

STATE OF SOUTH CAROLINA) IN THE PROBATE COURT
)
COUNTY OF HORRY) Case No.: 2024-ES-26- 01440

IN THE MATTER OF: ESTATE OF MICA A. MILLER

Sierra Francis)
)
Petitioner,)

MEMORANDUM IN SUPPORT OF
APPLICATION FOR APPOINTMENT OF
SPECIAL ADMINISTRATOR

BACKGROUND

Petitioner is the sister of the Decedent, Mica Acacia Miller, who died on April 27, 2024, under what is being referred to as suspicious circumstances, which are currently being investigated by Robeson County authorities.¹ Just prior to her death, on April 15, 2024, the Decedent filed for divorce from her husband, John-Paul Jones.² On April 25, 2024, Decedent's husband was duly served with a copy of the family court proceedings. Then, on April 27, 2024, Petitioner was found deceased.

A hearing as to Decedent's Motion for Temporary Relief in the family court proceedings has been scheduled for June 5, 2024.³ Petitioner seeks to be appointed as Special Administrator for the Estate of Mica Acacia Miller for two specific purposes: (1) to preserve the Decedent's interest in the martial estate; and (2) to determine whether a Last Will & Testament exists, as further described below, and in the attached Exhibits.

- 1. Petitioner seeks to be appointed as Special Administrator in order to preserve the Decedent's interest in the martial estate.***

Though the Decedent's claims for divorce and support would have abated upon her death, the claim for equitable apportionment as to the marital estate remains. *See Hodge v. Hodge*, 305

¹ See Exhibit A, a news story from WPDE, published on May 2, 2024.

² See Exhibit B, a copy of the Summons for the domestic action.

³ See Exhibit C, a copy of the Notice of Hearing from the Horry County Family Court.

S.C. 521 (Ct. App. 1994); *see also Seels v. Smalls*, 437 S.C. 167 (2022) (holding that the family court property retained jurisdiction to rule on an action seeking equitable apportionment of marital property after one of the parties died during the pendency of the action). To preserve the Decedent's interest in the marital estate, Petitioner seeks to be appointed as Special Administrator for the purpose of moving to be substituted as Plaintiff in the family court action. Decedent's interest in the material estate vested at her filing the family court action and can be collected by a representative of her estate.

As mentioned briefly above, Plaintiff's Motion for Temporary Relief is scheduled for **June 5, 2024**, before the Honorable Jan Bromell Holmes. It is of the particular importance for Petitioner to appear and obtain a *pendente lite* order restraining and enjoining Mr. Miller from disposing, encumbering, transferring, selling, hypothecating, pledging, destroying, or otherwise altering the status or value of any marital asset.

It would be impractical for Mr. Miller be appointed as Special Administrator, or Personal Representative, of the Decedent's estate as he has a pecuniary interest in the outcome of such a claim regarding the marital estate. It is prudent for a third-party to be appointed for this purpose to ensure that the results are equitable to those involved.

- Petitioner seeks to determine whether Decedent has a Last Will & Testament and would seek to use subpoena powers granted to her in her authority as Special Administrator to do so.***

Petitioner is aware through the creation and filing of Decedent's Power of Attorney⁴ that some level of estate planning exists. What Petitioner does not know, and currently has no grounds under which to inquire into further, is whether part of this estate planning included the preparation and signing of a Last Will & Testament, which could impact Decedent's estate.

⁴ It is worth mentioning that this Power of Attorney indicates it was signed by the Decedent on December 5, 2022, though it was not filed until March 20, 2024.

While Decedent's estranged husband might know the answer to this question, if the answer to whether she had a Will was answered in the affirmative and such would not benefit him, due in large part to allegations of abuse and the pending divorce proceedings, he would be better served through intestate succession, which would make him the sole heir to Decedent's estate. Had Decedent created a Will and sought to limit her estranged husband's share of same, or disinherit him entirely, is what Petitioner seeks to determine, by requesting any such relevant estate planning documents. This is especially relevant as to Petitioner's need to preserve the Decedent's interest in the marital estate and the subsequent distribution of same.

3. *Finally, both for those reasons mentioned above, and due to John-Paul Miller's potential exclusion from benefiting from Decedent's estate under S.C. Code § 62-2-803, it would be improvident to give him control over the Decedent's estate, despite the two still being legally married.*

As initially mentioned, the investigation into the circumstances surrounding the Decedent's death are still being actively investigated by law enforcement. Circumstances exist to indicate that John-Paul Miller may be a person of interest in connection with his wife's death, but that will take law enforcement additional time to determine. If he is convicted of having a role in her death, this would preclude him from benefiting from the Decedent's estate, pursuant to S.C. Code § 62-2-803, more colloquially known as the "Slayer Statute." However, in the absence of such a conviction or guilty plea establishing the criminal accountability for the Decedent's death, S.C. Code § 62-2-803(f) allows a court, upon the petition of an interested person to "determine whether, upon the preponderance of the evidence standard, the individual would be found responsible" for the death. Although this is yet to be determined, it is still an important factor in Petitioner's request to be appointed, as the possibility of his disqualification creates the implication that he would not act in the best interest of the Decedent's estate. See the

enclosed Affidavits⁵ of Sierra Francis and Nathaniel Francis as supporting evidence of the potential for culpability in the Decedent's death. Additionally, prior to her death, Decedent sought a restraining order against John-Paul,⁶ though it is believed the restraining order was ultimately not issued.

Conclusion

Therefore, based on the foregoing, the Petitioner respectfully requests that the Court issue an order appointing her as Special Administrator of the Decedent's estate.

Respectfully submitted,

THE FLOYD LAW FIRM PC



T. Jarrett Bouchette
S.C. Bar No. 101122
tjbouchette@floydlaw.com
Marissa N. Drost
S.C. Bar No. 104629
mndrost@floydlaw.com
P. O. Drawer 14607
Surfside Beach, SC 29587-4607
(p) 843-238-5141 (f) 843-238-9060

ATTORNEYS FOR PETITIONER

May 2, 2024
Surfside Beach, South Carolina

⁵ Attached hereto and incorporated herein as Exhibit D and Exhibit E, respectively.

⁶ See attached Exhibit F.