THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM DORCHESTER COUNTY
The Honorable Charles J. McCutchen, Circuit Court Judge

Appellate Case No. 2026-001285
Lower Court Case No. 2025-CP-18-01727
Originating Probate Case No. 2021-ES-18-00197

STEPHANIE T. HAMEED, Appellant,
v.
ESTATE OF KEVIN A. THURSTON, Respondent.

APPELLANT'S INITIAL BRIEF

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STATEMENT OF ISSUES PRESENTED FOR REVIEW

1. Whether the Circuit Court erred in affirming dismissal under S.C. Code Ann. § 62-3-803 without first addressing the legal character and scope of the rights created by the 2007 Final Judgment of Divorce, including the requirement that Kevin A. Thurston maintain $100,000 in life insurance for the benefit of the parties' minor daughters, contribute one-half of qualifying higher-education expenses, and transfer his interest in 104 Parkway Cove.
2. Whether the Circuit Court's broad disposition improperly treated the statutory nonclaim issue as resolving separate preserved questions concerning the legal effect of the divorce judgment, the classification of the relief sought, later estate-administration issues, and Appellant's objections to notice and service.
3. Whether dismissal without further proceedings was proper where the Probate Court's own orders documented deficient inventories and accountings, required production of supporting records and court-ordered mediation, and ultimately resulted in removal of the Personal Representative.
4. Whether Appellant was denied a meaningful opportunity to be heard where she specifically raised lack of proper service of dispositive filings, the record shows later notice of the hearing but does not on its face resolve service of the underlying dispositive motion, and the Circuit Court denied post-judgment relief without separately resolving the preserved service issue.

STATEMENT OF THE CASE

This appeal arises from the dismissal of Appellant Stephanie T. Hameed's Petition for Allowance of Creditor's Claim in the Estate of Kevin A. Thurston, Dorchester County Probate

Court Case No. 2021-ES-18-00197, and from the subsequent dismissal of her probate appeal by the Court of Common Pleas for Dorchester County in Case No. 2025-CP-18-01727.

Kevin A. Thurston died on March 13, 2020. The parties' 2007 Final Judgment of Divorce imposed obligations concerning life insurance for the parties' daughters, one-half of qualifying higher-education expenses, and Mr. Thurston's interest in 104 Parkway Cove, Brandon, Mississippi. (Final Judgment of Divorce, Book 584, p. 640.) Within approximately ten days after Mr. Thurston's death, Appellant retained Attorney Elizabeth J. Stringer and commenced enforcement proceedings in Dorchester County Family Court, Case No. 2020-DR-18-419. That Family Court matter was later dismissed without prejudice by administrative order after remaining pending more than 365 days.

The Dorchester County probate estate was opened in 2021, and Aisha J. Thurston was appointed Personal Representative on or about March 19, 2021. After Attorney Stringer's representation ended in May 2021, Appellant retained PMC Law Firm in July 2021 through Attorney Tiffany N. Provence. The matter was handled by Attorney Virginia Storey Spencer. A Statement of Creditor's Claim was filed on September 9, 2021, followed by a Petition for Allowance of Creditor's Claim.

The Probate Court conducted proceedings concerning the Estate, including hearings on August 10, 2022 and March 22, 2023. The court entered orders addressing inventory, accounting, supporting documentation, non-probate disclosures, and mediation. On June 23, 2023, the Probate Court removed Aisha J. Thurston as Personal Representative and appointed Attorney John M. Campbell as Special Administrator.

