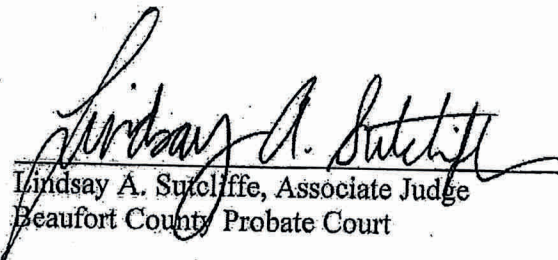


3. Furthermore, Rule 5(d) of the South Carolina Rules of Civil Procedure states that all papers required to be served upon a party "shall be filed with the court within five (5) days after service thereof."
4. This Court does not accept pleadings via email.
5. As such, while Respondent's Motion appears to have been served on Petitioner's counsel on January 2, 2026, the Motion was not considered filed with this Court until January 21, 2026, well after the five (5) day requirement.
6. The Court declines Petitioner's request for further sanctions and award of attorneys fees, costs, and expenses.

NOW, IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that:

- A. Respondent's Motion is deemed untimely and thus DENIED; and it is further
- B. ORDERED that Respondent and LCT shall comply with the directives of this Court's December 22, 2025 Order within thirty (30) days of this Order.

AND IT IS SO ORDERED.


Lindsay A. Sutcliffe, Associate Judge
Beaufort County Probate Court

Beaufort, South Carolina
April 6, 2026

FILED

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PROBATE COURT
BEAUFORT COUNTY, SC