

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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**RECEIVED**

JAN 19 2022

**SC Court of Appeals**

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

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

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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.

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

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

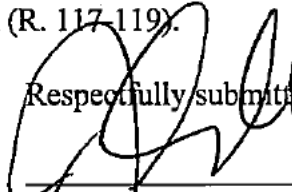
- II. Issue Preservation:** The record sufficiently includes the circumstances regarding the admissibility of the checks in question. This record does indicate that the Appellate was not consenting to the admissibility. Further the record contains copies of the actual checks in question. For those reasons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

January 18, 2022

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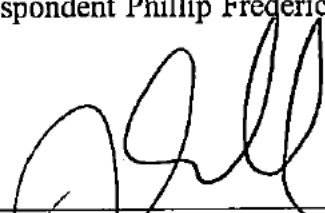
Michael Dennis Moore ..... Appellant,

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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.

  
\_\_\_\_\_  
James R. Snell, Jr.  
Law Office of James R Snell, Jr., LLC  
123 Harmon Street  
Lexington, SC 29072  
(803) 359-3301

January 18, 2022  
Lexington, SC 29072

Attorney for Respondent, Phillip F. Moore

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**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

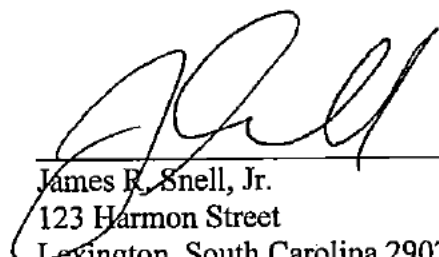
**C. Pierce Campbell, Esquire**  
Turner Padget  
P.O. Box 5478 Florence, SC 29502  
Attorney for Respondent Thomas Paul Moore

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

**Francine L. Lawhon**  
2005 Third Loop Rd.  
Florence, SC 29501

(SIGNATURE PAGE TO FOLLOW)

**Phillip F. Moore**  
**1504 Damon Drive**  
**Florence, SC 29505**



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*Attorney for Respondent*  
*Phillip Frederick Moore*

January 18, 2022  
Lexington, South Carolina



LAW OFFICE OF  
**JAMES R. SNELL, JR.**  
LLC

**Via Hand Delivery & Via Email: [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)**

January 18, 2022

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JAN 19 2022

SC Court of Appeals

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

**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)