On May 20, 2025, the Probate Court dismissed Appellant's Petition for Allowance of Creditor's Claim under S.C. Code Ann. § 62-3-803. Appellant appealed to the Court of Common

Pleas for Dorchester County, Case No. 2025-CP-18-01727. Following the March 23, 2026 hearing, the Circuit Court entered its Order Dismissing Appeal on April 22, 2026. Appellant timely sought post-judgment relief under Rule 59(e), SCRCP. The order denying that relief was electronically signed May 12, 2026 and filed May 15, 2026. Appellant filed her Notice of Appeal with the Dorchester County Clerk of Court on June 3, 2026. A certificate and proof of service dated June 15, 2026 documented service of the Notice of Appeal and related appellate filings upon Eduardo K. Curry, Esquire, counsel for Respondent, and John M. Campbell, Esquire, Special Administrator of the Estate. The Court of Appeals assigned Appellate Case No. 2026-001285. The Estate opposed Appellant's claim principally on the ground that it was barred by S.C. Code Ann. § 62-3-803 and subsequently asserted additional jurisdictional, standing, and procedural grounds. The monetary component principally at issue includes the $100,000 life-insurance obligation contained in the 2007 Final Judgment of Divorce, together with the separately asserted higher-education and property provisions to the extent those matters were properly preserved.

STATEMENT OF FACTS

The 2007 Final Judgment of Divorce required Kevin A. Thurston to maintain $100,000 in life insurance for the benefit of the parties' minor daughters, Kyla and Nya Thurston; to pay one-half of qualifying higher-education expenses; and to relinquish his interest in 104 Parkway Cove, Brandon, Mississippi. (Final Judgment of Divorce, Book 584, p. 640.) Mr. Thurston died intestate on March 13, 2020. Within approximately ten days, Appellant retained Attorney

Elizabeth J. Stringer specifically to enforce those divorce-judgment obligations. (Mar. 23, 2026 Tr. pp. 7, 9, 13, 15, 25-27.)

Attorney Stringer filed Dorchester County Family Court Case No. 2020-DR-18-419 asserting the life-insurance, real-property, and higher-education obligations. Eduardo K. Curry, Esquire, appeared on behalf of Aisha J. Thurston in that proceeding. The record contains communications from Attorney Stringer to Attorney Curry concerning insurance, the Estate, the deed, the opening of probate, and requested probate documents. Those communications did not result in Stringer filing a creditor's claim or commencing a proceeding in Probate Court during her representation. The Family Court matter ultimately was dismissed without prejudice by administrative order after remaining pending more than 365 days. That dismissal did not adjudicate the merits of the divorce-judgment obligations.

Appellant maintained below that the information initially available to her was materially incomplete. The early picture communicated during Attorney Stringer's representation included approximately $25,000 associated with a Liberty Mutual bond and an older vehicle. (Mar. 23, 2026 Tr. pp. 7, 9, 13, 15, 25-27.) Appellant had retained Attorney Stringer within approximately ten days after Mr. Thurston's death and had provided her with available employer and insurance contact information for purposes of enforcing the divorce-judgment obligations. The record reflects communications concerning whether and when the Estate would be opened and requests for information and probate documents. Attorney Stringer pursued the Family Court proceeding, but she did not file a creditor's claim or other proceeding in Probate Court during her representation. The record does not establish that the full scope of insurance, retirement-related benefits, or other death-related proceeds was independently verified during that period.

Appellant cites this chronology to establish the timing of her efforts, the information available to her, and the procedural circumstances preceding the September 9, 2021 creditor filing.

After Attorney Stringer's representation ended in May 2021, Appellant retained PMC Law Firm in July 2021 through Attorney Tiffany N. Provence to continue pursuing enforcement of the divorce decree and related rights in probate. Attorney Virginia Storey Spencer handled the matter for the firm. PMC requested the divorce agreement and deed-related materials, filed a Statement of Creditor's Claim on September 9, 2021, and later filed a Petition for Allowance of Creditor's Claim. The purpose of the representation was not to create a new Family Court claim, but to continue efforts to enforce the existing divorce-judgment obligations and protect any legally available remedies in the Estate proceedings.

The financial picture later changed materially. At the August 10, 2022 Probate Court hearing, testimony addressed approximately $250,000 in FEGLI proceeds and approximately $62,000 in retirement-related benefits. (Aug. 10, 2022 Tr. pp. 16-22.) The hearing also addressed the treatment of 104 Parkway Cove in the Estate inventory, vehicle information, accident-settlement documentation, and the need for complete probate and non-probate disclosures. (Id. pp. 4-8, 16-22.) Appellant does not contend that the federal benefits automatically became probate assets. Their significance is chronological and evidentiary: the financial information developed in probate was materially different from the limited picture communicated earlier, while complete supporting documentation remained an issue.

