

The South Carolina Court of Appeals

In Re: The Estate of James Brown a/k/a James Joseph Brown

Tommie Rae Brown, Respondent,

v.

David C. Sojourner, Jr., in his capacity as Limited Special Administrator and Limited Special Trustee, Deanna Brown-Thomas, Yamma Brown, Venisha Brown, Larry Brown, Terry Brown, and Daryl Brown, Respondents below,

Of whom David C. Sojourner, Jr., in his capacity as Limited Special Administrator and Limited Special Trustee, Deanna Brown-Thomas, Yamma Brown, Venisha Brown, Terry Brown, Michael Deon Brown and Daryl Brown are the Appellants.

Appellate Case No. 2015-002417

ORDER

Appellant David C. Sojourner, Jr., has filed a motion asking this court to amend, clarify, or correct its March 16, 2017 order dismissing his appeal and remanding to the Aiken County Circuit Court for approval of a settlement between Sojourner and Respondent. After careful consideration, Sojourner's appeal is reinstated. This appeal will be held in abeyance as to all parties for forty-five days to allow Sojourner and Respondent to seek the dismissal of Respondent's undue influence claim in the circuit court pursuant to the settlement. We take this opportunity to clarify that although they may do so, the parties are not required to seek circuit court approval of the settlement. *See* S.C. Code Ann. § 62-3-1101 (Supp. 2016). Sojourner shall notify this court upon the dismissal of Respondent's undue

influence claim or provide this court with a status update within forty-five days of this order.¹ The record on appeal shall be served on all parties, and proof of service filed with this court, within sixty days of this order.


FOR THE COURT C.J.

Columbia, South Carolina

cc: Robert N. Rosen, Esquire
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John Andrew Donsbach, Sr., Esquire
Matthew Day Bodman, Esquire
David B. Bell, Esquire
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FILED
April 13, 2017

¹ All parties should be aware that this appeal will proceed with its normal process forty-five days from the filing of this order.