

83522

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY CIRCUIT COURT AND PROBATE COURT

Letitia H. Verdin, Circuit Court Judge
Debora A. Faulkner, Probate Judge

Case No. 2016-CP-23-02045

Wilson Garner, Jr., Nell Gaines, Ruby Lee Douglas, Estate of Nell Gaines, Hazel
Hastings,

Appellants,

v.

Nell Gaines, Estate of Nell Gaines, John Allen Head,

Respondents.

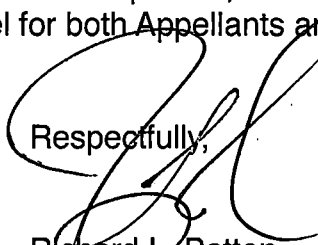
RECEIVED

MAY 26 2017

SC Court of Appeals

MOTION TO AMEND NOTICE OF APPEAL

NOW COMES Appellants, through counsel moving to amend the Notice of Appeal to a more proper alignment and designation of parties, all in accordance with the attached Amended Notice of Appeal. Counsel for both Appellants and Respondents are in agreement with the amended alignment.

Respectfully,


Richard L. Patton
SC Bar # 0008627
The Patton Law Firm
819 East North Street
Greenville, SC 20601
ATTORNEY FOR APPELLANTS

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY CIRCUIT COURT AND PROBATE COURT

Letitia H. Verdin, Circuit Court Judge
Debora A. Faulkner, Probate Judge

Case No. 2016-CP-23-02045

WILSON GARNER, JR., RUBY LEE DOUGLAS, and HAZEL HASTINGS as statutory heirs of
THE ESTATE OF NELL GAINES, and on behalf of all other remaining statutory heirs who may
be determined hereafter.Appellants,

V.

THE ESTATE OF NELL GAINES and JOHN ALLEN HEAD, individually and acting as Personal
Representative of THE ESTATE OF NELL GAINES,Respondents.

AMENDED NOTICE OF APPEAL

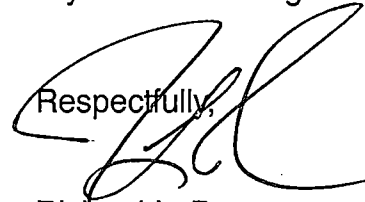
RECEIVED

MAY 26 2017

SC Court of Appeals

Wilson Garner, Jr., et al, appeal the Order of Judge Letitia Verdin dated
September 14, 2016, which Appellants received by electronic filing the same day.

Respectfully,



Richard L. Patton
SC Bar # 0008627
The Patton Law Firm
819 East North Street
Greenville, SC 20601
ATTORNEY FOR APPELLANTS

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from the Greenville County Circuit Court & Probate Court

Letitia H. Verdin, Circuit Court Judge

Debora A. Faulkner, Probate Judge

RECEIVED

MAY 26 2017

SC Court of Appeals

Case No. 2016-002015

Wilson Garner, Jr., et al,Appellants,

v.

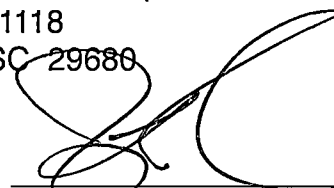
The Estate of Nell Gaines , et al,Respondents.

PROOF OF SERVICE BY MAIL

The undersigned certifies that he has served a copy of the within MOTION TO AMEND NOTICE OF APPEAL upon opposing counsel herein by depositing a copy of the same into the United States Postal Service with sufficient postage affixed thereto, all in compliance with SCACR 211, and addressed as follows:

Wes (Marcus) Meetze, Esq.
PO Box 81118
Simpsonville, SC 29680

THIS 22 day of MAY, 2017



Richard L. Patton, Esq.
SC Bar # 0008627
The Patton Law Firm
819 East North Street
Greenville, SC 29601
(864) 233-9797

Attorney for Appellants

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

CLERK OF COURT
IN THE CIRCUIT COURT
GREENVILLE, S.C.

Date: 2016 MAR 29 AM 9:55
CLOCK IN TIME
FILED

PAUL B. WICKENS, CLERK
Appeal from Probate Court for
Greenville County

FILED
SERVED
ELECTRONICALLY

Case # 2014-ES-23-01777

IN THE MATTER OF:
THE ESTATE OF NELL GAINES

WILSON GARNER, JR., RUBY LEE
DOUGLAS, and HAZEL HASTINGS
as statutory heirs of THE ESTATE OF
NELL GAINES, and on behalf of all
other remaining statutory heirs who
may be determined hereafter.

