

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

IN THE PROBATE COURT
CASE NO. 2008ES1000409 (Charleston)
CASE NO. 2012ES0700998 (Beaufort)

IN THE MATTER OF ESTATE OF)
NORMAN ROBERT KNIGHT, JR.,)

ORDER OF JUDGMENT DISMISSING
COMPLAINT FOR REMOVAL OF
PERSONAL REPRESENTATIVE

Norman R. Knight, III,)
Complainant.)

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APR 13 2016

SC Court of Appeals

FILED

JUL 11 2014

PROBATE COURT
BEAUFORT COUNTY, SC

Complainant, Norman Robert Knight, III, brought an action to remove the court-appointed Special Administrator and have himself appointed as successor Personal Representative. Complainant's Complaint was fully heard by this Court on April 28, 2014. Complainant was present at the hearing, with his attorney, J. Seth Whipper, Esquire. Also present were Chloe Tonney and her attorney, C. Mac Gibson, Jr., Esquire, and the Special Administrator, Beatrice E. Whitten, Esquire.

Based upon the pleadings, record, testimony and documentary evidence submitted at the hearing, arguments of counsel, and applicable law, this Court makes the following findings of fact and conclusions of law:

Findings of Fact

1. All interested parties were served with notice of these proceedings and the hearing held on April 28, 2014.
2. Complainant testified that he believed himself to be qualified to serve as Personal Representative for his father's estate. However, he also admitted that he had been jailed by the Charleston County Probate Court for contempt of court after refusing to comply with that court's orders.
3. Complainant further testified that probate-related litigation involving himself, his parents and his sisters had been ongoing continuously since 2005. He had been represented by counsel in these matters since 2005.
4. Complainant testified that he sought the removal of Ms. Whitten as Special Administrator

because she refused to have direct contact with the estate heirs; she did not recover a 1995 Mitsubishi automobile that had belonged to his father; she had failed to recover annuities belonging to his father; and she had not paid the funeral bill. However, Complainant did not provide any information as to the allegedly missing annuities or any other property belonging to his late father.

5. Complainant asserted that the Special Administrator had failed to release a Lis Pendens, as ordered by this Court in July 2013. The Special Administrator testified that she had released the Lis Pendens, but could not locate the release instrument.
6. Heir Chloe Tonney stated that she supported Ms. Whitten's continuing as Special Administrator for the estate.
7. Ms. Whitten testified that she accepted the appointment as Special Administrator in 2008 on the express condition that she would communicate only with the parties' attorneys, and not directly with the parties. She produced a June 2008 letter which was sent to attorneys for all of the parties and testified that none of the recipients ever objected to this condition. She further testified that she imposed this condition because of the long history of litigation and conflict between the family members. Ms. Whitten stated that she had applied this condition evenhandedly to all parties, and had always been available to the attorneys.
8. Ms. Whitten testified that she had researched the 1995 automobile belonging to Norman R. Knight, Jr., and had determined that this vehicle had no monetary value. She further determined that the vehicle had been given to the decedent's daughter, Linda Jones, during his lifetime. No party introduced any testimony or other evidence which contradicted this information.
9. Ms. Whitten testified that all known property belonging to the decedent was transferred directly to her from his court-appointed conservator, Family Services, Inc., upon her appointment as Special Administrator. She stated that neither the conservator nor any other person or entity had ever furnished any information about additional funds or property belonging to the decedent, despite her written request for such information soon after her initial appointment.

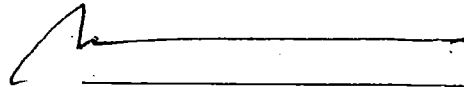
10. Ms. Whitten testified that she had not paid any debts or claims of the estate because of the undecided actions and issues which were pending before the Probate Court. She stated that no claimant ever filed a timely claim for funeral expenses in the estate. Carolina Memorial Gardens had filed a late claim which she then disallowed. This disallowance was not challenged and the claim was now legally barred.
11. Ms. Whitten testified that she had at all times performed her duties as Special Administrator to the best of her ability, being mindful of the interests of the heirs and creditors and of the fact that this is a small estate with limited assets.

Based on the above findings of fact, I make the following conclusions of law:

1. All interested parties have been provided proper notice and opportunity to be heard, as required by the relevant provisions of the South Carolina Probate Code.
2. I find that Complainant has failed to show, by a preponderance of the evidence, cause for the removal of the Special Administrator under South Carolina Code Section 62-3-611. Petitioner's request to remove the Special Administrator should therefore be dismissed.
3. I find that continuation of Ms. Whitten's appointment appears to be in the best interest of the estate.
4. Cause having not been shown for removal of the Special Administrator, and her continued appointment being in the best interests of the estate, Complainant's request for appointment is denied.

It is therefore ORDERED that Complainant's Amended Complaint for Removal is hereby dismissed, with prejudice, and the Special Administrator's appointment will remain in full force and effect.

AND IT IS SO ORDERED.



Kenneth E. Fulp, Jr.
(Probate Judge for Beaufort County)
Special Probate Judge for Charleston County

Beaufort, South Carolina

July 11, 2014