

THE STATE OF SOUTH CAROLINA

In the Supreme Court

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Thomas L. Hughston, Jr., Circuit Court Judge

Circuit Court Case No. 2009-CP-10-3010
Appellate Court Case No. 2018-000566

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JUN 19 2018

S.C. SUPREME COURT

Betty Fisher and Lisa Fisher,Appellants

v.

Bessie Huckabee, Kay Passailaigue Slade and Sandra Byrd,.....Respondents

In the Matter of the Estate of Alice Shaw-Baker.

APPELLANT'S MOTION TO RECONSIDER AND/OR MODIFY THE DENIAL OF
PETITION FOR WRIT OF SUPERSEDEAS

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(Appellant)

TO THE HONORABLE SUPREME COURT OF SOUTH CAROLINA AND ALL INTERESTED PARTIES:

Appellant Lisa Fisher ("Appellant") respectfully requests this Supreme Court reconsider and/or modify its Order of June 13, 2018 which creates ambiguity and leaves Appellant Lisa Fisher subject to future harm.

The Order of June 13, 2018 states in pertinent part:

"Appellants have filed a petition for a writ of supersedeas. Respondents have filed a return. The petition is denied.

[¶] We lift the temporary stay issued by this Court on May 24, 2018, and June 1, 2018, which stayed all orders and proceedings in all cases related to the estate of Alice Shaw Baker.

[¶] All real and personal property belonging to Shaw Baker's estate, except funds held by the Charleston County Clerk of Court shall be delivered to the personal representative, Bessie Hucakabee, within seven days of the date of this order. **The Charleston County Clerk of Court will retain possession of all cash assets belonging to the estate pending appeal and further order of this Court.** (Emphasis added)

The court denied Appellant's Motion for leave to file Late Reply, despite the fact that Respondents' counsel filed their Return 2 days after the proof of service stated.

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REAL PROPERTY: Appellant files this motion to reconsider or modify its order of denial, because the order leaves Appellant unprotected and subject to harm with no way to protect herself against the false statements of Respondents and their counsel.

Respondents have previously falsely claimed that the real property has been damaged, however there has been no damage to the property.¹ They have previously demanded that the keys be left under the doormat. Appellant has no way of ensuring that they will not claim further false damages without a walk through, or at least a proper receipt of the keys.

Additionally, in light of the evidentiary value of the house, its unique demonstration of Alice Shaw Baker's intent, and the loss associated with leaving the property without any supervision pending this appeal, Appellant asks that the court reconsider its denial of the writ of supersedeas. Alternatively, that the court order Respondents to preserve the personal property in the home pending resolution of the appeal.

CASH ASSETS: Appellant has not received a receipt concerning the cash assets deposited into the Circuit Court.² While she acknowledges that Judge Hughston informed this

¹ Respondent is continuing to seek damages from the caretaker in the ejection matter, despite this Court's Order of June 13, 2018. Respondents took pictures from the outside into her windows. This is a violation of her privacy and creates a distortion of the facts concerning the care of the house. She lives alone.

Appellant had to have notice of the door, which was immediately fixed as soon as she was notified. Respondents' opposition ("return") was replete with lies, and again creates a false picture of Appellant's actions, who has protected the property for the benefit of Alice Shaw Baker.

² This Court ordered all cash, and monetary assets, deposited with the circuit court. This would include all of the previously held monies (i.e. June 1, 2008 order: "Kay PassailaigueSlade to return the money she has in the amount of \$105,025.14 to the Charleston County Clerk of Court. I likewise order Judge Thomas L. Hughston to deposit the check from the ended conservatorship") and the Wells Fargo monies wrongfully obtained by Respondent (Any other monetary assets belonging to the estate should be turned over to the Charleston County Clerk of court as well.").

Court in correspondence that the monies have been deposited into the court, Appellant did not receive any notice of the deposit or any receipt of the amounts deposited into the court.

Appellant viewed the website to determine if there was a deposit of any monies into the Circuit court, and there was no evidence of any deposit. In the event that Appellants are successful on appeal, without said receipt Appellants will not be able to ensure the amount of monies deposited or any proper interest.

PERSONAL PROPERTY: The personal property is already within the house of Alice Shaw Baker, however there is the issue of Alice Shaw Baker's government bonds. Release of these bonds to Respondent Bessie Huckabee will undermine this Court's order of June 13, 2018 which requires the Circuit Court to retain **all cash assets belonging to the Estate** .

If Respondent Bessie Huckabee redeems the bonds, Appellant believes that she would have cash assets in excess of \$100,000.00 without any protection or bond. (Appellant can not determine the exact amount of monies due to the accumulation of interest. These bonds were not redeemed at an earlier date due to the Treasury Dept.'s representation that the bonds continued to accumulate interest at a higher rate than banks were paying)

This Court has ordered that the cash remain in the circuit court, therefore, at the very least, this Court should order the bonds deposited into the circuit court.

REMEDY SOUGHT

WHEREFORE, Appellant respectfully prays that this Court reissue its order and stay of enforcement of the trial court's orders of October 26, 2018, March 21, 2018 and April 3, 2018.

Alternatively, Appellant requests that this Court modify its order denying the stay and order the bonds deposited with the circuit court as with all the other cash assets.

June 18, 2018

RESPECTFULLY SUBMITTED,

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THE STATE OF SOUTH CAROLINA

In the Court of South Carolina

APPEAL FROM CHARLESTON COUNTY
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Thomas L. Hughston, Jr., Circuit Court Judge

Case No. 2009-CP-10-3010

Betty Fisher and Lisa Fisher.....Appellants

v.

Bessie Huckabee, Kay Passailaigue Slade, and Sandra Byrd.....Respondents

PROOF OF SERVICE

I certify that I have served **APPELLANT'S MOTION TO RECONSIDER AND/OR
MODIFY THE DENIAL OF PETITION FOR WRIT OF SUPERSEDEAS** upon Interested
Party John Hughes Cooper, Esquire, Respondents and upon the Attorney General, and the
Honorable Thomas L. Hughston by depositing a copy of it in the United States Mail, postage
prepaid, on June 18, 2018 (and by email) addressed as follows:

John Hughes Cooper, Esquire
1476 Ben Sawyer Blvd. Ste. 11
Mt. Pleasant, SC 29464
Attorney in Pro Se/Interested Party

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S.C. SUPREME COURT

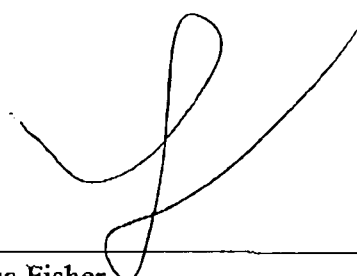
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June 18, 2018



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