

IN THE PROBATE COURT OF FULTON COUNTY  
STATE OF GEORGIA

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FULTON COUNTY  
PROBATE COURT

2017 APR 21 PM 3:37

IN THE MATTER OF:	)	
DIANE SMITH MCIVER,	)	ESTATE NO.: PC20162606
	)	
DECEASED	)	MOTION FOR EMERGENCY
	)	HEARING
	)	

**MOTION FOR EMERGENCY HEARINGS**

COMES NOW Petitioner, the State of Georgia, through Fulton County District Attorney, Paul L. Howard, Jr., and submits the following Motion for Emergency Hearings:

1.

Petitioner on this day has filed a Petition for Production of Will to Claud McIver, who Petitioner has good reason to believe is in possession of the true Last Will and Testament of Diane McIver, the deceased, which as of the date of this motion has not been produced or filed with this Court, as required by O.C.G.A. § 53-5-5. Petitioner has also filed a Petition to Remove Claud McIver as executor of the deceased.

2.

Should a Rule Nisi Order be entered by this Court setting a date and time for Mr. McIver to appear to show why they have not filed said Will and why he should not be removed as executor, Petitioner prays, that pursuant to Uniform Probate Rule 6.6, this Court expedite said hearings.

3.

Petitioner has good cause for this instant motion. The State of Georgia is actively investigating the death of Diane McIver as a homicide. Diane McIver's new Will is likely

evidence of the motive in her death. Moreover, it is necessary and in the interest of justice to promptly consider the matter of Claud McIver's removal as executor. Accordingly, in furtherance of the State's investigation and in the interest of justice, expedited hearings are necessary.

4.

Further, the State has reason to fear that any copies of Diane McIver's new Will could be destroyed if a hearing on this matter is not expedited.

5.

Additionally, the underlying criminal case into the death of Diane McIver is a high profile case, which has garnered heavy media attention. In the interest of avoiding unnecessary press, an expedited hearing is appropriate.

6.

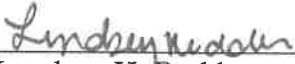
Accordingly, showing good cause, Petitioner prays this Court grant an expedited hearing on this matter.

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served a copy of the forgoing *Motion for Emergency Hearings* on Claud McIver by deposition same in the United States Mail in a properly addressed envelope with adequate postage thereon to:

Claud McIver  
3435 Kingsboro Road  
#1501  
Atlanta, Georgia 30326

This 21<sup>st</sup> day of April, 2017.

  
\_\_\_\_\_  
Lyndsey H. Rudder  
Deputy District Attorney  
Atlanta Judicial Circuit  
Georgia Bar Number 421055