

STATE OF SOUTH CAROLINA

COUNTY OF DARLINGTON

IN THE MATTER OF:
EMMA COOK MIMS

Jeri M. Adams,

Petitioner,

vs.

Phyllis M. Watson, Personal Representative of
the Estate of Emma Cook Mims,

Respondent.

IN THE PROBATE COURT

Case No. 2019-ES-16-00436

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Sep 29 2026

SC Court of Appeals

ORDER
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Marvin I. Lawson
JUDGE OF PROBATE
DARLINGTON COUNTY, S.C.

THIS MATTER COMES BEFORE THE COURT, for a final hearing in the Estate of Emma Cook Mims (the "Estate") regarding the three pending Petitions of Petitioner Jeri M. Adams ("Ms. Adams"), the Answer and Counterclaims of Respondent Phyllis M. Watson ("Ms. Watson"), Ms. Watson's Final Accounting, Application for Settlement, and Notice of Right to Demand Hearing submitted in her capacity as the Estate's Personal Representative (the "Closing Documents"), and Ms. Adams' objections to the Closing Documents.

The Court scheduled and conducted hearing on September 25, 2024, and counsel for Ms. Watson served the Notice of Hearing to counsel for Ms. Adams on July 31, 2024. Attending the hearing were Ms. Watson, her husband, and her counsel Matthew Myers, and Adam Silvernail as counsel for Ms. Adams. Ms. Adams did not attend or request to reschedule the hearing.

WHEREFORE, based on the pleadings and other filings with the Court and arguments of legal counsel, the Court makes the following findings of fact and conclusions of law:

1. Emma Cook Mims died August 25, 2019, survived by her children Ms. Adams and Ms. Watson, who are also equal beneficiaries under her probated Last Will and Testament. Ms. Watson has served as sole Personal Representative throughout the Estate's administration.



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2. Jurisdiction of the Court is proper under S.C. Code Ann. §§ 62-1-302(a)(1) and 62-3-105. Venue is proper in the Court pursuant to S.C. Code Ann. §§ 62-1-303 and 62-3-201.

3. Ms. Adams filed a Petition for Partition on September 22, 2020, a Petition for Removal of Personal Representative on June 10, 2021, and a Petition for Formal Testacy and Appointment of Petitioner filed June 10, 2021.

4. Ms. Adams' prior counsel filed a document showing delivery of one Petition by commercial delivery, but it does not include Ms. Watson's signature and therefore cannot be used to hold Ms. Watson in default pursuant to Rule 4(d)(9), SCRCF, nor did Ms. Adams' counsel argue that Ms. Watson should be held in default on any of Ms. Watson's Petitions.

5. On July 16, 2023, Ms. Watson ultimately served her Answer and Counterclaims to all three Petitions by both mail and email to counsel for Ms. Adams as well as the Court. Ms. Watson also included a copy of her signed Final Accounting that was subsequently served with her other Closing Documents.

6. On July 31, 2023, Ms. Watson resent her Answer and Counterclaims, which had been returned undelivered to the Court, along with her Closing Documents, the Notice of Hearing, and Proof of Delivery of the foregoing. These were simultaneously served on counsel for Ms. Watson by mail and email and were filed with the Court on August 1, 2024.

7. On September 10, 2024, Ms. Adams' counsel emailed the Court and Ms. Watson's counsel a copy of her Demand for Hearing, Reply to Counterclaims, and cover letter, all dated August 30, 2024, which Ms. Adams' counsel indicated he had mailed to the Court and Ms. Watson's counsel on August 30, 2024. As of the hearing, this mailing had not been delivered to the Court, Ms. Watson's counsel, nor been returned to Ms. Adams' counsel. The August 30, 2024 letter does not indicate that it was sent by overnight or express mail or delivery.

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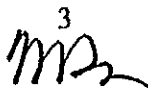
8. Even if validly served on August 30, 2024, Ms. Adams' Demand for Hearing is untimely because it was not filed within 30 days after the filing of the Closing Documents on August 1, 2024, as required by S.C. Code Ann § 62-3-1003(c). In fact, her original Demand for Hearing has yet to be filed.

9. In addition, even if validly served on August 30, 2024, Ms. Adams' Reply to Counterclaims is untimely because it was not served within 35 days of the original service of Ms. Watson's Answer and Counterclaims on July 16, 2024, as required by Rules 6(e) and 12(a), SCRPC.

10. Ms. Adams' counsel argued Ms. Watson's Closing Documents did not satisfy the requirements of S.C. Code Ann. § 62-3-1001(a) because Ms. Watson did not include a proposal for distribution of the Estate's remaining tangible personal property located at their mother's former residence of 509 East Richardson Circle in Hartsville.

11. However, S.C. Code Ann. § 62-3-1001(a)(2) only requires a proposal for distribution of "assets not yet distributed" and Ms. Watson's Final Accounting indicated that all of the Estate assets had been distributed. Ms. Adams failed to file a timely objection to Ms. Watson's Final Accounting, or for that matter attend the final hearing, and therefore waives her right to contest that all Estate assets were distributed.

12. Moreover, as explained by Ms. Watson's counsel and evidenced by Exhibit A to Ms. Watson's Answer and Counterclaims, the Estate assets that Ms. Adams' counsel complained of had in fact been distributed because they were left for Ms. Adams to pick up from 509 East Richardson Circle in Hartsville, which is a house Ms. Adams has co-owned with Ms. Watson since it was distributed from the Estate in 2020, and which house Ms. Adams demonstrated no problem entering to take all of the jewelry without permission.

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13. Accordingly, the Court finds that Ms. Watson's Closing Documents are proper, and that Ms. Adams waived her right to object to the same.

14. Ms. Adams' counsel also argued that Ms. Watson's Counterclaims were not proper to the extent that Ms. Adams' Petitions were never served on Ms. Watson.

15. However, Ms. Watson's counsel noted that "pleadings subsequent to the original summons and complaint, which includes answers[and] counterclaims" can be served by mail pursuant to Rule 5(a), SCRCP, as well as by email pursuant to South Carolina Supreme Court Order 2022-000029, each of which Ms. Watson's counsel did on July 16, 2024.

16. Moreover, Ms. Watson's service and filing of her Answer and Counterclaims itself constituted an acceptance of service. Accordingly, the Court finds that Ms. Adams is in default of Ms. Watson's Counterclaims and that the minimum amount of attorney fees and costs therefore owed by Ms. Adams are fixed by the Final Accounting to which Ms. Adams failed to file an objection.

17. In addition, even if the Counterclaims were not validly served or Ms. Watson's Answer and Counterclaims did not constitute an acceptance of service, Ms. Watson's counsel affirmed his acceptance of the Petitions at the hearing, thereby removing any possible doubt that a "formal proceeding" existed before the Court pursuant to S.C. Code Ann. § 62-1-201(17).

