

# The South Carolina Court of Appeals

In the Matter of the Estate for Bertha Maust-Thompson.

Terri Ann Thompson, Wendy K. Thompson, and Robert M. Thompson, Jr., as Co-Personal Representatives of the Estate of Robert Miller Thompson, Sr., Respondents,

v.

Marilyn M. White, as Personal Representative of the Estate of Bertha Maust-Thompson, Appellant.

Appellate Case No. 2019-000169

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## ORDER

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This notice of appeal arises out of an order of the probate court directing the appellant to timely prepare and file the estate tax return of the decedent's estate. The parties consented in writing to appeal directly to this Court as required by section 62-1-308(l) (Supp. 2018); however, the order on appeal is not a final order of the probate court. *See* S.C. Code Ann. § 62-1-308(a) (Supp. 2018) ("A person interested in a final order, sentence, or decree of the probate court may appeal to the circuit court in the same county, subject to the provisions of Section 62-1-303."); *Dorn v. Cohen*, 421 S.C. 517, 520, 809 S.E.2d 53, 54 (2017) (dismissing as interlocutory a probate court order that was not a final order); *Fulmer v. Cain*, 380 S.C. 466, 470, 670 S.E.2d 652, 654 (2008) (declining to allow an appeal from a probate court order that was not a final order). Therefore, section 62-1-308(l) is inapplicable and this matter is governed by section 62-1-208(a) regarding the finality requirement for appeals from the probate court. Accordingly, this appeal is dismissed. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

 J.  
FOR THE COURT

**FILED**

February 15, 2019

Columbia, South Carolina

cc:

W. Duvall Spruill, Esquire

Catherine H. Kennedy, Esquire

John Marion S. Hoefler, Esquire

John William Roberts, Esquire