




4. Plaintiff shall dismiss with prejudice his pending appeal to the South Carolina Court of Appeals in case number 2012-209190

5. Any and all other claims which Plaintiff has or might have against Defendant or which Defendant has or might have against Plaintiff arising out of Pickens County Court of Common Pleas case number 2010-CP-39-2114 and Pickens County Probate Court case number 2011ES3900154, are resolved by this Settlement Agreement.

6. This Settlement Agreement is contingent upon it being executed by both parties and approved by the Pickens County Court of Common Pleas.

WITNESS OUR HANDS AND SEALS on December 17<sup>th</sup>, 2012.

  
\_\_\_\_\_  
David Kelley

  
\_\_\_\_\_  
Tracy Jackson as Personal Representative  
for the Estate of Mary Jane Hester