



The South Carolina Court of Appeals

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August 22, 2019

The Honorable Jeanette W. McBride
PO Box 2766
Columbia SC 29202-2766

REMITTITUR

Re: In the Matter of the Estate of Bertha Maust-Thompson
Lower Court Case No. 2017ES4001330
Appellate Case No. 2019-000169

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

Enclosure

cc: W. Duvall Spruill, Esquire
Catherine H. Kennedy, Esquire
John Marion S. Hoefler, Esquire
John William Roberts, Esquire

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

ORDER

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. Hofer, Esquire

John William Roberts, Esquire

The Supreme Court of South Carolina

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, Petitioner.

Appellate Case No. 2019-000727


RECEIVED

AUG 20 2019

ORDER

SC Court of Appeals

Based on the vote of the Court, the petition for a writ of certiorari is denied, and Respondents' motion to dismiss is denied as moot.



For the Court C.J.

Columbia, South Carolina

August 20, 2019

cc:

John Marion S. Hoefer, Esquire
John William Roberts, Esquire
W. Duvall Spruill, Esquire

Catherine H. Kennedy, Esquire
Chad Nicholas Johnston, Esquire
Jenny Abbott Kitchings, Esquire