

STATE OF SOUTH CAROLINA )  
 ) IN THE PROBATE COURT  
COUNTY OF HORRY ) Case No. 2010-GC-26-62

RECEIVED

APR 13 2015

SC Court of Appeals

EMILY CARLSON AND )  
ALICE PREYER )

Petitioners, )

vs. )

SUMMONS FOR RELIEF

(Petition Served)

JOHN C. DOCKERY, III )

Respondent. )

In re EMILY CHESHIRE DOCKERY )

TO: JOHN C. DOCKERY, III and EMILY CHESHIRE DOCKERY:

YOU ARE HEREBY SUMMONED and required to answer the Petition in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the said Petition upon the Petitioners at 3751 Robert Grissom Parkway, Suite 300, Myrtle Beach, South Carolina, and file the original with the Horry County Probate Court, P.O. Box 288, Conway, South Carolina, 29528, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to do so, the Petitioner in this action will apply to the court for relief demanded in the Petition.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: James F. McCrackin

James F. McCrackin

SC Bar No. 064140

E-Mail: jim.mccrackin@nelsonmullins.com

3751 Robert M. Grissom Parkway / Suite 300

Post Office Box 3939 (29578-3939)

Myrtle Beach, SC 29577-3165

(843) 448-3500

Attorneys for Petitioners

Myrtle Beach, South Carolina

November 29, 2010

DEBORAH W. EDWARDS  
PROBATE JUDGE  
2010 DEC -1 PM 2:14  
PROBATE COURT  
HORRY COUNTY, SC

STATE OF SOUTH CAROLINA )

COUNTY OF: HORRY )

IN THE MATTER OF: )  
EMILY CHESHIRE DOCKERY )

IN THE PROBATE COURT

PETITION FOR FINDING

) CASE NUMBER 2010-GC-26- 68

- INCAPACITY
- APPOINTMENT OF
  - GUARDIAN
  - SUCCESSOR GUARDIAN

PROBATE COURT  
 HORRY COUNTY, SC  
 2010 DEC - 1  
 PM 2: 14  
 DEIRDRE W. EDMONDS  
 PROBATE JUDGE

Applicant/Petitioner: Emily Carlson and Alice Preyer  
 Address: 2011 Lafayette Avenue, Greensboro, NC 27408 and  
510 Country Club Drive, Greensboro, NC 27408  
 Telephone: (336) 273-8673

I. ALL PETITIONERS MUST COMPLETE THIS SECTION.

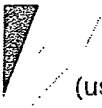
1. Nature of interest of undersigned: Daughters
2. Information – Allegedly Incapacitated Person

Name: Emily Cheshire Dockery Age: 86  
 Date of Birth July 16, 1924  
 Address: 6300 N. Ocean Blvd.,  
 City/State/Zip: Myrtle Beach, SC 29572  
 Telephone: (843) 449-5206

To my knowledge, above named  DOES  DOES NOT have a health care power of attorney.  
 To my knowledge, above named  HAS  HAS NOT have a living will (Declaration of a Desire for a Natural Death.)

3. Venue for this proceeding in this county because the subject:
  - resides in this county.
  - is present in this county.
  - is admitted to an institution pursuant to an order of a court of competent jurisdiction in this county.
4. Information—Family of allegedly incapacitated person, including dates of birth of minors. If there are no minors, so state.

Name	Date of Birth	Address	Relationship to Incapacitated Person
Emily Carlson	Adult	2011 Lafayette Avenue, Greensboro, NC 27408	Daughter
Alice Preyer	Adult	510 Country Club Drive, Greensboro, NC 27408	Daughter
John C. Dockery, III	Adult	6300 N. Ocean Blvd., Myrtle Beach, SC 29572	Son



(use additional sheet if necessary)

5. The nature and degree of incapacity is as follows:

Cognitive ability has deteriorated to the point that Emily Cheshire Dockery is unable to handle normal everyday activities or make any decisions regarding bills or finances.

