

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS  
Appellate Case No. 2026-001100

109546  
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OCT 08 2026

SC Court of Appeals

In the Matter of the Estate of David Edward Murday, Deceased  
Elspeth Murday, Appellant,  
v.  
Alanna Murday, Respondent.

Appeal from Richland County  
Court of Common Pleas  
Circuit Court Case No. 2026-CP-40-00467

The Honorable William W. Wheeler, III, and the Honorable Daniel Coble, Circuit Court Judges

### **APPELLANT'S MOTION TO AMEND NOTICE OF APPEAL**

Appellant Elspeth Murday, pro se, respectfully moves under Rules 203 and 240, SCACR, for leave to amend her Notice of Appeal, served May 6, 2026, as set out in her Amended Notice of Appeal, served on Respondent's counsel September 11, 2026 and received by the Court September 15, 2026. (Attachment A.) The Amended Notice designates the three orders named in the original notice and adds a fourth, the Circuit Court's Form 4 order entered August 12, 2026 (Coble, J.). Appellant requests that the Court accept the Amended Notice as filed, effective as of its date of service. Appellant files this motion in response to the Clerk's letter of September 25, 2026, advising that a motion is required to amend a notice of appeal.

#### **I. Background**

1. Appellant's Notice of Appeal, served May 6, 2026 and filed May 7, 2026, designated three orders of the Richland County Court of Common Pleas: the Form 4 order of March 20, 2026 granting Respondent's motion to dismiss; the Order Granting Motion to Dismiss entered March 27, 2026; and the Form 4 order of April 8, 2026 declining to alter or amend.

2. On April 3, 2026, Appellant served a motion under Rule 59(e), SCRCR, directed to the March 27, 2026 order. It was filed April 6, 2026. The April 8, 2026 order ruled, by its own terms, only on Appellant's earlier motion filed March 25, 2026.
3. On August 11, 2026, Appellant moved the Circuit Court for a ruling on her pending motion. On August 12, 2026, the Circuit Court entered a Form 4 order stating that "the Motion to Alter, Amend, or Reconsider is DENIED." (Attachment B.) That order is the first order to dispose of the motion served April 3, 2026.
4. On September 11, 2026, Appellant served an Amended Notice of Appeal on Respondent's counsel, adding the August 12, 2026 order to the orders designated in her original notice. (Attachment A.) The Court received the Amended Notice on September 15, 2026.
5. By letter dated September 25, 2026, the Clerk advised Appellant that the Court received the amended notice of appeal on September 15, 2026, and that "[i]f you wish to amend your notice of appeal, you must file a motion." (Attachment C.) Appellant files this motion promptly on receipt of that letter.
6. Appellant's Initial Brief, filed September 28, 2026, identifies the August 12, 2026 order among the orders appealed from and addresses it in its argument.

## **II. Grounds for the Motion**

### ***A. The amendment is timely under Rule 203(b)(1).***

Rule 203(b)(1), SCACR, provides that "[w]hen a timely . . . motion to alter or amend the judgment (Rules 52 and 59, SCRCR) . . . has been made, the time for appeal for all parties shall

be stayed and shall run from receipt of written notice of entry of the order granting or denying such motion.” Appellant’s Rule 59(e) motion directed to the March 27, 2026 order was served April 3, 2026. The time to appeal from the order disposing of that motion ran from receipt of written notice of entry of the August 12, 2026 order. Appellant served the Amended Notice on September 11, 2026, thirty days after the order was entered and therefore within thirty days after her receipt of written notice of its entry.

Appellant requests that the Court treat September 11, 2026, the date on which Respondent was served with the Amended Notice, as the effective date of the amendment. The purpose of the service requirement in Rule 203(b)(1) — timely notice to the opposing party of the orders under review — was fully served on that date.

***B. The amendment causes no prejudice and does not delay the appeal.***

Respondent has had written notice since September 11, 2026 that Appellant seeks review of the August 12, 2026 order. That order arises in the same Circuit Court case, on the same record, and concerns the same March 27, 2026 order already designated in the original Notice of Appeal. Appellant’s Initial Brief, filed September 28, 2026, already treats the August 12 order as one of the orders appealed from, so the amendment requires no change to the briefing schedule and no additional briefing by either party.

Appellant is proceeding pro se. She served the Amended Notice within the time allowed and, on learning that the Court required a motion, promptly presented the request in that form.

***C. The amendment preserves Appellant’s position on the April 3, 2026 motion.***

The August 12, 2026 order does not identify the April 3, 2026 motion by date, and it describes the motion it denies as one “timely filed on August 11, 2026.” Appellant has designated the

August 12 order as the order disposing of her April 3, 2026 motion, which is the reading most protective of the Court's jurisdiction. Appellant requests that the amendment be allowed without prejudice to her position, set out in her Initial Brief, that the substance of the April 3, 2026 motion has not been reached on its merits by any order.