Appellants,

VS

THE ESTATE OF NELL GAINES and
JOHN ALLEN HEAD, individually and
acting as Personal Representative of
THE ESTATE OF NELL GAINES,

Respondents.

**NOTICE OF INTENT TO
APPEAL TO CIRCUIT COURT**

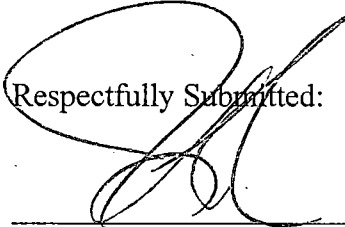
RECEIVED

MAY 26 2017

SC Court of Appeals

Pursuant to SCPC 62-1-308, Appellants, through counsel, hereby provide their Notice of Appellants' Intent to Appeal the Orders of the Probate Court dated March 18, 2016 & October 26, 2015. The Probate Court's Order dated March 18, 2016 was an Order denying Appellants' Motion to Reconsider the prior Order of October 26, 2015. The Order denying the Motion to Reconsider was received by Appellants' counsel on March 22, 2016. A copy of both Orders is attached.

Respectfully Submitted:



Richard L. Patton
SC Bar # 0008627
THE PATTON LAW FIRM
819 East North Street
Greenville, SC 29601
(864) 233-9797
Pattonlawfirm@hotmail.com

ATTORNEY FOR APPELLANTS

PATTON LAW FIRM

RICHARD L. PATTON

ATTORNEY AT LAW

819 E. NORTH STREET

GREENVILLE, SOUTH CAROLINA 29601

RICHARD L. PATTON*

*ALSO ADMITTED IN GEORGIA

TELEPHONE
(864) 233-9797

FAX
(864) 233-9790

May 22, 2016

Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
PO Box 11629
Columbia, SC 29211

RE: Wilson Garner, Jr. v. Nell Gaines
Appellate Case 2016-002015

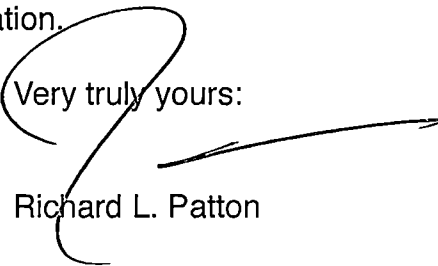
RECEIVED
MAY 26 2017
SC Court of Appeals

Dear Ms. Kitchings:

At your request, please find the original and six copies of our Motion to Amend Notice of Appeal to correct the designation and alignment of the parties. I am enclosing a copy of the original Notice of Appeal to the Circuit Court to show you that the parties were properly designated and identified below. The error in the alignment and designation came as a result of how the Greenville County Clerk entered the parties on the Form 4 Order that made its way to you with the file.

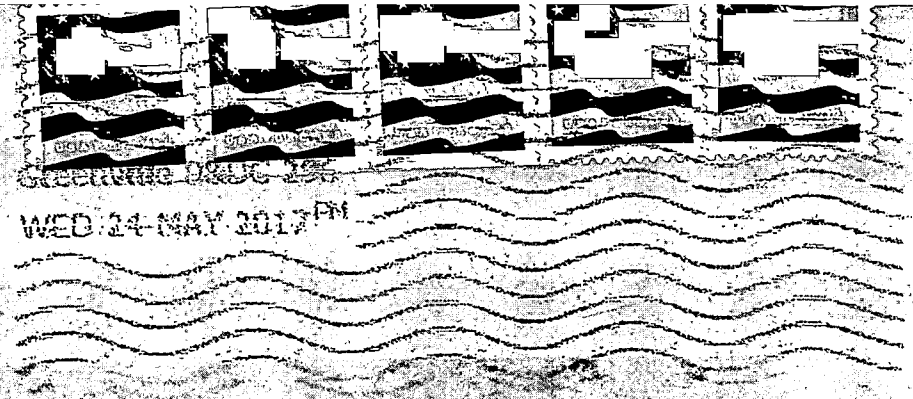
Thank you for your kind consideration.

Very truly yours:



Richard L. Patton

C: Marcus Meetze, Esq.



PATTON LAW FIRM

RICHARD L. PATTON

ATTORNEY AT LAW

819 E. NORTH STREET

GREENVILLE, SOUTH CAROLINA 29601

RECEIVED

MAY 26 2017

SC Court of Appeals

JENNY A. KITCHINGS
CLERK OF COURT
SC COURT OF APPEALS
PO BOX 11629
COLUMBIA, SC 29211