

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

Oct 20 2021

APPEAL FROM RICHLAND COUNTY
Probate Court

SC Court of Appeals

Amy W. McCulloch, Probate Judge

Appeal No.: 2021-001119

IN THE MATTER OF:

ESTATE OF FRANKLIN ALSTON

(Decedent) Stefan Joseph Romero, Sr.,

PERSONAL REPRESENTATIVE,Respondent,

v.

Yona Renee Davis, Pamela D.

Teasley and Franklin K. Alston, Appellants.

MOTION TO DISMISS APPEAL

Respondent Stefan Joseph Romero, Sr., in his capacity as Personal Representative of the Estate of Franklin Alston (Decedent), hereby moves to dismiss the appeal in the above-reverenced matter pursuant to Rules 240 and 260(a), SCACR. This appeal is improper for two reasons and should be dismissed with prejudice.

First, pursuant to S.C. Code Ann. § 62-1-308(a), appeals from the Probate Court are to the Circuit Court, with one exception. That is, pursuant to subsection (l), “If the parties not in default consent either in writing or on the record at a hearing in the probate court, a party to a final order, sentence, or decree of a probate court who considers himself injured by it may appeal directly to the Supreme Court, and the procedure for the appeal must be governed by the South Carolina Appellate Court Rules.” S.C. Code Ann. § 62-1-308(l). Here, the parties who are not in default, in particular Respondent, did not agree,

either in writing or on the record, and does not agree to a direct appeal to the Supreme Court or to this Court. As a result, this appeal should be dismissed with prejudice.

Second, this appeal was filed improperly by an attorney who admittedly is not admitted to practice law in the State of South Carolina, in violation of Rule 404, SCACR. While Appellants' notice of appeal indicates that their counsel is "Applying for Pro Hac Vice in this Matter," he has not produced evidence of that application or that he has located local counsel willing to associate with him on this matter. Furthermore, even assuming he has filed a proper application to appear *pro hac vice* with this Court, he previously filed a late Demand for Hearing with the Probate Court prior to applying for or being granted permission to practice law in the South Carolina. (See Exh. 1, cover letter requesting that the Probate Court "direct [Mr. Morrison] into how [he] may apply for pro hac vice status in this matter"). As a result, Appellants' counsel is in violation of this Court's rules by engaging in the practice of law in South Carolina without permission of this or any other Court.

This Court noted both of these deficiencies in an October 7, 2021 letter to Appellants' counsel, giving him ten (10) days to respond. As of this date, it does not appear that Appellants have provided any response. Consequently, this appeal should be dismissed with prejudice.

This motion conforms with Rule 240 and Rule 267, SCACR.

McANGUS GOUDELOCK & COURIE, LLC

October 20, 2021

s/Helen F. Hiser
Thomas E. Lydon, S.C. Bar No.: 10242
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Attorneys for Respondent

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE MATTER OF: THE ESTATE OF
FRANKLIN ALSTON
(Decedent)

IN THE PROBATE COURT

FILED

NOTICE OF RIGHT TO DEMAND HEARING

CASE NUMBER: 2020-ES-00048

2021 JUN 21 P 2:39
AMY O'NEILL
PROBATE JUDGE
RICHLAND COUNTY, S.C.

As an interested person in the above Estate, you are hereby notified that the documents necessary to close this Estate have been or are now being provided to you. These documents are the Final Accounting (if applicable) for this Estate, the Proposal for Distribution (if applicable), and the Application for Settlement. The Personal Representative is required to file with the Court proof that these documents and this Notice have been sent to you.

From the date this proof is filed with the Court, YOU HAVE THIRTY (30) DAYS TO DEMAND IN WRITING A HEARING (use FORM 113ES) concerning any matter included in these closing documents.

If you do not file WITH THE COURT written demand for hearing (on FORM 113ES) within this time period, the Court may enter such orders on such conditions as may be requested and as the Court deems appropriate.

If you do file a written demand for hearing (use FORM 113ES) within this time period, a hearing date will be set, and Notice of Hearing will be sent to you.

The address of the Court is: Richland County Probate Court, P.O Box 192, Columbia, SC 29202.

Executed this 14th day of June, 2021.

Personal Representative

Signature: *Stefan Romero*

Print Name: Stefan Joseph Romero

Address: 133 Seaman Avenue, Apt. 3-F

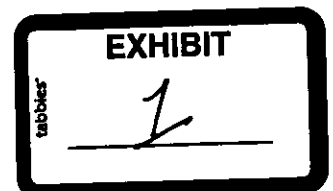
New York, NY 10034

Telephone (Work): _____

(Home): _____

(Cell): 917-569-8262

Email: stefanromero@yahoo.com



LE

THE MORRISON LAW FIRM, LLC

3535 ROSWELL ROAD, SUITE 34 • MARIETTA, GEORGIA 30062 • (770) 235-5846 • STEVE@MORRISONLAWFIRMLLC.COM

August 19, 2021

Richland County Probate Court
Clerk's Office
P.O. Box 192
Columbia, SC 29202

FILED
2021 AUG 23 P 12:31
AMY W. MCCULLOCH
PROBATE JUDGE
RICHLAND COUNTY, S.C.

RE: In re: Franklin Alston, Deceased
Estate No. 2020-ES40-00048
Cobb County Probate Court

Dear Sir/Madam,

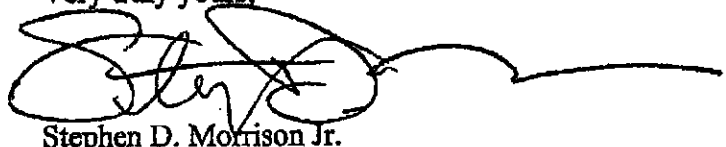
Enclosed please find an original Demand for Hearing in this matter along with a photocopy. Please file the original and return the enclosed copy marked filed for my records. I have enclosed a self-addressed envelope for your use.

