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Oct 23 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
PROBATE COURT

Charles R. Rhodes, Jr, Probate Court Judge

Probate Case No. 2013-ES-26-01185

Appellate Case No. 2026-002316

In the Matter of: The Estate of Norma Jean Staton,

John C. Thomas, as Successor Personal
Representative of the Estate of Norma Jean Staton,

Respondent,

v.

Victoria Ishee, Gwyn Staton, and Scott Staton, of whom
Scott P. Staton is the Appellant and Victoria Ishee and
Gwyn Staton are Respondents,

**RESPONDENT VICTORIA ISHEE'S
MEMORANDUM IN OPPOSITION TO
NOTICE OF APPEAL**

Danny V. Butler, Esq.
4420 Oleander Drive, Ste 203
Myrtle Beach, SC 29577
(843) 808-9224
Attorney for Respondent Victoria Ishee

Other Counsel of Record:

Reese R. Boyd, Esq.
4605 Oleander Drive, Ste 301
Myrtle Beach, SC 29577
*Attorney for Appellant
Scott Staton*

Bess Dargan Lckocki, Esq.
12117 Ocean Hwy
Pawleys Island, SC 29585
*Attorney for Respondent
Gwyn Staton*

John C. Thomas, Esq.
107 Lewis St.
Conway, SC 29526
*Respondent/
Successor PR*

STATEMENT OF THE CASE

On or about October 16, 2026, the Appellant did cause a Notice of Intent to Appeal (the “Notice of Appeal”) to be served upon the parties which seeks to appeal the following two (2) Orders issued by Charles R. Rhodes, Jr., Probate Judge for Horry County:

- Order on Scott Staton’s Motion to Clarify, Alter or Amend the Order on Successor Personal Representative’s Petition for Declaratory Judgment dated September 14, 2026; and
- Order on Victoria Ishee’s Motion to Alter or Amend Order dated September 14, 2026.

The Notice of Appeal was filed with the Horry County Probate Court on October 19, 2026.

APPEALABILITY OF PROBATE COURT ORDERS

Section 62-1-308 of the South Carolina Probate Code governs appeals of orders issued by the probate court, which provides: “[e]xcept as provided in subsection (l), appeals from the probate court **must be to the circuit court...**” See S.C. Code Ann. § 62-1-308 (emphasis added).

Subsection (l) states:

If the parties not in default **consent** either **in writing or on the record** at a hearing in the probate court, a party to a final order, sentence, or decree of a probate court who considers himself injured by it may appeal directly to the Supreme Court...

S.C. Code Ann. § 62-1-308(l)(emphasis added)

With regards to appealing an order issued by the probate court, the notice of intention to appeal the order “...**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...” See S.C. Code Ann. § 62-1-308(a)(emphasis added)

ARGUMENT

I. THE PARTIES NEVER CONSENTED TO APPEAL THE SUBJECT ORDERS DIRECTLY TO THE SOUTH CAROLINA COURT OF APPEALS.

There is no evidence that the parties ever consented to any party appealing either of the subject probate orders to the South Carolina Court of Appeals, whether in writing or on the record at a hearing in the probate court. As such, the Appeal must be summarily dismissed. See S.C. Code Ann. § 62-1-308 (requiring probate court orders to be appealed directly to the circuit court absent consent of the parties).

II. EVEN IF AUTHORIZED, THE APPEAL WAS NOT TIMELY MADE NOR PROPERLY FILED.

Written notice of the subject orders were emailed directly to the attorneys of record on September 15, 2026. See EXHIBIT A. As such, the parties injured by such orders had **10 days** thereafter to file an appeal of the order(s), with the deadline for filings and serving the notice of appeal being on or before **September 25, 2026**.

