

THE STATE OF SOUTH CAROLINA

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In The Supreme Court

SEP 07 2018

ON PETITION FOR WRIT OF CERTIORARI
TO THE COURT OF APPEALS,
WRIT GRANTED ON 08-02-18

S.C. SUPREME COURT

Appellate Case No. 2017-000743

Betty Fisher and Lisa Fisher,Petitioners

v.

Bessie Huckabee,Respondent

MOTION TO SUPPLEMENT THE APPENDIX ON APPEAL

Counsel for Respondent, Bessie Huckabee, moves this Court for an Order, pursuant to Rule 212(b), allowing Respondent to supplement the appendix on appeal. In support of this motion, Respondent shows the following:

1. This appeal arises out of the Conservatorship of Alice Shaw-Baker, deceased, which was pending in the Charleston County Probate Court under case number 2008-GC-10-88.
2. Petitioner Lisa Fisher was the Court-appointed Conservator for Alice Shaw-Baker during Alice's lifetime.
3. Following Alice Shaw-Baker's death, the Conservator was discharged and ordered to turn the conservatorship assets over to Bessie Huckabee, personal

representative of the estate of Alice Shaw-Baker (Probate Case number 2009-ES-10-378).

4. Petitioners, Lisa Fisher and Betty Fisher, instituted a will-contest action which was removed to the circuit court as a matter of statutory right (Circuit Court Case number 2009-CP-10-3010). Petitioners appealed the appointment of Bessie Huckabee as Personal Representative and appointment of Special Administrator in the will contest matter.
5. Petitioner Lisa Fisher, former conservator, refused to turn over the conservatorship assets to Bessie Huckabee, as directed, based on her contention that Bessie Huckabee was not the proper person to accept the assets due to the alleged revocation of the will.
6. During the pendency of the litigation in the Circuit Court, Bessie Huckabee requested appointment of a Special Fiduciary to marshal and maintain the conservatorship assets pending trial on the merits of the will contest.
7. Jury trial on the legal aspects of the will contest action was held October 23-29, 2017 and bench trial on the bifurcated equitable claims was held March 12-13, 2018. Multiple orders have been issued since this matter was originally appealed, which counsel for Respondent contends affect the arguments raised in the appeal.¹

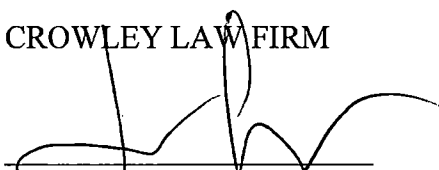
¹ Petitioners in this case have also appealed several of the trial court orders in 2009-CP-10-3010 related to the jury verdict in favor of Respondents in that action and judgment in favor of Respondents on the bifurcated equitable claims, and sanctions orders against Petitioners. The various appeals from the orders and judgments in 2009-CP-10-3010 was consolidated into Appellate Case Number 2018-000566, which by this Court's August 2, 2018 Order, have been placed on an identical expedited briefing schedule with this case and Appellate Case No. 2018-000662.

8. Attached as "Exhibits A-F" is Respondent's proposed supplement to the appendix on appeal. These matters are directly relevant to the issues presented in this appeal.
9. Counsel therefore requests that this Court, pursuant to SCACR Rule 212(b), give respondent leave to supplement the Appendix on Appeal.

WHEREFORE, the undersigned counsel respectfully requests that the Court grant Respondent's Motion to Supplement the Appendix on Appeal.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that I have served a copy of the Motion to Supplement the Appendix on Appeal along with the documents in the above-referenced case upon the following parties by depositing a copy of it in the United States Mail, postage prepaid, on September 5, 2018 (and via electronic mail to Lisa Fisher) addressed as follows:

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