18. As a formal proceeding, even without Ms. Watson's Counterclaims, the Court has jurisdiction to award reasonable attorneys' fees and other costs and expenses to be paid by any party to another party, as justice and equity may require, pursuant to S.C. Code Ann. § 62-1-111.

19. To that end, Ms. Watson's counsel argued that justice and equity also required the Court to compel Ms. Adams to pay Ms. Watson the total legal fees and costs of \$16,201.70 that

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Ms. Watson had reported on her Final Accounting as being loaned by Ms. Watson for administration of the Estate.

20. As noted by Ms. Watson's counsel, Exhibit A of Ms. Watson's Counterclaims shows Ms. Watson generously allowed Ms. Adams to select half of their mother's jewelry and leave the other half for Ms. Watson, but Ms. Adams instead took all of the jewelry without authority or warning and has still not returned it nearly one year later, a period of time in which Ms. Watson's counsel sent Ms. Adams' counsel a series of seven emails about the missing jewelry before Ms. Adams' counsel responded.

21. In addition, the emails also show that the remaining Estate property has been available for Ms. Adams to retrieve for a similar length of time, but she has refused to do which has unnecessarily prolonged the closure of the Estate. Similarly, Ms. Adams has failed to withdraw the three Petitions that she never served on Ms. Watson or otherwise show up at the Court's scheduled final hearing to attempt to explain her Petitions and other alleged grievances. Rather, her counsel has asked to delay the closure of the Estate even longer.

22. In contrast, so that the Court would not need to delay the closure of the Estate for purposes of conducting a damages hearing, Ms. Watson willingly waived her request for punitive damages and capped her request for legal fees at the amount reflected on her Final Accounting signed July 11, 2024, even though she has personally borne additional fees through the hearing date and beyond.

23. Based on the record before it, the Court has no choice but to conclude that Ms. Watson has properly completed the administration of her mother's large estate, at significant benefit to Ms. Adams as one-half beneficiary, despite Ms. Adams's efforts to obstruct Ms. Watson's administration without justification. Accordingly, the Court finds that justice and

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equity do require Ms. Adams to pay Ms. Watson for the \$16,201.70 of legal fees and costs Ms. Watson advanced during her administration of the Estate.

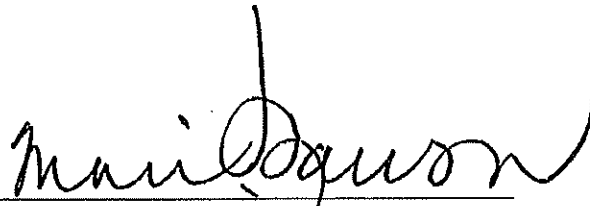
24. Finally, the Court finds that Ms. Adams' three Petitions should be dismissed. As stated previously, Ms. Adams has failed to prosecute her three Petitions, each filed over three years ago. In addition, because the Estate has no property to partition or otherwise administer, her Petitions are also moot and do not state facts sufficient to constitute a cause of action.

NOW THEREFORE, based on the record in this matter and relevant law as set forth above, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

A. Within 30 days of the date of this Order, Jeri Adams shall deliver Phyllis Watson \$16,201.70 in immediately available U.S. dollars by check or wire to an account of Phyllis Watson's choosing, shall take such tangible personal property from 509 East Richardson Circle, Hartsville as she may want and otherwise waive her rights to the same, and shall return one-half of the jewelry she took therefrom, notifying Phyllis Watson at least 48 hours before she returns such jewelry.

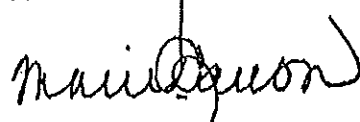
B. Jeri Adams' three Petitions are hereby dismissed with prejudice and, upon satisfaction of the requirements of paragraph A herein above and notice thereof to the Court by Phyllis Watson, her Counterclaims shall be dismissed with prejudice and the Court shall issue a closing order for the Estate.

IT IS SO ORDERED.


The Honorable Marvin I. Lawson
Darlington County Probate Judge

Darlington, South Carolina
 2024

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STATE OF SOUTH CAROLINA

COUNTY OF DARLINGTON

IN THE MATTER OF:
EMMA COOK MIMS

Jeri M. Adams,

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Respondent.

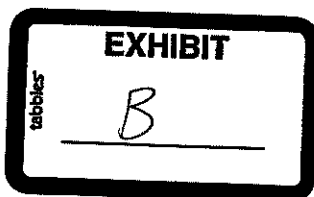
IN THE PROBATE COURT

Case No. 2019-ES-16-00436

ORDER

THIS MATTER COMES BEFORE THE COURT, upon a Motion to Alter, Amend, Reconsider and/or Vacate October 8, 2024 Order filed by Petitioner Jeri M. Adams ("Ms. Adams") and a Motion for Contempt and Execution of Judgement filed by Respondent Phyllis M. Watson, Personal Representative of the Estate of Emma Cook Mims, ("Ms. Watson"). The Court conducted hearing on December 11, 2024, the Notice of Hearing for which counsel for Ms. Watson served on counsel for Ms. Adams on November 21, 2024. Attorneys for each party attended the hearing and presented their oral arguments. Ms. Watson and her husband also attended and observed the hearing.

After considering the Ms. Adams' written Motion, Ms. Watson's Memorandum in Opposition to the same, the arguments of counsel, and the record in this matter, the Court adheres to its prior decision and respectfully denies Ms. Adams' Motion to Alter, Amend, Reconsider and/or Vacate October 8, 2024 Order. In addition, the Court holds in abeyance Ms. Watson's Motion for Contempt and Execution of Judgement. Each of the grounds raised in Ms. Adams' Motion are addressed herein below:



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1. Ms. Adams argued that Ms. Watson failed to file a proposal for distribution pursuant to S.C. Code Ann. § 62-3-1001(a). However, the statute only requires "a proposal for distribution of assets not yet distributed." *Id.* In this case, Ms. Watson filed accounting showed that all assets had been distributed, and so no proposal for distribution was necessary. Moreover, Ms. Adams failed to file a timely objection to Ms. Watson's accounting.

2. Ms. Adams argued that Ms. Watson's accounting contemplates further division of tangible personal property. However, the accounting to which Ms. Adams failed to file a timely objection does not show any undistributed property. Moreover, Ms. Watson may distribute the tangible personal property as undivided interests pursuant S.C. Code Ann. § 62-3-906(a)(4), and Exhibit A to Ms. Watson's Answer and Counterclaims included emails indicating that the estate's personal property had in fact been left at 509 Bash Richardson Circle in Hartsville, which Ms. Adams and Ms. Watson have personally co-owned since 2020. Ms. Adams did not dispute the veracity of the emails in Exhibit A.

