

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM WILLIAMSBURG COUNTY
In the Court of Common Pleas

The Honorable R. Lawton McIntosh, Presiding Judge

RECEIVED
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SC Court of Appeals

Case No. 2014-ES-45-00179

Appellate Case No. 2016-000332

Gwendolyn Leveritt.....Respondent,

v.

Lorine C. Pressley as Personal Representative of the Estate of Ervin Christopher
Pressley, Appellant.

INITIAL BRIEF OF THE RESPONDENT

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STATUTES

S.C. Code § 62-2-507

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STATEMENT OF ISSUE ON APPEAL

Based upon the Probate Code provisions addressing divorce, did the Circuit Court err by giving effect to the unambiguous conditional devise found in the February 2008 will of the decedent Ervin Christopher Pressley which was admitted unchallenged as “the last will and testament of the decedent”?

STATEMENT OF THE CASE

This is an appeal from Probate Court. The issue on appeal is the validity of a decedent's express devise in his valid will when the decedent chose not to update or change that will after divorce from a spouse.

In this case, Ervin Christopher Pressley's (the "Decedent") will made an express devise to Gwendolyn Leveritt (the Respondent here), his former mother-in-law, *by name* – not by familial category. This appeal is from the Circuit Court's December 9, 2015, reversal of the Probate Court wherein the Circuit Court noted that "if the Legislature wanted to invalidate or revoke an entire will upon a subsequent divorce, it could have directed that result in the Probate Code (as is apparently the case in some states) – it did not." R.p. ____ . Thus, the Circuit Court held that "clearly identified individuals are presumed to be the intended devisee absent some statutory bar." R.p. ____ .

This matter was initiated in the Probate Court of Williamsburg County by an application for the informal appointment of the Decedent's mother, Lorine Pressley (the Appellant here), as the personal representative of her son's estate. R.p. ____ (*Probate Hearing Transcript* p. 5). Subsequently, Gwendolyn Leveritt filed a petition for formal testacy based upon a New York will prepared and executed in February of 2008 during Decedent's residency in that state.¹ R.p. ____ (*Probate Hearing Transcript* p. 6). In response to this petition for formal testacy, the Decedent's mother sought a declaration that the will did not dispose of the Decedent's property

¹ Although the Decedent was a resident of New York when his will was prepared (February 5, 2008) and at the time of his divorce (effectively in 2012), he moved to South Carolina and became a resident of this state prior to his death on January 25, 2014. Accordingly, South Carolina law has been applied to this matter.

although she also sought to be named as the personal representative pursuant to her alternate designation *in the will*. R.p. ____ (*Probate Final Order* pp. 1-2).

The matter came before the Probate Court for hearing on March 12, 2015. The Probate Court issued its order dated and filed April 2, 2015 which recognized the Will (not challenged on appeal), confirmed the appointment of Ms. Pressley (also not challenged on appeal), and held that the Decedent's assets should "pass as if he died intestate" – despite the admission of the valid Will with its specified distributions. R.p. ____ (*Probate Final Order* pp. 1-7).

The Order of the Probate Court was appealed to Circuit Court. A hearing was held in the Circuit Court on October 28, 2015. On December 9, 2015, the Circuit Court filed its Order reversing the Probate Court and remanding the matter back to Probate Court for distribution of the estate equally between the Decedent's mother and the Decedent's named former mother-in-law. Appellant's motion to alter or amend the Judgment was denied by the Circuit Court on January 4, 2016 and this appeal followed.

STATEMENT OF THE FACTS

Ervin Christopher Pressley died on January 25, 2014. At the time of his death, the Decedent had become a resident of Williamsburg County after previously residing in the Bronx County, New York. R.p. ____ (*Probate Final Order* p. 2). The Decedent's Last Will and Testament was prepared in New York and dated February 5, 2008. R.p. ____ (*Probate Final Order* p. 1); R.p. ____ (*Last Will and Testament of Ervin Christopher Pressley*, p. 1). In compliance with the Uniform Probate Code provisions, the Will was signed by two witnesses who also verified their witness of the Will's execution under oath before a New York notary. R.p. ____ (*Probate Final Order* p. 1); R.p. ____ (*Last Will and Testament of Ervin Christopher Pressley*, p. 4).

