

# The South Carolina Court of Appeals

In the Matter of the Estate of Thomas G. Moore:

Michael Dennis Moore, Appellant,

v.

Thomas Paul Moore, Francine Laura Lawhon, Linda  
Kaye Moore, and Phillip Frederick Moore, Respondents.

Appellate Case No. 2018-001144

12-31-2020

The Honorable Jenny Abbott Kirkling  
Deputy Clerk, South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

Please file the original with the Court and file-stamp the copy for us and return same in the enclosed, prepaid, self-addressed envelope.

Thank you for your assistance in this matter.

Sincerely,

Heir - Phillip Frederick Moore  
1504 Paman Drive  
Florence, S.C. 29505

RECEIVED

JAN 04 2021

SC Court of Appeals

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In the Matter of the Estate of Thomas G. Moore:

Michael Dennis Moore, Appellant,

v.

Thomas Paul Moore, Francine Laura Lawhon, Linda Kaye Moore, and Phillip Frederick Moore, Respondents.

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The Honorable Jenny Abbot King  
Deputy Clerk, South Carolina Court of Appeals  
1720 Senate Street  
Columbia, SC 29201

SC Court of Appeals

1st - The Court of Appeals has Denied and Returned several Correspondences and Letters submitted by Phillip Frederick Moore due to the fact that these Correspondences and Letters would have to be submitted by the attorney. If my Correspondences and Letters was denied and returned, I request and Demand that the Correspondence (letter) that Michael Dennis Moore submitted Dec. 18, 2020 also, be Denied and Returned due to the fact Michael Dennis Moore is represented by a attorney.

2nd - The question I would like answered is - Why did Francine L. Lawhon submit a Will between her and Linda Moore 12-17-20 that has NOTHING to do with our Parents Probate and their Estates. Enclosed is a Copy of the Original Will that plainly states our Parents Wishes to all 5 Heirs - In the event my son or daughter should predecease me and he or she has not exhausted his or her portion of the Estate, The Balance of His or Her Share of My Estate is TO Be Paid TO MY BELOVED GRANDCHILDREN. The Court of Appeals has the Death Certificate of Linda K. Moore and as far as the Will Francine L. Lawhon submitted 12-17-20 should be taken off the computer and Return to Francine L. Lawhon. It has NO Concern to our Parents Probate and Estate.

12-31-2020

**STATEMENT OF THE CASE**

Thomas G. Moore died on December 20, 2013. The Decedent had a will dated September 27, 1997. The Will was admitted to probate in the Florence County Probate Court and one of his sons, Michael Dennis Moore ("Appellant") was appointed personal representative. The Decedent was survived by four other children Thomas Paul Moore, Phillip Frederick Moore, Francine Lawhon and Linda Moore and was predeceased by his wife.

**Last Will and Testament**

of

**THOMAS G. MOORE**

2014 FEB 19 AM 11:19  
FLORENCE COUNTY PROBATE COURT

**ITEM II**

For and in consideration of the mutual bequest between my spouse and myself, it is clearly and unequivocally understood between us and the personal representative named hereinafter that this my Last Will and Testament is to be carried out exactly as it has been written and for our Wills to never be changed even after my death. It being the mutual consideration set forth hereinafter that neither I nor my spouse will change our Will without the written express consent of our spouse.

*[Handwritten signature/initials]*

12-31-2020

Below is both our Parents Wishes stated in the Original Will the 27 day of September 1999 concerning Linda K. Moore's (deceased) Portion of the Estate. The Children of Linda K. Moore listed below are Legally Entitled by Law and Our Parents Wishes in their Will to receive Linda K. Moore's Portion of the Estate. As it clearly states in our Parents Will - The Last Will and Testament is to be carried out Exactly as it has been Written and for our Wills to NEVER BE CHANGED even AFTER our Death.  
Item II in the Original Will.

Again, the Will that Francine L. Lawton submitted 12-17-20 cannot change anything stated in our Parents Original Will dated Sept. 27, 1999.

# Last Will and Testament

of

THOMAS G. MOORE

2014 FEB 19 AM 11:19  
FLORIDA PROBATE COURT  
COUNTY OF ...

D. I hereby give, devise and bequeath to my beloved daughter, Linda M. MOORE Fowler, an equal share of my estate, to be set forth herein. She is to receive \$25,000.00 in cash once the estate has been properly probated and the Probate Court has approved the disbursement of funds. In addition to the \$25,000.00 she is to draw a check each month in the amount of \$2,000.00 until such time as her equal share of the estate has been exhausted. In the event my daughter should predecease me and she has not exhausted her portion of the estate, the balance of her share of my estate is to be paid to my beloved grandchildren, Chad S. Owens, Brad T. Owens and Justin L. Owens in equal shares.

12-31-20

Stated on the Computer two letters were addressed to the law office of N. David Parant 12-8-20 and 12-21-20. The letter states - It has come to the Court's attention that one of the Unrepresented Respondents may be Deceased. The appellant must provide an update as to the status of Linda K. Moore and Provide a Recommendation as to whether Substitution of a Party pursuant to Rule 265, SCACR is Appropriate. The Court requests a response within 10 days of the date of this letter.