The Notice of Appeal is dated **October 16, 2026**, which notice was subsequently filed on **October 19, 2026** with the Horry County Probate Court, both dates being several weeks after the deadline. Furthermore, the Notice of Appeal was not filed with the circuit court as required by statute. See S.C. Code Ann. § 62-1-308(a)(requiring notice of appeal to be filed with circuit court **and** probate court within 10 days of receipt of written notice of subject orders). Finally, the Notice of Appeal was filed with the South Carolina Court of Appeals instead of the Supreme Court as required by statute. See S.C. Code Ann. § 62-1-308(l)(upon consent of parties, in lieu of appealing to the circuit court, a party may file notice of appeal directly to the Supreme Court).

Based on the foregoing, the Appeal must be summarily dismissed.

CONCLUSION

For the reasons stated above, the appeal must be summarily dismissed as it failed to satisfy the requirements set forth in Section 62-1-308 of the South Carolina Probate Code.

Respectfully submitted,



October 23, 2026

Danny V. Butler, Esq.
SC Bar No. 72791
4420 Oleander Drive, Ste 203
Myrtle Beach, SC 29577
(843) 808-9224
Attorney for Respondent
Victoria Ishee

EXHIBIT A

Subject: Estate of Norman Jean Staton; Case No.: 2013ES2601185
Date: Tuesday, September 15, 2026 at 11:36:24 AM Eastern Daylight Time
From: James, Samantha
To: reese@boydlawsc.com, John Thomas, bess@waccamawlawllc.com, Danny Butler
CC: Melissa@boydlawsc.com, Barbara Miller, michele@waccamawlawllc.com, Angel Roop
Attachments: Order GS.pdf, Order GStaton.pdf, Order SS.pdf, Order VI.pdf, Order.pdf

Dear Counsel,

Please see the attached Orders in regards to the above matter. You will not receive a hard copy unless you request one. If you have any questions or need further assistance, please do not hesitate to contact me or respond to this email at your convenience.

If I have missed anyone; please let me know.

With Kindest Regards,

Samantha James | Judicial Assistant
Horry County Government
Horry County Probate Court
1301 2nd Avenue, Conway, SC 29526
(843) 915-8372 | Fax: (843) 915-6370
james.samantha@horrycountysc.gov

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STATE OF SOUTH CAROLINA

COUNTY OF HORRY

IN THE MATTER OF:

The Estate of Norma Jean Staton,

John C. Thomas, as Successor Personal
Representative of the Estate of Norma Jean
Staton,

Petitioner,

vs.

Victoria Ishee, Gwyn Staton, and Scott Staton,
Respondents.

IN THE PROBATE COURT

CASE NO.: 2013ES2601185

ORDER ON GWEN STATON'S
MOTION TO CLARIFY, ALTER, OR
AMEND THE ORDER ON SUCCESSOR
PERSONAL REPRESENTATIVE'S
PETITION FOR DECLARATORY
JUDGEMENT

PROBATE COURT
HORRY COUNTY, S.C.
2026 SEP 14 1 P 2:41
ALLEN BEVERLY J.
PROBATE JUDGE

THIS MATTER originally came before me pursuant to a Petition for Declaratory Judgement filed October 28, 2015, by Gwen Staton and Victoria Ishee as Co-Successor Personal Representatives of the Estate of Norma Jean Staton. John C. Thomas, Esq., as Successor Personal Representative, was substituted a Petitioner by Order of the Court on February 11, 2021. A hearing on the Petition was held March 1, December 13 and December 16, 2024. By Final Order dated and filed August 12, 2025, the Court issued its ruling on the Petition for Declaratory Judgement. On August 22, 2025, Gwen Staton through counsel filed a Motion to Clarify, Alter, or Amend the Order on Successor Personal Representative's Petition for Declaratory Judgement, in which she asked the Court for clarification on the following:

1. The Court's ruling that the contents of the safety deposit box co-rented in the name of Decedent and Gwyn Staton contained, in relevant part, \$65,000.00;
2. The omission of a ruling on the \$43,805.00 in cash that was removed from the TD bank box after Decedent's death;
3. The omission of a ruling on the \$20,810.00 in cash money Scott Staton removed from Decedent's Myrtle Beach home which this Court has found to be an Estate Asset;
4. The Court's ruling that the Respondent's return all the assets from the safe deposit boxes to the Successor Personal Representative in South Carolina within 30 days of August 12, 2025, and requesting additional 90 days for the parties to agree on the distribution of these items.

