

FORM 4

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

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2016CP2302045

ELECTRONICALLY FILED - 2016 Sep 14 11:58 AM - GREENVILLE - COMMON PLEAS - CASE# 2016CP2302045

Wilson Garner Jr. Nell Gaines Ruby Lee Douglas	Nell Gaines Estate Of Hazel Hastings	Nell Gaines Nell Gaines Estate Of	John Allen Head
--	---	--------------------------------------	-----------------

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> 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: _____

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

2162

Judge Code

9/14/2016

RECEIVED

For Clerk of Court Office Use Only

SEP 23 2016

SC Court of Appeals

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 L. Patton 819 E. North St. Greenville, SC 29601

ATTORNEY(S) FOR THE PLAINTIFF(S)

Marcus Wesley Meetze PO Box 81118 Simpsonville, SC 29680

ATTORNEY(S) FOR THE DEFENDANT(S)

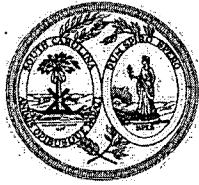
Court Reporter

Paul B. Wickensimer Greenville County Clerk Of Court - Clerk of Court

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.

ELECTRONICALLY FILED - 2016 Sep 14 11:58 AM - GREENVILLE - COMMON PLEAS - CASE#2016CP2302045



Greenville Common Pleas

Case Caption: Wilson Garner Jr. , plaintiff, et al VS Nell Gaines , defendant, et al

Case Number: 2016CP2302045

Type: Order/Form 4

So Ordered

s/Letitia H. Verdin, SC Judge 2162

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF GREENVILLE

Civil Action No. 2016-CP-23-02045

Wilson Garner, Jr., et. al.

Plaintiffs/Appellants,

vs.

The Estate of Nell Gaines, et. al.,

Defendants/Respondents

ORDER
RECEIVED
SEP 23 2016
SC Court of Appeals

This matter is before the Court on Defendants/Respondents', The Estate of Nell Gaines, et. al., appeal of the Greenville County Probate Court's ("**Probate Court**") decision to admit Nell Gaines' 2008 will to probate and to govern the administration of the estate in all respects. For the reasons set forth herein, the Court **AFFIRMS** the Probate Court's decision.

The Court finds the Probate Court correctly ruled the common law doctrine of dependent relative revocation ("**DRR**") is still recognized by the courts in South Carolina and is applicable and controls in this case. By finding DRR controlling and dispositive in this case, the Probate Court impliedly and correctly found that *S.C. Code Ann. 26-2-504* and DRR are not in conflict. The Probate Court also correctly found *Davis v. Davis*, 208 S.C. 182, 37 S.E.2d 530 (S.C. 1946) was not dispositive in this case.

For the reasons set forth above, the decision of the Probate Court is **AFFIRMED**.

AND IT IS SO ORDERED.

Letitia H. Verdin
Greenville County Circuit Court

September __, 2016

Greenville, South Carolina



Greenville Common Pleas

Case Caption: Wilson Garner Jr. , plaintiff, et al VS Nell Gaines , defendant, et al

Case Number: 2016CP2302045

Type: Appeal/Affirmed

So Ordered

s/Letitia H. Verdin, SC Judge 2162