

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Oct 08 2020

APPEAL FROM CHARLESTON COUNTY
Jennifer B. McCoy, Circuit Court Judge

SC Court of Appeals

In Re: Estate of Stephen Day Ward, Jr.
Mary K. Ward a/k/a Mary Kimberly Ward Respondent,

v.

Stephanie Ward Cibinic, David D. Ward,
and Brian C. Ward, Co-Personal Representatives Appellants.

Appellate Case No. 2019-0021214

MOTION FOR SUBSTITUTION OF PARTIES

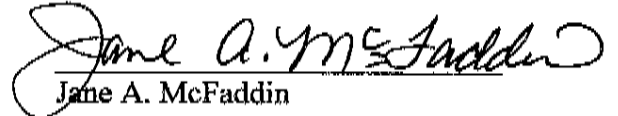
The undersigned would respectfully state unto this Honorable Court:

1. That Mary K. Ward, Respondent herein, died on February 9, 2020, while residing in the Commonwealth of Massachusetts, and during the pendency of Appellants' appeal to this Court.
2. That by Order dated October 1, 2020 of the Essex (Mass.) Probate and Family Court, Hon. Abbe L. Ross, a copy of which is attached as Exhibit A, Ann Noble- Kilcy was appointed Personal Representative of the Estate of Mary K. Ward a/k/a Mary K. Walker, and is the proper party to continue to represent the interests of the Respondent in this matter.

3. That, pursuant to Rule 265(b), SCACR, the undersigned moves this Court to substitute Ann Noble-Kiley, as Personal Representative of the Estate of Mary K. Ward, as the proper party Respondent in this appeal matter.

Respectfully submitted,

8th day of October, 2020



Jane A. McFaddin

Attorney for Respondent Ann Noble- Kiley,
as Personal Representative of the Estate of
Mary K. Ward

SC Bar no. 3811

P.O. Box 1124

Charleston, South Carolina 29402

jamecfaddin@bellsouth.net

(843) 556-3333

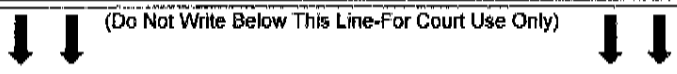
LETTERS OF AUTHORITY FOR PERSONAL REPRESENTATIVE	Docket No. ES20P1082EA	Commonwealth of Massachusetts The Trial Court Probate and Family Court
Estate of: Mary K Ward Also known as: Mary K Walker Date of Death: <u>02/09/2020</u>	Essex Probate and Family Court 36 Federal Street Salem, MA 01970 (978)744-1020	

To:
Ann Noble Kiley
8 Church Street
Manchester, MA 01944

You have been appointed and qualified as Personal Representative in Supervised Unsupervised administration of this estate on October 01, 2020 (date)

These letters are proof of your authority to act pursuant to G. L. c. 190B, except for the following restrictions if any:

- Pursuant to G. L. c. 190B, § 3-108(4), the Personal Representative shall have no right to possess estate assets as provided in § 3-709 beyond that necessary to confirm title thereto in the successors to the estate and claims, other than expenses of administration, if any, shall not be paid.
- The Personal Representative was appointed before March 31, 2012 as Executor or Administrator of the estate.



(Do Not Write Below This Line-For Court Use Only)

CERTIFICATION

I certify that it appears by the records of this Court that said appointment remains in full force and effect. IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the seal of said Court.

Date October 2, 2020

Pamela Casey O'Brien
Pamela A Casey O'Brien, Register of Probate

DECREE AND ORDER ON PETITION FOR FORMAL ADJUDICATION	Docket No. <i>ES20P1082EA</i>	Commonwealth of Massachusetts The Trial Court Probate and Family Court
Estate of: <u>Mary</u> <u>K.</u> <u>Walker</u> <small>First Name Middle Name Last Name</small>	<u>Essex</u> <u>Division</u>	
Also Known As: <u>Mary K. Walker</u>		
Date of Death: <u>February 9, 2020</u>		

After a hearing or on the uncontested Petition for Formal Adjudication dated: filed on 5/12/20

THE COURT FINDS:

1. The Petitioner is an interested person and has filed a complete and verified Petition.
2. The Decedent died on February 9, 2020
(date)
 domiciled in Massachusetts OR _____
3. The Petition was filed within the time period permitted by law.
4. Any required notices have been given to or waived by all interested persons and any guardian *ad litem* appointed has assented to the Petition and/or the report of the guardian *ad litem* has been considered by the court.
5. Venue is proper.
6. The Decedent did not leave a will.
7. The Decedent left a will.
 - A. The original will is filed. The will is dated _____
(date) . The dates of all codicils are _____
(date(s)) . The will and any codicils are referred to as the will.

