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Apr 18 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In The Court Of Appeals

APPEAL FROM OCONEE COUNTY

Court Of Common Pleas

S/ J. CORDELL MADDOX JR., CIRCUIT COURT JUDGE

CASE NO: 2021-CP-37-00560

APPELLATE CASE NO.: 2021-001552

Dorothy Pierce, Appellant,

V.

Jared Adam Pierce, Respondent

AMENDED APPLICATION FOR TEMPORARY ORDER OF RESTRAINT

The Appellant HEREBY requests a TEMPORARY ORDER OF RESTRAINT of Donna Carol Moore and Gregory Alan Pierce from separating, sorting, distributing, disposing of, cutting locks, relocating, or in any way interfering with the assets of the Estate of Doyle Elton Pierce while the Estate is Pending the decision of Courts of Appeals.

PARTIES

1. The Appellant, Dorothy Pierce is and was an individual residing in the state of South Carolina. Appellant is the surviving spouse of Decedent Doyle Elton Pierce.

2. Gregory Alan Pierce is and was an individual residing in the state of South Carolina. Gregory A. Pierce is the purported son and descendant of Decedent Doyle Elton Pierce.

3. Donna C. Moore is and was an individual residing in the state of South Carolina. Donna Carol Moore is the daughter and descendant of Decedent Doyle Elton Pierce.

FACTS

4. On or about September 14, 2020, the Appellant's husband, Doyle Elton Pierce Passed.

5. On or about September 15, 2020, Gregory and his brother Respondent Jared Adam Pierce attacked the Appellant while they threatened to kill the Appellant's "black ass" and dump her body in the woods. A No trespass notice was placed against them, but they have both broken the No Trespass Notices. On the same day, Gregory A. Pierce took several guns out of the Appellant's bedroom by force and packed them inside his truck while he yelled, "bitch, we are waiting for the law." The sheriff's deputies recovered the guns fully loaded. The guns were returned to the estate by order of the Judge.

6. On other occasions, Gregory also took keys from the trucks and tractors, a Key to the 4-Wheeler, and a 45 Caliber handgun. He only returned a few keys when the Appellant threatened to call the law. He kept the four-wheeler key and the handgun.

7. For Several months Donna C. Moore insisted on taking possession of Pictures and some sentimental items from the Estate. On or about March 9, 2022, she took hundreds of pictures of the decedent Doyle E. Pierce and several other pictures of family members. She also took books and DVDs. The Appellant allowed her to take the items when she became insistent.

8. On or about March 15, 2022, Donna C. Moore and Gregory took additional items they considered sentimental without the Appellant's authorization.

9. Between March 7, 2022, to March 22, 2022, Gregory Pierce constantly came to the Estate to separate, dispose of the items he considered worthless mostly in the absence of the Appellant, but several items have disappeared and cannot be located. This was against the Appellant's Objection that No particular heir has the right to determine which items are useless and which ones are useful before the appeal on the Will is ruled upon.

10. Between March 1, 2022, and March 28, 2022, Donna C. Pierce and Gregory A. Pierce have been sending a series of text messages to the Appellant threatening to cut all the locks and sort or move the Estate Items as they see fit. All these are against the Appellant's warning that the items are not to be removed until appeal is ruled upon.

11. On or about March 28, 2022, Gregory Alan Pierce, who resides in Easley, SC. came to the Estate and attacked the Appellant while he attempted to break into some of the storage units to move items in and out, claiming he does not need permission from the Appellant or anyone to move anything in and out of any of the storage units within the Estate. When it became clear that his actions were about to explode into violence, the Appellant called 911.

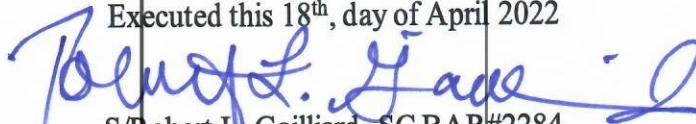
Deputy Sheriff officer, David Scealf responded to the incident and was later joined by two other deputies. The deputies asked Gregory A. Pierce to stay away from the Appellant's residence and to wait for the Court of Appeals to decide on the Will before moving any items.

12. The Probate Court judgment Of Kenneth E. Johns has been appealed and the Appellant is likely to prevail on the merits of her appeal. Furthermore, according to the Last will of Doyle Elton Pierce, the appellant is willed the residue of the Estate which includes all the items the parties seek to segregate, sort or dispose of. It is upon the above background that the Appellant as the surviving spouse and heir to the Estate of Doyle Elton Pierce seeks to protect her interest in the estate.

13. According to South Carolina General Rule 241(Stay and Supersedeas in Civil Actions) (a) General Rule. "As a general rule, the service of a notice of appeal in a civil matter acts to automatically stay matters decided in the order, judgment, decree, or decision on appeal, and to automatically stay the relief ordered in the appealed order, judgment, or decree or decision.

14. To prevent loss of Estate assets to illegal removal, sorting, segregating, cataloging, and disposing of, it is important that a temporary order be granted to restrain the said parties from fleecing the Estate until a full hearing is conducted with all interested parties present.

Executed this 18th, day of April 2022



S/Robert L. Gailliard, SC BAR#2284

Robert L. Gailliard, Attorney at Law, Attorney for Dorothy Pierce.

122 Caryota lane Summerville, South Carolina, 29486

TEMPORARY ORDER OF RESTRAINT

IT IS HEREBY ORDERED that the following conditions be imposed on DONNA CAROL

MOORE AND GREGORY ALAN PIERCE, the Descendants of the above Estate.

RESTRICTIONS: DONNA CAROL MOORE AND GREGORY ALAN PIERCE ARE
HEREBY ORDERED TO RESTRAIN FROM SEPARATING, SORTING, DISTRIBUTING,
DISPOSING OF, CUTTING LOCKS, RELOCATING, OR IN ANY WAY INTERFERING
WITH THE ASSETS OF THE ESTATE OF DOYLE ELTON PIERCE UNTIL A FULL
HEARING CAN BE CONDUCTED IN THE PRESENCE OF ALL INTERESTED PARTIES.

IT IS SO ORDERED.

Executed this _____ day of April 2022

COURT OF APPEALS JUDGE

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APPELLATE CASE NO.: 2021-001552

Dorothy Pierce.....Appellant,

V.

Jared Adam Pierce.....Respondent

PROOF OF SERVICE

I certify that I have served the Amended Application for Temporary Order of Restraint on Jared Adam Pierce by depositing a copy of it in the U.S. mail postage prepaid on April 18, 2022, addressed to his attorney of record Richard Hunt McDuff, Merrell, Jahn, & McDuff, PA, 119 Professional Park Drive, #8, Seneca, SC 29678.

Executed this 18th, day of April 2022



S/Robert L. Gailliard,

122 Caryota lane Summerville, South Carolina, 29486.
SC BAR#2284
Attorney for Appellant