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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Marvin H. Dukes, III, Circuit Court Judge and Master-In-Equity

Appellate Case No. 2014-002249

IN RE: Estate of Valerie D'Agostino

Nicholls & Crampton, P.A., Appellant,

v.

Estate of Valerie D'Agostino,

Respondent.

SUPPLEMENTAL RECORD ON APPEAL

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Tim Nicholls

From: Tim Nicholls
Sent: Tuesday, June 22, 2010 4:29 PM
To: 'Tony Griffis'
Subject: RE: D'Agostino



Tony,

I cancelled my meeting with Justin Williams. Blair Williams, who signed the Show Cause and Accounting Orders, is a different person. Also, now that the Clerk has initiated action in the matter, I didn't want to discuss the matter ex parte with the Clerk (I still don't know if Huther is represented).

You should have received a note to Wm. Belcher (whom I was advised a couple of weeks ago was representing Huther). I'll let you know if I hear from him.

Following up on our discussion yesterday, Rich should be present at the hearing on July 12. He may need to testify as to his wife's domicile, their marital status and other matters. Also, unless Huther throws in the towel, I'll have an application, etc. ready to file with the Clerk asking that Rich be appointed as administrator (Rich will need to sign these documents). [Per you analysis, we'll try to keep the estate in NC since our intestacy laws are more favorable to Rich].

Let me know if you have any questions.

Tim

*F. Timothy Nicholls
Nicholls & Crampton, P.A.
3700 Glenwood Avenue, Suite 500 (PO Box 18237)
Raleigh, NC 27612 (27619)
T: 919-781-1311
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From: Tony Griffis [mailto:griffis@hargray.com]
Sent: Monday, June 21, 2010 1:00 PM
To: Tim Nicholls
Subject: RE: D'Agostino

See attached about a July 12 (2pm) Rule to Show Cause Hearing --

The Estate is represented by David B. Alexander, Esquire, 5003 Southpark Drive, Suite 230, Durham, NC 27713 - (919) 484-3007

Bill Belcher

From: Tim Nicholls [mailto:TNicholls@nichollscrampton.com]
Sent: Tuesday, June 22, 2010 4:21 PM
To: Belcher, William T.
Cc: griffis@hargray.com
Subject: D'Agostino Estate

Mr. Belcher.

I've not heard from you in response to my June 11 e-mail and telephone messages concerning this matter. It may be you're not representing Mr. Huther. Please let me know, either way.

Attached is a Notice of Hearing, and Accounting Order, both filed by the Clerk. As you can see from the Notice, the Clerk questions whether it erred in issuing letters to Mr. Huther.

At her death, Mrs. D'Agostino was legally married to our client. Among other things, this fact of marriage is evidenced by Mrs. D'Agostino's death certificate which provides that she was married to our client at her death (this information, I believe, was provided by Mr. Huther or his sister).

To avoid an unnecessary hearing on July 12, we ask that Mr. Huther (i) voluntarily withdraw as administrator of his mother's estate, (ii) consent to the appointment of Mr. D'Agostino as administrator, and (iii) consent to payment (out of his separate assets or those inherited from his mother) of all attorney fees and costs incurred by Mr. D'Agostino in this matter.

If Mr. Huther does not consent to the above, by June 30, then we intend to ask the Clerk to remove him as administrator and appoint our client, and to impose sanctions (including payment of Mr. D'Agostino's attorneys fees) against Mr. Huther for his intentional misrepresentations, under oath, to the Clerk.

If you are not representing him, I ask that you forward this e-mail, and attachments, to Mr. Huther.

If you have any questions, do not hesitate to contact me.

Best regards.

Tim Nicholls

F. Timothy Nicholls
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v.

Estate of Valerie D'Agostino, Respondent.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

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