

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
IN THE SUPREME COURT

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SC Court of Appeals

APPEAL FROM DORCHESTER COUNTY
COURT OF COMMON PLEAS

The Honorable Charles J. McCutchen, Circuit Court Judge

Case No: 2025-CP-18-01727

Originating Probate Case No: 2021-ES-18-00197

Appellate Case No: 2026-001285

Estate of Kevin A. Thurston,

Respondent,

v.

Stephanie T. Hameed;

Appellant.

RESPONDENT'S INITIAL BRIEF

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STATEMENT OF ISSUES ON APPEAL

1. Did the Circuit Court correctly affirm the dismissal of Appellant's creditor's claim as untimely under S.C. Code Ann. § 62-3-803?
2. Did the Circuit Court correctly conclude that Appellant cannot avoid the applicable nonclaim statute by characterizing her creditor's claim as an attempt to enforce the 2007 divorce judgment?
3. Did the Circuit Court correctly determine that Appellant's allegations concerning the administration of the Estate do not revive her otherwise barred creditor's claim or establish reversible error in the order on appeal?
4. Did Appellant fail to establish a violation of due process warranting reversal of the Circuit Court's order?

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

This appeal arises from the dismissal of Appellant Stephanie T. Hameed's Petition for Allowance of Creditor's Claim against the Estate of Kevin A. Thurston.

Kevin A. Thurston died on March 13, 2020. Appellant subsequently filed a Statement of Creditor's Claim on September 9, 2021. The Dorchester County Probate Court dismissed Appellant's Petition for Allowance of Creditor's Claim after determining that the claim was barred by S.C. Code Ann. § 62-3-803.

Appellant appealed to the Dorchester County Court of Common Pleas. Following a hearing on March 23, 2026, the Circuit Court entered its Order Dismissing Appeal on April 22, 2026. The Circuit Court determined that the Probate Court had sufficient evidence supporting its findings and that Appellant failed to comply with the statutory timeframe for presenting her creditors claim. Accordingly, the Circuit Court affirmed the Probate Court and dismissed the appeal with prejudice.

Appellant thereafter sought reconsideration pursuant to Rule 59(e), SCRPC. The Circuit Court reviewed the pleadings, record, prior filings, evidence presented at the March 23, 2026, hearing, and applicable law, and determined that Appellant presented no newly discovered evidence, manifest errors of law or fact, or intervening change in controlling law warranting relief. The motion was denied. Appellant now seeks review by this Court.

STANDARD OF REVIEW

A proceeding seeking payment of a creditor's claim against an estate is an action at law. Accordingly, factual findings are reviewed under the standard applicable to an action at law, while questions of statutory interpretation are questions of law. See *In re Estate of Tollison*, 320 S.C. 132, 463 S.E.2d 611 (Ct. App. 1995); *In re Estate of Pallister*, 363 S.C. 437, 611 S.E.2d 250 (2005).

The Circuit Court applied this standard, concluding that Appellant's action was one at law and that the Probate Court's factual findings could not be disturbed where the record contained evidence supporting them.

STATEMENT OF FACTS

The dispositive facts are straightforward. Mr. Thurston died on March 13, 2020. Appellant's asserted rights arise principally from obligations she contends were imposed upon Mr. Thurston pursuant to a 2007 Final Judgment of Divorce, including obligations involving life insurance, higher-education expenses, and property.

Appellant did not present her Statement of Creditor's Claim until September 9, 2021. The Circuit Court determined that, under S.C. Code Ann. § 62-3-803, the latest date on which Appellant could timely present the claim was March 13, 2021. Because Appellant did not file until September 9, 2021, the Circuit Court concluded the claim was statutorily barred.

Appellant now attempts to expand the present appeal beyond the timeliness of her creditor's claim by raising issues concerning the Estate's administration, inventories, accounting, mediation, alleged fiduciary conduct, life-insurance proceeds, and the legal effect of provisions contained in the divorce judgment.

Those matters do not alter the dispositive issue underlying the order appealed from: whether Appellant's creditor's claim was timely presented.

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ARGUMENT

I. THE CIRCUIT COURT CORRECTLY AFFIRMED THE DISMISSAL OF APPELLANT'S UNTIMELY CREDITOR'S CLAIM UNDER S.C. CODE ANN. § 62-3-803.

The central issue in this appeal is controlled by the statutory time limits governing claims against a decedent's estate. The Circuit Court quoted and applied S.C. Code Ann. § 62-3-803 and determined that Appellant's claim was untimely.

Section 62-3-803 operates as a nonclaim statute. See *Phillips v. Quick*, 399 S.C. 226, 731 S.E.2d 327 (Ct. App. 2012); *In re Estate of Tollison*, 320 S.C. 132, 463 S.E.2d 611 (Ct. App. 1995). The statutory deadline therefore governs whether a claim may be maintained against the estate.