II. COMPLETE THIS SECTION IF APPOINTMENT IS SOUGHT.

1. Is it your belief that the allegedly incapacitated person is in need of a guardian/successor guardian as a means of providing continuing care and supervision of the person of said incapacitated person?  
 YES  NO If no, please explain.
2. The extent to which the guardian should be permitted to give consents or approvals that may be necessary to enable the allegedly incapacitated person to receive medical or other professional care, counsel, treatment or services is as follows:  
 Full Extent
3. The nature and extent of the care, assistance, protection, or supervision which is necessary or desirable for the allegedly incapacitated person under the circumstances is as follows:  
 Full Extent
4. Has a guardian appointed by a Will accepted such appointment?  
 NO  YES If yes, please explain.
5. I request the appointment of:

Name: Emily Carlson and Alice Preyer  
 Address: 2011 Lafayette Avenue, Greensboro, NC 27408 and  
510 Country Club Drive, Greensboro, NC 27408  
 Telephone (O): \_\_\_\_\_  
 (H): \_\_\_\_\_  
 E-mail: \_\_\_\_\_

whose priority for appointment as guardian for the subject is as follows:

- a person nominated to serve as guardian by the allegedly incapacitated person
- an attorney in fact appointed by the allegedly incapacitated person pursuant to Section 62-5-501
- spouse of the allegedly incapacitated person
- adult child of the allegedly incapacitated person
- parent of the allegedly incapacitated person
- other relative of the allegedly incapacitated person (Specify): \_\_\_\_\_
- nominated by the person who is caring for the allegedly incapacitated person or paying benefits to him/her
- Other (specify) \_\_\_\_\_

6. Is it necessary to appoint a temporary guardian for the subject until a hearing can be held on this Petition?  
 NO  YES If yes, must state reasons for temporary appointment pursuant to § 62-5-310, South Carolina Code of Laws, and submit proposed Order for Temporary Guardian to Court for consideration with this Petition.

---

---

---

---

---

---

---

---

---

---

---

III. ALL PETITIONERS MUST COMPLETE THIS SECTION.

1.  I request that the Court set a time and place of hearing on this Petition and that the Court determine that the above person is incapacitated.
2.  I request that the Court determine that the need for the appointment of a guardian is proper, and that the Court appoint Emily Carlson and Alice Preyer as the guardian for the above person: and that Letters of Guardianship be issued to the guardian.
3. The following persons are required by statute to be given notice of the time and place of hearing on this Petition: (SCPC 5-309)

Name	Address	Relationship
Emily Carlson	2011 Lafayette Avenue, Greensboro, NC 27408	Daughter
Alice Preyer	510 Country Club Drive, Greensboro, NC 27408	Daughter
John C. Dockery, III	6300 N. Ocean Blvd., Myrtle Beach, SC 29572	Son

VERIFICATION

The undersigned, being sworn states: That the facts set forth in the foregoing statement are true to the best of the undersigned's knowledge, information and belief.

SWORN to before me this 19<sup>th</sup> day of November, 2010  
*Jennifer A Whisenant*  
 Notary for North Carolina  
 My Commission Expires: 08/04/2012

Signature: *Emily Carlson*  
 Name: Emily Carlson  
 Address: 2011 Lafayette Avenue  
Greensboro, NC 27408  
 Telephone: (336) 273-8673

SWORN to before me this 19<sup>th</sup> day of November, 2010  
*Jennifer A Whisenant*  
 Notary for North Carolina  
 My Commission Expires: 08/04/2012

Signature: *Alice Preyer*  
 Name: Alice Preyer  
 Address: 510 Country Club Drive  
Greensboro, NC 27408  
 Telephone: \_\_\_\_\_

DEBORAH W. EDMONDS  
 PROBATE JUDGE  
 2010 DEC - 1 PM 2:14  
 PROBATE COURT  
 Horry County, SC

Attorney: James F. McCrackin  
 Address: P O Box 3939  
: Myrtle Beach, SC 29578  
 Email: jim.mccrackin@nelsonmullins.com  
 Telephone: (843) 448-3500

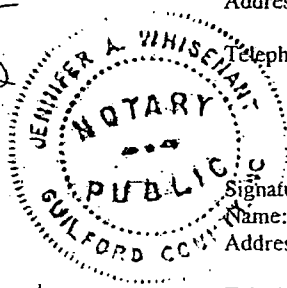
QUALIFICATION AND STATEMENT OF ACCEPTANCE

I accept this appointment and agree to perform the duties and discharge the trust of the office of Guardian of the incapacitated person of Emily Cheshire Dockery.

