

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

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**May 26 2022**

**S.C. SUPREME COURT**

APPEAL FROM BEAUFORT COUNTY  
COURT OF COMMON PLEAS  
BENTLEY J. PRICE, CIRCUIT COURT JUDGE

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Appellate Case No.: 2021-000837

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In the Matter of the Estate of Paul Brandon Barringer, II

Hampton B. Luzak, ..... Appellant,

v.

Merrill B. Light, Merrill U. Barringer, as Personal Representative of the  
Estate of Paul Brandon Barringer, II, J. Randolph Light, Jr., Merrill B. Light  
as putative trustee of the Paul B. Barringer, II Revocable Trust dated  
December 4, 1998, and Merrill B. Light as Trustee of the Merrill Barringer  
Light Revocable Trust, ..... Respondents.

AND

Hampton B. Luzak, ..... Appellant,

v.

Merrill U. Barringer, ..... Respondent,

and

Coastal Forest Resources Company (“CFRC”), ..... Intervenor/Respondent.

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**APPELLANT’S MOTION TO ALTER  
OR AMEND ORDER OF APRIL 29, 2022**

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The Honorable Bentley J. Price heard summary judgment motions of Respondents on May 27, 2021 and granted those motions in separate orders filed on June 7, 2021, and July 6, 2021. Judge Price denied Appellant Hampton Luzak’s timely filed motions to reconsider those orders. This appeal in Appellate Case No. 2021-000837 involves Appellants’ appeal of (1) the “Order Granting CFRC’s Motion for Intervention and Protective Relief” filed June 7, 2021, and (2) the “Order Granting Defendant Merrill Light Summary Judgment as to February 8 (*sic*), 2012, Will and First Amendment to the Paul B. Barringer, II, Revocable Trust, Dated December 4, 1998” filed July 6, 2021 along with an appeal of a related bifurcation order filed December 30, 2020. This Honorable Court certified the appeal in Appellate Case No. 2021-000837 pursuant to Rule 204(b), SCACR.

In an Order filed April 29, 2022 (“Vacating Order”),<sup>1</sup> this Honorable Court found that Judge Price did not have authority to issue a summary judgment order while Appellant’s appeal of the bifurcation order was still pending. Consequently, this Honorable Court ordered that “the circuit court’s order granting summary judgment is vacated [and] this appeal is dismissed as moot.”

Appellant requests that this Honorable Court alter or amend its Vacating Order to confirm that it applies to all of the orders appealed by Appellant in Appellate Case No. 2021-000837 (specifically the above-stated orders entered by Judge Price granting (1) Respondent CFRC’s motion for intervention and protective relief filed June 7, 2021 and (2) Respondent Merrill

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<sup>1</sup> In a separate order filed April 29, 2022, in a separate appellate case (Appellate Case No. 2021–001022), this Honorable Court denied Appellant’s petition for writ of certiorari seeking review of the bifurcation order issued by the Honorable Carmen Mullen on December 30, 2020. The appeal of the bifurcation order in Appellate Case No. 2021-001022 was of the bifurcation order only. Appellant also appeals the bifurcation order in Appellate Case No. 2021-000837 because it is related to Appellant’s appeals of other summary judgment orders, pursuant to S.C. Code Ann. § 14-3-330(1) and is thus properly appealable.

Barringer Light's motion for summary judgment regarding Paul Barringer's February 28, 2012 will and first trust amendment filed July 6, 2021) given that all of said orders were issued by Judge Price on matters heard at the same hearing on May 27, 2021. This Court held that the circuit court judge (Judge Price) did not have authority to issue the orders. All of said orders in Appellate Case No. 2021-000837 should be vacated for Appellant's appeal to be "dismissed as moot."

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