At the time of his execution of the Will, the Decedent was married to Erica Pressley ("Erica"). The Decedent and Erica were married to each other in New York on July 7, 2007. The couple had no children.² By the time of his death, the Decedent was separated from his wife and a New York Court had approved a Stipulation of Settlement dated November 14, 2012. R.p. ____ (*Probate Final Order* p. 2); see R.p. ____ (*Stipulation of Settlement, November 14, 2012*). After the Decedent's death, Erica brought a legal action in New York to have the Stipulation of Settlement declared null and void. That action was unsuccessful – and as the Probate Court here found the New York Court "issued an Order upholding the divorce, upholding the Stipulation of Settlement, and refusing to interfere with the distribution of the [Decedent's] life insurance proceeds." R.p. ____ (*Probate Final Order* p. 3); see R.p. ____ (*Decision/Order of the New York Court*). The Probate Court here found that, "In essence,

² The Decedent died without children. R.p. ____ (*Probate Final Order* p. 2).

[the Order] affirmed the Judgment of Divorce.” R.p. ____ (*Probate Final Order* p. 3); see R.p. ____ (*Decision/Order of the New York Court*).

Decedent’s Will provided that—in the event of his wife predeceasing him—the alternative personal representative of his estate would be his mother, Lorine C. Pressley.³ R.p. ____ (*Probate Hearing Transcript* p. 15); R.p. ____ (*Last Will and Testament of Ervin Christopher Pressley*, p. 1). His mother now serves in that capacity. R.p. ____ (*Probate Final Order* pp. 1-2).

The Decedent’s Will further provided, after the payment of debts and funeral expenses, that:

All the rest, residue and remainder of the property both real, personal and mixed and wheresoever situate which I may own or be entitled to at the time of my death, I give, devise and bequeath to my spouse, ERICA DANIELLE BLEDSOE-PRESSLEY if my said spouse shall survive me. If my said spouse shall not survive me, then I give, devise and bequeath my residuary estate to my issue, per stirpes, and if there be no surviving issue, then to GWENDOLYN LEVERITT and LORINE PRESSLEY, equally, or all to the survivor of them. If there be no survivor between them, then to JAKOYA GRISSETT and JAHEEN PRESSLEY, equally, or all to the survivor between them. If there be no survivor between them, then to those person to whom and in those proportions in which the same would have been distributable if I had then died the owner thereof, intestate, and a resident of the State of New York.

R.p. ____ (*Last Will and Testament of Ervin Christopher Pressley*, p. 1).

³ The Decedent’s will directed that “In the event my said spouse shall predecease me, fail to qualify, or having qualified thereafter dies, resigns, is removed from office or for any reason ceases to act as Executor, I hereby appoint LORINE PRESSLEY, as Executor of this my Last Will and Testament.” (capitalization in original).

STANDARD OF REVIEW

“An appellate court’s determination of the standard of review for matters originating in the probate court is controlled by whether the cause of action is at law or in equity.” *Holcombe-Burdette v. Bank of Am.*, 371 S.C. 648, 654, 640 S.E.2d 480, 483 (Ct. App. 2006). “The construction of a will is an action at law.” *Id.* “On appeal from an action at law that was tried without a jury, the appellate court can correct errors of law, but the findings of fact will not be disturbed unless found to be without evidence which reasonably supports the judge’s findings.” *Blackmon v. Weaver*, 366 S.C. 245, 249, 621 S.E.2d 42, 44 (Ct. App. 2005). As outlined below, the Probate Judge in this matter has made errors of law and therefore must be reversed.

ARGUMENT

The February 2008 Will Of The Decedent Ervin Christopher Pressley Was Admitted Unchallenged As “The Last Will And Testament Of The Decedent” And The Circuit Court Did Not Err In Giving Effect To The Unambiguous Conditional Devise Found In That Will Based Upon The Probate Code Provisions Addressing Divorce.

The Probate Court found that the Decedent’s Will “should be admitted for filing pursuant to Section 62-2-901 of the 1976 Code of Laws of South Carolina, as amended, and finds it to be the Last Will and Testament of the Decedent, Ervin Christopher Pressley.” R. p. ___ (*Probate Final Order* p. 5). This finding has not been appealed by any party. The Circuit Court thus found that the Courts should look exclusively to the Will, absent any ambiguity, to discern the clear intent of the testator.⁴

⁴ Where there is a valid and unambiguous will, South Carolina courts have consistently held that: “We are without authority to alter an unambiguous contract by construction or to make new

A Clear Will.

