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SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

**APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas**

**Mikell Scarborough
Master-in-Equity**

Appellate Case No. 2019-001838

SRP 2011-6, LLC..... Respondent,

v.

Alluette K. JonesAppellant.

RESPONDENT’S REPLY TO APPELLANT’S MOTION TO REINSTATE

The Appellant has filed a motion to reinstate. This motion should be denied.

The remittitur has already been issued. The remittitur is jurisdictional and an appeal cannot simply be reinstated after the remittitur was issued. This is not a case where the remitter was issued in error. The matter was dismissed as a result of the Appellant’s repeated non-compliance with the appellate court rules after the Court gave the plaintiff clear directions as to how to proceed she filed a brief that did not correspond with her initial brief.

She claims that she did not get notice of the remittitur. But that is because she did not update her address with the Court. She tries to assert that the Court had notice of her change of address by virtue of a return envelope that “forwarding time expired” on her old address. But that puts the burden of an address change on the Court and not on the Appellant where it belongs. Further, the Appellant states she found out about this all in late April 2022, but waited until now to take action. That kind of delay cannot be justified under the rules.

The Appellant continues to not follow the rules. On this motion she has changed the parties to the case. And she claims to have served undersigned counsel via US Mail, but undersigned counsel has not gotten any mail from the Appellant.

Finally, the prejudice to the Respondent is substantial and the relief that could be granted by this court is minimal, if any. This is an appeal from a foreclosure matter. The foreclosure has been completed. The property has been sold at foreclosure to an unrelated third party. The Respondent has dispersed the funds that it did receive from the foreclosure to the investors on this loan. Reinstatement will only prolong the legal process at the expense of the defendant without the remedy of undoing the foreclosure.

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September 7, 2022