The Probate Court then required further compliance. At the March 22, 2023 hearing, counsel and the court addressed an inaccurate inventory, missing non-probate documentation, vehicle-title and disposition records, settlement documentation, receipts, accounting support, proof of disbursements, and uncompleted mediation. (Mar. 22, 2023 Tr. pp. 6-15.) The April 10, 2023 Ex Parte Order imposed specific corrective requirements. On June 23, 2023, the Probate Court removed Aisha J. Thurston as Personal Representative and appointed Attorney John M. Campbell as Special Administrator. The Probate Court nevertheless dismissed Appellant's creditor claim on May 20, 2025 under section 62-3-803. In the Circuit Court, Appellant continued to raise prompt enforcement, delayed Estate administration, later financial disclosures, uncompleted mediation, compliance orders, and lack of proper service of the dispositive motion. (Mar. 23, 2026 Tr. pp. 7-15, 23-27; Supplemental Response and Notice Regarding Lack of Service p. 1.)

STANDARD OF REVIEW

Proceedings in probate court concerning claims for money due are actions at law. In re Estate of Tollison, 320 S.C. 132, 135, 463 S.E.2d 611, 613 (Ct. App. 1995). On appeal from probate court, the circuit court applies the same standard of review that an appellate court would apply, and an appellate court will not disturb factual findings in an action at law if any evidence supports them; errors of law are reviewed without deference. See In re Howard, 315 S.C. 356, 361-62, 434 S.E.2d 254, 257-58 (1993). Statutory interpretation is a question of law. Phillips v. Quick, 399 S.C. 226, 229, 731 S.E.2d 327, 329 (Ct. App. 2012). Constitutional due-process issues likewise present questions of law.

ARGUMENT I

THE CIRCUIT COURT'S BROAD DISMISSAL DID NOT ADEQUATELY DISTINGUISH THE STATUTORY CREDITOR-CLAIM ISSUE FROM THE LEGAL EFFECT OF THE 2007 DIVORCE JUDGMENT AND THE DIFFERENT FORMS OF RELIEF PRESENTED IN THE RECORD.

The Circuit Court treated the case principally as a late general creditor claim under S.C. Code Ann. § 62-3-803. Appellant recognizes that section 62-3-803 is a nonclaim statute and that South Carolina precedent does not permit a court simply to extend that statutory period on ordinary equitable-tolling principles. Phillips, 399 S.C. at 231-32, 731 S.E.2d at 330; In re Estate of Tollison, 320 S.C. at 135, 463 S.E.2d at 613. Appellant therefore does not ask this Court to disregard Phillips or to create an equitable exception to the statute.

The error Appellant identifies is different. Before allowing section 62-3-803 to dispose of the entire controversy, the court was required to identify what rights and remedies were actually before it and to apply the statute to those rights with precision. The 2007 Final Judgment of Divorce did not merely express an expectation concerning beneficiary status. It imposed affirmative obligations: $100,000 in life insurance for the parties' minor daughters, one-half of qualifying higher-education expenses, and transfer of Mr. Thurston's interest in 104 Parkway Cove. (Final Judgment of Divorce, Book 584, p. 640.)

South Carolina decisions recognize that a divorce judgment or incorporated agreement may create enforceable rights in life insurance that are analytically distinct from the insured's unrestricted beneficiary designation. In State Mutual Insurance Co. v. Ard, 399 S.C. 232, 237-40, 730 S.E.2d 912, 914-16 (Ct. App. 2012), the Court of Appeals enforced a divorce-decree life-insurance obligation through a constructive trust even though a different person was the named beneficiary. Ard relied on Taylor v. Taylor, 291 S.C. 261, 264, 353 S.E.2d 156, 158 (Ct. App. 1987), which likewise recognized an equitable interest arising from a divorce decree requiring life-insurance protection. See also Glover v. Investment Life Co. of America, 312 S.C. 126, 131, 439 S.E.2d 297, 299 (Ct. App. 1993).