In this case, the language of the Will itself was clear. The surviving spouse was to inherit the entirety of the estate and if there was no surviving spouse, then Gwendolyn Leveritt and Lorine Pressley were to inherit the estate in equal shares if they both were alive. R.p. _____ (*Last Will and Testament of Ervin Christopher Pressley*, p. 1). The Circuit Court gave effect to that conditional devise finding that the Estate was to pass to Gwendolyn Leveritt and Lorine Pressley in equal shares. R.p. _____ (Circuit Court Order).⁵

contracts for the parties.” *United States Bank Trust Nat’l Ass’n v. Bell*, 385 S.C. 364, 379, 684 S.E.2d 199, 207 (Ct. App. 2009) (citing *C.A.N. Enterprises, Inc. v. South Carolina Health & Human Services Finance Com.*, 296 S.C. 373, 378, 373 S.E.2d 584, 587 (1988)). Furthermore, “A court must enforce an unambiguous contract according to its terms regardless of its wisdom or folly, apparent unreasonableness, or the parties’ failure to guard their rights carefully.” *Id.*; see also *Thomason v. Hellams*, 233 S.C. 11, 14-15, 103 S.E.2d 324, 325 (1958) (“It was held that the will is plain and unambiguous and there is no room for construction or interpretation of it. The court improperly took into consideration facts, such as the very advanced age of the defendant and her frail health, which were disclosed in argument; but they were not in the complaint and will not be considered by this court.”).

The requirement that a Court first follow the unambiguous language of the Will itself serves to effectuate the cardinal rule of will construction “that the testator’s intent should be ascertained and given effect.” *May v. Riley*, 279 S.C. 248, 250, 305 S.E.2d 77, 78 (1983).; see also *Fenzel v. Floyd*, 289 S.C. 495, 498, 347 S.E.2d 105, 107 (Ct. App. 1986) (internal citations omitted) (“In construing a will, the purpose of the courts is to discover and give effect to the intent of the testator. The first resort is always to language of the will itself. Where the terms of the will are ambiguous, the court may resort to extrinsic evidence to resolve the ambiguity.”).

⁵ Because there is nothing ambiguous about these provisions, there was no need and no legal authority to consider evidence extrinsic to the Will. The Probate Court, however, did consider such extrinsic evidence stating “the Court has to look at the intent of the Testator, and in this case, the intent of the Testator can be gleaned from the Last Will and Testament *as well as the Judgment of Divorce, Stipulation of Settlement and the other documents filed as evidence.*” *Final Order* p. 3 (emphasis added).

In contrast, finding no ambiguities in the will, the Circuit Court properly found that the Probate Court should have confined itself to the four-corners of the Will. R.p. _____ (Circuit Court Order). See *Fenzel*, 289 S.C. at 498, 347 S.E.2d at 107 (“In construing a will, the purpose of the courts is to discover and give effect to the intent of the testator. The first resort is always to language of the will itself. Where the terms of the will are ambiguous, the court may resort to

Appellant argues that the decedent had a surviving spouse because Erica Pressley was biologically alive at the time of her former husband's death. It is not contested that Erica Pressley was biologically alive at the time of her former husband's death; it is also not contested that she was no longer a spouse to the decedent – their divorce was final in 2012. An argument could be made that Erica's status as a non-spouse alone satisfies the condition precedent of no surviving "spouse" without any reference to the Probate Code but the Courts need not rely upon the current status of a marriage to determine who is a surviving spouse -- *because that determination has been made by our legislature* for those who choose not update their wills following divorce.

A Statutory Definition.

S.C. Code § 62-2-802(a) states: " An individual who is divorced from the decedent . . . is not a surviving spouse unless, by virtue of a subsequent marriage, the individual is married to the decedent at the time of death." In analyzing this section, this Court has opined: "Surviving spouse' is defined in the negative as not including one who is divorced from the decedent or whose marriage to the decedent has been annulled." *Lovett v. Lovett*, 329 S.C. 426, 432, 494 S.E.2d 823, 826 (Ct. App. 1997). The Reporter's Comment to subsection (a) further expounds that: "Under Section 62-2-802(a), a valid divorce or a valid annulment deprives the former spouse of the status of surviving spouse of the decedent and the capacity to take as such in succession to the decedent's estate under this Code." S.C. Code § 62-2-802(a), comment 2.

extrinsic evidence to resolve the ambiguity."); *see also Shelley v. Shelley*, 244 S.C. 598, 601, 137 S.E.2d 851, 853 (1964) ("In the construction of a will the primary purpose of the court is to arrive at testator's intention as expressed in his will considered as a whole. His intention must be ascertained from the language he used where it is clear and unambiguous.").

