

RECEIVED

Mar 16 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM Horry COUNTY
Court of Common Pleas
William H. Seals Jr., Circuit Court Judge

APPEAL FROM Horry COUNTY
Magistrate Court
Hon. Christopher J. Arakas

Case No.: 2023-CP-26-00448

Appellate Case No. 2023-000169

Plantation Apartments,

Respondent,

v.

Shenika McIntyre,

Appellant.

MOTION TO DISMISS AND MEMORANDUM IN SUPPORT

PLEASE TAKE NOTICE that Respondent, Plantation Apartments (“Respondent”), by and through its undersigned counsel and pursuant to Rule 240, South Carolina Appellate Court Rules (“SCACR”), hereby respectfully moves this Court to enter an Order dismissing Shenika McIntyre’s (“Appellant”) appeal in this case as this Court lacks jurisdiction over the appeal as set forth below. First, the Appellant has failed to comply with Rule 203, SCACR, in timely filing the Notice of Appeal and Rule 262, SCACR, in properly serving the Notice of Appeal. In addition to Appellant’s non-compliance with the SCACR, Appellant’s Notice of Appeal outlines that the

Appellant's appeal is from the Magistrate Judgment of Judge Christopher J. Arakas on September 15, 2022 (the "Magistrate Judgment"), which is not directly appealable to this Court pursuant to S.C. Code. Ann. § 14-8-200 (1979). Lastly, the Appellant's recently filed Motion to Reinstate ("Motion") is improper as it did not meet the requirements of Rule 240(c), SCACR, and therefore, the Order of this Court dismissing the Appellant's appeal dated February 23, 2023 (the "Order") and remittitur should have been sent to the lower court pursuant to Rule 221(b), SCACR. As outlined below, Respondent respectfully requests this Court to dismiss the appeal.

PROCEDURAL BACKGROUND

On January 6, 2023, the Horry County Court of Common Pleas affirmed the Magistrate Judgment (the "Circuit Court Order 1") (App. 1-3). On January 24, 2023, Appellant again appealed the Magistrate Judgment to the Horry County Court of Common Pleas. The Horry County Court of Common Pleas quickly dismissed the second appeal in an order dated January 26, 2023 (the "Circuit Court Order 2") (App. 4-6). The Circuit Court Order 2 outlined that the appeal was dismissed because it was duplicative of the action that was ultimately dismissed by Circuit Court Order 1. Appellant filed the Notice of Appeal in this case which was marked as received by this Court on February 2, 2023 (the "Notice of Appeal") (App. 7-8). The Notice of Appeal outlines that the appeal was from the Magistrate Judgment dated September 15, 2022. On February 6, 2023, this Court issued a deficiency letter which identified numerous deficiencies in the Appellant's Notice of Appeal ("Deficiency Letter 1") (App. 9-10). Those deficiencies included, but were not limited to the following:

- The notice of appeal is not accompanied by the order(s) and/or judgment(s) challenged on appeal;
- A proof of service has not been provided; and
- A proof of filing of a copy of the Notice of Appeal with the clerk of the lower

court was not provided.

Thereafter, Appellant submitted additional documentation to the Court, but on February 23, 2023, the Court filed the Order dismissing the appeal as a result of Appellant failing to provide the additional documents listed above pursuant to Rule 203, SCACR. (App. 11). The Order outlined that the remittitur would be sent as provided by Rule 221(b), SCACR. On March 10, 2023, the Appellant filed the Motion with the Court. (App. 12-13). On that same day, the Court issued an additional deficiency letter outlining that the required filing fee had not been submitted and proof of service was not provided (the “Deficiency Letter 2”) (App. 14). The Deficiency Letter 2 indicated that the deficiencies were to be corrected within ten (10) days or the Motion would not be considered.

DISCUSSION

I. This appeal should be dismissed as Appellant has failed to comply with Rule 203, SCACR and Rule 262, SCACR.

Rule 203, SCACR outlines certain filing requirements for a notice of appeal to this Court.

Specifically, pursuant to Rule 203(d)(1)(B), SCACR, states, in pertinent part:

(B) When and What to File. The notice of appeal shall be filed with the clerk of the lower court and the clerk of the appellate court within ten (10) days after the notice of appeal is served. The notice filed with the appellate court shall be accompanied by the following:

- (i)** Proof of service showing that the notice has been served on all respondents;
- (ii)** A copy of the order(s) and judgment(s) to be challenged on appeal if they have been reduced to writing;
- (iii)** A filing fee as set by order of the Supreme Court; this fee is not required for criminal appeals or appeals by the State of South Carolina or its departments or agencies[.]