Ard does not decide every issue here. It involved different insurance and does not eliminate the need to apply the current Probate Code or any controlling federal law to federal benefits. Appellant therefore does not contend that the approximately $250,000 in FEGLI proceeds automatically became Estate property, or that the daughters automatically owned $100,000 of those particular federal proceeds. Ard is important for the narrower proposition that the legal effect of the divorce judgment cannot be reduced to the identity of the named beneficiary and must be analyzed as a separate legal question.

The same need for careful classification applies to the Brandon property. The probate record shows that 104 Parkway Cove was initially included in the Estate inventory even though the divorce judgment required Mr. Thurston to relinquish his interest. The August 10, 2022 transcript records the Probate Court's consideration of the decree and the need to correct the inventory. (Aug. 10, 2022 Tr. pp. 4-8.) A dispute over title to or ownership of specifically identified property is not necessarily identical to a general demand for payment from Estate assets. The dismissal should therefore not sweep more broadly than the statute and the actual claim permit.

Finally, the higher-education obligation must be analyzed according to the decree's terms, the dates on which particular obligations accrued, and the nature of the relief actually preserved below. Section 62-3-803 itself distinguishes claims arising before death from claims arising at or after death. S.C. Code Ann. § 62-3-803(a), (c). The Circuit Court's order focused on the date of death and the September 9, 2021 creditor filing, but did not separately analyze whether every component of the relief asserted was a pre-death claim of the same legal character.

Appellant asks for a limited appellate ruling: the dismissal should be reversed or vacated to the extent it treated section 62-3-803 as automatically resolving all decree-based, specific-property, later-accruing, or separately preserved relief without first identifying the legal nature of each claim. On remand, the lower court can apply section 62-3-803, Ard, the divorce judgment, and any controlling federal law to the actual relief supported by the record.

ARGUMENT II

THE NONCLAIM STATUTE IS STRICT, BUT IT DOES NOT ELIMINATE THE NEED TO DECIDE SEPARATELY PRESERVED LEGAL AND PROCEDURAL ISSUES THAT ARE NOT THEMSELVES A REQUEST TO EXTEND THE STATUTORY DEADLINE.

Section 62-3-803(a) bars pre-death claims unless presented within the statutory period, generally the earlier of one year after death or the applicable creditor-notice period. Phillips characterizes this provision as a nonclaim statute and holds that ordinary equitable exceptions do not extend it. 399 S.C. at 231-32, 731 S.E.2d at 330. Appellant's prior arguments concerning diligence, delayed administration, reliance on counsel, and incomplete disclosure remain relevant to the history of the case, but they cannot be used as a free-standing equitable extension of section 62-3-803.

That conclusion does not end this appeal. First, section 62-3-803 applies differently depending on when a claim arose and what relief is sought. Subsection (c) separately governs claims arising at or after death. Second, section 62-3-804 governs how a claim is presented and expressly addresses the consequences of proceedings pending at death and the timing of proceedings after presentment. Third, not every dispute that arises during estate administration is necessarily the decedent's pre-death debt. Claims based on a fiduciary's post-death conduct, requests to compel an accounting, and disputes concerning compliance with Probate Court orders require their own legal analysis.

The record here includes years of post-death estate-administration proceedings. The Probate Court ordered corrected inventories, non-probate documentation, settlement documentation, receipts, accounting support, and mediation. It later removed the Personal Representative. Those events do not retroactively revive a barred pre-death debt, but neither should a ruling on the pre-death creditor claim be read to adjudicate every separate issue arising from post-death administration unless those issues were actually presented, preserved, and decided.

This distinction is especially important because Appellant's Circuit Court filings and March 23, 2026 argument raised more than the passage of time. She raised the legal effect of the divorce judgment, the changing financial disclosures, the uncompleted mediation, the Probate Court's compliance orders, and lack of proper service of the dispositive motion. (Mar. 23, 2026 Tr. pp. 7-15, 23-27.) Her Rule 59(e) motion again raised service and legal error. (Rule 59(e) Motion pp. 1-3.)