3. Ms. Adams argued that her prior counsel had filed a motion for default for one of Ms. Adams' Petitions. However, the document filed with the Court showing commercial delivery of one Petition did not include Ms. Watson's signature and therefore cannot be used to hold Ms. Watson in default pursuant to Rule 4(d)(9), SCRPC. Moreover, Ms. Adams' counsel has not argued that Ms. Watson should be held in default.

4. Ms. Adams argued that if none of her Petitions were validly served, then there was no formal action pending in which the Court could grant relief. However, pursuant to S.C. Code Ann. § 62-3-1001(c), "the court may enter an order or orders approving settlement and directing or approving distribution of the estate, terminating the appointment of the personal representative, and discharging the personal representative from further claim or demand of any


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interested person.” Accordingly, even without a formal action, the Court had the power to compel Ms. Adams to return one-half of the jewelry that Ms. Watson should have received from the estate and one-half of the estate’s legal fees and costs as reflected on the final accounting.

In addition, the Court has the power to compel Ms. Adams to pay all of the estate’s legal fees and costs pursuant to S.C. Code Ann. § 62-1-111, as “justice and equity may require,” because there was also a formal action pending. Ms. Adams herself filed three Petitions, one of which the record reflects was served by commercial delivery though, not in a manner that could result in default because it did not include Ms. Watson’s signature. Ms. Watson ultimately filed and served an Answer and Counterclaims as to all three Petitions, and Ms. Adams served and filed a Reply to the Counterclaims. In addition, “pleadings subsequent to the original summons and complaint, which includes answers[and] counterclaims” can be served by mail pursuant to Rule 5(a), SCRCP, as well as by email pursuant to South Carolina Supreme Court Order 2022-000029. To that end, Ms. Adams does not contest that Ms. Watson mailed and emailed her Answer and Counterclaims to Ms. Adams’ counsel on July 16, 2024. Further still, Ms. Watson’s counsel reaffirmed Ms. Watson’s acceptance of service of the three Petitions at the final hearing conducted on September 25, 2024.

5. Ms. Adams argued that Ms. Watson’s Counterclaims were not properly served because no formal action had commenced. However, this argument fails for the reasons stated in the preceding paragraph.

6. Ms. Adams argued that Ms. Watson’s Answer and Counterclaims could not constitute acceptance of service where Ms. Watson had argued against proper service. However, service had been made at least as to one Petition if not all three as referenced by Ms. Adams’ own proof of service. Accordingly, the Court ultimately dismissed Ms. Adams’ three Petitions

not for lack of service, but because of her failure to prosecute the three Petitions and because, with the estate administration concluded, the three Petitions were moot and did not state facts sufficient to constitute a cause of action.

7. Ms. Adams argued that the Court incorrectly determined that she should be required to reimburse Ms. Watson for the estate's legal fees and costs as reflected on the final accounting. However, Exhibit A to Ms. Watson's Answer and Counterclaim shows that Ms. Adams removed all of the jewelry distributed to both Ms. Watson and Ms. Adams equally and refused to even respond to numerous inquiries from Ms. Watson's counsel about the same for over a half year. Even as of the hearing on December 11, 2024, a full year later, Ms. Adams had yet to return the jewelry despite the October 8, 2024 Order compelling her to do so.

8. Ms. Adams argued that the Court incorrectly determined that she should reimburse Ms. Watson for the estate's legal fees and costs through the final accounting where Ms. Watson had distributed the estate's real estate and vehicle to herself in satisfaction of her fee as Personal Representative. However, Ms. Adams failed to file a timely objection to Ms. Watson's final accounting, including distribution of all assets and an advance of legal fees by Ms. Watson for which she is legally entitled to reimbursement. Moreover, the estate inventory and accountings reflect that Ms. Adams has received, and therefore benefited from, half of the estate's real property valued at \$2,524,030, with no encumbrances, including real estate at Holden Beach North Carolina valued at \$810,830 which the Brunswick County Register of Deeds reflects Ms. Watson and Ms. Adams have since sold. Further still, Ms. Adams' first Petition had complained that Ms. Watson had not yet distributed the estate real property, even though by the time her Petition was filed Ms. Watson had distributed all of the South Carolina real property, not long after the creditor claims period expired.


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9. Ms. Adams argued Ms. Watson's accounting included receipts and disbursements related to real estate that had been distributed from the estate and the Court does not have jurisdiction over real estate owned by the estate. However, the Court's Order dated October 2, 2024 does not take any action with respect to those assets, but rather the estate's legal fees and costs advanced by Ms. Watson and payable by Ms. Adams, jewelry distributed from the estate, dismissing Ms. Adams' Petitions and, upon satisfaction of Ms. Adams' obligations under the Order, dismissing Ms. Watson's Counterclaims and closing the estate.

10. Ms. Adams argued the Court does not have jurisdiction over the bank account which Ms. Watson used and reported as an estate account under her accounting. Again, however, the Court's Order dated October 2, 2024 does not take any action with respect to the account funds, but merely accepts the final accounting submitted by Ms. Watson, which Ms. Adams failed to timely object to, as sufficient to close the estate.

11. Ms. Adams argued that the Court erred in finding that Ms. Adams "unnecessarily prolonged the closure of the Estate" because Ms. Watson failed to file interim accountings and close the Estate in a timely manner. However, the Court record reflects that Ms. Watson did file an interim accounting, subsequently requested exemplified copies for purposes of administering real property in North Carolina, and that the estate was a relatively large and complicated estate in general. Moreover, Ms. Adams herself filed three Petitions in 2020 and 2021, which she did not subsequently prosecute or otherwise withdraw, engaged a series of three attorneys to represent her in this matter, did not respond to numerous emails from Ms. Watson's counsel regarding the return of distributions that she took without authorization, ultimately objected to Ms. Watson's closing documents, and has since failed to comply with the Court's Order dated October 8, 2024.

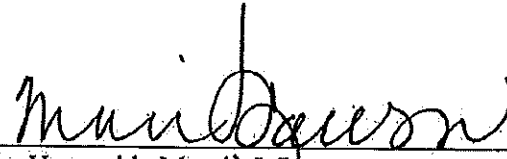

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12. Ms. Adams argued that the Court erred in finding that Ms. Adams "unnecessarily prolonged the closure of the Estate" because Ms. Watson failed to alert the Court that Ms. Adams' Petitions were not proper. However, Ms. Adams bears responsibility for ensuring the Petitions she filed were proper. Moreover, Ms. Watson ultimately did seek dismissal of the Petitions, to which Ms. Adams did not consent even at that time.

13. Ms. Adams argued that the Court erred by ruling without sworn testimony and "largely without evidentiary support." However, Ms. Adams herself served a Demand for Hearing and yet refused to attend that hearing or otherwise bring witnesses. Moreover, Ms. Watson elected to proceed on the record before the Court, and the Court limited its Order to that record.

