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October 17, 2022

VIA EMAIL

Honorable Jenny Abbott Kitchings
Clerk of Court
S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED
Oct 17 2022
SC Court of Appeals

Re: MFM Properties, LLC, et al. v. Rotunda Land & Development, LLC
Appellate Case No. 2022 - 001097

Dear Ms. Kitchings:

Please note for the Court's attention that I filed a Motion to Dismiss the above-referenced appeal on behalf of the Respondents on September 28, 2022. SCACR Rule 204(e) provides that a return to the Motion should be filed within ten days of the Motion. No return was filed within ten days as required by the Rule. This is the second appeal in this lawsuit and the first appeal was dismissed by the Court by Order filed September 13, 2022 (Appellate Case No. 2022-000875) for the failure of Appellant to file a response to a Motion to Dismiss in that matter as well.

I therefore respectfully request that the Court grant this Motion as unopposed.

Sincerely,



Benjamin E. Nicholson, V

cc: Terry A. Finger, Esquire, via email

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Oct 17 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Robert J. Bonds, Circuit Court Judge

Case No. 2021-CP-07-00482
Appellate Case No. 2022 - 001097

MFM Properties, LLC; and MFM Residential
Properties, LLC,..... Respondents,

v.

Rotunda Land & Development Group, LLC; and
Calloway Title & Escrow, LLC,..... Defendants,

Of Which Rotunda Land & Development Group, LLC, is the.....Appellant.

PROOF OF SERVICE

I, Valerie Hampton, an employee of Burr & Forman LLP, hereby certify that a true and correct copy of the Letter regarding Motion to Dismiss Appeal was served upon counsel for the Appellant in the above-captioned matter via email at the email address shown below, this 17th day of October, 2022, as follows:

Terry A. Finger, Esquire
Finger, Melnick, Brooks & LaBruce, P.A.
Post Office Box 24005
Hilton Head, SC 29925-4005
Email: tfinger@fingerlaw.com

s/ Valerie N. Hampton _____