Rule 203(d)(3), SCACR, outlines that “[i]f the notice of appeal is not timely filed or the filing fee is not paid in full, the appeal shall be dismissed, and shall not be reinstated except as provided by Rule 260.” See also Camp v. Camp, 378 S.C. 237, 662 S.E.2d 458, 459 (Ct. App. 2008) (noting that “[a]n untimely notice of appeal shall be dismissed” citing to Rule 203(d)(3), SCACR).

In this case, the Appellant has failed to provide numerous documents and meet other requirements set out in Rule 203(d)(1)(B), SCACR. As this Court has already recognized in its Order dated February 23, 2022 which dismissed the appeal, the Appellant has failed to provide numerous documents as required by Rule 203, SCACR, which included proof of service for the Notice of Appeal, a copy of the order on appeal, and proof of filing a copy of the Notice of Appeal with the clerk of the lower court. Upon review of the Court filing system, none of these deficiencies have been cured to date and the deadline has long since passed.

In addition to the non-compliance with Rule 203, SCACR, the Appellant has also failed to comply with Rule 262(c), SCACR, by properly serving the Respondent the Notice of Appeal within the time outlined in Rule 203(b)(1). See Elam v. South Carolina Dept. of Transp., 361 S.C. 9, 15, 602 S.E.2d 772 (2004) (stating that “[t]he requirement of service of the notice of appeal is jurisdictional, *i.e.*, if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to “rescue” the delinquent party by extending or ignoring the deadline for service of the notice”). The Appellant should have appealed from the Circuit Court Order 1 dated January 6, 2023, which the Appellant received notice of at some point in January. Based on the Appellant’s non-compliance of the above-mentioned South Carolina Appellate Court Rules, the appeal should be dismissed.

II. This Court lacks jurisdiction over the appeal as the appeal is from the Magistrate Judgment.

In addition to the numerous deficiencies detailed above, the Appellant’s Notice of Appeal outlines that the appeal is from the Magistrate Judgment of Judge Christopher J. Arakas on September 15, 2022. The cases over which the Court of Appeals has jurisdiction is clearly outlined in S.C. Code. Ann. § 14-8-200 (1979), which states, in part:

(a) Except as limited by subsection (b) and Section 14-8-260, the court has jurisdiction over any case in which an appeal is taken from an order, judgment, or decree of the circuit court, family court, a final decision of an agency, a final decision of an administrative law judge, or the final decision of the Workers’ Compensation Commission.

The Appellant has already appealed the Magistrate Judgment and the Horry County Court of Common Pleas affirmed the Magistrate Judgment *twice* with Circuit Court Order 1 and Circuit Court Order 2. Given the Appellant’s Notice of Appeal outlines that she is appealing the Magistrate Judgment, this Court lacks jurisdiction over the appeal and the same should be dismissed.

III. The Appellant’s recently filed Motion to Reinstate should not be considered as Appellant has failed to file multiple documents along with the Motion as required Rule 240, SCACR.

Pursuant to Rule 260, SCACR, “the clerk shall remit the case to the lower court or administrative tribunal in accordance with Rule 221 unless a motion to reinstate the appeal has been actually received by the court within fifteen (15) days of filing of the order of dismissal (the day of filing being excluded).” The Appellant appears to have filed the Motion on March 10, 2023 which was the fifteenth day after the Order dated February 23, 2022. However, the Appellant failed to follow certain requirements set out in Rule 240(c), SCACR, which governs the rules relating to

the filing of motions with this Court. The deficiencies in Appellant's Motion included the lack of the required filing fee and failure to provide proof of service of the Motion on all parties which the Court outlined in Deficiency Letter 2. Given the Motion contained numerous deficiencies and it is now past the fifteenth day to file a Motion to Reinstate pursuant to Rule 260, SCACR, the Court should disregard the Motion and send the Order and remittitur to the lower Court pursuant to Rule 221, SCACR.

