

**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

**APPEAL FROM FLORENCE COUNTY
Circuit Court**

Thomas A. Russo, Circuit Court Judge

Appellate Case No.: 2018-001144

In the Matter of: Estate of Thomas G. Moore

Michael Dennis Moore,.....Appellant,

v.

Linda Kaye Moore, Francine Laura Lawhon,Respondents.

INITIAL BRIEF OF RESPONDENTS

Linda Kaye Moore, Francine Laura Lawhon

**Francine L. Lawhon
Linda Kaye Moore
3401 Chantz Ct.
Florence, SC 29501**

STATEMENT OF THE ISSUES ON APPEAL

- II. Did the lower courts correctly rule that the Decedent's estate was entitled to one-half of the proceeds of the Cypress Road property which was put under a binding contract of sale before the Decedent's death, but the closing occurred days after death?

DO NOT OVERTURN THIS ISSUE?

4 of the 5 HEIRS AGREE WITH THE ORDER.

- III. Did the Circuit Court err in ruling that the Appellant did not preserve the issue for review of prejudicial submission of evidence and allowance of claims the day of trial, when counsel for the Appellant did not object to evidence and claims at the time of submission?

DO NOT OVERTURN THIS ISSUE?

From the Beginning of this Probate, the Appellant - Michael Dennis Moore has retained 4 different Attorneys. All the evidence of Loan checks were presented to the Appellant - Michael Dennis Moore at the Deposition Oct 2, 2015 before Dec. 22, 2015 HEARING.

- I. Did the lower courts correctly rule that a letter was a part of the Decedent's will pursuant to the legal doctrine of integration, where there was testimony locating the letter and the will together in the safe and no evidence contradicting the requirements for integration was admitted?

① 4 of the 5 children will make their pleas to OVERTURN Judge Scott's ORDER ON the Richland County Property Issue and return the issue back in Probate.

② Pierce Campbell and Thomas Moore testified throughout the Dec. 22, 2015 that this letter was found with the Will inside the safe. Please read the transcript on Page 65. Dennis Moore testifies under oath where the Will was found before he brought the Will to the meeting 7 days after T.G. Moore's funeral. The Probate was opened and the Personal Representative was appointed AFTER the meeting of the 5 HEIRS.

③ The lies and false statements by Thomas Moore about this letter and his long-standing relationship (20 years ago) before T.G. Moore passed away has greatly influenced Judge Scott to give this unfair decision (ONLY) on the Richland County Property.

④ The doctrine of integration should have NEVER been mentioned in this Probate.

STATEMENT OF THE CASE

Thomas G. Moore died on December 20, 2013. The Decedent had a will dated September 27, 1997. The Will was admitted to probate in the Florence County Probate Court and one of his sons, Michael Dennis Moore ("Appellant") was appointed personal representative. The Decedent was survived by four other children Thomas Paul Moore, Phillip Frederick Moore, Francine Lawhon and Linda Moore and was predeceased by his wife.

Two hearings were held before the probate court to approve the proposed estate closing documents and to take testimony and evidence on the issues related thereto. The first hearing was December 22, 2015 and the second was July 27, 2016. Florence County Probate Judge J. Munford Scott, Jr. issued an Order on November 28, 2016 making findings of fact, conclusions of law, and directing the personal representative to take certain steps to close the estate and distribute the assets. The terms of the Order speak for themselves. This appeal followed.

STATEMENT OF THE FACTS

The litigation of this estate has included numerous issues that are not being appealed here. The evidence and testimony was extensive, but much of it bears on issues that were not appealed. This Statement of Facts is specifically limited to facts relevant to the Issues on Appeal. More factual discussion of other issues can be provided if helpful to this Court.

STATEMENT OF THE FACTS

First, the 4-acre vacant cleared property was 1st purchased by Lester Moore and T.G. Moore (together). Ten years later they built a church (together) on this land. Both had equal shares in this land and building. Lester Moore passed away years before T.G. Moore. When Lester Moore passed away his $\frac{1}{2}$ interest was deeded to his wife Mildred Moore and their children.

Second, The Decedent (T.G. Moore) attended services weekly. Due to health problems T.G. Moore could not travel the distance anymore from Florence, S.C. to Columbia then back to Florence, S.C. The last service he attended was 20 years ago before he passed away. Thomas Paul Moore attended the services also with T.G. Moore, and served as assistant pastor. The last service that Thomas Paul Moore attended was ALSO 20 years ago before T.G. Moore passed away.

Thomas Moore testified to Judge Scott about his long-standing relationship but, DID NOT FINISH HIS TESTIMONY (20 years ago) before T.G. Moore passed away.

