

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
 IN RE: ESTATE OF)
 STEPHEN DAY WARD, JR.)
)
 MARY K. WARD A/K/A MARY)
 KIMBERLY WARD)
)
 Petitioner,)
)
 v.)
)
 STEPHANIE WARD CIBINIC,)
 DAVID D. WARD, AND BRIAN C.)
 WARD, Personal Representatives,)
)
 Respondents.)

IN THE PROBATE COURT
 CASE NO. 2016-ES-10-1631

ORDER DENYING RESPONDENTS'
 MOTION FOR RECONSIDERATION
 OF JANUARY 18, 2019 ORDER

RECEIVED
 DEC 31 2019
 SC Court of Appeals

Presiding Judge: Irvin G. Condon
 Petitioner: Mary K. Ward a/k/a Mary Kimberly Ward
 Petitioner's Attorney: Jane A. McFaddin, Esq.
 Respondents: Stephanie Ward Cibinic, David D. Ward, and Brian C. Ward
 Respondents' Attorneys: Amanda K. Bailey, Esq. and George E. Morrison, Esq.

THIS MATTER comes before the Court upon a Motion to Reconsider, Alter & Amend Order dated and filed January 28, 2019 by Respondents. The present Motion is captioned as a "Motion for Reconsideration of January 18, 2019 Order," and is properly considered as a Rule 59(e) motion to alter or amend judgment.

Pursuant to Rule 59(f), SCRPC, this Court issues its ruling on the Respondents' Motion to Reconsider without holding a hearing. The filing of motions and other pleadings in the Probate Court is governed by the South Carolina Probate Code and, where not inconsistent, the South Carolina Rules of Civil Procedure, including Rule 59(e). In re: Estate of Timmerman, 331 S.C.

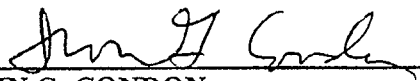
455, 460, 502 S.E.2d 920, 922 (Ct. App. 1998) (see also S.C. Code Ann. §§ 14-23-280, 62-1-304). A party may not use a Rule 59 motion to re-litigate old matters or present issues that could have been raised prior to the judgment, but were not. Exxon Shipping Co. v. Baker, 554 U.S. 471, 485 n.5 (2008); Hickman v. Hickman, 301 S.C. 455, 456, 392 S.E.2d 481, 482 (Ct. App. 1990).

After a review of the relevant pleadings, memoranda, and hearing notes, the Court finds that the Motion filed raises no new argument and presents no new evidence, therefore, the Court respectfully **DENIES** the Motion.


Based upon the foregoing, it is now therefore, hereby:

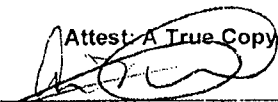
ORDERED, ADJUDGED, AND DECREED that Movant's Motion to Alter or Amend Judgment and Reconsider Order Dated January 18, 2019 is respectfully **DENIED**.

IT IS SO ORDERED.



IRVIN G. CONDON
Judge of Probate
Charleston County

This 2nd day of April, 2019
Charleston, South Carolina 



Attest: A True Copy
Clerk Probate Court
Charleston County, South Carolina