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**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

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Kenneth H. Kurowski,  
Honorable Judge C. Mark Sumner,  
Respondents,

v.

Daniel D. Hawk,  
Appellant.

RECEIVED  
JAN 04 2019  
SC Court of Appeals

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**MOTION FOR TEMPORARY INJUNCTION RULE 65(a) TO  
STAY CLOSING ESTATE OF KENNETH H. KUROWSKI  
PROBATE CASE NO. 2009ES0100196 ABBEVILLE COUNTY**

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Per Rule 65(a) notice of temporary injunction is issued to the adverse party.

On December 6, 2018, with receipt of a letter request for Demand for Hearing in Case No. 2009ES0100196, the Honorable Judge Sumner requests a filing fee for said Demand and without payment of the filing fee of \$150 within 30 days is the cause to proceed with 2009ES0100196 probate. However, both this Court and the Judge of Probate of Abbeville County are aware that this case is properly before the South Carolina Appellate Court as demonstrated in the Caption Case. The relief sought, as a cause of 2009ES0100196 is the appropriate and reasonable request to move probate to another

County other than Abbeville and Greenwood County because it is in the interest of justice, as demonstrated in Appellants' briefs.

It does not make sense to attempt to Close the Estate when this Case is being heard. Therefore, it is reasonable and appropriate to request that Honorable Judge Sumner *Stay* Closing the Estate of Kenneth H. Kurowski until this Case and the appropriate appeals if necessary are concluded.

Therefore, Appellant, by way of Motion hereby requests the South Carolina Court of Appeals Order a Temporary (Injunction) Stay on Closing the Estate of Kenneth H. Kurowski.

Dated this 28<sup>th</sup> day of December 2018.



Daniel Hawk, Appellant

Encl: Honorable C. Mark Sumner letter dated December 6, 2018.

Pursuant to Rule 65(a) the Notice of Motion for Temporary Stay (Injunction) is hereby Noticed to Honorable Judge C. Mark Sumner at address 903 West Greenwood Street, Suite 2300, Abbeville, SC 29620 and Attorney Curtis Clark, 414 Monument St., Suite A, Greenwood, SC 29646.



# C. MARK SUMNER

Judge of Probate, Abbeville County

903 WEST GREENWOOD STREET, SUITE 2300  
ABBEVILLE, SOUTH CAROLINA 29620  
TELEPHONE: (864) 366-5312  
Extension 62  
FAX: (864) 366-4023

December 6, 2018

Mr. Daniel Hawk  
3812 County Line Road  
Oneida, WI. 54155

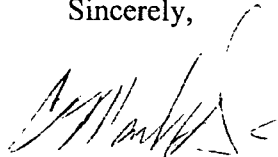
Re: Kenneth Howard Kurowski, Estate  
File No. 2009ES0100196

Dear Mr. Hawk,

This is in regards to the Demand for Hearing of which you filed with this court on February 15, 2018. You were sent a letter at that time requesting the hearing fee of one hundred fifty dollars (\$ 150.00) be paid before the hearing would be set. At this time if you wish for us to hold this hearing please submit the filing fee. If no fee is received within thirty days from the date of this letter, I will proceed to close the estate. If the fee is paid, we will set a hearing date, give notice and move forward with the hearing.

If you have any questions, please do not hesitate to contact the Court.

Sincerely,



C. Mark Sumner,  
Judge of Probate, Abbeville County

Cc: Curtis G. Clark, Esquire

No. 2018-001067

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**CERTIFICATE OF MAILING**

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The undersigned certifies that on December 28, 2018, a copy of this Certificate of Mailing, Motion for Temporary Injunction to Stay Closing Estate of Kenneth H. Kurowski Probate Case No. 2009ES0100196 in Abbeville County, and Letter from Honorable C. Mark Sumner dated December 6, 2018 was sent, first class priority mail, postage prepaid upon the Respondents' Attorney Curtis Clark and Honorable C. Mark Sumner.

Dated this 27<sup>th</sup> day of November 2018.



Daniel Hawk, Appellant

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