Accordingly, the Court need not hold that section 62-3-803 is equitably tolled in order to grant relief. It can instead hold that the Circuit Court's disposition was too broad or procedurally incomplete and remand for determination of the distinct issues that were preserved and are not legally extinguished merely by the nonclaim ruling. That approach respects Phillips while also respecting the boundaries of section 62-3-803 itself.

ARGUMENT III

THE PROBATE COURT'S OWN ORDERS AND TRANSCRIPTS ESTABLISH MATERIAL ADMINISTRATIVE DEFICIENCIES, NONCOMPLETION OF COURT-ORDERED MEDIATION, AND THE NEED TO DISTINGUISH FIDUCIARY-ADMINISTRATION ISSUES FROM THE DECEDENT'S PRE-DEATH DEBT.

The fiduciary-administration history is established by the Probate Court's own record, not merely by Appellant's accusations. South Carolina's Probate Code places fiduciary duties on a personal representative and requires proper inventory, administration, and accounting. See S.C. Code Ann. §§ 62-3-703, -704, -706, -708. The court may remove a personal representative for statutory cause, including failures of duty and disregard of court orders. See S.C. Code Ann. § 62-3-611.

At the March 22, 2023 hearing, the Probate Court was advised that the inventory remained incorrect, a full non-probate inventory with supporting payment documentation had not been provided, vehicle-title and disposition records were missing, settlement documentation was incomplete, and the amended accounting lacked receipts previously required by the court. (Mar. 22, 2023 Tr. pp. 11-13.) The court itself stated that there were serious failures concerning compliance with its prior order. (Mar. 22, 2023 Tr. p. 10.)

The same hearing established that mediation ordered after the August 2022 proceeding had not occurred and had not been scheduled. (Mar. 22, 2023 Tr. pp. 6-7.) The court stated that it intended to follow up on previously ordered matters, including mediation and a scheduling order, to move the case toward finality. (Mar. 22, 2023 Tr. pp. 12-13.)

The April 10, 2023 Ex Parte Order then required specific corrective acts concerning the inventory and appraisement, non-probate property, settlement documentation, accounting, receipts, and mediation, and warned of sanctions or removal for noncompliance. (Apr. 10, 2023 Ex Parte Order.) On June 23, 2023, the Probate Court removed Aisha J. Thurston as Personal Representative and appointed Attorney John M. Campbell as Special Administrator. (June 23, 2023 Probate Court Order.)

The probate record reflects a history of incorrect or incomplete information, noncompliance with court directives, and failure to complete court-ordered mediation. The March 22, 2023 hearing and April 10, 2023 Ex Parte Order addressed deficiencies involving the inventory and appraisement, non-probate information, settlement documentation, accounting support, receipts, and mediation. On June 23, 2023, the Probate Court removed Aisha J. Thurston as Personal Representative and appointed John M. Campbell as Special Administrator. The later record also contains accounting and distribution materials, including an offset arising from estate-administration findings. These matters demonstrate that the Estate was not administered on a simple, uncontested record in which all relevant information had been accurately and completely disclosed at the outset.

Appellant does not ask this Court to make an original finding of perjury, fraud, or fiduciary liability. Nor does she ask this Court to conduct a forensic accounting. Those are fact-sensitive matters for the lower court if legally preserved and properly before it. The appellate point is narrower: a ruling that a pre-death creditor claim is untimely does not itself erase or adjudicate distinct post-death fiduciary obligations, compliance issues, accounting duties, or remedies based on a fiduciary's own conduct. See S.C. Code Ann. § 62-3-712 (liability for loss resulting from breach of fiduciary duty).

A remand would allow the lower court to identify which fiduciary, accounting, compliance, or surcharge issues were preserved independently of the pre-death creditor claim and to decide them under the correct statutory standards. It would also permit the court to address the legal effect of the uncompleted court-ordered mediation without treating mediation as a device that extends section 62-3-803.