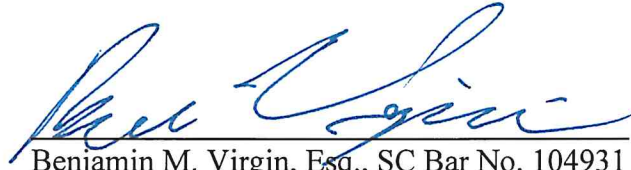
In Wise v. South Carolina Dept. of Corrections, 642 S.E.2d 551 (2007), the court held that the remittitur "was not sent down by mistake, error or inadvertence of the Court of Appeals. Instead, it was correctly sent after fifteen days had elapsed from the date of the order dismissing the appeal without the *proper* filing of a petition for reinstatement. See Rule 224, SCACR (certificate of service shall be filed with all motions and petitions). Accordingly, this Court does not have jurisdiction to act in this matter. The documents filed by appellant are hereby dismissed."

The procedural facts in this case are eerily similar to the ones present in Wise. Just like in Wise, the Appellant here failed to provide a proof of service on all parties with her filed Motion. Therefore, this Court should not consider the Motion as it was improper due to the lack of proof of service filed along with the Motion.

CONCLUSION

The Appellant has failed to meet several requirements in filing her Notice of Appeal as set out in Rule 203, SCACR, and properly serving her Notice of Appeal pursuant to Rule 262, SCACR. The Court has acknowledged these deficiencies in the various correspondences to the Appellant as well as the Order which dismissed the appeal on February 23, 2022. In addition to the deficiencies with the filing of the Notice of Appeal, Appellant is appealing from the Magistrate

Judgment which is not directly appealable to this Court. Lastly, the Appellant's recently filed Motion should not even be considered by this Court as its deficiencies mirror those of the Appellant's Notice of Appeal. Based on the foregoing, the Appeal should be dismissed.



Benjamin M. Virgin, Esq., SC Bar No. 104931
Robertson Hollingsworth Manos & Rahn, LLC
550 King Street, Suite 300
Charleston, South Carolina 29403
843-723-6470
ben.virgin@roblaw.net
Attorney for Respondent

Charleston, South Carolina
March 16, 2023

RECEIVED

Mar 16 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas
William H. Seals Jr., Circuit Court Judge

APPEAL FROM HORRY COUNTY
Magistrate Court
Hon. Christopher J. Arakas

Case No.: 2023-CP-26-00448

Appellate Case No. 2023-000169

Plantation Apartments,

Respondent,

v.

Shenika McIntyre,

Appellant.

APPENDIX TO RESPONDENT’S MOTION TO DISMISS

Circuit Court Order 1 dated January 6, 2023.....	1
Circuit Court Order 2 dated January 26, 2023.....	4
Notice of Appeal dated February 2, 2023.....	7
Deficiency Letter 1 dated February 6, 2023.....	9
Order dated February 23, 2023.....	11
Motion to Reinstate dated March 10, 2023.....	12
Deficiency Letter 2 dated March 10, 2023.....	14

STATE OF SOUTH CAROLINA
COUNTY OF Horry
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2022CP2605997

Shenika McIntyre
PLAINTIFF(S)

Plantation Apartments
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled);
 Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded;
 Other See Below

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

The Decision by the Magistrate's Court is Affirmed based on the return and all evidence presented.

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 01/06/2023 .

Plantation Apartments for Plantation Apartments
Shenika McIntyre for Shenika McIntyre
Plantation Apartments for Plantation Apartments
Shenika McIntyre for Shenika McIntyre

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.



Horry Common Pleas

Case Caption: Shenika McIntyre VS Plantation Apartments

Case Number: 2022CP2605997

Type: Order/Electronic Form 4

IT IS SO ORDERED

s/ The Honorable William H. Seals Jr. #2157

Electronically signed on 2023-01-06 14:35:53 page 3 of 3

ELECTRONICALLY FILED - 2023 Jan 06 2:54 PM - HORRY - COMMON PLEAS - CASE#2022CP2605997

STATE OF SOUTH CAROLINA
COUNTY OF Horry
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2023CP2600448

Shenika McIntyre
PLAINTIFF(S)

Plantation Apartments
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled);
 Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded;
 Other MOOT

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

This Appeal is a duplicate of Civil Action Number 2022CP2605997 which was heard and Affirmed by this Court on January 4, 2023, therefore this case is Dismissed with prejudice.

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 01/26/2023 .

Plantation Apartments for Plantation Apartments
Shenika McIntyre for Shenika McIntyre
Plantation Apartments for Plantation Apartments
Shenika McIntyre for Shenika McIntyre

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.



