

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM DORCHESTER COUNTY

Edgar W. Dickson, Circuit Court Judge

Appellate Case No. 2019-001065

RECEIVED

AUG 23 2019

SC Court of Appeals

In Re: The Estate of Doris Duane Colucci

Michael C. Fox, Named Personal Representative
in the Last Will of Doris Duane Colucci Appellant.

v.

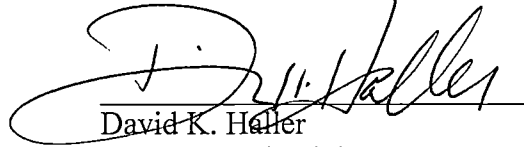
Andrew W. Chandler, Esquire, in his capacity as
Special Administrator of the Estate of Doris
Duane Colucci, Michael C. Fox, Successor
Trustee of the Colucci Living Trust, dated
February 24, 2005, Ivo Francesco Colucci,
Michael Fredrick Antonio Colucci, John Martin
Antonio, Henry Burkes, and Richard M.
Hyman, Jr., Esquire Respondents.

Motion to Dismiss Ivo Francesco Colucci

Respondent Ivo Francesco Colucci moves to be dismissed from the instant appeal on the grounds that he is no longer a real party in interest. Mr. Colucci has disclaimed his interest in the Colucci Living Trust, which is the sole beneficiary of the Estate of Doris Duane Colucci. See Exhibit A. As a result, he has no position on the issues on appeal nor any stake in its outcome.

WHEREFORE Ivo Francesco Colucci prays for his dismissal from this action and for such other relief as the court deems just, prudent, and proper.

HALLER LAW FIRM, P.C.

A handwritten signature in black ink, appearing to read "D. K. Haller", is written over a horizontal line. The signature is stylized and cursive.

David K. Haller

604 Savannah Highway

Charleston, SC 29407

(843) 224-7860

dhaller@hallerlawfirm.com

ATTORNEY FOR IVO FRANCESCO COLUCCI

14th day of August, 2019

Charleston, South Carolina

DISCLAIMER OF TRUST INTEREST

PROBATE JUDGE
DORCHESTER COUNTY

2019 AUG -7 PM 1:02

For reasons that are satisfactory to me and are known to the other beneficiaries of the Colucci Living Trust, dated February 24, 2005, and any amendments thereto (the "Trust"), and consistent with the order of the Dorchester County Probate Court dated August 7, 2019 authorizing and ordering me to do the same, I, Christa M. Yantis as Conservator for Ivo Francesco Colucci, an incapacitated adult, forever renounce and disclaim all interest and right that Ivo Francesco Colucci may have under that Trust and all right, title, power (including, but not limited to, any power of appointment), and interest of any nature given to me by the provisions of that Trust instrument and any amendments thereto.

I declare that I will not accept, either at present or in the future, from the trustee of the Trust or trustee's successors on behalf of Ivo Francesco Colucci, any portion of the income or principal of the Trust estate or any interest which may be sought to be paid to me in accordance with any right, title or interest which Mr. Colucci had at any time before the execution of this disclaimer. I further disclaim the limited power of appointment contained within the Trust instrument. It is my intention in executing this disclaimer to terminate the interest of Ivo Francesco Colucci in the trust as effectively as would his death.

In witness of the above, I have executed this disclaimer on August 8th, 2019.

IVO FRANCESCO COLUCCI
Ivo Francesco Colucci
by Christa Yantis, Conservator
By Christa M. Yantis, CPA
His: Conservator, by Order of the
Dorchester County Probate Court,
filed October 27, 2017

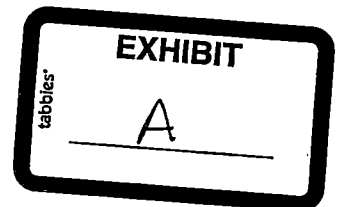
WITNESS:
[Signature]
[Signature]

ACCEPTANCE BY TRUSTEE

I, Michael C. Fox, Successor Trustee of the Colucci Living Trust, dated February 24, 2005, and any amendments thereto, accepts this Disclaimer of Trust Interest, on the date indicated below:

Michael C. Fox, Tr *8/8/2019*
Michael C. Fox, Trustee Date

WITNESS: *[Signature]*



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Michael Fredrick Antonio Colucci, John Martin
Antonio, Henry Burkes, and Richard M.
Hyman, Jr., Esquire Respondents.

Proof of Service

I certify that on August ^{20~~14~~} 2019, I served the forgoing Motion to Dismiss Ivo Francesco Colucci on counsel for all parties of record at the addresses listed below:

Angus Lawton
Lawton Law Finn, LLC
496 Bramson Court, Suite 100
Mt. Pleasant, SC 29464
Attorney for Michael A. Colucci
and John M. Antonio

M. Richardson Hyman, Jr. Esquire
Law Firm of M. Richardson Hyman, Jr.
P.O. Box 127
Charleston, SC 29402

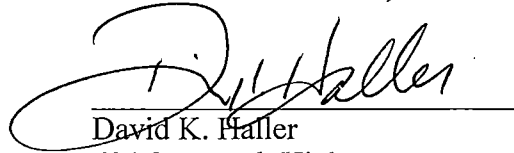
Elizabeth J. Palmer
Rosen, Rosen & Hagood, LLC
151 Meeting Street, Suite 400 Charleston, SC 29401
Attorney for Andrew Chandler

Adam Mlynarczyk
Koontz Mlynarczyk, LLC
1058 E. Montague Avenue
North Charleston, SC 29405 Attorney for Henry Burkes

Gordon H. Garrett, Esquire
Garrett Law Offices, LLC
1075-A E. Montague Ave.
North Charleston, SC 29405
Attorney for the Colucci Living Trust

Ryan Love, Esquire
Garrett Law Offices, LLC
1075-A E. Montague Ave.
North Charleston, SC 29405
Attorney for Michael C. Fox as Named Personal Representative

HALLER LAW FIRM, P.C.



David K. Haller
604 Savannah Highway
Charleston, SC 29407
(843) 224-7860
dhaller@hallerlawfirm.com
ATTORNEY FOR IVO FRANCESCO COLUCCI

2012 day of August, 2019

Charleston, South Carolina



David K. Haller
Matthew Z. Kelly

August 19, 2019

Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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SC Court of Appeals

In Re: *The Estate of Doris Duane Colucci*
Fox v. Chandler
Appellate Case No. 2019-001065

Dear Ms. Kitchings:

Enclosed for service with your office please find the original and 8 copies of the Motion to Dismiss of Ivo Francesco Colucci, together with the filing fee. Please file the original and return one copy to me in the enclosed self-addressed stamped envelope provided.

By copy of this letter, I am serving all counsel and parties of record.

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. Haller', is written over the typed name 'David K. Haller'.

David K. Haller

Enclosures

cc: Counsel of Record
Christa M. Yantis, Conservator for Ivo Colucci



HALLER
LAW FIRM

604 Savannah Highway
Charleston, South Carolina 29407

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SC Court of Appeals

Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
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Columbia, SC 29211