- (1) First, and for most Francine L. Lawton is a Respondant Not the Appellant.
- (2) Second, the Will that Francine L. Lawton submitted 12-17-20 does Not concern our Parents Probate and Estate.
- (3) Third, the Original Will recommends Linda K. Moore's children as Substitution of a Party Pursuant to Rule 265, SCACR.

Sincerely,

Heir - Phillip Fredrick Moore  
1504 Pawan Drive  
Florence, S.C. 29505

- (1) Lastly, as the Court of Appeals Denied and Returned my letters and Correspondences, the Letter Michael Pennis Moore submitted Dec. 18, 2020 should be Denied and Returned.
- (2) Also, the Will that Francine L. Lawton submitted 12-17-20 should be Denied and Returned due to the Fact it has NO CONCERN to our Parents Probate and Estate.

# Last Will and Testament

of  
**THOMAS G. MOORE**

FILED  
2014 FEB 19 AM 11:19  
FLORENCE, S.C.

I, **Thomas G. Moore**, a resident of and domiciled in the County of Florence, State of South Carolina, being of sound mind and disposing memory, do hereby make, publish and declare this to be my Last Will and Testament, hereby revoking all Wills and Codicils at any time heretofore made by me.

## ITEM I

I direct my personal representative hereinafter named to pay all my just debts and funeral expenses, including the cost of a marker for my grave, as soon as practicable after my demise, and to that end do I charge my whole estate, real and personal.

## ITEM II

For and in consideration of the mutual bequest between my spouse and myself, it is clearly and unequivocally understood between us and the personal representative named hereinafter that this my Last Will and Testament is to be carried out exactly as it has been written and for our Wills to never be changed even after my death.

It being the mutual consideration set forth hereinafter that neither I nor my spouse will ... change our Will without the written express consent of our spouse.

## ITEM III

It is further understood between my surviving spouse and me as well as the personal representative of my estate, that there will never be any mortgages liens or other encumbrances placed upon the assets of this estate. That the assets of our estate will be preserved and never be given or loaned to anyone or any organization, charitable or otherwise, after I am deceased.

*[Handwritten signature]*

*[Handwritten initials]*

ITEM IV

It is further understood and agreed as part of the consideration between my spouse and I, that if either one of us decides to remarry or cohabit with someone else then they would immediately forfeit and relinquish any right or interest to the real estate or monies which comprise the assets of this estate which would include furniture and personal belongings, excluding clothes, jewelry and automobiles.

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Recorded: Feb. 21, 2014  
Will Bk. 73, Pg. 786

ITEM V

Based upon the mutual covenants recited herein above and for those recitals to act as a contingency and condition for the terms of this my Last Will and Testament; I hereby give, devise and bequeath to my beloved wife, **Earline B. Moore**, all my right, title and interest in and to my property, both real, personal and mixed, or whatsoever nature and kind and wheresoever situate, of which I may die seized or possessed, or to which I may be entitled in fee simple.

ITEM VI

In the event my wife should predecease me or her death and mine occur simultaneously or as a result of a common accident or disaster, I then give, devise and bequeath ~~all my estate and property~~ as follows:

~~All of my property and estate both real and personal be liquidated including my residence and the furniture therein in an orderly manner and the monies obtained from the liquidation of my estate be placed in a trust fund at a bank or financial institution selected by the personal representative and distributed among my surviving children as follows:~~

A. I hereby give, devise and bequeath to my beloved son, **Thomas Paul Moore**, an equal share of my estate, to be set forth herein. He is to receive \$25,000.00 in cash once the estate has been properly probated and the Probate Court has approved the

TP  
SA

disbursement of funds. In addition to the \$25,000.00 he is to draw a check each month in the amount of \$2,000.00 until such time as his equal share of the estate has been exhausted. In the event my son should predecease me and he has not exhausted his portion of the estate, the balance of his share of my estate is to be paid to my beloved grandson, **Thomas Paul Moore, Jr.**

25,000

B. I hereby give, devise and bequeath to my beloved daughter, Francine M. Lawhon, an equal share of my estate, to be set forth herein. She is to receive \$25,000.00 in cash once the estate has been properly probated and the Probate Court has approved the disbursement of funds. In addition to the \$25,000.00 she is to draw a check each month in the amount of \$2,000.00 until such time as his equal share of the estate has been exhausted. In the event my daughter should predecease me and she has not exhausted her portion of the estate, the balance of her share of my estate is to be paid to my beloved grandchildren, **James Mark Lawhon and Christy Lawhon, in equal shares.**

C. I hereby give, devise and bequeath to my beloved son, Phillip F. Moore, Sr. an equal share of my estate, to be set forth herein. He is to receive \$25,000.00 in cash once the estate has been properly probated and the Probate Court has approved the disbursement of funds. In addition to the \$25,000.00 he is to draw a check each month in the amount of \$2,000.00 until such time as his equal share of the estate has been exhausted. In the event my son should predecease me and he has not exhausted his portion of the estate, the balance of his share of my estate is to be paid to my beloved grandchildren, **Philip F. Moore, Jr., Adam W. Moore, and Charity D. Moore in equal shares.**

