

EXHIBIT 1
TO NOTICE OF APPEAL

FILED FOR RECORD IN THE COURT OF COMMON PLEAS ELEVENTH JUDICIAL CIRCUIT LEXINGTON COUNTY SOUTH CAROLINA CASE # 2019-CP-32-02695

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)
IN THE MATTER OF)
The Perrich Family Revocable Living Trust:)

IN THE COURT OF COMMON PLEAS
ELEVENTH JUDICIAL CIRCUIT

C/A NO.: 2019-CP-32-02695

Wm. Bert Brannon, as Trustee of the
Donaldeen J. Perrich Trust,

PETITIONER,

ORDER GRANTING RESPONDENTS
DAVID WAYNE PERRICH AND
JERRY ROBERT PERRICH'S
MOTION FOR PARTIAL SUMMARY
JUDGMENT

vs.

Kathryn Joan Perrich, David Wayne Perrich;
Jerry Robert Perrich; William J. Perrich;
Robert J. Perrich; Michael J. Perrich; and
Sarah Perrich,

RESPONDENTS.

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MAY 19 2022

SC Court of Appeals

THIS MATTER came before the court pursuant to Respondent's David Wayne Perrich and Jerry Robert Perrich (collectively, the "Perrichs") Motion for Partial Summary Judgment pursuant to Rule 56 of the South Carolina Rules of Civil Procedure. A hearing via WebEx was held on June 15, 2021. Present at the hearing was Mark B. Goddard, Esquire for the Perrichs, Charles M. Black, Jr., Esquire for Kathryn Perrich, and Harry A. Dixon, Esquire for Petitioner. All parties were given notice of the hearing; however, no further virtual appearances were made. Having considered the filings in this matter and the arguments of counsel, the Court hereby GRANTS the Perrichs' motion as set forth herein.

Through this action, Petitioner seeks a declaratory judgment on two separate and distinct issues regarding The Donaldeen J. Perrich Trust (the "Trust"). The first issue in the Amended Complaint seeks a declaratory judgment determining the assets of the Trust after a forensic review of Respondent Kathryn Joan Perrich's actions while serving as Trustee of the Trust. The Perrichs

substantially affecting the duties, rights and liabilities of our Trustee shall be effective only if agreed to by our Trustee in writing.

S.C. Code Ann. §62-7-602(c) further states

The settlor may revoke or amend a revocable trust: (1) by substantial compliance with a method provided in the terms of the trust; or (2) if the terms of the trust do not provide a method or the method provided in the terms is not expressly made exclusive by: (A) a later will or codicil that expressly refers to the trust, manifesting clear and convincing evidence of the settlor's intent; or (B) by oral statement to the trustee if the trust was created orally; or (C) any other written method, other than a later will or codicil, delivered to the trustee and manifesting clear and convincing evidence of the settlor's intent.

The undisputed facts in this matter show that Donaldean J. Perrich executed the September 4, 2016 Letters of her own free will. *See Affidavit of Pam Perrich*. She was fully aware of the effects the September 4, 2016 Letters would have on the Trust and she intended that the September 4, 2016 Letters serve as amendments to the Trust. *Id.* Since Robert J. Perrich was not alive at the time of the September 4, 2016 Letters, she fully complied with the terms of the Trust. Further, the September 4, 2016 Letters were provided to the then-acting trustee of the Trust on several occasions. Donaldean J. Perrich also complied with South Carolina law in amending the Trust. Therefore, the Court grants summary judgment on the issue of the effectiveness of the September 4, 2016 Letters and directs the Trustee to follow the instructions in the September 4, 2016 Letters in his administration of the Trust.

K. Perrich argued at the hearing that the September 4, 2016 Letters were not timely produced and that the Trustee did not consent to the letters. However, K. Perrich could not present, and indeed did not present, any evidence to this effect. Accordingly, the Court considered this argument, but has rejected it for the failure to present any evidence to substantiate this argument.

CONCLUSION

Based on the foregoing, pursuant to Rule 56 of the South Carolina Rules of Civil Procedure, the Court **GRANTS** summary judgment in favor of Respondent Jerry Robert Perrich and David Wayne Perrich. Because of the current posture of the case, specifically the striking of pleadings and inability of the Court to consider any evidence from K. Perrich, the Court finds that it is required to enter partial summary judgment that the September 4, 2016 Letters are valid amendments of the Trust and instructs the Trustee to implement these amendments in his administration of the Trust.

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William P. Keesley
Circuit Judge

June __, 2021
Lexington, South Carolina

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LEXINGTON COMMON PLEAS
CASE# 2019-00202095



Lexington Common Pleas

Case Caption: Kathryn Joan Perrich VS Donaldeen J Perrich , defendant, et al
Case Number: 2019CP3202695
Type: Order/Summary Judgment

Circuit Judge (Code #2050)

s/ William P. Keesley

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