Based on a preponderance of credible evidence presented, the court is satisfied that:

The will is valid and unrevoked. There are no known prior wills that have not been expressly revoked by a later instrument. The will is the Decedent's last will.

-OR-

- A. The original will has been lost, destroyed, or is otherwise unavailable. The copy of the will or the statement of its contents is dated March 29, 2004
(date) . The dates of all codicils are _____
(date(s)) .
The copy of the will, or the statement of its contents, and any codicils are referred to as the will.

Based on a preponderance of the credible evidence presented, the court is satisfied that:

- a. The contents of the will are as stated in the copy or statement filed with the court.
- b. The will is valid and unrevoked. There are no known prior wills that have not been expressly revoked by a later instrument. The will is the Decedent's last will.

Estate of:	<u>Mary</u> First Name	<u>K.</u> Middle Name	<u>Ward</u> Last Name	
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-OR-

- C) An authenticated copy of the will and of the decrea admitting it to probate in the Decedent's state or county of domicile at the death is filed. The authenticated copy is dated _____ . The dates of all codicils are _____ . The authenticated copy of the will and any codicils are referred to as the will.

Based on a preponderance of credible evidence presented, the court is satisfied that:

The will was duly admitted to probate by the state or country of _____ , the Decedent's domicile at death.

-OR-

- D) The will is not a valid will.
8. At the time of death, the Decedent's heirs at law were:
- identical to those persons stated in the original amended MPC 182 Surviving Spouse, Children, Heirs at Law dated: _____

-OR-

the following named persons (each and every heir at law must be named):

9. The following person is qualified to serve as Personal Representative pursuant to G. L. c. 190B, § 3-203:

<u>Ann</u> First Name	<u>Noble</u> M.I.	<u>Kiley</u> Last Name	_____	_____	_____
<u>8 Church Street</u> (Address)			<u>_____</u> (Address)		
<u>Manchester</u> (City/Town)	<u>MA</u> (State)	<u>01944</u> (Zip)	<u>_____</u> (City/Town)	<u>_____</u> (State)	<u>_____</u> (Zip)
Primary Phone #: <u>(817) 817-1308</u>			Primary Phone #: _____		

Any will to which the requested appointment relates is being or has been probated.

Estate of:	<u>Mary</u> First Name	<u>K</u> Middle Name	<u>Ward</u> Last Name	Case No.
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THE COURT DECREES AND ORDERS (select only that requested on the Petition):

TESTACY DETERMINATION

- 1. The Decedent died intestate.
- The will has not previously been admitted to probate and is hereby admitted to formal probate.
- The will is not admitted to formal probate. The Petition is dismissed with prejudice as to that instrument.

DETERMINATION OF HEIRS

- 2. The Decedent's heirs at law as of date of death are as found above.

APPOINTMENT OF PERSONAL REPRESENTATIVE

- 3. The aforementioned person is appointed or confirmed as Personal Representative.
- 4. The Personal Representative shall serve in a(n):
 - Unsupervised Administration.
 - Supervised Administration described as follows:

without a surety on the bond because:

- The will waives the requirement of a surety bond.
- All of the heirs or all of the devisees have filed a written waiver of sureties on the bond.
- The Personal Representative is a bank or trust company.
- The court finds that sureties are not in the best interest of the estate.

- with personal corporate sureties on the bond in the penal sum amount of \$ _____
- A Demand for Sureties (MPC 380) has been filed.
- The Personal Representative's prior bond is re-examined and approved.

- 5. Letters of Authority shall issue; or
 - previously issued Letters of Authority for the Personal Representative are confirmed.

6. The court further orders:

Date 10/1/2020

Justice Amel Ron Magistrate

Jane A. McFaddin
Attorney and Counselor at Law

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Oct 08 2020
SC Court of Appeals

P. O. Box 1124
Charleston, S.C. 29402
(843) 556-3333

669 1/2 St. Andrews Blvd
Charleston, S.C. 29407
Fax (843) 556-4429

S. C. Court of Appeals
TO: Hon. Jenny A. Kitchings
FAX NUMBER: 803 734-1839
PHONE: _____

FROM: Jane A. McFaddin, Esq.
FAX NUMBER: 843 556-4429
PAGES: 7 includes cover page

In Re: Estate of Stephen D. Ward, Jr. et al
Case no. 2019-0021214

DATE: October 8, 2020
CC: Amanda Bailey, Esq.
George W. Morrison, Esq.
(843) 722-3227


Urgent For Review Please Comment Please Reply

***Comments:**

Dear Ms. Kitchings:

Please find enclosed my Motion for Substitution of Parties, with Exhibit, in the above-referenced Appeal. Thank you for filing this with the Court, and for your consideration of this matter.

Sincerely,


Jane A. McFaddin
Attorney and Counselor at Law

*If you do not receive total number of pages, please call (843)556-3333.

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