Third, Pierce Campbell, Thomas Moore and in Judge Scott's Order still states the letter was located with the Will in the safe. Again, Read Page 65 in the transcript, then read pages 162 and 164 when Thomas Paul Moore was testifying at the closing of the Richland County Property Issue.

LASTLY, the facts, findings and testimony in the transcript of the Dec. 22, 2015 Hearing proves that the Order on the Richland County Property should be Reversed.

ARGUMENTS

- ① The factual evidence on record from the Transcript itself proves that this illegal, undated, unsigned letter did not exist, at the meeting with All 5 Heirs present 7 days after T.G. Moore's funeral - read Thomas Moore's testimony on page 162 and 164 at the closing of the Richland County Property Issue.
- ② The testimony earlier on page 65 by Dennis Moore who found the Will and brought the Will to the meeting proves that all the statements about the letter with the Will, the will and the letter was in the safe by Pierce Campbell, Thomas Moore are totally FALSE. The statements in Judge Scott's Order are also false.
- ③ How can Pierce Campbell, Thomas Moore and in Judge Scott's Order state that the Will was in the safe, when Thomas Moore testified on page 53 the last time he seen inside the safe was in 2010 when his mother passed away.
- ④ Without the evidence stated in the transcript that this letter never exist when the 5 Heirs read the Will together for the 1st time, We are totally shocked that Judge Scott or any other Judge would attach this letter to someone's Will without a signature.
- ⑤ The transcript itself from the Dec. 22, 2015 Hearing will prove that there were lies and false testimony given by Pierce Campbell and Thomas Moore that greatly influenced Judge Scott to give his Order on the Richland County Property. We were ambushed with this letter the day of trial.

CONCLUSION

The Circuit Court should NOT be affirmed with Judge Scott's ORDER (ONLY) on the Richland County Property. There is NO sufficient factual evidence in the record to support the Probate Court's finding on the Richland County Property. By law this illegal, undated, unsigned letter should NOT be attached to a Will. Therefore we pray that the Order Judge Scott gave (ONLY) on the Richland County Property Issue will be REVERSED

Respectfully submitted,

PRO-SE Heirs

JAN. 9, 2019
FLORENCE, S.C.

Francine L. Lawhon
Linda K. Moore
3401 Chantz Ct.
Florence, SC 29501

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Appellate Case No.: 2018-001144

In the Matter of: Estate of Thomas G. Moore

Michael Dennis Moore, Appellant,

Linda Kaye Moore, Francine Laura Lawhon, Respondents.

BRIEF OF RESPONDENTS

CERTIFICATE OF SERVICE

I certify that I have served the Initial Brief of Respondents, Designation of Matter to be included in the Record on Appeal, Certification, and Certificate of Service on **JAN. 9, 2019** delivery to the Deputy Clerk, South Carolina Court of Appeals, 1220 Senate Street, Columbia, SC 29201 and by depositing a filed-stamped copy of same in the United States Mail, postage prepaid, addressed to the following:

Norwood DuRant, Jr., Esquire
Law Offices of N. David DuRant
P.O. Box 14722
Surfside Beach, SC 29587
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ATTORNEYS FOR RESPONDENT
THOMAS P. MOORE

PRO-SE HEIRS

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REPLY TO:

Francine L. Lawhon
Linda K. Moore
3401 Chantz Ct.
Florence, SC 29501

JAN. 9, 2019

The Honorable Jenny Abbott Kitchings
Deputy Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

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JAN 14 2019

SC Court of Appeals

Re: Michael Dennis Moore v. Thomas Paul Moore, Francine Laura Lawhon, Linda
Kay Moore, and Phillip Frederick Moore
Appellate Case No.: 2018-001144

Dear Ms. Kitchings:

Enclosed please find the original and one copy of the following for filing in the above case:

1. Initial Brief of Respondents;
2. Designation of Matter to be Included on the Record;
3. Certification;
4. Certificate of Service.

South Carolina Court of Appeals

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Please file the original with the Court and file-stamp the copy for us and return same in the enclosed, prepaid, self-addressed envelope. We are serving a filed copy of the Brief on all parties of record United States mail. Thank you for your assistance in this matter.

**Sincerely,
Francine L. Lawhon
Linda K. Moore**

Enclosures

**cc(w/enc): C. Pierce Campbell, Esq.
Norwood D. DuRant, Jr., Esq.
James R. Snell, Jr., Esq.
Thomas P. Moore
Francine M. Lawhon
Linda K. Moore
Phillip Frederick Moore
Michael Dennis Moore**

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SC Court of Appeals

Honorable Jenny Abbott Kitchings
Deputy Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, S.C. 29201