

Via U.S. Postal Service

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April 26, 2016

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

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SC Court of Appeals

VIA: USPS Overnight Express Delivery

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

Dear Ms. Kitchings:

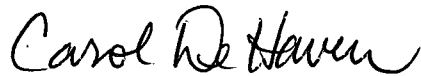
I apologize ahead of time for not getting this all to you in one addendum. I assure you that this will be my last addendum to my letter dated April 18, 2016, addressing Mr. Brackett's letter where Respondents imply is that this is a frivolous and ridiculous case and we are just keeping them from getting their money. With our deadline looming to have an attorney, in which we are striving to meet, I have two final points in response to Mr. Brackett as follows:

- Five months prior to our Uncle Vinton Tucker's death, (November 17, 2011), a Durable Power of Attorney (already part of the record), was executed by Vinton Tucker for Ben Smith to act as his Durable Power of Attorney, (DPOA). In the DPOA, it states in paragraph one, "My attorney-in-fact shall keep full and accurate records of all transactions for me as my agent and of all my property and the disposition thereof, and shall render to me, if competent, or **to my nearest living relative** if I shall be incompetent or incapacitated..." Mary Swiger is/was Vinton Tucker's "nearest living relative" and has never received any accounting of any kind until we pursued this action.
- A "DO NOT RESUSITATE" (DNR) order was signed, (already part of the record), around the same time as the Will was done. Usually DNR's are done when a person is diagnosed as terminally ill. The social workers notes later discussed the DNR with Vinton Tucker, and she quotes him as saying he wanted them to "FIGHT, FIGHT, FIGHT" for his life. Vinton had for years tolerated syncope episodes and knew he could easily come back with a little help. We would not have signed a

DNR until we were told death was imminent, and would have seen to it that our Uncle was cared for at his home in Charlotte, as he wished, and he could afford.

- All this and what has been stated in my prior responses to Mr. Brackett's letter, the isolation and undue influence of Uncle Vinton so that none of their actions would be known or questioned by us in order to replace the Will done by Edward Knox with their own wishes. In addition, the Respondents failed to act in the best interest of my uncle as their fiduciary duty requires. No communication of any kind, including Vinton's death, were made to our mother, Mrs. Swiger, Vinton Tucker's sister to let his nearest living relative know what was happening in his life.

Sincerely,

A handwritten signature in black ink that reads "Carol DeHaven". The signature is written in a cursive style with a large, prominent "C" and "H".

Carol DeHaven

Cc: Mr. Brackett  
Ben Smith  
Margaret Kelly

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