

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHEROKEE)
)
 Peggy Ineta Whittenberg, Individually and)
 as Personal Representative of the Estates of)
 Lucille W. Littlejohn, deceased, and)
 Alfred R. Littlejohn, deceased,)
)
 Plaintiff,)
)
 v.)
)
 Rayford Camp, Individually and as Personal)
 Representative of the Estate of J.A.)
 Littlejohn, deceased; Kathy J. Byers,)
 Nolan Richmond, Jr.; John Thomas)
 Littlejohn, Jr.; Quinton Littlejohn; and)
 Zandy Fay Jeffries Boyce,)
)
 Defendants.)

IN THE COURT OF COMMON PLEAS

BRANDY W. MCBEE

JUL 17 AM 11 36

M. HOPE BLACKLEY

ORDER OF DISMISSAL

C.A. No.: 2013-CP-11-0373

FILED IN OFFICE OF CLERK OF COURT
CHEROKEE COUNTY, S.C.

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2015 JUL 14 PM 4:34
VOID

This matter came before me by a Summons and Complaint filed by the Plaintiff by and through her attorney, Gary W. Poliakoff, on June 10, 2013. The Complaint demanded the Partition in kind of certain real property in Cherokee County, South Carolina. Subsequent to that filing, after due and proper service on all the Defendants; Rayford Camp individually and as Personal Representative of the Estate of J.A. Littlejohn, Deceased, filed his Notice of Motions and Motions for Dismissal.

After reviewing the file, I find that all necessary parties were served by the Plaintiff. No parties other than Mr. Camp filed pleadings in this matter, and therefore are in default.

Mr. Camp, by and through his attorney, William O. Pressley, Jr., raised objections to the Plaintiff's pleadings and I find them to have merit and require this Court to grant the requested dismissal.

[Handwritten signature]
PI

After hearing arguments by both the Plaintiff's and Mr. Camp's counsels, I find that this Court lacks subject matter jurisdiction of the issues raised in the Complaint based on the language in the South Carolina Probate Court Code at Section 62-1-302 which states in pertinent part:

"To the full extent permitted by the Constitution, and except as otherwise specifically provided, the probate court has exclusive original jurisdiction over all subject matter related to:

(1) estates of decedents, including the contest of wills, construction of wills, determination of property in which the estate of a decedent or a protected person has an interest, and determination of heirs and successors of decedents and estates of protected persons"

The matters raised by the Plaintiff involve the estates listed in the caption of this case and the real estate involved in this matter is an asset of one or more of said estates. For these reasons the Cherokee County Probate Court has jurisdiction of all matters raised by the Plaintiff.


This Court takes note that the Estates of Lucille W. Littlejohn, Deceased; Alfred R. Littlejohn, Deceased; and J.A. Littlejohn, Deceased are still open and pending before the Cherokee County Probate Court.

The Order issued by the Honorable Joshua Lee Queen, Probate Judge for Cherokee County, on May 1, 2006, has not been appealed; any modification of said Order require that the parties return to the Cherokee County Probate Court to further litigate this matter should any party hereto feel that said Order does not resolve the issues in conflict among them.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the Motions of the Defendant, Rayford Camp, for the dismissal of this matter are hereby granted.

IT IS SO ORDERED.

File 7/16/2015



 Honorable Roger L. Couch
 Seventh Judicial Circuit Court

FILED IN OFFICE OF
 CLERK OF COURT
 SHERIFF'S OFFICE
 CHEROKEE COUNTY, S.C.
 JUL 16 2015
 7:36 AM
 BRADLEY W. MCBRIDE
 CLERK OF COURT
 SPARTANBURG COUNTY
 2015 JUL 16 PM 4:34
 M. J. BLACKLEY
 IN ERROR