WHEREFORE, for the foregoing reasons, the Court respectfully denies Ms. Adams' Motion to Alter, Amend, Reconsider and/or Vacate October 8, 2024 Order, and holds in abeyance Ms. Watson's Motion for Contempt and Execution of Judgement.

IT IS SO ORDERED.


The Honorable Marvin I. Lawson
Darlington County Probate Judge

Darlington, South Carolina
December 20, 2024

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MARVIN I. LAWSON
JUDGE OF PROBATE
DARLINGTON COUNTY, SC

THE STATE OF SOUTH CAROLINA
In The Court of Common Pleas

APPEAL FROM DARLINGTON COUNTY
PROBATE COURT

Marvin I. Lawson, Probate Judge

Probate Case No. 2025-CP-16-00008

Jeri M. AdamsAppellant,

v.

Phyllis M. Watson, Personal Representative of the
Estate of Emma Cook MimsRespondent.

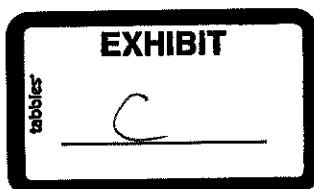
DECISION OF THE COURT

This appeal from the Probate Court is before the Court by operation of S.C. Code Ann. § 62-1-308, following the appeal of the Orders of the Honorable Marvin I. Lawson dated October 8, 2024 and December 23, 2024. The Court heard oral argument on August 5, 2025 and, after consideration of the briefs, record, and arguments of counsel issues the following order affirming and remanding this matter to the Probate Court.

ISSUES PRESENTED

I. Appeal of Jeri M. Adams

- Did the Probate Court err in finding that the Personal Representative did not need to file or serve a Proposal for Distribution as required by S.C. Code Ann. § 62-3-1001?



- Did the Probate Court err in approving an accounting of funds which were not property of any Estate?
- Did the Probate Court err in granting Respondent's counterclaim, where the Probate Court also determined that no action had been properly commenced?
- Did the Probate Court err in charging Appellant with all attorney's fees and costs incurred by the Personal Representative?

II. Response of Phyllis M. Watson, P.R. of the Estate of Emma Cook Mims

- Did Appellant Fail to Invoke the Circuit Court's Jurisdiction?
- Did Appellant Fail to Preserve Her Arguments for Appellate Review?

RELEVANT FACTS

The Court finds the following facts relevant to its disposition of this case. Emma Cook Mims died August 25, 2019, survived by her children Jeri M. Adams ("Ms. Adams") and Phyllis M. Watson ("Ms. Watson"), who are also equal beneficiaries under her probated Last Will and Testament. Ms. Watson has served as sole Personal Representative throughout the Estate's administration.

Ms. Adams filed a Petition for Partition on September 22, 2020, a Petition for Removal of Personal Representative on June 10, 2021, and a Petition for Formal Testacy and Appointment of Petitioner on June 10, 2021. Ms. Adams served one of her Petitions by commercial delivery, but did not obtain Ms. Watson's signature and therefore could not hold Ms. Watson in default pursuant to Rule 4(d)(9), SCRCP, nor did Ms. Adams' counsel argue that Ms. Watson should be held in default on any of Ms. Watson's Petitions.

Upon concluding her administration of the Estate, Ms. Watson ultimately served her Answer and Counterclaims to all three Petitions by both mail and email to counsel for Ms. Adams as well as the Probate Court, on July 16, 2024. Ms. Watson also included a copy of her signed Final Accounting that was subsequently served with her other Estate closing documents. The

deadline for Ms. Adams to serve a Reply to Ms. Watson's Counterclaims was 35 days after July 16, 2024, or August 20, 2024, pursuant to Rules 6(e) and 12(a), SCRCRCP.

On July 31, 2024, Ms. Watson re-sent her Answer and Counterclaims, which had been returned undelivered to the Probate Court, along with her Final Accounting, Application for Settlement, Notice of Right to Demand Hearing, Notice of Hearing, and Proof of Delivery of the foregoing. These were simultaneously served on counsel for Ms. Adams by mail and email and were filed with the Probate Court on August 1, 2024. The deadline for Ms. Adams to file an objection to Ms. Watson's Final Accounting and other closing documents was 30 days after they were filed on August 1, 2024, or September 3, 2024 (the Tuesday after Labor Day), pursuant to S.C. Code Ann § 62-3-1003(c).

On September 10, 2024, Ms. Adams' counsel emailed the Probate Court and Ms. Watson's counsel a copy of her Demand for Hearing, Reply to Counterclaims, and cover letter, all dated August 30, 2024, which Ms. Adams' counsel indicated he had mailed to the Probate Court and Ms. Watson's counsel on August 30, 2024. However, as of the hearing on September 25, 2024, that mailing had not been delivered to the Probate Court or to Ms. Watson's counsel, nor been returned to Ms. Adam's counsel. Ultimately, Ms. Adams did not file her Demand for Hearing at all.

On September 25, 2024, the Probate Court held a final hearing regarding the three pending Petitions, the Answer and Counterclaims, and Ms. Adams' objections to the Final Accounting and Application for Settlement "that may be timely filed." Ms. Adams did not attend the hearing or otherwise request a continuance.

On October 8, 2024, the Probate Court issued an order dismissing Ms. Adams' three Petitions with prejudice and prospectively dismissing Ms. Watson's Counterclaims with prejudice and closing the Estate upon Ms. Adams' return to Ms. Watson of one-half of the jewelry previously

distributed from the Estate as well as reimbursing Ms. Watson \$16,201.70 in attorneys' fees and costs incurred by Ms. Watson as Personal Representative for the Estate.

Ms. Adams subsequently filed a Motion to Alter, Amend, Reconsider and/or Vacate October 8, 2024 Order, and Ms. Watson filed a Motion for Contempt and Execution of Judgement. The Probate Court held a hearing on December 11, 2024, which Ms. Adams also did not attend, and on December 23, 2024 issued an order denying Ms. Adams' Motion to Alter, Amend, Reconsider and/or Vacate and holding Ms. Watson's Motion for Contempt and Execution of Judgement in abeyance.

The Probate Court emailed its final Order to counsel for Ms. Adams and Ms. Watson on December 23, 2024. Ms. Adams served her Notice of Intent to Appeal the Probate Court's orders on January 2, 2025, filed the same in Circuit Court on January 2, 2025, but did not file the same in Probate Court until January 3, 2025. In addition, Ms. Adams did not request a transcript of the Probate Court hearings dated September 24, 2024 and December 11, 2024.

STANDARD OF REVIEW

"A proceeding in probate court may either be an action at law or in equity[: w]hether the action is one at law or in equity is determined by the nature of the pleadings and the character of the relief sought." *In re Est. of Holden*, 343 S.C. 267, 278, 539 S.E.2d 703, 709 (2000) (citations omitted). "Questions of statutory interpretation are questions of law, which we are free to decide without any deference to the court below." *In re Estate of Gurnham*, 407 S.C. 194, 754 S.E.2d 875 (2014) (quotation omitted). *See also In re Estate of Brown*, 427 S.C. 138, 828 S.E.2d 789 (Ct. App. 2019) ("The issues Appellant raises require interpretation of several sections of the Probate Code, which are questions of law that we review de novo.").

