

IN THE CIRCUIT COURT OF MACON COUNTY, MISSOURI

MARY KATHRYN CROCKER-WYSS)

a/k/a MARY KATHRYN WYSS)

Plaintiff,)

v.)

Case No.: 23MA-CC00020

JOHN W. BRISCOE, *et al.*)

Defendants.)

**MOTION TO SUBSTITUTE PHILIP P. BRISCOE, PERSONAL REPRESENTATIVE
OF THE ESTATE OF JOHN WILFORD BRISCOE, RALLS COUNTY ESTATE NO.
24RL-PR00003, AS DEFENDANT FOR JOHN W. BRISCOE**

Petitioner Mary Kathryn Crocker-Wyss a/k/a Mary Kay Wyss, through counsel, pursuant to Missouri Supreme Court Rule 52.13(a), hereby moves to substitute Philip P. Briscoe, Personal Representative of *The Estate of John Wilford Briscoe*, Ralls County Estate No. 24RL-PR00003, as Defendant for John W. Briscoe, and in support hereof, states as follows:

1. John W. Briscoe is one and the same person as John Wilford Briscoe.
2. John W. Briscoe died on January 1, 2024.
3. On February 15, 2024, the Circuit Court of Ralls County issued Letters of Administration to Philip Porter Briscoe in *The Estate of John Wilford Briscoe, Deceased*, Estate No. 24RL-PR00003.
4. Plaintiff's claim against John W. Briscoe is not extinguished by his death.
5. Philip P. Briscoe, in his capacity as Personal Representative of the Estate of John Wilford Briscoe, is the proper person to be substituted as Defendant for John W. Briscoe in this matter, pursuant to Supreme Court Rule 52.13(a).

Wherefore, Plaintiff respectfully requests that Philip P. Briscoe, as Personal Representative of the Estate of John Wilford Briscoe be substituted as Defendant in place of John W. Briscoe, and

for such other relief as is just, proper and appropriate.

Respectfully submitted,

McDOWELL, RICE, SMITH & BUCHANAN

/s/ Hugh L. Marshall

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ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 19, 2024, the above and foregoing was filed with and served via the court's electronic filing system with notice to all attorneys of record.

/s/ Hugh L. Marshall