A hearing was held on the Motion to Clarify, Alter, or Amend on November 17, 2025.

Based upon a review of the pleadings, the evidence and testimony presented at the original hearing in this matter and the arguments of counsel at the hearing on November 17,

2025, the Court grants the Motion as to Clarification of the Order and hereby clarifies its August 12, 2025, order in the following particulars, respectively;

1. The inventory of the safe deposit box co-rented in the name of Decedent and Gwyn Staton introduced as Ishee Exhibit #3 stated that it contained a total of \$83,805.00 in cash. The \$65,000.00 referred to in Ms. Staton's Motion to Clarify, Alter, or Amend the Order on Successor Personal Representative's Petition for Declaratory Judgement and shown on Page 3, Item 2(z) of the Order is a total of the last seven items of cash listed on second page of Ishee Exhibit #3. The remaining cash contained in this safe deposit box is listed in items 2(b – i) for a total of \$83,805.00.
2. Page 12, Item B of the Order declares, "To the extent not already divided by the parties, the safe deposit boxes are deemed probate assets and shall be included as assets of the Estate." The Order further provides, "that the remaining property and funds contained in the safe deposit boxes, except for the Dunes Club Stock, Krugerrands and cash previously divided, are deemed to be probate assets part of Decedent's Estate." The previously divided property and funds were listed in the Order as the Dunes Club stock (sold for \$15,000.00), 123 Krugerrands and Nine Hundred Dollars (\$900.00) in cash. All remaining property and funds contained in the safe deposit boxes at Decedent's death are probate assets.
3. This issue was not before the Court. The Petition sought only a declaration whether the safe deposit boxes and bank accounts were probate or non-probate property.
4. The parties have had over eleven (11) years to agree to the disbursement of the estate assets including the contents of the safe deposit boxes. No additional time will be granted.

As to the portion of the Motion requesting to Alter or Amend the Order, with the clarifications above, I find no errors in the Court's findings of fact and no errors of law in the Court's conclusions and deny that portion.

IT IS SO ORDERED.

September 14, 2026
Conway, South Carolina



Honorable Charles R. Rhodes Jr.
Chief Associate Judge
Horry County Probate Court

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

IN THE MATTER OF:

The Estate of Norma Jean Staton,

John C. Thomas, as Successor Personal
Representative of the Estate of Norma Jean
Staton,

Petitioner,

vs.

Victoria Ishee, Gwyn Staton, and Scott Staton,
Respondents.

IN THE PROBATE COURT

CASE NO.: 2013ES2601185

**ORDER ON GWEN STATON'S
MOTION TO RECONSIDER, ALTER, OR
AMEND THE ORDER ON SUCCESSOR
PERSONAL REPRESENTATIVE'S
PETITION FOR DECLARATORY
JUDGEMENT**

PROBATE COURT
HORRY COUNTY, S.C.
2026 SEP 14 PM 2:44
ALLEN DEVERLY JR.
PROBATE JUDGE

THIS MATTER originally came before me pursuant to a Petition for Declaratory Judgement filed October 28, 2015, by Gwen Staton and Victoria Ishee as Co-Successor Personal Representatives of the Estate of Norma Jean Staton. John C. Thomas, Esq., as Successor Personal Representative, was substituted a Petitioner by Order of the Court on February 11, 2021. A hearing on the Petition was held March 1, December 13 and December 16, 2024. By Final Order dated and filed August 12, 2025, the Court issued its ruling on the Petition for Declaratory Judgement. On August 22, 2025, Gwen Staton through counsel filed a Motion for reconsideration, in which she asked the Court to alter or amend the Order pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure in the following particulars:

1. The Court's specific ruling that the contents of the safety deposit boxes held in the name of decedent and each of the decedent's children are probate assets.

