

STATE OF SOUTH CAROLINA  
COUNTY OF LEXINGTON  
IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2018-CP-32-00315

Leroy Fulmer et al  
PLAINTIFFS

Elizabeth S Gainey et al  
DEFENDANTS

Submitted by: Walton J. McLeod, IV, Presiding Judge

Attorney for :  Plaintiff  Defendant  
or  
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  Other
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order (formal order to follow)  Statement of Judgment by the Court:

This matter came before the Court on October 10, 2018, on the Plaintiff's Expedited Motion to Remove Defendant Elizabeth S. Gainey as Personal Representative, to Disqualify Dennis C. Gainey from Acting as Personal Representative, and to Appoint a Special Administrator for the Estate of Leroy Fulmer. Present at the hearing were attorney Robert Wood for the current Personal Representative in her capacity as such, attorney Carrie Warner for the Defendants individually, and attorney Amy Hill for Plaintiff. The parties indicated that if the motion were to be granted, they would approve the appointment of attorney Carlos Gibbons as Special Administrator. Dennis C. Gainey also provided on the record that he would not dispose of the burial plots without approval by this Court.

Based on the documents on file and the testimony given during the hearing, the Court determined that good cause exists for the removal of Elizabeth S. Gainey as the Personal Representative and the disqualification of Dennis C. Gainey as the same. The Court also concluded that attorney Carlos Gibbons is an appropriate person to carry on the administration of the Estate during the pendency of the litigation in this matter.

Therefore, it is hereby ordered that Elizabeth S. Gainey is removed as the Personal Representative and Dennis C. Gainey is disqualified to serve as Personal Representative. It is further ordered that attorney Carlos Gibbons shall be appointed as the Special Administrator of the Estate of Leroy Fulmer to administrate the Estate with the same powers of a personal representative pursuant to the Probate Code.

ORDER INFORMATION

This order  ends  does not end the case.  
Additional Information for the Clerk :

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NOV 28 2018

SC Court of Appeals

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Lexington Common Pleas

**Case Caption:** Leroy Fulmer , plaintiff, et al VS Elizabeth S Gainey , defendant, et al

**Case Number:** 2018CP3200315

**Type:** Order/Form 4

So Ordered

s/Walton J. McLeod, 2765