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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Perry H. Gravely, Circuit Court Judge

Common Pleas Case No. 2022-CP-23-01064
Appellate Case No. 2026-000267

John R. Mensch and Shauna M. Waddell
Individually and as Personal Representative
Of the Estate of Florence Petrak Mensch and
John R. Mensch, *Respondents,*

v.

Sterling Raymond Mensch, III, Individually
As Personal Representative of the Estate
of Florence Petrak Mensch and in the
former Capacity as Agent under a Power
of Attorney for Florence Petrak Mensch, *Appellant.*

SUPPLEMENTAL RECORD ON APPEAL

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Judge Gravely's Form 4 Order, filed October 17, 2025 1073

ELECTRONICALLY FILED - 2025 Oct 17 8:43 AM - GREENVILLE - COMMON PLEAS - CASE#2022CP2301064

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2022CP2301064

Sterling Raymond Mensch
PLAINTIFF(S)

Shauna M Waddell 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), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other

☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ 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:

See page 2.

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 10/16/2025 .

Estate Of Florence Petrak Mensch
Florence Petrak Mensch
Probate Court
Probate Court Greenville County
Estate Of John R Mensch

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

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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.

A hearing on the merits of this Probate Court appeal was held on October 16, 2025. The Court must first address some "housekeeping" issues regarding the issues actually before this Court. After the Appeal was filed, Respondent filed a Motion to Dismiss asserting that the Appeal was not timely. The Appeal was then dismissed by Order of Judge Alex Kinlaw on May 17, 2022. Judge Kinlaw's Order was appealed to the South Carolina Court of Appeals, which affirmed the Order. Appellant then filed a Writ of Certiorari with the South Carolina Supreme Court, which reversed the Court of Appeals and found that the Appeal was timely filed. The case was remanded to Circuit Court to hear the merits of the Appeal. Appellant filed his Designation of Matter and Appellant's brief on May 4, 2022. One of the issues presented by Appellant before this Court is that Respondent failed to file a Designation of Matter and Brief as required by S.C. Code § 62-1-308. Under § 62-1-308(d, e), Respondent should have filed her Designation of Matter at the same time as Appellant, and Respondent's brief was due within thirty (30) days of service of the Appellant's brief. Prior to the deadline for Respondent's brief, Judge Kinlaw issued his order dismissing the appeal, and the case went through the appellate process with the remittitur filed on July 21, 2025. Thus, the Court finds that Respondent's brief would have been due thirty (30) days from the filing of the remittitur. Respondent filed a brief within thirty (30) days, but inadvertently re-filed the Appellant's brief and did not remedy this mistake until after the Roster Meeting for this term of Court on October 8, 2025. No Designation of Matter has been filed by Respondent.

Therefore, the Court finds that the Respondent failed to meet the deadline for the Respondent's brief because she filed the wrong brief. However, the Court does not find it appropriate to jeopardize the Respondent for this mistake and will accept Respondent's brief filed on October 8, 2025. Since these issues were briefed and argued before the various appellate courts, Appellant would not be prejudiced by this late filing. Because the Respondent has failed to ever file a Designation of Matter as required by § 62-1-208, she will be limited to Appellant's Record on Appeal filed on May 31, 2025. In her brief, Respondent cites to the appellate court's record and not to the one on file with this Court. Therefore, Respondent will be allowed 7 days to amend her brief by amending all citations to the Record on Appeal for this Court. For matters not in this Court's record, the Respondent will need to delete those references and will not be allowed to designate or use any additional matters not in this Record on Appeal.

After filing the amended brief, Appellant shall have ten (10) days to file a Reply brief as allowed by § 62-1-308(e). If the Court needs to reconvene the hearing to address issues raised by these supplemental briefs, the parties will be notified.

It is so Ordered.

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Greenville Common Pleas

Case Caption: Sterling Raymond Mensch VS Shauna M Waddell , defendant, et al

Case Number: 2022CP2301064

Type: Order/Electronic Form 4

So Ordered

s/ Honorable Perry H. Gravely, #2755