Appellant argues that her position comports with the South Carolina Probate Code. But her Brief Argument (pages 11-25) focuses on the provision that prohibits a former spouse from receiving any benefit from a pre-divorce will,⁶ while never repeating the equally applicable provision (S.C. Code § 62-2-802(a)) that defines a former spouse as a “non-survivor” -- or civilly dead.

⁶ S.C. Code § 62-2-507, provides, in part:

(c) Except as provided by the express terms of a governing instrument, a court order, or a contract relating to the division of the marital estate made between the divorced individuals before or after the marriage, divorce or annulment, the divorce or annulment of a marriage:

(1) revokes any revocable:

(i) disposition or appointment of property or beneficiary designation made by a divorced individual to the divorced individual’s former spouse in a governing instrument;

...

(iii) nomination in a governing instrument, nominating a divorced individual’s former spouse to serve in any fiduciary or representative capacity, including a personal representative, trustee, conservator, agent, attorney in fact or guardian.

Upon the codification of the “revocation by divorce” statute, authors of the statute opined:

The [South Carolina Probate Code] includes several sections that revoke a testator’s will, in whole or in part, based on assumptions about the testator’s intent rather than the expression of an intent to revoke. These situations include a testator who is divorced after the execution of a will (the “revocation-by-divorce” statute). When applicable, the revocation-by-divorce statute, section 62-2-507, revokes a testator’s will to the extent necessary to omit an ex-spouse.

Catherine H. Kennedy and S. Alan Medlin, *2013 Amendments to the S.C. Probate Code*, 25 S. CAROLINA LAWYER 32, 35 (Ms. Kennedy chaired the South Carolina Bar study committee that drafted and recommended the 2013 amendments; Professor Alan Medlin served as the Code reporter.).

Judicial Speculation Not Needed.

Artificially representing her position as one of less speculation and more consistent with judicial conservatism, Appellant suggest that it is conjecture to suppose the decedent's intent in circumstances where a former spouse is not biologically dead – perhaps it is – just as it is conjecture to suppose that a decedent never could intend to include a former mother-in-law or step-children as contingent beneficiaries after a divorce even if they are *expressly* named.⁷ However, the Courts are not faced with these Hobbesian choices. The Probate Code makes any such judicial speculation unnecessary as the legislature has already made the applicable compromise. The Matter of Lampshire, 292 N.Y.S.2d 578, 57 Misc.2d 332 (1968), case cited by Appellant, is quite illustrative of this point.

Lampshire – Cited By Appellant – Is Most Illustrative (And Supportive).

Appellant cites the very distinguishable Lampshire case (post-divorce step-children denied an express devise in favor of a court declared intestacy), as supportive of her position in this matter. While the Lampshire Court reached the same result ultimately desired by the Appellant here – intestacy, the distinctions found in Lampshire and statutory interpretation applied by the New York court is completely supportive of the Circuit Court's analysis here.

In Lampshire, the Surrogate's Court of Erie County was faced with a 1955 will followed by a 1960 divorce and then a subsequent death of the will's author. Prior to that death, the New

⁷ It is significant that Gwendoyrn Leveritt is expressly named and the devise is not simply to a familial class. For example, in *Estate of Hermon*, 39 Cal. App. 4th 1525 (1995), the California Court of Appeals reversed the trial court because the Will attempted a contingent devise to a class of persons (“my spouses children”), not named, who statutorily no longer existed after a divorce. Indeed, the appellate court provided that “If different language had been employed in the dispositive portions of the will, we may have reached a contrary result.” *Moreover, it was the absence of identifying names that led the court to conclude that this was a class gift and not a gift to individuals.*

York legislature enacted a probate code provision (effective September 1, 1967) directing that a subsequent divorce “revokes any disposition or appointment of property made by the will to the former spouse and any provision therein naming the former spouse as executor...”⁸

Other Statutory Options Noted By Lampshire Court.

In its analysis, the Surrogate’s Court noted that fourteen states, at the time, had varying probate code provisions dealing with divorce – including two states (Georgia and Oregon) whose enactments invalidated a prior will entirely upon the author’s divorce (something South Carolina has chosen not to do). The Surrogate’s Court further took note that the Missouri statute used language declaring a divorced spouse civilly dead (“the effect of the revocation shall be the same as if the divorced spouse has died at the time of the divorce”) – language not found in the New York code at the time.⁹

Different Statutory Language Leads To Different Result.

