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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA

In the Supreme Court

PETITION FOR WRIT OF CERTIORARI

Appellate Case No. 2017-000743

Betty Fisher, Petitioner v. Bessie Huckabee, Respondent

AND

Lisa Fisher, Petitioner v. Bessie Huckabee, Respondent

RESPONDENT'S MOTION FOR EXPEDITED REVIEW

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Attorney for Respondent Bessie Huckabee as
Personal Representative for the Estate of Alice Shaw Baker

COMES NOW Bessie Huckabee, as Personal Representative of the Estate of Alice Shaw-Baker, Respondent in the above matter, and respectfully requests this Court make an expedited review of Petitioners' Petition for Writ of Certiorari. Respondent's request for expedited review is based on the following facts and circumstances:

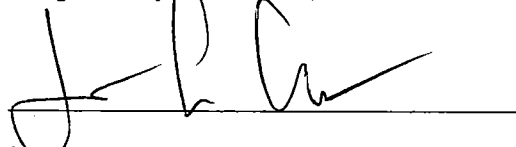
1. On October 29, 2008, the Charleston County Probate Court appointed Lisa Fisher as Conservator for Alice Shaw-Baker.
2. Alice Shaw-Baker died, testate, on February 29, 2009. Respondent Bessie Huckabee was named as Personal Representative in the Last Will and Testament of Alice Shaw-Baker, dated May 21, 2001.
3. On March 10, 2009, the Probate Court for Charleston County formally appointed Bessie Huckabee Personal Representative for the Estate of Alice Shaw-Baker (Charleston County Case No.: 2009-ES-10-949).
4. On April 27, 2009, Petitioners Lisa Fisher and Betty Fisher filed action contesting the validity of the May 21, 2001 Last Will and Testament of Alice Shaw-Baker. Betty Fisher was a would-be intestate heirs of Alice Shaw-Baker if Ms. Shaw-Baker's Will were invalid. Lisa Fisher is Betty Fisher's daughter, and grandniece of Alice Shaw-Baker, and has no interest as an intestate heir of the Estate of Alice Shaw-Baker or in any capacity.
5. By order dated May 29, 2009, the Probate Court for Charleston County removed Lisa Fisher as Conservator for Alice Shaw-Baker and ordered her to turn over all assets of the Shaw-Baker Estate to Personal Representative Bessie Huckabee.
6. Subsequently, and despite the specific Court orders instructing her to do so, removed Conservator Lisa Fisher refused to turn over the Estate assets to Personal Representative Bessie Huckabee and failed to make the required accountings to the Court and parties.

7. In 2011, when Lisa Fisher finally filed an accounting of Alice Shaw-Baker's assets in her possession, the Probate Court discovered she had continued to disperse funds from Ms. Shaw-Baker's accounts without Court authorization after her removal, and it issued Orders freezing those accounts held by Ms. Fisher containing the Estate's liquid assets.
8. When Lisa Fisher continued in her refusal to recognize Bessie Huckabee as the duly appointed Personal Representative, and thereby in her refusal to turn over the Estate assets to her, the Probate Court appointed Special Fiduciary, J. Heyward Harvey, Esquire, to hold assets of the estate until "final determination of proper authority over administration of the estate of Alice Shaw-Baker."
9. Petitioners subsequently appealed to the Circuit Court, where the Probate Court's Order was affirmed (Case No.: 2011-CP-10-7819). They then appealed to the Court of Appeals, Case No.: 2014-002020, which affirmed the Probate Court's Order. Now they have filed Petition for Writ of Certiorari with the Supreme Court.
10. On October 26, 2017, a jury trial was held on the matter of the validity of the Last Will and Testament of Alice Shaw-Baker. The jury returned verdict for the Defendants (Respondent in this action), finding the Last Will and Testament of Alice Shaw-Baker, and the appointment of Bessie Huckabee as Personal Representative was valid (Exhibit A).
11. The issue of appointment of Special Fiduciary has been on appeal since 2011, through the Circuit Court and the Court of Appeals, and now on Petition for Certiorari to this Court. In the intervening time, Court-Appointed Special Fiduciary, J. Heyward Harvey and one of the named beneficiaries of the Last Will and Testament of Alice Shaw-Baker have passed away. The remaining beneficiaries are elderly.

12. The estate of Alice Shaw-Baker contains liquid assets and real property. These assets are subject to waste due to the continued delay in administration as a result of Petitioners' incessant appeals.
13. The jury's verdict, following trial on the merits, upholding the Last Will and Testament of Alice Shaw-Baker, settles the matter of who has proper authority to administer Ms. Shaw-Baker's Estate, and nullifies any alleged standing Lisa Fisher or Betty Fisher claim as would-be intestate heirs or otherwise.
14. The matter of Court appointment of J. Heyward Harvey, Jr. as Special Fiduciary is moot, not only because he is now deceased, but also because his appointment is no longer necessary following the jury's verdict regarding the validity of the Will and the determination that Respondent, Bessie Huckabee, is the rightful and proper Personal Representative of the Estate of Alice Shaw-Baker with authority to administer the Estate Assets.

WHEREFORE, Respondent respectfully seeks expedited review of Petitioner's Petition for Writ of Certiorari.

Respectfully Submitted,



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January 3, 2018

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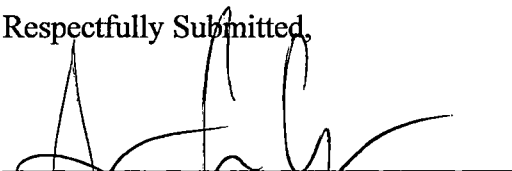
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PROOF OF SERVICE

I certify that I have served the foregoing Respondent Motion for Expedited Review upon counsel for Petitioner by depositing a copy of same in the United States Mail, postage prepaid, on January 3, 2018, addressed as noted below.

Respectfully Submitted,



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Attorney for Respondent, Bessie Huckabee

As Personal Representative of the Estate of

Alice Shaw-Baker

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