

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE MATTER OF:
VIVIAN LESTINE SHROUD
STEVENSON,
(Decedent)

Adrian Keller,

Appellant,

vs.

Tonya Stevenson and Crystal Marrow,

Respondents.

IN THE COURT OF COMMON PLEAS

Appeal from Probate Court for
RICHLAND COUNTY
2021-ES-40-00954

CASE NUMBER:2026-CP-40-00563

**MOTION FOR RECONSIDERATION OF
ORDER**

**TO: THE HONORABLE DANIEL COBLE, AND RESPONDENTS
TONYA STEVENSON AND CRYSTALE MARROW:**

YOU WILL PLEASE TAKE NOTICE Personal Representative of the above Estate, Adrian Keller, by and through his undersigned counsel, does hereby move for an Order of the Court for reconsideration and amendment of its Order entered in this action on September 8, 2026. This Motion is based upon the common practice and procedure in the Courts of this State, the applicability of Rule 81 to the Probate Court and the Court of Common Pleas and upon Rule 59 of the South Carolina Rules of Civil Procedure.

Counsel for the Personal Representative, Appellant received written notice of the above order on September 8, 2026 and pursuant to Rule 59(e) is submitting this motion within the prescribed time. The Personal Representative, Petitioner, Appellant, herein, does respectfully request the Circuit Court reconsider its Order, findings, and conclusions and amend the Order on the following grounds:

1. The Circuit Court erred as a matter of law on failing to find the Respondents had not waived their rights to contest the Petitioner, Appellant's request for remand to the Probate Court for a full evidentiary hearing by failing to file a Responsive Brief within 30 days of the receipt of the Petitioner, Appellant's brief in violation of the appellant requirements of the Probate Code § 62-1-308(e) which state "Within thirty days after service of the appellant's brief, the respondent shall serve one copy of his brief on all parties to the appeal, and file with the clerk of the circuit court one copy of the brief with proof of service." *SC Code § 62-1303(e)*, and by failing to determine Respondent Crystal Marrow waived any and all right to any award by failing to attend her fourth (4) hearing in this matter as Tonya Stevenson is not an attorney and cannot represent Ms. Marrow's interest in the Court of Common Pleas and the Appellant is entitled to inquire regarding the allegations of removal and misrepresentation by Ms. Marrow related to the claimed estate personal of property located in the decedent's home.

2. The Circuit Court erred as a matter of law in considering any oral argument from the Respondent Stevenson as she failed to file a Responsive brief as required by the SC Probate Court thereby causing prejudice and undue surprise to the Appellant who is entitled to notice of the objections of the Respondent, and failing to dismiss any claim or right to recover in this matter from the Respondent Marrow who failed to file the required brief AND failed to appear for the hearing, and;

3. The Circuit Court erred in finding there was no error of law on the part of the Probate Court judgment where the Circuit Court based the finding on 1) any argument of Respondent's who waived their rights and in basing the ruling on the transcript hearing from the Probate Court and not the entire submitted and undisputed Record on Appeal and;

4. The Circuit Court erred in finding there was no error of law in the Probate Court's judgment awarding an amount to the respondent's for personal property that was clearly the two reasonable estimates of the parties value of personal property added together as opposed to averaged as the awarded amount reflects no reasonable basis in fact to any parties estimate of the value of personal property and any reasonable basis in math for the final damages award and conclusion, and;

5. The Circuit Court erred as a matter of law that the findings of the Probate Court finding or concluding as a matter of law and fact in paragraphs 6, 7 and 14 of the Order dated January 21, 2026, that Adrian S. Keller "... testified to removing additional personal property worth approximately \$1,000.00", and or admits to keeping or selling personal property from the house of \$1,300.00; as this is not supported by facts presented in the evidence before the Court including the Affidavit of Adrian Keller, that was timely

submitted at the Courts request on December 20, 2024, and wherein the testimony of Keller by Affidavit specifically stated in paragraphs 9 and 10 of his affidavit, he sold \$300.00 of items from the home which covered the filing fees with the probate court, that he is entitled to the reimbursement for, and "... did not remove any other items from the home.", and;

6. The Circuit Court erred in finding there was no error of law in the Probate Court's conclusion the valuation Affidavit of Marrow and Stevenson, as the claimants met the required burden of proof establishing their value of the claimed missing property in that said valuation is unsupported by the evidence in the case as the estimated value of the purported missing property has not been determined as missing due to the removal of property by Marrow and the failure of Marrow to appear in multiple court hearings to represent her rights and participate in the proceedings, denied the Appellant the right to inquire as to the removal of items from the home by Crystal Marrow and;

7. The Circuit Court erred in finding as a matter of law, that the Probate's Courts conclusion regarding the vague valuation of property that was not established by admissible evidence, was present in the household at the time of the decedent's death, and cannot be established as missing or removed by the Personal Representative Keller, and Marrow and Stevenson failed to meet their burden of proving the same and;

8. The Circuit Court erred as a matter of law, equity and fact the evidence that was not supported by admissible evidence, in considering the grossly inaccurate 'estimate' submitted by Stevenson and Marrow as the estimate cited clearly reflects current replacement value of the claimed missing property with no evidence of the age of the claimed property, the property's condition, the value of used property, as opposed to the actual cash value of items in the household and therefore failed to meet the burden of proof at law or equity, for damages and; [see SC Code 62-1-201(14) *"Fair market value" is the price that property would sell for on the open market that would be agreed on between a willing buyer and a willing seller, with neither being required to act, and both having reasonable knowledge of the relevant facts.*] and;

9. The Circuit Court erred as a matter of law, equity and in the finding or concluding there exists any admissible or reliable evidence before the Court in support of the highest 'estimate' of actual cash value of the total amount of claimed missing personal property is \$5,000.00 and; the claimants failed to meet the burden of proof required at law to support any such value or damages, and;

10. The court erred as a matter of law the greater weight of the evidence and testimony of all parties indicated the claimants were permitted access to the residence

owned by the Personal Representative on multiple occasions and failed to collect and or move their personal items from the house causing continuing and ongoing costs and damages to the Appellant who was attempting to sell the home, owned by him, prior to an active and ongoing foreclosure action and the claimants therefore abandoned any alleged personal property in the house for months and have waived their right to payment for the abandoned personal property, and therefore owe damages to the Appellant for the undue delay which exceed any cost of any alleged personal property and;

7. The Circuit Court erred as a matter of equity and law in failing to find the claimants cannot require the Personal Representative to store their claimed personal property at his expense and to the financial detriment of the Appellant and the estate for months in a retaliatory attempt to prevent the sale of the residence after given the opportunity to collect their personal property and failing to do so.

For all of these reasons the Plaintiff would respectfully submit the Court should reconsider and amend its Final Order as stated above.

Columbia, South Carolina
September 18, 2026

s/ Pamela R. Mullis
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CERTIFICATE OF SERVICE

I, Malia Lemke, employee at the Mullis Law Firm, do hereby certify that I have caused the above document to be served by U.S. regular mail and electronic mail as indicated on _____ to all parties of record at the address(es) shown below.

PARTIES SERVED:

The Honorable Daniel Coble (email)
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Malia Lemke