Mr. Thurston died March 13, 2020. The Circuit Court determined that the claim arose at his death and that the latest date for filing under the statute was March 13, 2021. Appellant filed her creditor's claim on September 9, 2021. Those dates support the Circuit Court's conclusion that the creditor's claim was barred.

Appellant's reliance on equitable considerations, the history of the divorce proceedings, estate-administration disputes, and the nature of the underlying obligations does not change the statutory filing date applicable to the creditor's claim that she actually presented. The judgment below should therefore be affirmed.

II. APPELLANT CANNOT AVOID THE NONCLAIM STATUTE BY RECHARACTERIZING HER CREDITOR'S CLAIM AS ENFORCEMENT OF THE 2007 DIVORCE JUDGMENT.

Appellant's principal argument attempts to separate obligations allegedly created by the 2007 Final Judgment of Divorce from the creditor's claim she filed in Probate Court. She identifies life insurance, higher-education expenses, and an interest in real property and argues that each should have been separately analyzed.

The proceeding appealed from, however, was Appellant's Petition for Allowance of Creditor's Claim. The question before the Circuit Court was whether the Probate Court erred in disallowing that claim. It was not plenary to proceed to adjudicate every conceivable right arising from the parties' divorce judgment.

Section 62-3-803 expressly addresses claims against a decedent's estate, including claims that are due or to become due, absolute or contingent, liquidated or unliquidated, and founded on contract, tort, or another legal basis. Even assuming the divorce judgment created enforceable obligations, that does not answer the separate probate question whether Appellant timely presented the creditor's claim against the Estate.

Appellant therefore cannot make the untimely creditor's claim timely merely by changing the characterization of the source of the alleged obligation. The Circuit Court's ruling on the claim before it should be affirmed.

III. ALLEGATIONS CONCERNING ESTATE ADMINISTRATION DO NOT REVIVE APPELLANT'S BARRED CREDITOR'S CLAIM AND DO NOT ESTABLISH REVERSIBLE ERROR IN THE ORDER ON APPEAL.

Appellant devotes substantial portions of her brief to alleged deficiencies in administration of the Estate, including inventories, accounting, disclosures, mediation, and

the removal of a former Personal Representative. Those allegations do not establish that the Circuit Court committed reversible error in affirming dismissal of the creditor's claim. Appellant's own Designation of Matter separates the creditor-claim proceedings from the divorce judgment and notice materials, inventory and corrective proceedings, compliance proceedings, and the later change in estate administration. That structure confirms that distinct events occurred in the broader estate proceeding; it does not establish that those events extended the statutory deadline for the creditor's claim.

Nor does the removal of a Personal Representative retroactively make an otherwise untimely creditor's claim timely. To the extent Appellant contends separate post-death conduct could independently support fiduciary, accounting, surcharge, or other relief, those theories do not establish error in the Circuit Court's determination that the creditor's claim before it was untimely.

An appeal from the dismissal of the Petition for Allowance of Creditor's Claim should not be transformed into an original adjudication of separate causes of action that were not the basis of the order appealed from.

IV. APPELLANT HAS FAILED TO ESTABLISH A DUE-PROCESS VIOLATION REQUIRING REVERSAL.

Appellant's final argument asserts that she did not receive proper service of the underlying dispositive motion and therefore lacked a meaningful opportunity to respond. The record identified in the orders does not establish reversible prejudice on that basis.

April 22, 2026, Order states that the matter came before the Circuit Court on March 23, 2026, with Appellant appearing pro se, that the Court heard the arguments of the parties, and that the Court reviewed the record and applicable law.

Appellants then sought relief under Rule 59(e), SCRCP. In denying reconsideration, the Circuit Court expressly stated that it reviewed the pleadings, record, prior filings, evidence presented at the March 23 hearing, and applicable law and found no newly discovered evidence, manifest errors of law or fact, or intervening change in controlling law.

Accordingly, the orders demonstrate that Appellant appeared, argued for her position, and obtained post-judgment review of her asserted errors. Appellant has not shown from the materials presently before this Court that any alleged service defect caused prejudice requiring reversal of the statutory timeliness determination.

CONCLUSION

The issue before this Court is narrower than Appellant's brief suggestions. Appellant sought allowance of a creditors claim against the Estate of Kevin A. Thurston. Mr. Thurston died March 13, 2020. Appellant did not present her creditor's claim until September 9, 2021. The Probate Court determined the claim was barred under S.C. Code Ann. § 62-3-803, and the Circuit Court affirmed that determination.

Appellant has not demonstrated reversible error by recharacterizing the underlying obligations, relying upon separate estate-administration disputes, or asserting a service issue where the orders reflect that she appeared, argued, and later sought reconsideration.

WHEREFORE, Respondent Estate of Kevin A. Thurston respectfully requests that this Court AFFIRM the Circuit Court's April 22, 2026, Order Dismissing Appeal and the subsequent

order denying Appellant's Rule 59(e) motion and grant such other and further relief as this Court deems just and proper.

RESPECTFULLY SUBMITTED,

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