ARGUMENT IV

THE PRESERVED SERVICE OBJECTION REQUIRED A SEPARATE DETERMINATION OF WHETHER APPELLANT RECEIVED THE DISPOSITIVE MOTION AND A MEANINGFUL OPPORTUNITY TO RESPOND BEFORE DISMISSAL.

Rule 5, SCRCP, requires service of written motions and other papers upon parties of record, subject to the rule's provisions concerning service through counsel. Procedural due process likewise requires adequate notice and a meaningful opportunity to be heard. See Kurschner v. City of Camden Planning Commission, 376 S.C. 165, 171, 656 S.E.2d 346, 350 (2008); Clear Channel Outdoor v. City of Myrtle Beach, 372 S.C. 230, 235, 642 S.E.2d 565, 567 (2007).

The record should distinguish two different questions. Appellant does not deny that the Clerk later issued notices scheduling the March 23, 2026 hearing. The separate issue she preserved is whether she was properly served with the underlying dispositive Motion to Dismiss itself in sufficient time and manner to understand and answer the specific grounds asserted. Her filed Supplemental Response and Notice Regarding Lack of Service raised that issue before the March 23 hearing, and she again raised service in the hearing and post-judgment proceedings. (Supplemental Response and Notice Regarding Lack of Service p. 1; Mar. 23, 2026 Tr. pp. 7, 19-21; Rule 59(e) Motion pp. 1-3.)

The distinction is material. Notice that a hearing will occur is not necessarily the same as service of the motion that supplies the grounds for dispositive relief. A litigant can be physically present at a hearing and still lack a meaningful opportunity to prepare if the dispositive pleading was not properly served. Conversely, if the record establishes valid service of the motion, the court should make that finding on the basis of the service evidence rather than assume it from later scheduling notices.

The March 23 transcript shows that the service issue was before the Circuit Court. The transcript also shows that the Estate argued multiple grounds for dismissal, including the nonclaim period, jurisdiction, venue, the Mississippi judgment, standing, and the daughters' ages. (Mar. 23, 2026 Tr. pp. 3-7, 17-23.) Appellant responded orally without counsel and specifically told the court she had not been properly served with the motion to dismiss. (Mar. 23, 2026 Tr. p. 7.)

Because the appeal was disposed of on a dispositive motion and because service was timely raised, the Circuit Court should have determined whether the motion was served in compliance with the applicable rule and, if not, whether the defect prejudiced Appellant's ability to respond. Denial of Rule 59(e) relief without resolving that preserved issue leaves an important procedural question unanswered.

Appellant therefore requests reversal or vacatur and remand for a determination of service, notice, and prejudice. If the motion was not properly served, the lower court should afford Appellant a fair opportunity to respond to the dispositive grounds before entering a new ruling. If service was proper, the court can so find and proceed to the remaining preserved legal issues.

CONCLUSION AND PRAYER FOR RELIEF

For the foregoing reasons, Appellant respectfully requests that this Court reverse or vacate the Circuit Court's April 22, 2026 Order Dismissing Appeal and the order denying Rule 59(e) relief, and remand the matter for further proceedings under the correct legal standards.

Specifically, Appellant requests that the lower court distinguish the strict section 62-3-803 nonclaim issue from the separate legal character of the divorce-judgment obligations and any specific-property, later-arising, fiduciary-administration, accounting, or procedural issues that were properly preserved; determine the legal effect of the $100,000 life-insurance requirement for the parties' minor daughters without assuming that federal non-probate benefits automatically constitute Estate property; address the one-half higher-education obligation and the 104 Parkway Cove provision to the extent legally preserved; and determine Appellant's preserved objection concerning service of the dispositive motion and resulting prejudice.

Appellant further requests such accounting, surcharge, enforcement, costs, or other relief as the lower court may determine is legally available on remand after appropriate notice, proof, and findings. Appellant does not ask this Court to make original factual findings of perjury, fraud, fiduciary liability, or entitlement to particular federal benefit proceeds.

Appellant respectfully requests such other and further relief as this Court deems just and proper.

Respectfully submitted,

s/ Stephanie T. Hameed

Stephanie T. Hameed, Pro Se Appellant

Date: August 14, 2026