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Jan 18 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM FLORENCE COUNTY
J. Munford Scott, Jr., Probate Court Judge
Thomas A. Russo, Circuit Court Judge

Appellate Case No: 2018-001144
Opinion No.: 5887
Submitted November 1, 2021-Filed January 5, 2022

IN THE MATTER OF:
THOMAS G. MOORE (Decedent)

Michael Dennis Moore Appellant,

v.

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

**RESPONDENT PHILLIP FREDERICK MOORE'S
PETITON FOR REHEARING**

Respondent Phillip Frederick Moore, hereby submits this Petition for Rehearing asking that the Court reconsider its decision, as follows:

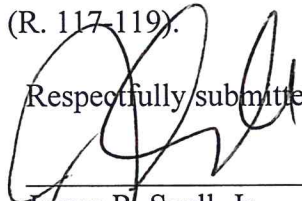
- II. Issue Preservation:** The record sufficiently includes the circumstances regarding the admissibility of the checks in question. This record does indicate that the Appellate was not consenting to the admissibility. Further the record contains copies of the actual checks in question. For those reasons it is requested that whether or not the

issue was suitably preserved be reconsidered.

III. Separate Envelope: The record on appeal was sufficient to allow for consideration of the issue of whether or not the separate envelope should be integrated into the decedent's will. As noted in the original decision, the record is clear that this document is not "signed, witnessed, dated, or notarized, and it was in a separate envelope not attached to the Will."

The Bonaparte v. Floyd, 291 S.C. 427, 444, 354 S.E.2d 40, 50 (Ct. App. 1987), case cited is not relevant to this situation. In Bonaparte the issue was whether or not a hospital bill was wrongly excluded by a trial court. The record provided for the appeal did not contain any attempt to actually introduce the bill. Bonaparte is clearly distinguishable from this matter, where the record before the court clearly includes enough for consideration, even without a copy of the Will or the envelope. This includes the actual order from the Probate Court (R. 1), the objections made to envelope and its description (R. 117-119).

Respectfully submitted,



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*Attorney for Respondent
Phillip Frederick Moore*

Lexington, South Carolina

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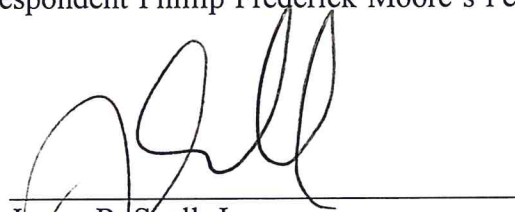
Michael Dennis Moore Appellant,

v.

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

RULE 240 CERTIFICATION

The undersigned hereby certifies that the Respondent Phillip Frederick Moore's Petition for Rehearing complies with Rule 240, SCACR.



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January 18, 2022
Lexington, SC 29072

Attorney for Respondent, Phillip F. Moore

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Linda Kaye Moore, Phillip Frederick Moore Respondents.

PROOF OF SERVICE

The undersigned certifies that he has served a copy of the Respondent, Phillip Frederick Moore’s Petition for Rehearing in this case on the following parties, via email, as well as via US Mail, postage prepaid, addressed to the following:

Michael Dennis Moore
2129 Kristens Channel
Florence, SC 29501

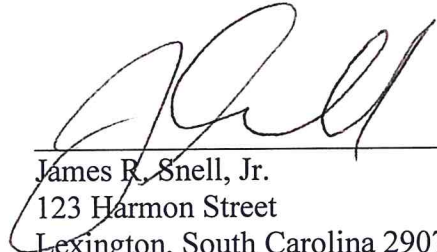
C. Pierce Campbell, Esquire
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P.O. Box 5478 Florence, SC 29502
Attorney for Respondent Thomas Paul Moore

Linda K. Moore
1454 Golf Terrace Blvd.
Florence, SC 29502

Francine L. Lawhon
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(SIGNATURE PAGE TO FOLLOW)

Phillip F. Moore
1504 Damon Drive
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January 18, 2022
Lexington, South Carolina



LAW OFFICE OF
JAMES R. SNELL, JR.
LLC

Via Hand Delivery & Via Email: ctappfilings@sccourts.org

January 18, 2022

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

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SC Court of Appeals

**Re: In the Matter of the Estate of: Thomas G. Moore (Michael D. Moore) vs.
Thomas P. Moore, Francine L. Lawhon, Linda K. Moore, &
Phillip F. Moore
Case No.: 2018-001144
UP No.: 5887, Submitted November 1, 2021-FILED January 5, 2022**

Dear Ms. Kitchings,

Enclosed for filing is an original and six (6) copies of the Respondents Phillip Frederick Moore's Petition for Rehearing in this case, as well as a Proof of Service and Rule 240 Certification. The Opinion Affirming in Part and Reversing in Part was received by our office via email on January 5, 2022. Thank you for your assistance with this matter.

Sincerely,

James R. Snell, Jr.
Attorney for the Respondent, Phillip F. Moore

Enclosures

cc: C. Pierce Campbell Esq. (Via email and US Mail)
Michael Dennis Moore (Via US Mail)
Linda K. Moore (Via US Mail)
Francine L. Lawhon (Via US Mail)
Phillip F. Moore (Via US Mail)