SWORN to before me this 19<sup>th</sup> day of November, 2010  
*Jennifer A Whisenant*  
 Notary for North Carolina  
 My Commission Expires: 08/04/2012

Signature: *Emily Carlson*  
 Name: Emily Carlson  
 Address: 2011 Lafayette Avenue  
Greensboro, NC 27408  
 Telephone: (336) 273-8673

SWORN to before me this 19<sup>th</sup> day of November, 2010  
*Jennifer A Whisenant*  
 Notary for North Carolina  
 My Commission Expires: 08/04/2012



Signature: *Alice Preyer*  
 Name: Alice Preyer  
 Address: 510 Country Club Drive  
Greensboro, NC 27408  
 Telephone: \_\_\_\_\_



STATE OF SOUTH CAROLINA

COUNTY OF: HORRY

IN THE MATTER OF:  
EMILY CHESHIRE DOCKERY

IN THE PROBATE COURT

PETITION FOR

CASE NUMBER 2010-GC-26- 69

- PROTECTIVE ORDER
- APPOINTMENT OF CONSERVATOR

Applicant/Petitioner: Emily Carlson and Alice Preyer  
 Address: 2011 Lafayette Avenue, Greensboro, NC 27408 and 510 Country Club Drive, Greensboro, NC 27408  
 Telephone: \_\_\_\_\_

1. Nature of interest of undersigned: Daughters
2. Information -- Minor/Incapacitated Person

Name: Emily Cheshire Dockery Age: 86  
 Date of Birth: 7/16/1924  
 Social Security Number: xxx-xx-1157  
 Address: 6300 N. Ocean Blvd.  
 City/State/Zip: Myrtle Beach, SC 29572  
 Telephone (Home): (843) (Office/other): \_\_\_\_\_

- To my knowledge, the above-named  DOES  DOES NOT have a will  
 To my knowledge, the above-named  DOES  DOES NOT have a power of attorney

3. Venue for this proceeding is proper in this county because the above minor/incapacitated person:  
 resides in this county  
 does not reside in this county but has property in this county

4. The name and address of the above person's guardian, if any is:

NONE

5. Information -- Family (list nearest relative first) of allegedly incapacitated person, including dates of birth of minors:

Name and Social Security Number	Date of Birth	Address	Relationship
Emily Carlson	Adult	2011 Lafayette Avenue, Greensboro, NC 27408	Daughter
Alice Preyer	Adult	510 Country Club Drive, Greensboro, NC 27408	Daughter
John C. Dockery, III	Adult	6300 N. Ocean Blvd., Myrtle Beach, SC 29572	Son

(use additional sheet if necessary)

DEIRDRE W. JONKINS  
 PROBATE JUDGE  
 2010 DEC -1 PM 2:14  
 PROBATE COURT  
 HORRY COUNTY, SC

6. The following is a general statement of the property, assets and income of the above person, together with an estimate of the value thereof: (A full inventory, Form #550PC, shall be completed and filed with the Court within thirty days of appointment.)

To be determined	Description	Value
_____	_____	_____
_____	_____	_____
_____	_____	_____

7. The appointment of a conservator for the above person is necessary because (state reasons justifying appointment):

Cognitive ability has deteriorated to the point that Emily Cheshire Dockery is unable to handle normal everyday activities or make any decisions regarding bills or finances.

8. I request the appointment of:

Name: Emily Carlson  
 Address: 2011 Lafayette Avenue  
Greensboro, NC 27408  
 Telephone (O): \_\_\_\_\_  
 Telephone (H): \_\_\_\_\_

Name: Alice Preyer  
 Address: 510 Country Club Drive  
Greensboro, NC 27408  
 Telephone (O): \_\_\_\_\_  
 Telephone (H): \_\_\_\_\_

whose priority for appointment as conservator for the above person is as follows:

- fiduciary appointed or recognized by the appropriate court of any other jurisdiction in which the protected person resides
- individual or corporation nominated by the protected person (if fourteen or more years of age and deemed mentally capable of making such a choice)
- Attorney in fact appointed by protected person (Pursuant to S.C. Code Ann. Section 62-5-501)
- spouse of protected person
- adult child of protected person
- parent of protected person or person nominated by will of deceased parent
- other relative of protected person (specify): \_\_\_\_\_
- person nominated by the person who is caring for protected person or paying benefits to him/her
- nominated by one with priority to serve in his/her stead (specify): \_\_\_\_\_
- other (specify): \_\_\_\_\_

9. The following persons are required by statute to be given notice of the time and place of hearing on this Petition:

Name	Address	Relationship
<u>Emily Carlson</u>	<u>2011 Lafayette Avenue, Greensboro, NC 27408</u>	<u>Daughter</u>
<u>Alice Preyer</u>	<u>510 Country Club Drive, Greensboro, NC 27408</u>	<u>Daughter</u>
<u>John C. Dockery, III</u>	<u>6300 N. Ocean Blvd., Myrtle Beach, SC 29572</u>	<u>Son</u>

10. I request that the Court set a time and place of hearing on this Petition; that the Court determine that the above person is a person for whom appointment of a conservator is proper; that the Court appoint Alice Preyer and Emily Carlson as the conservator for the above minor/incapacitated person; and that Letters of Conservatorship be issued to the conservator.