In the absence of a statutory death provision for divorced spouses, the Surrogate’s Court found that the spousal death contingency to the residuary devise to the testator’s step-children had not occurred; thus, in the absence of any eligible beneficiary under the will, the Court declared intestacy. Notably, the Court comments upon the potential “legislative gap in the statute” -- one subsequently closed. As Appellant notes in her Brief (page 14), after the Lampshire opinion, the New York legislature amended its code to be more like Missouri (and South Carolina) by adding language treating a divorced spouse as civilly dead (“as if such former spouse had died immediately before such testator.”).

⁸ This provision parallels that found in S.C.Code § 62-2-507 (footnote 6 *supra*).

⁹ This language has the same effect of the non-surviving language found in S.C. Code § 62-2-802(a) (*supra* page 8).

Appellant's Brief (pages 14-15) erroneously suggest, however, that such a gap exist in South Carolina because the legislature "has not made any such addition or change...." *South Carolina's Probate Code simply has no such gap* – former spouses are, by statutory definition, *non-survivors* of a testator – biological status notwithstanding.

South Carolina's Statutory Choice.

Appellant's argument presumes that a testator never would intend to make a devise contingent upon an ex-spouse's death, even to his or her own child or parent, unless that spouse is biologically deceased. This presumption may be true – sometimes – but it does not matter; the related argument seeks to supplant the collective judgment of the legislature with the Appellant's self-serving judgment. Our legislature has spoken – it has made its choice. It could have followed Georgia or Oregon, or it could have followed the older version of the New York code; instead, it chose to define all ex-spouses as non-survivors. Surely, this was a compromise – not to the Appellant's liking and probably disliked by someone in most circumstances – as the unchosen legislative alternatives would be as well.

Despite the clarity and completeness of South Carolina's probate provisions, Appellant argues that her position comports with the South Carolina Probate Code. But again, her Brief focuses on the statutory provision that prohibits a former spouse from receiving any benefit from a pre-divorce will, while ignoring the equally applicable provision that defines a former spouse as a "non-survivor" -- or civilly dead. Such selective use of isolated code provisions thus seeks to convert the status of the South Carolina Probate Code to that of New York at the time of Lampshire. Our comprehensive Probate Code cannot be read so selectively.

Appellant argues that the Circuit Court "improperly extended [the] revocation mandated by S.C. Code § 62-2-802(b)" but how can the Court's application be an "improper extension"

when it is precisely the definition mandated by the legislature? Appellant's argument also suggest that declaring the decedent's ex-wife civilly dead is somehow beneficial to her in contradiction to the code. It is not. In this case, the statutory declaration may be of benefit to the ex-wife's mother – a legally distinct person from the former spouse, not barred by the code – and in the next case, the statutory definition might benefit the testator's own mother or a disabled child. Again, this is a compromise choice the legislature has made and not one for the Courts.

Another Illustrative Decision – *Estate of Nash*.

A similar question has been addressed by the appellate courts of Texas – under similar legislative provisions. In *Estate of Nash*, 220 S.W. 3d 914 (2007), the Texas Supreme Court was faced with the question of “whether a contingent bequest to the testator's former stepdaughter is a provision favoring his former spouse.”

Like South Carolina, Texas had a probate code provision that provided “if a testator divorces after executing a will, provisions that favor the former spouse must be read as if the former spouse predeceased the testator.” Like New York as described in Lampshire, the Texas Legislature had added this probate code language in 1997 to an already existing 1995 provision that stated : “all provisions in the will in favor of the testator's former spouse, or appointing such spouse to any fiduciary capacity under the will ... shall be null and void and of no effect.”

Finding the will unambiguous, the Texas Supreme Court – like the Texas Court of Appeals before it, 164 S.W.3d 856 (2005) -- concluded that the step-daughter was not barred by the probate code because the contingent bequest did not benefit the former spouse. Thus, the Supreme Court of Texas affirmed the enforcement of a contingent bequeath to a named “beloved” step-child years after divorce.

Intestacy Is To Be Avoided.

Appellant also argues that clearly applicable provisions of the Probate Code, like that defining a former spouse as a non-survivor, can be ignored in favor of the law of intestacy or “other” South Carolina law. Appellant’s Brief, pp. 21-24. Of course, this argument first relies on the unsupported supposition that these circumstances are “not within the coverage of Section 62-2-802(b) and 62-2-507.”¹⁰

The only South Carolina case authority found in this section of the Appellant’s Brief (page 23) is Magee v. O’Neill, 19 S.C. 170, 45 Am. Rep. 765 (1883) -- a case decided over a century before enactment of the Probate Code¹¹ – cited for the strict construction of conditions precedent (enforcing the requirement of parochial education to receive the benefits of a testamentary trust restricted for such – even against constitutional challenge). Of course, there is no stricter compliance than the *statutory* satisfaction of the condition found here; if a legislative act says a person is dead for purposes of wills and intestacy, then the condition of death for those purposes is satisfied.