A hearing was held on the Motion for Reconsideration on November 17, 2025.

Based upon a review of the pleadings, the evidence and testimony presented at the original hearing in this matter and the arguments of counsel at the hearing on November 17, 2025, I find no errors in the Court's findings of fact and no errors of law in the Court's conclusions.

Therefore, I conclude that Petitioner's motion should be and is hereby DENIED.

IT IS SO ORDERED.

September 14, 2026
Conway, South Carolina


Honorable Charles R. Rhodes Jr.
Chief Associate Judge
Horry County Probate Court

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

IN THE MATTER OF:

The Estate of Norma Jean Staton,

John C. Thomas, as Successor Personal
Representative of the Estate of Norma Jean
Staton,

Petitioner,

vs.

Victoria Ishee, Gwyn Staton, and Scott Staton,
Respondents.

IN THE PROBATE COURT

CASE NO.: 2013ES2601185

ORDER ON SCOTT STATON'S
MOTION TO CLARIFY, ALTER, OR
AMEND THE ORDER ON SUCCESSOR
PERSONAL REPRESENTATIVE'S
PETITION FOR DECLARATORY
JUDGEMENT

PROBATE COURT
HORRY COUNTY, S.C.
SEP 14 10 24 AM
J. L. DEVERLY JR.
PROBATE JUDGE

THIS MATTER originally came before me pursuant to a Petition for Declaratory Judgement filed October 28, 2015, by Gwen Staton and Victoria Ishee as Co-Successor Personal Representatives of the Estate of Norma Jean Staton. John C. Thomas, Esq., as Successor Personal Representative, was substituted a Petitioner by Order of the Court on February 11, 2021. A hearing on the Petition was held March 1, December 13 and December 16, 2024. By Final Order dated and filed August 12, 2025, the Court issued its ruling on the Petition for Declaratory Judgement. On August 22, 2025, Scott Staton through counsel filed a Motion for Reconsideration of the Order for Declaratory Relief Date Aug 12, 2025, in which he asserts the Court erred in the following particulars:

1. The Court's ruling that "no final agreement exists between the parties";
2. The Court's finding that CCNB Account #2577 was a CD and not a bank account;
3. Considering/relying on bank statements which had been filed with the Court of the course of the eleven years of litigation in this matter;
4. The Court's ruling that Scott Staton reimburse \$60,428.00 to Respondents Gwyn Staton and Victoria Ishee;
5. The Court's consideration/reliance on bank statements which had been filed with the Court of the course of the eleven years of litigation in this matter deprived Scott Staton the opportunity to present evidence of the fact that certain accounts contained funds that did not belong to the estate;
6. The Court's failure to take into consideration that funds contained in the Bank of America safe deposit box contained some non-estate property;

7. The Court's failure to protect Scott Staton in the event items found to be probate assets and ordered to be returned are not returned in kind, but proceeds of the sale of the item are returned instead;

8. The Court failure to take into consideration that the children of Respondent Ishee, under her supervision, removed estate property from Myrtle Beach.

A hearing was held on the Motion for Reconsideration on November 17, 2025.

Based upon a review of the pleadings, the evidence and testimony presented at the original hearing in this matter and the arguments of counsel at the hearing on November 17, 2025, I find no errors in the Court's findings of fact and no errors of law in the Court's conclusions.

Therefore, I conclude that Petitioner's motion should be and is hereby DENIED.

IT IS SO ORDERED.

September 14, 2026
Conway, South Carolina



Honorable Charles R. Rhodes Jr.
Chief Associate Judge
Horry County Probate Court

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

IN THE MATTER OF:

The Estate of Norma Jean Staton,

John C. Thomas, as Successor Personal
Representative of the Estate of Norma Jean
Staton,

Petitioner,

vs.

Victoria Ishee, Gwyn Staton, and Scott Staton,
Respondents.

