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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

William W. Wheeler, III, Presiding Judge

Case No. 2026-CP-40-00467
Appellate Case No. 2026-001100

Elspeth Murday,.....Appellant,

v.

Alanna Murday, ...Respondent.

RESPONDENT'S RETURN TO APPELLANT'S SECOND MOTION FOR EXTENSION

Respondent Alanna Murday respectfully submits this Return to Appellant's Second Motion for Extension, which seeks to extend the current deadlines for the above-referenced case to September 19, 2026. For the reasons stated below, Respondent requests that this Court deny Appellant's Second Motion for Extension.

FACTUAL BACKGROUND

I. Probate Court

On or about January 9, 2025, David E. Murday ("Decedent") died testate. Respondent Alanna Snow Murday, as the primary Personal Representative named in Decedent's Will, filed the Application for Informal Appointment and Probate of Will on February 13, 2025, with the Richland County Probate Court. Respondent has since resigned as the Personal Representative of the Estate and Donald A. Murday, who is named as the alternate Personal Representative in

Decedent's Will, has been appointed. Decedent's Will, as amended by the Private Agreement Among Successors filed June 6, 2025, provided that his real property located at 828 Whaley Street, Columbia, SC 29201 (TMS No. R08913-08-02) ("Property") be sold and the proceeds split equally between Decedent's daughters, Appellant and Respondent. Appellant and Respondent discussed the possibility of Appellant buying the Property, but Appellant refused to purchase the Property at half (1/2) of the appraised value of $450,000.00 and instead wanted to purchase the Property for $1.00 or, at most, at the tax appraised value of $261,200.

Therefore, Respondent entered into a contract for the sale of the Property for the appraised value with a closing date of December 5, 2025. On or about November 19, 2025, the currently contracted buyers of the Property informed Respondent that Appellant began texting them in an effort to convince them to not buy the Property, wherein Appellant stated that she has substantial health problems and that it would end her life if they proceeded with the purchase of the Property. Appellant also filed an Application for Restraint ("Application") on December 2, 2025, requesting that the Richland County Probate Court restrain Respondent from selling the Property "due to substantial, likely life-threatening medical harm." Appellant's Application for Restraint was heard by The Honorable Amy W. McCulloch on January 12, 2026. Judge McCulloch denied Appellant's Application by her Order Denying Application for Restraint ("Order") on January 15, 2026, finding that Appellant did not show that Respondent "jeopardize[d], unreasonably" Appellant's interest in the Property; that Appellant "did not provide evidence showing a causal link between the sale of the Real Property and life-threatening harm to her health;" and that Respondent was "directed to continue with the sale of the Real Property."

Due to Appellant's multiple frivolous filings with the Circuit Court and this Court, Respondent has filed a Petition with the Probate Court asking that the costs of litigation created

by these frivolous filings be assessed against Appellant's share of the Estate assets.

II. Circuit Court

Appellant attempted to appeal Judge McCulloch's Order by emailing a Notice of Intent to Appeal to Circuit Court to the Probate Court and filing such Notice with the Circuit Court on January 27, 2026. Respondent filed a Motion to Dismiss the Appeal on February 5, 2026, due to Appellant failing to follow the filing requirements of S.C. Code Ann. § 62-1-308(a). After a hearing held March 19, 2026, the Honorable William W. Wheeler, III granted the Respondent's Motion based on Appellant's failure to comply with the statutory filing requirements by Form 4 Order filed March 20, 2025. Appellant filed a Motion to Alter or Amend Judgment Pursuant to Rule 59(e), SCRCP, against Judge Wheeler's Form 4 Order on March 25, 2026. Judge Wheeler denied Appellant's Motion on April 8, 2026. Respondent filed a formal Order pursuant to Judge Wheeler's Form 4 Order on March 27, 2026, and Appellant filed a Motion to Alter or Amend Judgment Pursuant to Rule 59(e), SCRCP, on April 6, 2026, against the formal Order. Judge Wheeler has not ruled on Appellant's second Motion to Alter or Amend Judgment Pursuant to Rule 59(e), SCRCP, but Respondent believes that Judge Wheeler would similarly deny the second Motion as it makes fundamentally the same arguments as the first Motion.