In addition, would you please direct me into how I may apply for pro hac vice status in this matter.

Thank you for your time in this matter and please let me know if you have any questions or concerns. I appreciate the assignment.

With kindest regards, I am

Very truly yours,



Stephen D. Morrison Jr.

Enclosures

STATE OF SOUTH CAROLINA)
)
COUNTY OF: RICHLAND)
)
IN THE MATTER OF:)
ESTATE OF FRANKLIN ALSTON)
(Decedent))

IN THE PROBATE COURT

DEMAND FOR HEARING (ESTATES ONLY)
Pursuant to Notice of Right to Demand Hearing

CASE NUMBER: 2010-ES40-00048

FILED
2021 AUG 23 P 12:32
AMY W. MCCULLOCH
PROBATE JUDGE
RICHLAND COUNTY, S.C.

Pursuant to SCPC 62-3-1001, Yona Renee Davis, Pamela D. Teasley and Franklin K. Alston, "the requesting heirs" demand a hearing in the above-referenced estate.

The estate issues they request that the Court inquire into and address are:

1. The reimbursement for Maria and Steven Romero from the decedent's estate;
2. Maria Romero took \$500,000 out of a bank in New York, and this money should be accounted for;
3. there have been two different proposals slash recapitulations and not all banks used by the decedent were listed on both;
4. for the property belonging to the decedent in New York, the requesting heirs want to know where the proceeds went and how those proceeds were handled;
5. there are over 200 collectible coins of great age that were taken and the name of pamelia Teasley was forged on the receipt;
6. The day after the decedent died, money was drawn out of his account at Heritage Bank, and a safe deposit box was cleaned out at the same institution without proper authority;
7. There should be an accounting for all of the transactions undertaken by Maria Romero after she had been appointed conservator for the decedent prior to his death. There has been no such accounting;
8. the requesting heirs wish for the court to require all canceled checks that were issued to Steven Romero from Heritage Bank, Palmetto bank, and Wells Fargo to be explained an all amounts accounted for. In addition, there should be an accounting for all monies paid out of the estate by producing canceled checks or other receipts;
9. there should be a proper explanation in an accounting for the proceeds from any sale property in Chesterfield County New York; and
10. The court should inquire into and examine any additional questions that may be raised by the examination of the above issues.

WHEREFORE, the requesting heirs respectfully urge the Court to convene a hearing on this matter, and if possible, allow a discovery period to inquire into the recapitulation so as to frame and narrow issues for the hearing.

Executed this 19th day of August, 2021.

"The Requesting Heirs"

Yona Renee Davis, Decedent's Daughter
5857 Walnut Mill Lane
Powder Springs, GA 30127

Pamelia D. Teasley
115 Willowdell Drive
Toccoa, GA 30577

Franklin K. Alston
700 Rosewood Street, Apartment 7G
Bronx, NY 10467

ORIGINAL



STEPHEN D. MORRISON JR.

Georgia State Bar No. 525180

Attorney for "The Requesting Heirs"

(Applying for Pro Hac Vice Status for this matter in
South Carolina)

THE MORRISON LAW FIRM, LLC
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APPEAL FROM RICHLAND COUNTY
Probate Court
Amy W. McCulloch, Probate Judge

SC Court of Appeals

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(Decedent) Stefan Joseph Romero, Sr.,
PERSONAL REPRESENTATIVE,Respondent,

v.

Yona Renee Davis, Pamela D.
Teasley and Franklin K. Alston, Appellants.

PROOF OF SERVICE

I certify that on the 20th day of October 2021, I served Respondent Estate of Franklin Alston (Decedent), Stefan Joseph Romero, Sr., Personal Representative's **Motion to Dismiss Appeal** on Appellants Yona Renee Davis, Pamela D. Teasley and Franklin K. Alston by emailing and depositing a copy of it in the United States Mail, postage prepaid, addressed to their attorneys of record as follows:

Stephen D. Morrison Jr.
THE MORRISON LAW FIRM, LLC
3535 Roswell Road, Suite 34
Marietta, Georgia 30062
steve@morrisonlawfirmllc.com
Attorneys for Appellants

s/ Anna Yeandel
Anna Yeandel
Legal Assistant to Helen F. Hiser
McAngus, Goudelock & Courie LLC
P.O. Box 650007
Mount Pleasant, South Carolina 29465
(843) 576-2900
Attorneys for Respondent



Reply To

HELEN F. HISER
Direct Dial: (843) 576-2930
helen.hiser@mgclaw.com

October 20, 2021

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Oct 20 2021

SC Court of Appeals

Via S.C. Courts E-Filing & U.S. Mail

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

RE: Estate of Albert Alston and Estate of Cynthia Gail Alston to SFR3 LLC, a Delaware limited liability company Purchase 1584 Langston Drive
Case No.: 2010-ES40-00048
Our File No.: 21182.19412
Appeal No.: 2021-001119

Dear Ms. Kitchings:

Enclosed please find Respondent's Motion to Dismiss Appeal, and the Proof of Service in the above-referenced matter. We are serving counsel of record via email and U.S. Mail.

We will send our firm's check in the amount of \$50 for filing the motion via U.S. Mail with a copy of this letter.

If you have any questions, please do not hesitate to contact me.

Yours truly,

McAngus Goudelock & Courie, LLC

Helen F. Hiser

Enclosures

cc: Stephen D. Morrison, Jr., Esquire