If the proceeding in the probate court is in the nature of an action at law, neither the circuit court nor the appellate court may “disturb the probate court’s findings of fact unless a review of the record discloses there is no evidence to support them.” *Neely v. Thomasson*, 365 S.C. 345, 349–50, 618 S.E.2d 884, 886 (2005). “On appeal from an action at law that was tried without a jury, the appellate court can correct errors of law, but the findings of fact will not be disturbed unless found to be without evidence which reasonably supports the judge’s findings.” *Blackmon v. Weaver*, 366 S.C. 245, 248–49, 621 S.E.2d 42, 43–44 (Ct. App. 2005) (citation omitted). “While a trial court’s findings of fact in a nonjury action at law should not be disturbed on appeal unless they are without evidentiary support, a reviewing court is free to decide questions of law with no particular deference to the trial court.” *Hunt v. S.C. Forestry Comm’n*, 358 S.C. 564, 569, 595 S.E.2d 846, 848–49 (Ct. App. 2004).

DISCUSSION

I. The Probate Court Properly Approved the Estate’s Final Accounting Without Requiring a Proposal for Distribution.

Ms. Adams argues the Probate Court erred in ruling that Ms. Watson did not need to file a Proposal for Distribution pursuant to S.C. Code Ann. § 62-3-1001(a)(2), requiring a personal representative to file “a proposal for distribution of assets not yet distributed, unless the proposal for distribution of assets is waived pursuant to subsection (e)”. However, Ms. Adams failed to file an objection to Ms. Watson’s closing documents within 30 days of Ms. Watson filing proof of delivery of her closing documents and a Notice of Right to Demand Hearing of the same. This alone entitled the Probate Court to “enter an order or orders approving settlement and directing or approving distribution of the estate, terminating the appointment of the personal representative, and discharging the personal representative from further claim or demand of any interested person.” S.C. Code Ann. § 62-3-1001(c).

In addition, the Probate Code requires a Proposal for Distribution only for “assets not yet distributed”, and in this case Ms. Watson’s filed Final Accounting showed that all assets had been distributed. This Final Accounting, and Ms. Adams’ failure to object to it in a timely manner, also provided the Probate Court with a factual basis to determine that no proposal for distribution was needed. Moreover, the Probate Court also relied on emails from counsel for Ms. Watson to counsel for Ms. Adams, included in Exhibit A to Ms. Watson’s Answer and Counterclaims, as further proof that the estate’s remaining tangible personal property had in fact been distributed to the possession and control of Ms. Adams and Ms. Watson individually, by virtue of Ms. Watson leaving such property in a house that Ms. Adams and Ms. Watson individually co-owned and each had access to. Accordingly, the Probate Court properly held that a proposal for distribution was not necessary, whether under S.C. Code Ann. § 62-3-1001(a) or -1001(c).

II. The Probate Court Properly Approved the Estate’s Final Accounting Even If Including Information Regarding Non-Estate Receipts and Disbursements.

Ms. Adams next argues that the Probate Court improperly approved a Final Accounting which included assets in a joint account owned by Ms. Adams and Ms. Watson, and which account Ms. Watson used to administer the estate as reflected in her Final Accounting. Again, however, Ms. Adams failed to file an objection to this Final Accounting within 30 days of Ms. Watson filing proof of delivery of the same and a Notice of Right to Demand Hearing, which allowed the Probate Court to automatically approve the same and otherwise close the estate as provided by S.C. Code Ann. § 62-3-1003(c).

In addition, the Probate Court properly held there is no prohibition on a personal representative from including non-estate receipts and disbursements in addition to estate receipts and disbursements. In fact, the Probate Code specifically allows interested parties to request an inventory of non-probate assets. *See* S.C. Code Ann. § 62-3-706(B).

Further still, the Probate Court's Orders do not prohibit Ms. Adams from raising claims related to assets which were not part of the estate, as the effect of the Orders was limited to the closing of the estate, the possession of jewelry distributed from the estate, and the payment of legal fees and costs incurred in the administration of the estate. Accordingly, the Probate Court had ample statutory and factual grounds to approve the Final Accounting.

III. The Probate Court Did Not Grant Any of Respondent's Counterclaims.

Ms. Adams next argues that the Probate Court erred in granting Ms. Watson's Counterclaims. However, the Probate Court's October 8, 2024 Order specifically provides the Counterclaims are to be dismissed upon Ms. Adams' delivering one-half of the jewelry that had previously been distributed from the estate and was in Ms. Adams' possession, as well as \$16,201.70, to Ms. Watson. Accordingly, Ms. Adams' argument is without merit.

IV. The Probate Court Properly Charged Appellant with Attorney Fees & Costs.

Lastly, Ms. Adams argues the Probate Court lacked jurisdiction to compel her to reimburse Ms. Watson for attorney fees and costs, arguing that no formal action was pending pursuant to S.C. Code Ann. § 62-1-111 ("In a formal proceeding, the court, as justice and equity may require, may award costs and expenses, including reasonable attorney's fees, to any party, to be paid by another party or from the estate that is the subject of the controversy") and S.C. Code Ann. § 62-1-201(17) ("Formal proceedings' means actions commenced by the filing of a summons and petition with the probate court and service of the summons and petition upon the interested persons"). However, the Court finds that the Probate Court did have a formal proceeding before it.

Ms. Adams herself filed a Motion for Default and Affidavit of Default showing that one of her three Petitions had been served by commercial delivery, though without Ms. Watson's signature, such that default could not be entered pursuant to Rule 4(d)(9), SCRCP. Furthermore,

Ms. Watson's counsel acknowledged her acceptance of service of all three Petitions at the hearing, which Petitions remained pending because Ms. Adams refused to withdraw them.

Moreover, Ms. Watson ultimately filed and served her Answer and Counterclaims as to all three Petitions by mail and email on July 16, 2024. *See* Rule 5(a) and (b), SCRCF (providing that "pleadings subsequent to the original summons and complaint, which includes answers[and] counterclaims" can be made "by mailing it to [the party or the party's attorney] at his last known address"); South Carolina Supreme Court Order 2022-000029 (providing that a party's attorney may be served via email); Rule 41, SCRCF (explaining the court should not dismiss a case before ruling on a defendant's counterclaim unless the counterclaim can remain pending for independent adjudication). In summary, for several independent reasons, the Probate Court had a "formal proceeding" before it and therefore the jurisdiction to award attorney fees and costs pursuant to S.C. Code Ann. § 62-1-111.