IN THE PROBATE COURT

CASE NO.: 2013ES2601185

ORDER ON VICTORIA ISHEE'S
MOTION TO ALTER OR AMEND

ORDER

ALLEN BEVERLY JR.
PROBATE JUDGE

2025 SEP 14 PM 2:44

PROBATE COURT
HORRY COUNTY, S.C.

THIS MATTER originally came before me pursuant to a Petition for Declaratory Judgement filed October 28, 2015, by Gwen Staton and Victoria Ishee as Co-Successor Personal Representatives of the Estate of Norma Jean Staton. John C. Thomas, Esq., as Successor Personal Representative, was substituted a Petitioner by Order of the Court on February 11, 2021. A hearing on the Petition was held March 1, December 13 and December 16, 2024. By Final Order dated and filed August 12, 2025, the Court issued its ruling on the Petition for Declaratory Judgement. On August 26, 2025, Victoria Ishee through counsel filed a Motion to Alter or Amend the Order for Declaratory Relief Date Aug 12, 2025, in which she asserts the Court erred in the following particulars:

1. The Court's ruling that "...Scott Staton shall reimburse Gwyn Staton and Victoria Ishee the total sum of \$60,428.00, to be equally divided between Gwyn Staton and Victoria Ishee, for the funds transferred to him from the joint account held in the name of Decedent, Gwyn Staton and Victoria Ishee";
2. The Court's ruling that "... all other property which is part of Decedent's residuary probate estate removed by any Respondent shall be returned to the Estate's Successor Personal Representative within thirty (30) days of the date of this Order...";

A hearing was held on the Motion for Reconsideration on November 17, 2025.

Based upon a review of the pleadings, the evidence and testimony presented at the original hearing in this matter and the arguments of counsel at the hearing on November 17, 2025, I grant the Motion to Alter or Amend, as follows:

1. The paragraph on Page 12 of the Order on Successor Personal Representative's Petition for Declaratory Judgement which currently states:

"IT IS FURTHER ORDERED that Scott Staton shall reimburse Gwyn Staton and Victoria Ishee the total sum of \$60,428.00, to be equally divided between Gwyn Staton and Victoria Ishee, for the funds transferred to him from the joint account held in the name of Decedent, Gwyn Staton and Victoria Ishee"

is amended as follows:

"IT IS FURTHER ORDERED that Scott Staton shall reimburse Victoria Ishee the total sum of \$60,428.00, to be equally divided between Victoria Ishee, for the funds transferred to him from the joint account held in the name of Decedent, Gwyn Staton and Victoria Ishee".

2. The Order on Successor Personal Representative's Petition for Declaratory Judgement is amended to add the following paragraph:

"IT IS FURTHER ORDERED that Victoria Ishee shall file with the Court and provide the Successor Personal Representative and all counsel an affidavit containing an itemized list of any property deemed a probate asset pursuant to this Order in her possession within fifteen (15) days of the date of this Order and shall file a Proof of Delivery with the Court stating the date the affidavit containing an itemized list was mailed to the Successor Personal Representative and the parties' counsel. The parties shall have thirty (30) days from the date of mailing to advise the Respondent Ishee and the Successor Personal Representative in writing which items of such property they request, if any. The party requesting the item of such property shall be responsible for the cost of retrieving or shipping that item. If no request is received by Respondent Ishee or the Successor Personal Representative within thirty (30) days, the Successor Personal Representative is authorized to release said property to Respondent Ishee."

IT IS SO ORDERED.

September 14, 2026
Conway, South Carolina


Honorable Charles R. Rhodes Jr.
Chief Associate Judge
Horry County Probate Court

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

IN THE MATTER OF:

The Estate of Norma Jean Staton,

John C. Thomas, as Successor Personal
Representative of the Estate of Norma Jean
Staton,

Petitioner,

vs.

Victoria Ishee, Gwyn Staton, and Scott Staton,
Respondents.