In addition, Appellant’s reliance on intestacy is not in accord with our State’s long-standing preference for the avoidance of intestacy – a preference acknowledged in Appellant’s Brief (pages 10-11). A long-standing principal of South Carolina jurisprudence is that “the court should ‘indulge in every presumption’ to validate a will and thereby avoid intestacy.” *In re Estate of Blankenship v. Grady*, 336 S.C. 103, 109, 518 S.E.2d 615, 618 (Ct. App. 1999); *see*

¹⁰ The Appellant’s Brief (pages 22-23) accurately quotes from the comments of the Reporter of the South Carolina Probate Code, Professor Alan Medlin. The Reporter’s accurate comment that other law might fill gaps not addressed by the Probate Code has no application here, of course, where provisions of the Code are clearly applicable.

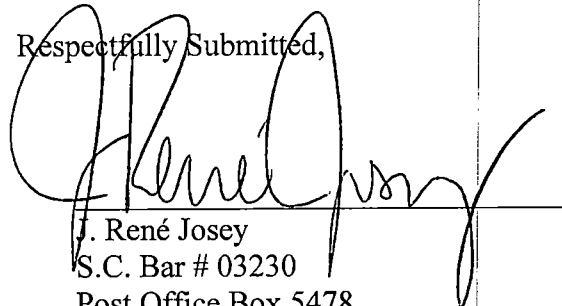
¹¹ The relevant provisions, such as S.C. Code § 62-2-507 where enacted in 1986.

also *Meier v. Meier*, 208 S.C. 520, 526, 38 S.E.2d 762, 765 (1946) (“The law strongly favors the sustaining of a will as opposed to its invalidation and will indulge in every presumption against intestacy.”); *Abrams v. Templeton*, 320 S.C. 325, 330, 465 S.E.2d 117, 121 (Ct. App. 1995) (“The law abhors intestacy and will indulge every presumption in favor of the validity of the will.”).

CONCLUSION

The South Carolina Legislature has spoken through the Probate Code and made its choice with how to handle those wills which are not updated following divorce. The Courts must follow those directives and need not speculate as to what might have been. The Courts of New York and Texas have recognized and applied such legislative policy in similar circumstances – as did the Circuit Court here. The Circuit Court should be affirmed and the matter remanded to Probate Court for equal distribution of the Estate to both Gwendolyn Leveritt and Lorine C. Pressley.

Respectfully Submitted,



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PROOF OF SERVICE

The undersigned certifies that he is employed with the law firm of Turner, Padgett, Graham & Laney, P. A., attorneys for the Respondent, Gwendolyn Leveritt, and that he has mailed a copy of the **Initial Brief and Designation Of Matter** to the Appellant's Attorneys listed below this 22 day of August 2016, with proper postage attached thereto:

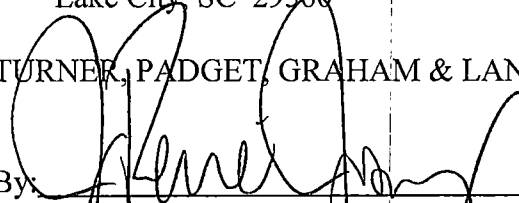
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AUG 24 2016

SC Court of Appeals

Re: Gwendolyn Leveritt v. Lorine C. Pressley as Personal Representative of the Estate of Ervin Christopher Pressley
Appellate Case No. 2016-000332
TPGL File No. 13564.101

Dear Ms. Kitchings:

Please find enclosed the following documents with regard to the above-referenced matter for filing:

1. The original and one copy of Respondents' Initial Brief and Designation of Matter to Be Included in the Record on Appeal; and
2. The original and one copy of the Proof of Service for these documents.

Please file the original documents and return clocked copies to me in the self-addressed stamped envelope provided. Thank you for your assistance and please contact me if you have any questions.

Sincerely,

TURNER PADGET GRAHAM & LANEY P.A.

J. René Josey

JRJ:vlb

Enclosures

Cc: Gwendolyn Leveritt (w/enclosures)
Larry G. Reddeck, Esquire (w/enclosures)
Gregory B. Askins, Esquire (w/enclosures)

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13564.101

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

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