Ms. Adams also argues that the Probate Court lacked evidence to support the amount of attorney fees and costs, to show that Ms. Adams caused such fees and costs, or to determine the reasonableness of the fees pursuant to *Glasscock v. Glasscock*, 304 S.C. 158, 403 S.E.2d 313 (1991). However, there is no requirement that the Probate Court specifically recite the *Glasscock* factors while awarding attorney fees and costs pursuant to S.C. Code § 62-1-111, and the Probate Court's orders otherwise reflected ample evidence to support the attorney fee and cost award under that statute.

Factually, the Probate Court noted that Ms. Adams failed to file a timely objection to the Final Accounting, which included Ms. Watson's signed representation that she advanced \$16,201.70 in legal fees as Personal Representative, for which she is entitled to reimbursement. *See also* S.C. Code Ann. § 62-3-715(19) (authorizing personal representatives to hire attorneys for the estate). Furthermore, the estate inventory shows that the estate included real property valued

at \$2,524,030—half of which Ms. Adams received without any encumbrances thereon. Therefore, the legal fees represented less than 1% of the estate's value, half of which directly inured to Ms. Adams' benefit, including a beach house at Holden Beach, North Carolina which the Brunswick County Register of Deeds reflects Ms. Watson and Ms. Adams have since sold.

Finally, the Probate Court cited numerous factual justifications for ordering Ms. Adams to pay all of Ms. Watson's attorney fees and costs rather than only for Ms. Adams' half share of the Estate, as shown in the following excerpt from the Probate Court's October 8, 2024 Order, paragraphs 20 through 23:

Exhibit A of Ms. Watson's Counterclaims shows Ms. Watson generously allowed Ms. Adams to select half of their mother's jewelry and leave the other half for Ms. Watson, but Ms. Adams instead took all of the jewelry without authority or warning and has still not returned it nearly one year later, a period of time in which Ms. Watson's counsel sent Ms. Adams' counsel a series of seven emails about the missing jewelry before Ms. Adams' counsel responded.

In addition, the emails also show that the remaining Estate property has been available for Ms. Adams to retrieve for a similar length of time, but she has refused to do which has unnecessarily prolonged the closure of the Estate. Similarly, Ms. Adams has failed to withdraw the three Petitions that she never served on Ms. Watson or otherwise show up at the Court's scheduled final hearing to attempt to explain her Petitions and other alleged grievances. Rather, her counsel has asked to delay the closure of the Estate even longer.

In contrast, so that the Court would not need to delay the closure of the Estate for purposes of conducting a damages hearing, Ms. Watson willingly waived her request for punitive damages and capped her request for legal fees at the amount reflected on her Final Accounting signed July 11, 2024, even though she has personally borne additional fees through the hearing date and beyond.

Based on the record before it, the Court has no choice but to conclude that Ms. Watson has properly completed the administration of her mother's large estate, at significant benefit to Ms. Adams as one-half beneficiary, despite Ms. Adams's to efforts to obstruct Ms. Watson's administration without justification. Accordingly, the Court finds that justice and equity do require Ms. Adams to pay Ms. Watson for the \$16,201.70 of legal fees and costs Ms. Watson advanced during her administration of the Estate.

In summary, the Probate Court had ample basis to compel Ms. Adams to pay Ms. Watson's legal fees and costs totaling \$16,201.70 through the date of her Final Accounting, pursuant to S.C. Code Ann. § 62-1-111. Accordingly, in an action at law such as this, neither the Circuit Court nor an appellate court may "disturb the probate court's findings of fact unless a review of the record discloses there is no evidence to support them." *Neely v. Thomasson*, 365 S.C. 345, 349–50, 618 S.E.2d 884, 886 (2005). *See also In re Estate of Gurnham*, 407 S.C. 194, 754 S.E.2d 875 (2014) (holding that an issue of statutory interpretation is a question of law).

V. Appellant Has Failed to Invoke This Court's Jurisdiction.

In response, Ms. Watson argues that Ms. Adams failed to properly invoke the Circuit Court's jurisdiction to hear Ms. Adams' appeal. Appeals from the probate court are governed by S.C. Code Ann. § 62-1-308, subsection (a) of which provides as follows (emphasis added):

A person interested in a final order, sentence, or decree of a probate court may appeal to the circuit court in the same county, subject to the provisions of Section 62-1-303. The notice of intention to appeal to the circuit court must be filed in the office of the circuit court and in the office of the probate court and a copy served on all parties not in default within ten days after receipt of written notice of the appealed from order, sentence, or decree of the probate court.

As explained by the South Carolina Court of Appeals, the five-day rule provided by Rule 6(e), SCRCF, does not apply to this ten-day deadline provided by S.C. Code Ann. § 62-1-308(a):

S.C. Code Ann. § 62-1-308(a) provides that notice of intention to appeal from the probate court to the circuit court "must be filed in the office of the circuit court and in the office of the probate court and a copy thereof served on all parties within ten days after receipt of written notice of the decision appealed from order, sentence, or decree of the probate court." . . . Rule 6(e), SCRCF, does not provide an additional five days to file a notice of intent to appeal.

Witzig v. Witzig, 325 S.C. 363, 365, 479 S.E.2d 297, 299 (Ct. App. 1996) (emphasis in original).

Failure to meet the ten-day deadline divests the Circuit Court of jurisdiction to consider an appeal

from probate court. *Id.*; *Gallagher v. Evert*, 353 S.C. 59, 68, 577 S.E.2d 217, 221-22 (Ct. App. 2002); *Matter of Shoemaker*, No. 2022-001665, 2025 WL 985833 (S.C. Ct. App. Apr. 2, 2025).

In the present case, Ms. Adams' Notice of Intent to Appeal indicates she received the Probate Court's Order dated December 23, 2024 on that same day. Accordingly, in order to properly invoke this Court's jurisdiction to hear her appeal, she needed to file her notice of intent to appeal by January 2, 2025, not only in the Circuit Court, but also in the Probate Court. *See* S.C. Code Ann. § 62-1-308(a). Ms. Adam's Notice of Intent to Appeal, however, was not filed in the Probate Court until January 3, 2025, after the ten-day deadline had expired. Accordingly, this Court lacks jurisdiction to hear Ms. Adams' appeal. *See* S.C. Code Ann. § 62-1-308(a); *see also* *Witzig v. Witzig*, 325 S.C. 363, 479 S.E.2d 297; *Gallagher v. Evert*, 353 S.C. at 68, 577 S.E.2d at 221-22.

In addition, Ms. Adams has failed to request a transcript of the Probate Court hearings as required by S.C. Code Ann. § 62-1-308(c) (emphasis added):

Where a transcript of the testimony and proceedings in the probate court was prepared, the appellant shall, within ten days after the date of service of the notice of intention to appeal, make satisfactory arrangements with the court or court reporter for furnishing the transcript. If the appellant has not received the transcript within forty-five days after receipt of written notice of the order, sentence, or decree of the probate court, the appellant may make a motion to the circuit court for an extension to serve and file the parties' briefs and Designations of Matter to be Included in the Record on Appeal, as provided in subsections (d) and (e).

