

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM LEXINGTON COUNTY  
IN THE COURT OF COMMON PLEAS  
THE HONORABLE WALTON J. MCLEOD, IV  
CIRCUIT COURT JUDGE

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CASE NO. 2018-002112

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IN RE: The Estate of Leroy Fulmer

Mattie Lou Fulmer, Respondent

v.

Elizabeth S. Gainey as Personal  
Representative; Elizabeth S. Gainey,  
individually; and Dennis C. Gainey,

Of Which Elizabeth S. Gainey as Personal  
Representative is the Appellant.

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SC Court of Appeals

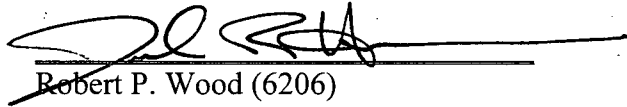
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SUR-REPLY TO RESPONDENT'S MOTION TO DISMISS

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Respondent filed a Reply to the Motion to Dismiss alleging the appeal has been mooted because Appellant does not contest the qualifications of Attorney Carlos Gibbons to be appointed as special administrator of Leroy Fulmer's estate. However, such a simplistic analysis ignores an important point: Mrs. Gainey was duly appointed as personal representative of her grandfather's estate. Only through her removal could Mr. Gibbons be appointed. Mrs. Gainey has appealed her removal as personal representative by the circuit court, in the face of an order without any indication she could ever regain her role as personal representative. Accordingly, Mrs. Gainey's removal as personal representative was not temporary and her appeal should be allowed to proceed.

December 19, 2018



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*Attorneys for Defendant Elizabeth S. Gainey as  
Personal Representative of the Estate of Leroy  
Fulmer*

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM LEXINGTON COUNTY  
IN THE COURT OF COMMON PLEAS  
THE HONORABLE WALTON J. MCLEOD, IV  
CIRCUIT COURT JUDGE

CASE NO. 2018-CP-32-00315

IN RE: The Estate of Leroy Fulmer

Mattie Lou Fulmer, Respondent

v.

Elizabeth S. Gainey as Personal  
Representative; Elizabeth S. Gainey,  
individually; and Dennis C. Gainey,

Of Which Elizabeth S. Gainey as Personal  
Representative is the Appellant.

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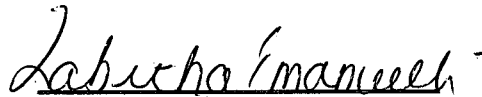
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PROOF OF SERVICE

I certify that I have served the Sur-Reply to Respondent's Motion to Dismiss on Mattie Lou Fulmer by depositing a copy of it in the United States Mail, postage prepaid, on December 19, 2018, addressed to her attorney of record, Amy Hill, Esq., P.O. Box 7368, Columbia, South Carolina 29202.

December 19, 2018



Tabitha Emanuelli  
Paralegal to Robert P. Wood

cc:

Carrie A. Warner, Esquire  
Amy L.B. Hill, Esquire  
Jonathan E. Spitz, Esquire  
Carlos W. Gibbons, Jr., Esquire

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December 19, 2018

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The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

RE: *Mattie Lou Fulmer v. Elizabeth S. Gainey as Personal Representative, et al.*

Dear Ms. Kitchings,

Enclosed for filing is a Sur-Reply to Respondent's Motion to Dismiss in the above case. Also enclosed is the following:

1. Proof of Service of the Sur-Reply to Respondent's Motion to Dismiss on the respondent's.

Please let me know if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "R. P. Wood", written over the word "Sincerely,".

Robert P. Wood

Cc: Amy Hill, Esq.  
Jonathan Spitz, Esq.  
Carlos Gibbons, Jr. Esq.  
Carrie A. Warner, Esq.