IN THE PROBATE COURT

CASE NO.: 2013ES2601185

ORDER AUTHORIZING DISMISSAL OF
VIRGINIA ACTION

AND

RELIEVING PERSONAL
REPRESENTATIVE

PROBATE COURT
HORRY COUNTY, S.C.
SEP 14 1 P 2:44
JUDGE
JENNIFER L. JONES

WHEREAS, the Court held a hearing July 19, 2024, on John Thomas, Esquire's, the Successor Personal Representative, Motion to be Relieved as Personal Representative and/or to Dismiss the Virginia Litigation filed May 14, 2024;

WHEREAS, the Court issued an Order dated and filed August 1, 2024, which required each party to pay Mr. Thomas the sum of Five Thousand Dollars (\$5,000.00) for his continued service as Successor Personal Representative within thirty (30) days of the date of the Order;

WHEREAS, the Court's Order also required each party pay to Mr. Thomas, as Successor Personal Representative of the Estate of Norma Jean Staton, the sum of Five Thousand Dollars (\$5,000.00) within thirty (30) days of the date of the Order for administrative expenses of the estate including but limited to attorney fees and costs of the Virginia Action;

WHEREAS, the Court Order provided that in the event the full amount of funds stated above are not paid within the time allowed, Mr. Thomas may file an affidavit advising the Court that the funds have not been paid as ordered and upon receipt of an affidavit from Mr. Thomas stating that the full amount of the funds have not been paid as ordered, the Court shall issue an Order granting Mr. Thomas' Motion to Dismiss the Virginia Litigation and to be Relieved as Personal Representative;



WHEREAS, Mr. Thomas filed an affidavit with the Court stating that the parties had complied with the provisions of the Order requiring each party to pay John C. Thomas, Esquire, the sum of Five Thousand Dollars (\$5,000.00) for his continued service as Successor Personal Representative within thirty (30) days of the date of the Order; and

WHEREAS, Mr. Thomas' affidavit further stated that Respondent Scott Staton has failed and refused to pay the sum of Five Thousand Dollars (\$5,000.00) within thirty (30) days of the date of the Order for administrative expenses of the estate including but limited to attorney fees and costs of the Virginia Action.

NOW THEREFORE, based on the foregoing it is hereby:

IT IS HEREBY ORDERED that any party may request a hearing regarding the statements in Mr. Thomas' affidavit within forty-five (45) days of the date of this Order.

IT IS FUTHER ORDERED that if no request for hearing is received by the Court within forty-five (45) days of the date of this Order, Mr. Thomas is authorized to dismiss the Virginia action without prejudice.

IT IS FUTHER ORDERED that if no request for hearing is received by the Court within forty-five (45) days of the date of this Order, Mr. Thomas is relieved as Successor Personal Representative of the Estate of Norma Jean Staton.

IT IS SO ORDERED.

September 14, 2026
Conway, South Carolina



Charles R. Rhodes Jr.
Chief Associate Judge

October 23, 2026

Danny V. Butler

dbutler@butlerlaw.net

T (843) 808-9224
F (843) 781-6870

VIA EMAIL ONLY

The South Carolina Court of Appeals
Attn: Jasmine D. Smith, Deputy Clerk
PO Box 11629
Columbia, SC 29211
Email: ctappfilings@sccourts.org

RECEIVED

Oct 23 2026

SC Court of Appeals

Re: In the Matter of: The Estate of Norma Jean Staton
Appellate Case No. 2026-002316

Madam Clerk -

Pursuant to your instructions, enclosed please find the Respondent Victoria Ishee's Memorandum in Opposition to Notice of Appeal in the above referenced matter.

Thank you kindly for your assistance on this matter.

Respectfully,

BUTLER LAW


Danny V. Butler

Encl.

Cc: Reese R. Boyd, III, Esq. (Email only: reese@boydlawsc.com)
Bess Dargan Lockocki, Esq. (Email only: bess@waccamawlawllc.com)
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