### **III. Relief Requested**

For these reasons, Appellant respectfully requests that the Court:

1. Grant Appellant leave to amend her Notice of Appeal as set out in her Amended Notice of Appeal (Attachment A), which adds the Circuit Court's Form 4 order entered August 12, 2026;
2. Accept the Amended Notice of Appeal, served September 11, 2026 and received by the Court September 15, 2026, as filed, effective as of September 11, 2026; and
3. Grant such other relief as the Court finds just.

Respectfully submitted,



Elspeth Murday

Appellant, pro se

217 Hall Road

Westminster, SC 29693

425.435.0607

emurday@gmail.com

Dated: October 5, 2026

## ATTACHMENTS

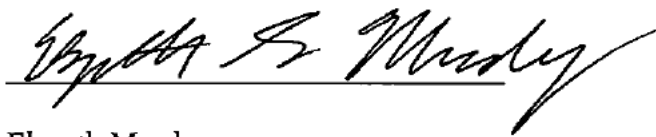
A. Amended Notice of Appeal, served September 11, 2026, with its certificate of service and the certified mail return receipts for service on Respondent's counsel and delivery to the Clerk. The orders attached to the Amended Notice as served are omitted here; the August 12, 2026 order is Attachment B.

B. Form 4 order entered August 12, 2026 (Coble, J.).

C. Letter from the Clerk of the Court of Appeals dated September 25, 2026.

## CERTIFICATE OF SERVICE

I certify that on October 5, 2026, I served a true and correct copy of the foregoing Appellant's Motion to Amend Notice of Appeal, with its attachments, upon Respondent's counsel, William H. Edwards, Moore Bradley Myers Law Firm, P.A., 1700 Sunset Boulevard, West Columbia, SC 29169, by depositing a copy in the United States mail, postage prepaid, addressed as above.



Elspeth Murday

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SC Court of Appeals

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

OCT 08 2026

SC Court of Appeals

Attachment  
A

In the Matter of:  
David Edward Murday (Decedent)

Appellate Case No. 2026-001100

Elsbeth Murday, Appellant,

Appeal From Richland County  
Court of Common Pleas

vs.

Alanna Murday, Respondent.

Case No. 2026-CP-400-0467

**AMENDED NOTICE OF APPEAL**

Appellant Elspeth Snow Murday, pro se, hereby gives notice pursuant to Rule 203, SCACR, that she appeals to the South Carolina Court of Appeals from the following orders of the Court of Common Pleas for Richland County in Case No. 2026-CP-40-00467:

1. The Form 4 order entered March 20, 2026 (Wheeler, J.), granting Respondent's motion to dismiss Appellant's appeal from the Probate Court;
2. The Order Granting Motion to Dismiss entered March 27, 2026 (Wheeler, J.);
3. The Form 4 order entered April 8, 2026 (Wheeler, J.), declining to alter or amend the March 20, 2026 order in response to Appellant's Rule 59(e), SCRCR, motion served March 25, 2026; and

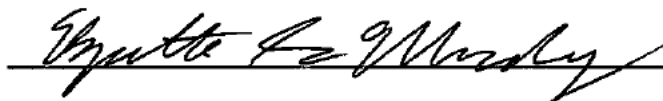
- 4. The Form 4 order entered August 12, 2026 (Coble, J.), stating that "the Motion to Alter, Amend, or Reconsider is DENIED," which Appellant understands to dispose of her Rule 59(e), SCRCF, motion served April 3, 2026 and directed to the March 27, 2026 order, and of her Motion for Ruling on Pending Motion served August 11, 2026.**

This Amended Notice of Appeal supplements Appellant's Notice of Appeal served May 6, 2026, which designated the orders identified in paragraphs 1 through 3 above.

It is served within thirty (30) days after Appellant's receipt of written notice of entry of the August 12, 2026 order, the most recent order purporting to dispose of Appellant's April 3, 2026 Rule 59(e) motion. Rule 203(b)(1), SCACR ("When a timely . . . motion to alter or amend the judgment . . . has been made, the time for appeal for all parties shall be stayed and shall run from receipt of written notice of entry of the order granting or denying such motion."). Appellant files this Amended Notice to ensure that all orders bearing on the dismissal of her appeal are before this Court.

Copies of the orders identified above are attached and labeled as numbered above.

