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APR 22 2016

SC Court of Appeals

April 18, 2016

Via Email & U.S. Mail
The Honorable Jenny Abbott Kitchings
Clerk of the Court
S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: Swiger v. Smith and Kelly, as Personal Representatives
Appellate Case No: 2016-000096

Dear Ms. Kitchings:

I am in receipt of Mr. Brackett's letter dated April 18, 2016 objecting to any extensions of time to find an attorney and objecting to the court Order giving me thirty days to find an attorney. He also discusses this time to find an attorney as a problem of my own making. Therefore, I am going to discuss why this case has taken so long.

As stated before, my mother found out about her brother's death from the Probate document sent from the Probate Court in York County to her. In her response, she wrote asking for a copy of the Will submitted. It was never sent to her. Had she received the Will as requested, we could have started our inquiry one year sooner. There was also no funeral. Questions could have been asked then. We were not told of what had occurred concerning the Will until the funeral of her brother almost one year later about May 2, 2013. We had only ten days to find an attorney and file our petition. The next several months were used obtaining documents and deposing the physicians from the Emergency Room where the Will was written within a few hours of his arrival after losing consciousness. The Westminster Towers record was not received until January of 2014. Almost immediately after the depositions in March, Mr. Brackett began requiring us to bring my mother to Rock Hill to be deposed. We objected stating that her health was too fragile. This resulted in motions before the Probate Court including submitting her medical records and a letter from her neurologist. Mr. Brackett also submitted a request for Summary Judgment then, but we filed a motion objecting, as the principles in this Will, specifically the Respondents, the witnesses to the Will, and the Notary to the Will had not even been deposed yet. My mother was required by the Probate Court to come for testimony, so three of us escorted her to provide her necessary care. It

was obvious within a few minutes that she could not answer questions appropriately. The only coherent phrase she said was "they stole him". This was about September 20, 2014. She never recovered the function that she had prior to the trip. The Respondents and the above mentioned people involved in doing the Will in the Emergency Room were deposed about October 20, 2014 as quickly as it could be scheduled. Immediately after the depositions were done, Mr. Brackett made a second request for Summary Judgment and it was granted by Judge Rogers. Mr. Brackett delivered his Brief to our attorney on December 24, 2014 and the hearing was held before the New Year. Most of 2015 was spent doing the appeal to Judge Roger's ruling to the Court of Common Pleas, having the hearing and then receiving the verdict.

So, I do not see how we could have moved any faster. I consider most of the delays to be on Mr. Brackett's part. He spent six months alone on getting my mother to South Carolina and did not believe us when we told him of her limitations. It would have benefited our case to have her testify so she could detail her attempts to find my uncle. Personally, I would like to have finished discovery and then proceeded. Although it has not been discussed yet, we had not finished deposing people or submitting documents for discovery. I still hope for a trial and that is why we appealed this case.

I wrote the details of past events in this letter to address the incorrect impression that Mr. Brackett is giving the Court concerning the dates and flow of this case. I understand the Repondents feel that this has gone on a long time for them, but we will live with the sorrow of never saying goodbye to our Uncle, remembering the many episodes of watching our Mother cry about not being there for him during his last months, and her concern over the events surrounding his care and death. I ask for patience from all concerned.

As to the statement we do not have legal standing to hire an attorney, the Appellate Court was given a copies of my mother's Will and of the transfer of Executorship to me. They were aware of all the relevant facts before the Order for us to find an attorney within thirty days was done. Therefore, I see no new information or any relevance to the case in his letter.

Respectfully submitted,



Carol DeHaven

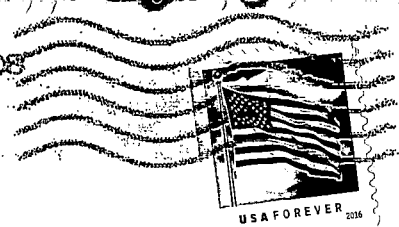
Cc: Mr. Brackett
Ben Smith
Margaret Kelly

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CAPITAL DISTRICT 200/208

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