Appellant filed a Notice of Appeal to the Court of Appeals on May 6, 2026. Pursuant to Rule 241, SCACR, and Rule 65(c), SCRCP, Respondent filed an Expedited Motion for Appeal Bond with the Circuit Court requesting that the Circuit Court require Appellant to provide a supersedeas bond, as the appeal essentially stays Judge McCulloch's Order and prevents the Estate from making final distributions and closing during the appeal. The Honorable Daniel Coble granted Respondent's Motion, requiring Appellant to furnish a fifty thousand and 00/100 ($50,000.00) dollar bond. Appellant filed a Motion to Alter or Amend Judge Coble's ruling, but

her Motion was denied by Judge Coble on July 9, 2026. Appellant was required to furnish the bond within ten (10) days of the Court's Order, but has still failed to furnish the required bond.

III. Court of Appeals

Appellant filed a Notice of Appeal to the Court of Appeals on May 6, 2026. Appellant Elspeth Murday appealed three Orders signed by the Honorable William W. Wheeler, III, in the above-referenced matter: (1) the Form 4 Order granting Respondent's Motion to Dismiss Appeal filed March 20, 2026, (2) the formal Order Granting Respondent's Motion to Dismiss Appeal filed March 27, 2026, and (3) the Form 4 Order filed April 8, 2026 denying Appellant's Rule 59(e) Motion to Alter or Amend the Form 4 Order filed March 20, 2026. Appellant previously filed a Motion for Extension on July 28, 2026, asking for an extension to file her Brief, Designation of Matter, and Record on Appeal, due in part to an outstanding transcript from the January 12, 2026, Probate Court proceeding. Appellant mailed Respondent a Second Motion for Extension on August 20, 2026, again asking for an extension due to the Probate Court transcript.

LEGAL ARGUMENT

As stated in Respondent's Return to Appellant's Motion for Extension filed July 31, 2026, Appellant has appealed three Orders from the Circuit Court. All of these Orders relate to a Motion to Dismiss Appeal filed by the Respondent on the basis that Appellant failed to properly or timely file the notice of appeal with the Richland County Probate Court, failed to properly or timely serve Respondent with the notice of appeal pursuant to S.C. Code Ann. § 62-1-308(a), and failed to file a Statement of Issues on Appeal, as required within forty-five (45) days after receipt of written notice of the Order. Appellant argues in her Second Motion for Extension, as she did in her previous Motion for Extension, that she is waiting on the transcript from the January 12, 2026 Probate Court hearing. Appellant also argues that her "forthcoming Brief will rely on this transcript

solely in support of due process and evidentiary arguments already raised in this appeal concerning the denial of live testimony and medical evidence at the January 12, 2026 probate hearing" and that the transcript will "complet[e] the existing record for those already-pending arguments, not expand[] the scope of this appeal."

However, the probate proceeding is beyond the scope of this appeal. The only issue in this appeal is the Circuit Court's grant of Respondent's Motion to Dismiss Appeal, which is based on procedural grounds, not any substantive issues relating to the Probate Court's denial of Appellant's Application for Restraint. Appellant lost her ability to argue any substantive issues relating to the Probate Court's denial of Appellant's Application for Restraint when she failed to properly or timely serve Respondent with the notice of appeal pursuant to S.C. Code Ann. § 62-1-308(a), and failed to file a Statement of Issues on Appeal, as required within forty-five (45) days after receipt of written notice of the Order. Therefore, any transcript or documents related to the probate proceeding are not relevant to this appeal and an extension should not be granted for Appellant to obtain such transcript or documents.

Further, this is Appellant's second request for an extension, and her stated reason for an extension is unrelated to this matter and are not persuasive to grant an extension. Appellant has once again extended the length of this matter, as she has through multiple Motions to Alter or Amend in the Circuit Court and her previous Motion for Extension filed with this Court. It is foreseeable, as it was when Appellant filed her previous Motion for Extension with this Court, that this will not be Appellant's last request for an extension. Based on Appellant's filings, Appellant intends to file a lengthy Brief, Designation of Matter, and Record on Appeal based on matters outside of the scope of this proceeding, which will likely lead to another Motion for Extension to prepare the Brief, Designation of Matter, and Record on Appeal, further delay an outcome of this

proceeding, further delay the closing of the Estate, and cause further costs for the Estate.

CONCLUSION

For the reasons stated above, Respondent requests that this Court deny Appellant's Second Motion for Extension.

Respectfully submitted,

s/*William H. Edwards*
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