Respectfully submitted,



Elspeth S. Murday Appellant, *Pro Se*

September 11, 2026

217 Hall Rd.  
Westminster, SC 29693  
425.435.0607  
[emurday@gmail.com](mailto:emurday@gmail.com)

## CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of September, 2026, I served a true and correct copy of the foregoing Amended Notice of Appeal upon the following via U.S. mail:

William H. Edwards, Esq.  
Moore Bradley Myers Law Firm, P.A.  
1700 Sunset Boulevard  
West Columbia, SC 29169  
will@mbmlawsc.com  
Attorney for Respondent

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OCT 08 2026

SC Court of Appeals

  
\_\_\_\_\_  
Elspeth Murday

*Amended Notice of Appeal*

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 Will Edwards  
 Moore Bradley Myers Law Firm  
 1700 Sunset Blvd  
 West Columbia, SC 29169

2. Article Number (Transfer from service label)  
 9590 9402 9886 5335 2503 07

3. Service Type  
☐ Adult Signature  
☐ Adult Signature Restricted Delivery  
☐ Certified Mail®  
☐ Certified Mail Restricted Delivery  
☐ Collect on Delivery  
☐ Collect on Delivery Restricted Delivery  
☐ Insured Mail  
☐ Insured Mail Restricted Delivery (over \$500)

☐ Priority Mail Express®  
☐ Registered Mail™  
☐ Registered Mail Restricted Delivery  
☐ Signature Confirmation™  
☐ Signature Confirmation Restricted Delivery

4. Signature  
☒ Agent  
☐ Addressee

5. Received by (Printed Name)  
 J. GOSNELL

6. Date of Delivery  
 8/16/10

7. Is delivery address different from item 1? ☐ Yes  
 If YES, enter delivery address below: ☐ No

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

*Amended Notice of Appeal*

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 Clerk of Court  
 South Carolina Court of Appeals  
 P.O. Box 11629  
 Columbia, SC 29211

2. Article Number (Transfer from service label)  
 9590 9402 9886 5335 2502 91

3. Service Type  
☐ Adult Signature  
☐ Adult Signature Restricted Delivery  
☐ Certified Mail®  
☐ Certified Mail Restricted Delivery  
☐ Collect on Delivery  
☐ Collect on Delivery Restricted Delivery  
☐ Insured Mail  
☐ Insured Mail Restricted Delivery (over \$500)

☐ Priority Mail Express®  
☐ Registered Mail™  
☐ Registered Mail Restricted Delivery  
☐ Signature Confirmation™  
☐ Signature Confirmation Restricted Delivery

4. Signature  
☒ Agent  
☐ Addressee

5. Received by (Printed Name)  
 Howard Chesant

6. Date of Delivery  
 9-15-20

7. Is delivery address different from item 1? ☐ Yes  
 If YES, enter delivery address below: ☐ No

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

STATE OF SOUTH CAROLINA  
COUNTY OF Richland  
IN THE COURT OF COMMON PLEAS

## JUDGMENT IN A CIVIL CASE

CASE NO. 2026CP4000467

Elspeth Snow Murday  
PLAINTIFF(S)

Alanna Snow Murday et al  
DEFENDANT(S)

## DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled);  
☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy;  
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  
☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
☐ Affirmed; ☐ Reversed; ☐ Remanded;  
☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

This matter is before the Court on Appellant's Motion for Reconsideration pursuant to Rule 59(e) SCRPC ("the Motion"), which was timely filed on August 11, 2026. After reviewing the applicable law and considering arguments raised in the Motion, the court is unable to discover any material fact or principle of law that has either been overlooked or disregarded and further finds no error of law or fact not appropriately considered. Therefore, the Motion to Alter, Amend, or Reconsider is DENIED.

## ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

☐ See Page 2 for additional information.

## For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 08/12/2026

Elspeth Snow Murday for Elspeth Snow Murday  
Elspeth Snow Murday for Elspeth Snow Murday

Attachment  
B

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

**Court Reporter:**

**E-Filing Note:** The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

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Richland Common Pleas

**Case Caption:** Elspeth Snow Murday VS Alanna Snow Murday , defendant, et al  
**Case Number:** 2026CP4000467  
**Type:** Order/Electronic Form 4

So Ordered

s/ Daniel Coble, 2774

Electronically signed on 2026-08-12 10:09:36 page 3 of 3



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

CATHERINE S. HARRISON  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11628  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

September 25, 2026

Elsbeth Murday  
217 Hall Rd.  
Westminster, SC 29693

Re: In the Matter of: David E. Murday  
Appellate Case No. 2026-001100

Dear Ms. Murday:

The Court received an amended notice of appeal on September 15, 2026. If you wish to amend your notice of appeal, you must file a motion. No further action will be taken on your amended notice of appeal.

Very truly yours,

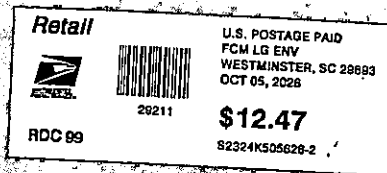
*Catherine S. Harrison, deputy*  
CLERK

cc: William H. Edwards, Esquire

Attachment

C

Ma. Elspeth S. Munday  
217 Hall Rd.  
Westminster, SC 29693-1505



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OCT 08 2026

SC Court of Appeals

Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

L/N  
10/04/26