



during the course of the litigation. As a result, this Court has subject matter jurisdiction to make this determination.

Plaintiff claims that Charles Gary, the purported husband of Blondell Gary, was never validly formally married to Blondell Gary and is unable to establish that a common law marriage existed.

Mr. Gary contends that Plaintiff should be judicially estopped from taking a position contrary to that contained in her pleadings in this and other actions. In support, he relied upon the fact that the Complaint in this case refers to Charles Gary as the husband of the Blondell Gary and that Plaintiff identified Charles Gary as Blondell Gary's surviving spouse in the initial probate filings.

At the hearing, counsel for Plaintiff submitted documents that showed Charles Gary was still married to Doretha Chisholm Gary at the time he allegedly entered into a marriage with Blondell Gary. These documents were the Final Divorce Order and Decree showing that Charles Gary and Doretha Chisholm were not divorced until January 22, 2001 and the Marriage Certificate between Charles Gary and Blondell Gary which shows the date of their purported marriage as November 30, 1999. (Plaintiff's Exhibit 1 & 2).


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PMB  
All marriages contracted while either of the parties remains married to a living spouse are void. Johns v. Johns, 309 S.C. 199, 420 S.E.2d 856 (S.C. App. 1992). The exhibits offered at the hearing make it clear that Charles Gary was still married to Doretha Chisholm Gary when he purportedly married Blondell Gary. As a result, the purported marriage to Blondell Gary was void from its inception.

Further, Mr. Gary did not offer any evidence that he had a valid common law marriage existed between himself and Blondell Gary, other than the fact that the Estate originally thought

he was. Thus, Charles Gary is not an heir of the Estate because he was not validly married to Blondell Gary at the time of her death.

For the reasons set forth above, the Court finds that Charles Gary was not Blondell Gary's husband at the time of her death, that Charles Gary is not a an heir of the Estate of Blondell Gary ("the Estate"), and grants the Plaintiff's Petition.

AND IT IS SO ORDERED.



Perry M. Buckner, III  
Circuit Court Judge

January 21, 2016  
Walhalla, South Carolina

STATE OF SOUTH CAROLINA  
COUNTY OF HAMPTON  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE  
CASE NUMBER 2012CP2500402

FILED

Angel as PR Gary

Estate of Blondell Gary

Lowcountry Medical

American Medical  
Response, Inc  
Eugene A Kirkland

2016 JAN 29 11:10 AM

MYLINDA D. MITCHELL  
CLERK OF COURT  
HAMPTON COUNTY, S.C.

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: **CLERK OF COURT**

Attorney for:  Plaintiff  Defendant  
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  
 Rule 43(k), SCRPC (Settled);  Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j) SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other: \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other:

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See attached order; (formal order to follow)  Statement of Judgment by the Court:

ORDER INFORMATION

This order  ends  does not end the case.

Additional Information for the Clerk: ORDER FILED 01-29-2016 SIGNED BY JUDGE BUCKNER

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

Circuit Court Judge

Judge Code

Date

**For Clerk of Court Office Use Only**

This judgment was entered on , and a copy mailed first class or placed in the appropriate attorney's box on , to attorneys of record or to parties (when appearing pro se) as follows:

Richard Alexander Murdaugh PO Box 457 Hampton, SC  
29924-0457

Harry Cooper Wilson III PO Box 1508 Charleston, SC  
29401-1508

Erin DuBose Dean PO Box 2055 Beaufort, SC 29901-2055

G. Michael Smith Sr. PO Box 1740 Conway, SC 29528

Joseph Dawson III PO Box 41367 North Charleston, SC  
29423

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**ATTORNEY(S) FOR THE PLAINTIFF(S)**

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**ATTORNEY(S) FOR THE DEFENDANT(S)**

*Myllinda D Nettles*

**Court Reporter**

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**Myllinda Nettles - Clerk of Court**

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**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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