



# The South Carolina Court of Appeals

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February 26, 2019

The Honorable Cheryl L. Graham  
5200 E Jim Bilton Blvd  
St George SC 29477-8020

## REMITTITUR

Re: Albert Henson v. Julian Henson  
Lower Court Case No. 2016CP1801849  
Appellate Case No. 2017-000095

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

Enclōsure

cc: Daniel Francis Blanchard, III, Esquire  
Trudy Hartzog Robertson, Esquire  
Paul M. Lynch, Esquire  
E. Brandon Gaskins, Esquire

The Supreme Court of South Carolina

In Re: Trust EIP Created Under the Last Will and Testament of Eunice I. Page Dated October 14, 1992,

Richard S. Henson and Vann Kenneth Henson,  
Respondents,

v.

Albert T. Henson, Jr. and Julian Reid Henson,  
Respondents in the Court below,

Of Whom Albert T. Henson is the Petitioner.

Appellate Case No. 2018-002002

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ORDER

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Based on the vote of the Court, the petition for a writ of certiorari is denied.

FOR THE COURT

BY



CLERK



Columbia, South Carolina

February 20, 2019

cc:

Daniel Francis Blanchard, III, Esquire

Trudy Hartzog Robertson, Esquire

Paul M. Lynch, Esquire

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FEB 21 2019

SC Court of Appeals

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING  
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

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

In Re: Trust EIP Created Under the Last Will and  
Testament of Eunice I. Page Dated October 14, 1992,

Richard S. Henson and Vann Kenneth Henson,  
Respondents,

v.

Albert T. Henson, Jr. and Julian Reid Henson,  
Respondents in the Court below,

Of Whom Albert T. Henson is the Appellant.

Appellate Case No. 2017-000095

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Appeal From Dorchester County  
Edgar W. Dickson, Circuit Court Judge

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Unpublished Opinion No. 2018-UP-244  
Submitted May 1, 2018 – Filed June 13, 2018

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**AFFIRMED**

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Daniel Francis Blanchard, III, of Rosen Rosen &  
Hagood, LLC, of Charleston, for Appellant.

Paul M. Lynch, Trudy Hartzog Robertson, and E.  
Brandon Gaskins, all of Moore & Van Allen, PLLC, of  
Charleston, for Respondents.

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**PER CURIAM:** Albert Henson, Jr. appeals a circuit court order dismissing his appeal of a probate court order. On appeal, Henson argues the circuit court erred in holding the probate court order was not immediately appealable because the probate court order (1) affected a substantial right made in a special proceeding under section 14-3-330(3) of the South Carolina Code (2016) and (2) granted, continued, or refused an injunction under section 14-3-330(4) of the South Carolina Code (2016). We affirm<sup>1</sup> pursuant to Rule 220(b), SCACR, and the following authorities:

As to the appealability of the probate court order: *Lollis v. Dutton*, 421 S.C. 467, 477, 807 S.E.2d 723, 728 (Ct. App. 2017) ("This [c]ourt reviews all questions of law de novo." (alteration in original) (quoting *Fesmire v. Digh*, 385 S.C. 296, 302, 683 S.E.2d 803, 807 (Ct. App. 2009))); *Ex parte Wilson*, 367 S.C. 7, 13, 625 S.E.2d 205, 208 (2005) ("*Absent some specialized statute*, the immediate appealability of an interlocutory or intermediate order depends on whether the order falls within [section] 14-3-330." (emphasis added)); *Fulmer v. Cain*, 380 S.C. 466, 469, 670 S.E.2d 652, 654 (2008) ("Appeals from the probate court are governed by [section 62-1-308 of the South Carolina Code (2009 & Supp. 2017)]."); § 62-1-308(a) (providing "a person interested in a *final* order, sentence, or decree of a probate court may appeal to the circuit court in the same county" (emphasis added)); *Estate of Boyce v. Work*, 305 S.C. 43, 44, 406 S.E.2d 184, 185 (Ct. App. 1991) (holding a probate court order was "clearly temporary" and not final under section 62-1-308(a) when the order appointed special administrators to an estate until a personal representative could be formally appointed and forbade distribution of the estate's assets).

As to Henson's remaining issues: *Futch v. McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999) (holding an appellate court need not address remaining issues when disposition of a prior issue is dispositive).

**AFFIRMED.**

**SHORT, THOMAS, and HILL, JJ., concur.**

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<sup>1</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.