Executed this 19 day of November 2010.

Signature: Emily Carlson  
 Signature: Alice Preyer

**VERIFICATION**

The undersigned, being sworn, states: That the facts set forth in the foregoing statement are true to the best of the undersigned's knowledge, information and belief.

SWORN to before me this 19<sup>th</sup> day of November 20 10

Signature: Emily Carlson  
 Name: Emily Carlson  
 Address: 2011 Lafayette Avenue  
Greensboro, NC 27408  
 E-mail: \_\_\_\_\_  
 Telephone (O): \_\_\_\_\_  
 (H): \_\_\_\_\_

Jennifer A Whisenant  
 Notary Public for North Carolina  
 My Commission Expires: 08/04/2012

SWORN to before me this 19<sup>th</sup> day of November 2010

Signature: Alice Preyer  
 Name: Alice Preyer  
 Address: 510 Country Club Drive  
Greensboro, NC 27408  
 Email: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

Jennifer A Whisenant  
 Notary Public for North Carolina  
 My Commission Expires: 08/04/2012

**QUALIFICATIONS AND STATEMENT OF ACCEPTANCE**

I accept this appointment and agree to perform the duties and discharge the trust of the office of Conservator of the conservatorship of Emily Cheshire Dockery.

Executed this 19<sup>th</sup> day of November 2010.

SWORN to before me this 19<sup>th</sup> day of November 20 10

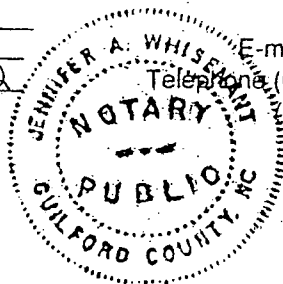
Signature: Emily Carlson  
 Name: Emily Carlson  
 Address: 2011 Lafayette Avenue  
Greensboro, NC 27408  
 E-mail: \_\_\_\_\_  
 Telephone (O): \_\_\_\_\_  
 (H): \_\_\_\_\_

Jennifer A Whisenant  
 Notary Public for North Carolina  
 My Commission Expires: 08/04/2012

SWORN to before me this 19<sup>th</sup> day of November 20 10

Signature: Alice Preyer  
 Name: Alice Preyer  
 Address: 510 Country Club Drive  
Greensboro, NC 27408  
 E-mail: \_\_\_\_\_  
 Telephone (O): \_\_\_\_\_  
 (H): \_\_\_\_\_

Jennifer A Whisenant  
 Notary Public for North Carolina  
 My Commission Expires: 08/04/2012



THE BRITAIN LAW FIRM, P.A.

ATTORNEYS AT LAW  
4614 OLEANDER DRIVE  
MYRTLE BEACH, SOUTH CAROLINA 29577

---

THOMAS C. BRITAIN  
MARY MADISON BRITAIN LANGWAY  
A. PRESTON BRITAIN  
T. CASE BRITAIN, JR.

843-449-8562  
FAX 843-497-6124  
www.brittainlawfirm.com

April 9, 2015

The Honorable Jenny Abbot Kitchings  
Clerk of Court  
SC Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

RE: In the Matter of Emily Cheshire Dockery  
Appellate Case No. 2015-000680

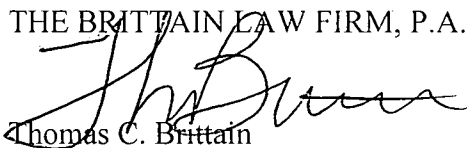
Dear Ms. Kitchings:

In response to your recent request for a complete caption in the above-referenced matter, I am attaching the two Summons and Petitions originally filed by James McCrackin in the Probate Court of Horry County. These two case numbers were later consolidated into one caption.

Please let me know if you require any additional information.

With warm regards, I am  
Yours truly,

THE BRITAIN LAW FIRM, P.A.

  
Thomas C. Britain  
Mary Madison Britain Langway  
TCB/MMBL/all

cc: James F. McCrackin, Esq.

RECEIVED  
APR 13 2015  
SC Court of Appeals