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AUG 20 2021

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

J. Mark Hayes, II, Circuit Court Judge

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Appellate Case No. 2019-000076

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CAROL MANIGAULT,

Appellant,

v.

MORRIS ELLISON, AS  
PERSONAL  
REPRESENTATIVE OF THE  
ESTATE OF ANDREW  
MANIGAULT,

Respondent.

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**JOINT AGREEMENT OF DISMISSAL PURSUANT TO SOUTH CAROLINA  
APPELLATE RULE 260(b)**

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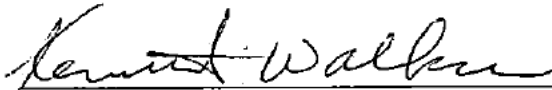
{00364754}

Appellant Carol Manigault, by Kenneth E. Walker, holder the Letters of Administration for the intestate decedent Carol Manigault in the State of New Jersey, and Respondent Morris Ellison, as Personal Representative of the Estate of Andrew Manigault, jointly move to dismiss Appellate Case No. 2019-000076 pursuant to South Carolina Appellate Rule 260(b). The parties shall bear their own costs. The parties request that the Court enter an Order of Dismissal.

This Motion is based upon the Affidavit of Kenneth E. Walker, the agreement of the parties, and the following grounds:

1. Kenneth E. Walker, Administrator of Appellant's Estate, has informed counsel for Respondent that he has spoken with counsel in New Jersey regarding the Appellant's Creditor's Claims filed with the Charleston County Probate Court against the Estate of Andrew Manigault.
2. Kenneth E. Walker, Administrator of Appellant's Estate, has informed Respondent's counsel that upon his independent judgment and upon conversations with his New Jersey counsel, he wishes to withdraw the Appellant's Creditor's Claims filed with the Charleston County Probate Court against the Estate of Andrew Manigault.
3. Counsel for Respondent Morris Ellison, as Personal Representative of the Estate of Andrew Manigault has no objection to the dismissal of Appellate Case No. 2019-000076.

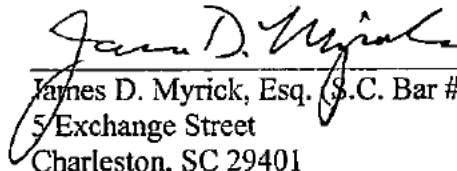
Respectfully submitted this 19th day of August, 2021.



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Kenneth E. Walker  
*Administrator for the Appellant's Estate  
For Appellant Carol Manigault*

WOMBLE BOND DICKINSON (US) LLP



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James D. Myrick, Esq. (S.C. Bar # 12004)  
5 Exchange Street  
Charleston, SC 29401  
Telephone: (843) 722-3400  
Jim.myrick@wbd-us.com  
Attorneys for Respondent

, State of New Jersey )  
 )  
County of Bergen )

**Affidavit of Kenneth E. Walker**

Personally appeared before me, Kenneth E. Walker, who, being duly sworn, deposes and says as follows:

1. My name is Kenneth E. Walker. I am over the age of 18 and am competent to provide this affidavit.

2. I am the brother of Carol Manigault. Carol Manigault, a resident of New Jersey, passed away on September 27, 2020 without a will.

3. I am the Administrator of the Estate of Carol Manigault, appointed by the Bergen County Surrogate's Court, Docket No. 2021-0252.

4. I attach to this affidavit a copy of the Letters of Administration filed on January 29, 2021 as Exhibit 1.

5. At the time of her passing, Carol was divorced from Andrew Manigault.

6. After Andrew Manigault died, I am informed and believe an estate was properly opened in his name in the Charleston County Probate Court. I am informed and believe that the Respondent in the pending appeal is the Personal Representative of the Estate of Andrew Manigault.

7. I am informed and believe that the Respondent Personal Representative issued a Notice to Creditors pursuant to the South Carolina Probate Code. At some later date, Carol Manigault filed a creditors claim against Andrew Manigault's estate. A dispute arose about

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whether Carol Manigault had a valid claim against the Estate of Andrew Manigault and whether any claim was validly and timely filed against the Estate of Andrew Manigault. The Charleston County Probate Court dismissed Carol Manigault's creditor claim. Carol Manigault appealed the ruling to the Charleston County Circuit Court. The Circuit Court upheld the Probate Court's dismissal of Carol Manigault's creditor claim.


8. Carol Manigault then filed the current appeal of the Circuit Court's ruling with the South Carolina Court of Appeals.

9. Upon consideration of the merits of the appeal, I have decided to withdraw the appeal.


10. In reaching my decision, I have exercised my independent judgment on behalf of the Estate of Carol Manigault. I have also sought and acquired advice from my independent counsel in the State of New Jersey, Grace Bertone, Esquire.

11. I attach a certification from my attorney Grace Bertone, Esquire as Exhibit 2 to my affidavit.

Further, Affiant sayeth not.

  
Kenneth E. Walker

SWORN to before me this 18<sup>th</sup>  
Day of August, 2021

  
Notary Public for Maryland Virginia  
My Commission Expires: 05/31/2024  
{00364752}

**Sarely Torres**  
**Notary Public**  
**Reg # 7896893**  
**Commonwealth of Virginia**  
**My Commission Expires 05/31/2024**

State of New Jersey  
Bergen County Surrogate's Court

In the matter of the Estate of:  
Carol Walker Manigault, Deceased  
AKA: Carol Evelyn Walker

} CERTIFIED COPY OF  
LETTERS  
OF ADMINISTRATION

I, Michael R. Dressler, Surrogate of Bergen County, do certify that Letters of Administration of the decedent, intestate, late of the County of Bergen and State of New Jersey, on January 29, 2021, was/were issued to Kenneth E. Walker, who is (are) duly authorized to administer same agreeably to law;

And I further certify that said Letters of Administration, as appears from the records of this court, have never been revoked and still remain in full force and effect.