D. I hereby give, devise and bequeath to my beloved daughter, Linda M.

*moore*  
Fowler, an equal share of my estate, to be set forth herein. She is to receive \$25,000.00 in cash once the estate has been properly probated and the Probate Court has approved the disbursement of funds. In addition to the \$25,000.00 she is to draw a check each month in the amount of \$2,000.00 until such time as her equal share of the estate has been exhausted. In the event my daughter should predecease me and she has not exhausted her portion of the estate, the balance of her share of my estate is to be paid to my beloved grandchildren, Chad S. Owens, Brad T. Owens and Justin L. Owens in equal shares.

E. I hereby give, devise and bequeath to my beloved son, Michael Dennis

*Moore*  
Moore, an equal share of my estate, to be set forth herein. He is to receive \$25,000.00 in cash once the estate has been properly probated and the Probate Court has approved the disbursement of funds. In addition to the \$25,000.00 he is to draw a check each month in the amount of \$2,000.00 until such time as his equal share of the estate has been exhausted. In the event my son should predecease me and he has not exhausted his portion of the estate, the balance of his share of my estate is to be paid to my beloved grandchildren, Lauren Brittany Moore, Holland J. Moore, and Sydney Keswick Moore, in equal shares.

#### ITEM VII

In the event my wife should predecease me or her death and mine occur simultaneously or as a result of a common accident or disaster, then each of my children are to receive 1/6 of estate. It is my wish and desire that I do not want to be put into a nursing or retirement home. I will ask, if it is possible, for one of my children and/or grandchildren to come in and live in my home and take care of me in my old age when I may need someone to take me to the doctor or other places I may want to go. Whoever does so until I am deceased, will at the time of my death receive 1/6 of all of my estate which I have at the time of my death. This bequest represents 1/6 of my estate which is to be shared equally with a 1/6 bequest to my other five children. In the event none of the

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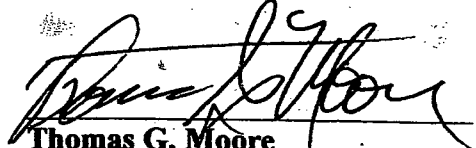
children or grandchildren are able to take care of me in such a manner, then I will request that my son, **Dennis Moore**, the personal representative of the estate, to hire someone to keep my home and look after me and be paid a reasonable amount weekly from what is identified as estate funds and this will eliminate the six way division of my estate. In such event my five children will split my estate and property five equal ways.

**ITEM VIII**

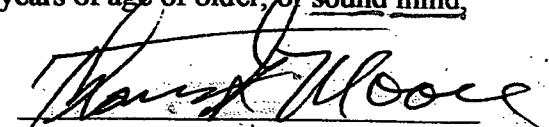
I do hereby nominate constitute and appoint my beloved son **Michael Dennis Moore**, as Personal Representative of this my Last Will and Testament and direct that said appointee serve without bond or security and vest in my personal representative full authority and discretion to perform all acts and things deemed necessary, convenient or proper in the administration of my estate. Should, however, my said son fail or refuse to qualify as Personal Representative, or should predecease me, or in the event of both our deaths, I then appoint my son, **Phillip Moore**, as Alternate Personal Representative of this my Last Will and Testament and he serve without bond or other security.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal this

27 day of September, 1999.

  
Thomas G. Moore  
Testator

I, **Thomas G. Moore**, the Testator, sign my name to this instrument this 27 day of September, 1999, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Last Will and Testament and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.

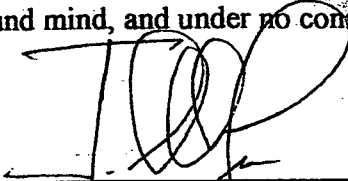
  
Thomas G. Moore  
Testator

*Handwritten notes:*  
Page 4

*Handwritten initials:*  
DR  
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*Vertical stamp:*  
686000

We, the undersigned witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the Testator signs and executes this instrument as his Last Will and Testament and that he signs it willingly, and that each of us, in the presence and hearing of the Testator, hereby signs this Will as the witness to the Testator's signing, and that to the best of our knowledge the Testator is eighteen years of age or older, of sound mind, and under no constraint or undue influence.

  
\_\_\_\_\_  
Susie Floyd

**STATE OF SOUTH CAROLINA**

**COUNTY OF FLORENCE**

**SUBSCRIBED, SWORN to and ACKNOWLEDGED** before me by the above named witnesses and the Testator, **Thomas G. Moore**, this 27 day of September, 1999.

  
\_\_\_\_\_  
**NOTARY PUBLIC FOR SOUTH CAROLINA**  
My Commission Expires: 10/20/03

*Thomas G. Moore*  
*page 2*



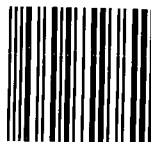


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SC Court of Appeals

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Time Accepted

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Return Receipt Fee

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Employee Signature

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