At oral argument, Ms. Adams' counsel admitted that Ms. Adams did not request transcripts but argued that the foregoing statute only applies to transcripts that contain witness testimony.

However, this argument fails pursuant to well-established rules of statutory construction:

A statute as a whole must receive practical, reasonable, and fair interpretation consonant with the purpose, design, and policy of lawmakers. In interpreting a statute, the language of the statute must be read in a sense that harmonizes with its subject matter and accords with its general purpose. Any ambiguity in a statute should be resolved in favor of a just, equitable, and beneficial operation of the law. Courts will reject a statutory interpretation that would lead to a result so plainly

absurd that it could not have been intended by the Legislature or would defeat the plain legislative intention.

Town of Mt. Pleasant v. Roberts, 393 S.C. 332, 342–43, 713 S.E.2d 278, 283 (2011) (quotations and citations omitted). The purpose of Section 62-1-308 of the Probate Code is to establish an orderly and equitable procedure for appeals from the Probate Court, and it would defeat the Legislature’s purpose and produce an absurd result if the appellant did not have to request a transcript in certain circumstances. Rather, “a transcript of the testimony and proceedings” is no doubt intended to refer to transcripts obtaining either or both types of relevant materials as are applicable to a given appeal. *See* S.C. Code Ann. § 62-1-308(c).

Accordingly, Ms. Adams’ admitted failure to obtain a transcript serves as an independent basis that this Court lacks jurisdiction over her appeal, as does her failure to file her Notice of Intent to Appeal in the Probate Court within 10 days. *See State v. Devore*, 416 S.C. 115, 119, 784 S.E.2d 690, 692 (Ct. App. 2016) (“[T]he failure to comply with procedural requirements for an appeal divests a court of appellate jurisdiction.”).

VI. Appellant Failed to Preserve Her Arguments for Appellate Review.

Ms. Watson also argues that Ms. Adams failed to adequately preserve her arguments for appellate review. “To preserve an issue for appellate review, the issue must have been raised to and ruled upon by the trial court.” *Holy Lock Distribs. v. Hitchcock*, 340 S.C. 20, 24, 531 S.E.2d 282, 284 (2000). Further, “an objection must be sufficiently specific to inform the trial court of the point being urged by the objector.” *Wilder Corp. v. Wilke*, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998). “An issue may not be raised for the first time in a motion to reconsider.” *Johnson v. Sonoco Prods. Co.*, 381 S.C. 172, 177, 672 S.E.2d 567, 570 (2009).

In the present case, as has already been discussed, Ms. Adams did not obtain the transcripts of either Probate Court hearing as required by S.C. Code Ann. § 62-1-308(c). In addition, Ms.

Adams never filed her Demand for Hearing in response to Ms. Watson's Final Accounting, stating that it was lost in the mail. Moreover, the emailed but unfiled copy of Ms. Adams' Demand for Hearing does not sufficiently address Ms. Adams' issues on appeal even if it had been filed. Accordingly, the only record the Circuit Court has of Ms. Adams' grounds for appeal is her filed Motion to Alter, Amend, Reconsider and/or Vacate October 8, 2024 Order, which is insufficient to preserve her arguments for appeal. *See Commercial Credit Loans, Inc. v. Riddle*, 334 S.C. 176, 186, 512 S.E.2d 123, 129 (Ct.App.1999) ("Further, because the transcript of the proceedings below is omitted from the record, it appears the first time Commercial Credit made this argument was in its Rule 59(e) motion for reconsideration. Accordingly, this issue is not properly preserved for our review."); *see also Bonaparte v. Floyd*, 291 S.C. 427, 444, 354 S.E.2d 40, 50 (Ct. App. 1987) (declining to address the appellant's claim of error because the appellant failed to furnish the Court of Appeals with a sufficient record on appeal to permit consideration of the issue).

In summary, the Court lacks sufficient record that Ms. Adams raised her grounds for appeal prior to her Motion to Alter, Amend, Reconsider and/or Vacate October 8, 2024 Order, let alone that she did so sufficiently in order to preserve appellate review of the same. Accordingly, Ms. Adams' appeal must be dismissed for failing to preserve her arguments for appellate review.

CONCLUSION

For the above reasons, the Court hereby **DISMISSES** Jeri M. Adams' appeal of the Probate Court's Orders dated October 8, 2024 and December 23, 2024, and otherwise **AFFIRMS** such orders to the extent this Court has jurisdiction to hear the appeal. The Court further remands this matter to the Probate Court for further proceedings consistent with this Order.

IT IS SO ORDERED.



Darlington Common Pleas

Case Caption: Jeri M Adams VS Phyllis M Watson P R , defendant, et al

Case Number: 2025CP1600008

Type: Order/Other

So Ordered

s/Paul M. Burch, Judge #2048

THE STATE OF SOUTH CAROLINA
In The Court of Common Pleas

APPEAL FROM DARLINGTON COUNTY
PROBATE COURT

Marvin I. Lawson, Probate Judge

Probate Case No. 2025-CP-16-00008

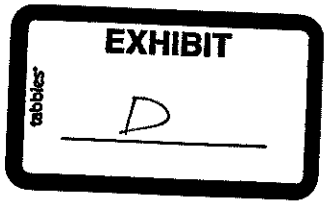
Jeri M. AdamsAppellant,

v.

Phyllis M. Watson, Personal Representative of the
Estate of Emma Cook MimsRespondent.

DECISION OF THE COURT

This matter comes before the Court upon the Motion to Alter, Amend and/or Vacate Order of September 30, 2025, filed by Appellant Jeri Adams on October 10, 2025. The Court heard the Motion on May 27, 2026, and after consideration of the record in this matter and arguments of counsel, issues the following order denying the Motion and remanding this matter to the Probate Court. Ms. Adams' Motion and oral argument articulated three issues for reconsideration by the Court, each of which are addressed herein below.



I. Filing of Notice of Intent to Appeal.

First, Ms. Adams argued the Court erred in finding that Ms. Adams' Notice of Intent to Appeal was untimely, where it was emailed to the Probate Court on January 2, 2025 but not file-stamped by the Probate Court until January 3, 2025. Appeals from the probate court are governed by S.C. Code Ann. § 62-1-308, subsection (a) of which provides as follows (emphasis added):

A person interested in a final order, sentence, or decree of a probate court may appeal to the circuit court in the same county, subject to the provisions of Section 62-1-303. The notice of intention to appeal to the circuit court must be filed in the office of the circuit court and in the office of the probate court and a copy served on all parties not in default within ten days after receipt of written notice of the appealed from order, sentence, or decree of the probate court.