DO NOT ACCEPT WITHOUT RAISED SEAL

WITNESS my hand and seal of office on:

February 5, 2021



*Michael R. Dressler*  
Michael R. Dressler, Surrogate

State of New Jersey )  
                                  )  
County of Bergen     )

**Certification of Grace Bertone, Esq.**

1. I am Grace Bertone, an attorney in good standing, licensed and practicing in the State of New Jersey. My New Jersey bar number is 023711984.
2. Kenneth Walker is the Administrator of the Estate of Carol Manigault, appointed by the Bergen County Surrogate's Court, Docket No. 2021-0252.
3. A copy of the Letters of Administration filed on January 29, 2021 is attached as Exhibit 1.
4. I represent Kenneth Walker as Administrator of Estate of Carol Manigault in New Jersey,
5. I have read the supporting briefs and briefs in opposition to the appeal pending before the South Carolina Court of Appeals, Carol Manigault v. Morris Ellison, as Personal Representative of the Estate of Andrew Manigault, Case No. 2019-000076. I have discussed and further consulted with Kenneth Walker about the merits of the appeal pending in the State of South Carolina.
6. While I am not licensed in South Carolina and have not sought pro hac vice admission in this matter, I have provided an independent review of the merits of the appeal to Kenneth Walker as the properly appointed Administrator of the Estate of Carol Manigault.

  
Grace Bertone, Esq.

8-17-21

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APPEAL FROM CHARLESTON COUNTY  
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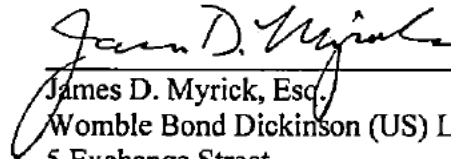
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**PROOF OF SERVICE**

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I certify that I have served the Joint Agreement of Dismissal Pursuant to South Carolina Appellate Rule 260(b) and the Affidavit of Kenneth E. Walker by placing (1) copy for delivery via Federal Express, overnight delivery, on August 19, 2021, addressed to:

- Appellant's Estate Administrator, Kenneth E. Walker, 1120 Westfield Drive, Oxon Hill, MD 20745; and
- Appellant's Estate Attorney, Grace C. Bertone, Esq., BERTONE & PICCINI, LLP, 777 Terrace Ave., Suite 201, Hasbrouck Heights, NJ 07604

  
James D. Myrick, Esq.  
Womble Bond Dickinson (US) LLP  
5 Exchange Street  
Charleston, SC 29401  
Telephone: (843) 720-3400  
[Jim.Myrick@wbd-us.com](mailto:Jim.Myrick@wbd-us.com)  
*Attorneys for the Respondent*

August 19, 2021



**August 19, 2021**

Chief Deputy Clerk, V. Claire Allen  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

By Federal Express, Overnight Delivery

**Re:** In re: Estate of Andrew Manigault  
*Carol Manigault, Appellant v. Morris Ellison, Esq. as PR of  
the Estate of Andrew Manigault, Respondent*  
**S.C. Court of Appeals Case No.: 2019-000076**  
**Charleston CP Case No.: 17-CP-10-3110 (on Appeal)**  
**Charleston Probate Court Case No.: 10-ES-10-00413)**  
**Our File Number: 70387.0033.7**

Womble Bond Dickinson (US) LLP

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Charleston, SC 29402

5 Exchange Street  
Charleston, SC 29401

t: 843.722.3400  
f: 843.723.7398

James D. Myrick  
Partner  
Direct Dial: 843-720-4600  
Direct Fax: 843-410-2300  
E-mail: [Jim.Myrick@wbdlaw.com](mailto:Jim.Myrick@wbdlaw.com)

SC Court of Appeals

AUG 20 2021

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Dear Ms. Allen,

Please find enclosed an original plus six (6) copies of a Joint Agreement of Dismissal Pursuant to South Carolina Appellate Rule 260(b) and an Affidavit of Kenneth Walker along with our firm check in the amount of Fifty and 00/100 (\$50.00) as payment for the filing fee. Please return a file stamped copy to my office via the enclosed self-addressed, stamped envelope.

Thank you for your assistance with this matter,

Sincerely,

Womble Bond Dickinson (US) LLP

A handwritten signature in black ink, appearing to read "James D. Myrick".  
James D. Myrick  
Partner

JDM:def

cc: Morris A. Ellison, Esq.  
Kenneth E. Walker  
Grace Bertone, Esq.

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Page 1 of 2

ORION ID: 6001 0946 256 5401  
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BILL SENDER

TO JENNY ABBOTT KITCHINGS  
SOUTH CAROLINA COURT OF APPEALS  
1220 SENATE ST

AT 103 1 E  
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COLUMBIA SC 29201

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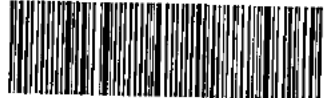
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SC Court of Appeals

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