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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM KERSHAW COUNTY
Court of Common Pleas

The Honorable Jean Hoefer Toal, Acting Circuit Court Judge

Case No. 2017-CP-28-00831
Appellate Case No. 2019-001632

RECEIVED
OCT 08 2019
SC Court of Appeals

IN THE MATTER OF:
LEMUEL WHITAKER BOYKIN, II, deceased

May Cantey BoykinAppellant

v.

Mary Deas Wortley, individually, as Co-Trustee of the Lemuel Whitaker Boykin, II Residuary Trusts A and B, Co-Trustee of the Lemuel Whitaker Boykin Marital Deduction Trusts A and B, and as Co-Personal Representative of the Estate of Alice S. Boykin; **Alice B. Belger**, individually, as Co-Trustee of the Lemuel Whitaker Boykin, II Residuary Trusts A and B, and as Co-Personal Representative of the Estate of Alice S. Boykin; **Lemuel Whitaker Boykin, III**; and

May Cantey Boykin.....Respondents

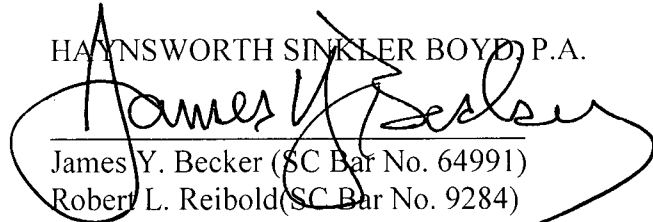
NOTICE OF CROSS-APPEAL

Pursuant to Rule 203(c), Respondent-Appellants Mary Deas Wortley and Alice B. Belger, cross appeal the Final Order and Judgment, entered May 24, 2019, the Order Denying Motions to Alter or Amend Final Order and Judgment, entered August 28, 2019, and the Order on Motion for Attorney's Fees, etc., entered on February 16, 2018. Respondent-Appellants received a notice of

appeal on behalf of May Cantey Boykin, Pro Se, on October 7, 2019. A copy of the above referenced orders are attached to this notice.

Respectfully submitted,

HAYNSWORTH SINKLER BOYD, P.A.

A handwritten signature in black ink, appearing to read "James Y. Becker", is written over a horizontal line. The signature is enclosed within a large, hand-drawn oval.

James Y. Becker (SC Bar No. 64991)

Robert L. Reibold (SC Bar No. 9284)

Mary C. Eldridge (SC Bar No. 102698)

P.O. Box 11889

Columbia, South Carolina 29211-1889

(803) 779-3080

jbecker@hsblawfirm.com

Attorneys for Respondent-Appellants

October 8, 2019

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PROOF OF SERVICE

I, the undersigned employee of Haynsworth Sinkler Boyd, P.A., do hereby certify that I have caused the foregoing document(s) to be served via U.S. mail, postage prepaid, or by other delivery as indicated, to all parties of record at the addresses shown below.

1. **Notice of Cross-Appeal to the Appeal of May Cantey Boykin**

Parties of Record

Wallace K. Lightsey, Esquire Wade S. Kolb, III Post Office Box 728 Greenville, SC 29602 <i>Attorneys for Appellant Rigdon H. Boykin</i>	William S. Tetterton Post Office Box 530 Camden, SC 29021 <i>Attorneys for Respondents May Cantey Boykin and Lemuel Whitaker Boykin, III.</i>
May Cantey Boykin Post Office Box 121 Bedford Hills, New York 10507 <i>Pro Se Appellant</i>	

HAYNSWORTH SINKLER BOYD, P.A.

By: Reeve H. Ballew

Reeve H. Ballew

Legal Assistant to James Y. Becker

October 8, 2019
Columbia, South Carolina

**HAYNSWORTH
SINKLER BOYD**

HAYNSWORTH SINKLER BOYD, P.A.
1201 MAIN STREET, 22ND FLOOR
P.O. BOX 11889 (29211)
COLUMBIA, SOUTH CAROLINA 29201
MAIN 803.779.3080
FAX 803.765.1243
www.hsblawfirm.com

JAMES Y. BECKER
DIRECT 803.540.7706
jbecker@hsblawfirm.com

October 8, 2019

Via Hand-Delivery

The Honorable Jenny Abbott Kitchings
Clerk of the Court of Appeals
Post Office Box 11629 (29211)
1220 Senate St.
Columbia, South Carolina 29201

RECEIVED
OCT 08 2019
SC Court of Appeals

Re: *Rigdon H. Boykin v. Mary Deas Wortley, et al.*
Appellate Case No. 2019-001632

Dear Ms. Kitchings:

This firm represents the Respondents Mary Deas Wortley and Alice B. Belger, and the intervenors, Theodore T. Wagner, M.D., B. Boykin Wagner, Mary Deas Heimbach, and Alice Boykin "Allie" Belger, in the above referenced matter.

I write for several reasons. First, Ms. May Cantey Boykin is a respondent in the above-referenced appeal, but has served her own, *pro se* appeal. We previously received a copy of this appeal from Appellant's counsel, and we received a service copy in today's mail. Ms. Boykin's appeal does not appear to currently be docketed with the Court of Appeals. A copy of Ms. Boykin's Notice of Appeal is also enclosed herewith for your convenience. We are not attempting to file the Notice for Ms. Boykin, but only to provide the Court with copies of relevant documents.

In the trial court, the positions of the Appellant, Rigdon H. Boykin, and the Respondents May Cantey Boykin and Lemuel Whitaker Boykin, III were aligned with each other. The positions of our clients, Respondents Wortley and Belger and the intervenors, were aligned in opposition to the relief sought by Appellant and Respondents May Cantey Boykin and Lemuel Whitaker Boykin, III.

Out of an abundance of caution, please find enclosed for filing our Notice of Cross Appeal to the Appeal of May Cantey Boykin, together with the filing fee, proof of service, and copies of correspondence to the Kershaw County Clerk of Court filing this Notice of Cross Appeal therein. If it is not necessary for us to also cross-appeal Ms. May Cantey Boykin's appeal, then please return these documents to us.

The Honorable Jenny Abbott Kitchings
October 8, 2019
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Second, assuming Ms. Boykin's appeal is proper, we would request that the appeal be consolidated with the existing appeal, as both matters arise out of the same case and involve the appeal of essentially the same orders and issues.

Third, we have previously contacted your office about our concern that the intervenors have been omitted from the caption and should be listed as parties to the appeal. As previously instructed by LaToyla Burns in your office, we faxed copies of the motion to intervene and the order granting intervention in the underlying case to your office. We see from examining C-Track that those documents are listed with our notice of appeal. We do not cross-appeal the Consent Order Granting Intervention, entered on May 2, 2018. Please advise us on how to proceed in correcting the caption of the appeal to include the intervenors.

Sincerely yours,



James Y. Becker

JYB:rb
Encl.

cc: w/encl: Mr. Wallace Lightsey, Esq. (by email and First Class mail)
Mr. Wade S. Kolb, III, Esq. (by email and First Class mail)
Mr. William Tetteron, Esq. (by email and First Class mail)
Ms. May Cantey Boykin (by First Class mail)