Ms. Adams does not dispute that the deadline for filing her Notice of Intent to Appeal with the Probate Court was January 2, 2025, but instead believes that the Probate Court should have filed it on that day based on her counsel's email to the Probate Court, rather than on the following day as it did.

Ms. Adams' argument fails because the Probate Court did not have to, and actually should not have, filed her counsel's emailed copy at all. To date, Charleston County is the only South Carolina probate court authorized to accept electronic filings, pursuant to the South Carolina Supreme Court's Administrative Order dated October 28, 2020. *See also* S.C. Code Ann. § 14-17-510 (requiring the clerk to "file in their proper order original papers in causes instituted or other authorized proceedings"); S.C. Code Ann. § 14-23-1130 (referencing the probate court's authority to preserve "the original of a document" as well as copies.

In addition, Ms. Adams' argument also fails because there is nothing in the record indicating that the Probate Court staff actually read her counsel's email on that day. Quite simply, if Ms. Adams wished to ensure a filing by January 2, 2025, she needed to have it hand delivered to the Probate Court by that day or otherwise had it delivered by express delivery to ensure physical

delivery by that day. She did not do so, and therefore this Court lacks jurisdiction to hear her appeal. *See* S.C. Code Ann. § 62-1-308(a); *see also* *Witzig v. Witzig*, 325 S.C. 363, 365, 479 S.E.2d 297, 299 (Ct. App. 1996); *Gallagher v. Evert*, 353 S.C. 59, 68, 577 S.E.2d 217, 221-22 (Ct. App. 2002); *Matter of Shoemaker*, No. 2022-001665, 2025 WL 985833 (S.C. Ct. App. Apr. 2, 2025).

II. Transcript of Probate Court Hearing.

Next, Ms. Adams argued the Court erred in finding that the absence of the transcript of Probate Court proceedings in the Record on Appeal deprives the Court of jurisdiction, where no testimony or evidence was presented in the Probate Court and where the Orders of the Probate Court acknowledge the objections raised by Ms. Adams. The relevant section of the South Carolina Probate Code provides: “Where a transcript of the testimony and proceedings in the probate court was prepared, the appellant shall, within ten days after the date of service of the notice of intention to appeal, make satisfactory arrangements with the court or court reporter for furnishing the transcript.” S.C. Code Ann. § 62-1-308(c).

This Court previously ruled that the absence of witness testimony does not negate the requirement to obtain a transcript of the proceedings, as Section 62-1-308(c) intended to refer to transcripts obtaining either or both types of relevant materials as are applicable to a given appeal. Ms. Adams has provided no argument to change the Court’s conclusion.

In addition, the Probate Court’s Order cannot serve as a substitute for Section 62-1-308(c)’s requirement for a transcript. As the Court previously noted, the purpose of Section 62-1-308 of the Probate Code is to establish an orderly and equitable procedure for appeals from the Probate Court, and it would defeat the Legislature’s purpose and produce an absurd result if the appellant did not have to request a transcript in certain circumstances. *See Town of Mt. Pleasant v. Roberts*, 393 S.C. 332, 342–43, 713 S.E.2d 278, 283 (2011).

Finally, “[t]o preserve an issue for appellate review, the issue must have been raised to and ruled upon by the trial court.” *Holy Lock Distribs. v. Hitchcock*, 340 S.C. 20, 24, 531 S.E.2d 282, 284 (2000). However, the lack of a transcript does not allow the Court to determine what was properly raised to the Probate Court, and which therefore could have been properly ruled on by the Probate Court. As it stands, the record of Ms. Adams’ objections includes only her unfiled Demand for Hearing dated August 30, 2024, listing four conclusory objections. Because this unfiled document was not properly before the Probate Court and, even if it were, includes only conclusory statements, this Court is left with nothing to evaluate whether the objections validly raised by Ms. Adams.

In summary, this Court lacks jurisdiction to hear Ms. Adams’ appeal for the foregoing additional reasons. *See* S.C. Code Ann. § 62-1-308(c); *see also Bonaparte v. Floyd*, 291 S.C. 427, 444, 354 S.E.2d 40, 50 (Ct. App. 1987) (declining to address the appellant’s claim of error because the appellant failed to furnish the Court of Appeals with a sufficient record on appeal to permit consideration of the issue).

III. Attorney Fees.

Finally, Ms. Adams argued the Court erred in finding that she could be taxed with the Personal Representative’s legal fees based on the evidentiary record and where the Personal Representative did not liquidate Estate assets to pay for the legal fees. In an action at law such as this, the Court may not “disturb the probate court’s findings of fact unless a review of the record discloses there is no evidence to support them.” *Neely v. Thomasson*, 365 S.C. 345, 349–50, 618 S.E.2d 884, 886 (2005).

Here, the record does include ample factual support for the Probate Court's award of the Personal Representative's legal fees, including but not limited to the Estate's filed Final Accounting, including the Personal Representative signed and notarized representation that she advanced \$16,201.70 in legal fees as Personal Representative, the Estate's filed inventory showing real property valued at \$2,524,030, half of which Ms. Adams received without any encumbrances thereon and including a beach house at Holden Beach, North Carolina which the Brunswick County Register of Deeds reflect the parties have since sold., the Personal Representative's legal fees constituting less than 1% of the total value notwithstanding Ms. Adams having filed three petitions, Ms. Adams having taken all of the jewelry distributed from the Estate rather than her one-half, and not returning the same for over a year despite numerous requests from the Personal Representative, and Ms. Adams failing to withdraw three petitions against the Personal Representative that Ms. Adams did not ultimately pursue.

In addition, "an objection must be sufficiently specific to inform the trial court of the point being urged by the objector." Wilder Corp. v. Wilke, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998). However, Ms. Adams' Demand for Hearing dated August 30, 2024 has yet to be filed with the Probate Court as required by S.C. Code Ann. § 62-3-1001(c). Moreover, her Demand for Hearing listed only four conclusory objections, none of which referenced the Personal Representative's legal fees. Accordingly, the Court holds that Ms. Adams did not adequately preserve her objection to the Probate Court's award of legal fees for appeal.

In summary, the Probate Court had ample basis to compel Ms. Adams to pay Ms. Watson's legal fees and costs totaling \$16,201.70 through the date of her Final Accounting, pursuant to S.C. Code Ann. § 62-1-111, and Ms. Adams has otherwise failed to preserve her objection to that award on appeal.

CONCLUSION

For the above reasons, the Court hereby **DENIES** Jeri M. Adams' Motion to Alter, Amend and/or Vacate Order of September 30, 2025, and otherwise **AFFIRMS** its Order dated September 30, 2025. The Court further remands this matter to the Probate Court for further proceedings consistent with this Order.

IT IS SO ORDERED.



Darlington Common Pleas

Case Caption: Jeri M Adams VS Phyllis M Watson P R , defendant, et al
Case Number: 2025CP1600008
Type: Order/Amend

So Ordered

s/Paul M. Burch, Judge #2048