Horry Common Pleas

Case Caption: Shenika McIntyre VS Plantation Apartments

Case Number: 2023CP2600448

Type: Order/Electronic Form 4

IT IS SO ORDERED

s/ The Honorable William H. Seals Jr. #2157

Electronically signed on 2023-01-26 14:49:53 page 3 of 3

ELECTRONICALLY FILED - 2023 Jan 26 3:06 PM - HORRY - COMMON PLEAS - CASE#2023CP2600448

NOTICE OF APPEAL IN CIVIL CASE

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

RECEIVED

Feb 02 2023

SC Court of Appeals

APPEAL FROM Horry COUNTY
Court of Common Pleas

Christopher J. Arakas, circuit court magistrate judge

Case No. 2023CP200448

Plantation Apartments

The opposing party

Shenika McIntyre

Respondent

v.

Appellant

Shenika McIntyre appeals the order [judgement] of honorable Chris Arakas dated 15t day of September. Appellant received written notice of entry of this order {judgement] on February 2, 2023.

John ozolin

1201 B Creel Street, Wing A-

1

Conway sc, 29527

Attorney of Appellent



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

February 06, 2023

Shenika McIntyre
200 Rittenhouse Rd. Apt 4B
Myrtle Beach SC 29588

Re: Plantation Apartments v. Shenika McIntyre
Appellate Case No. 2023-000169

Dear Ms. McIntyre:

Upon reviewing your notice of appeal, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and each deficiency must be corrected within ten (10) days of the date of this letter or this appeal will be dismissed:

- The notice of appeal is not accompanied by the order(s) and/or judgment(s) challenged on appeal.
- The required filing fee has not been submitted. The correct filing fee is \$250.00. If you wish to request relief from this Court regarding the filing fee, you must file a motion pursuant to Rule 240, SCACR.
- A proof of service has not been provided. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.
- The document has not been signed by you as required by Rule 267(b), SCACR. If you are represented by counsel, they will need to serve and file the notice of appeal on your behalf.
- You must provide proof of filing a copy of your notice of appeal with the clerk of the lower court.

- The letters and attachments filed along with your notice of appeal cannot be considered at this time. Please be advised that you may present your argument and any lower court documents in your appellant's initial brief and designation of matter pursuant to Rule 208 and 209, SCACR. Therefore, no further action will be taken on these attachments.

Very truly yours,


CLERK

cc: Plantation Apartments

The South Carolina Court of Appeals

Shenika McIntyre, Appellant,

v.

Plantation Apartments, Respondent.

Appellate Case No. 2023-000169

Horry County
Trial Court Case No. 2023CP2600448

ORDER

Appellant has failed to provide a signed notice of appeal, proof of service for the notice of appeal, a copy of the order on appeal, and proof of filing a copy of the notice of appeal with the clerk of the lower court as required by Rule 203 of the South Carolina Appellate Court Rules and this Court's letter dated February 6, 2023. Accordingly, this appeal is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR. No further action will be taken on the appellant's request to waive the filing fees.

FOR THE COURT

BY Catherine Hannisa, deputy
CLERK

Columbia, South Carolina

cc:
Shenika McIntyre
Plantation Apartments

FILED
Feb 23 2023

Motion to Reinstite

(Court Level and Jurisdiction)

Shenika McIntyre

Plaintiff

-vs-

Pinkettes Apartments

Defendant

2023-000009
(Case No. Number)

RECEIVED

MAR 10 2023

SC Court of Appeals

AFFIDAVIT

I, Shenika McIntyre, of Myrtle Beach, in Horry, South Carolina, MAKE OATH AND SAY THAT:

1. I Shenika McIntyre haven't done anything wrong. Steven Smith was not coming out my back door in his work clothes. He didn't even go to work that day and I sent you the letter from his boss stating that.
2. I Shenika McIntyre a requesting relief from this court. I am innocent and i have a baby to take care of. I go to work, church and bible study and go home. I don't have anywhere else to go I don't want to be put out my resident for something not true.
3. I Shenika McIntyre am doing the right thing and my landlord Jawanda Cuttino just keep harassing me and everything and nick picking. She even have PPP loans that has been flagged and I have a copy of the petition I got people to sign against her.

Affidavit

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

SUBSCRIBED AND SWORN TO BEFORE

ME, on the 10 day of
March, 2023

Signature

(Seal)

Jacqueline Boomer

NOTARY PUBLIC

My Commission expires:

Jan. 24, 2033

JACQUELINE BOOMER
NOTARY PUBLIC
STATE OF SOUTH CAROLINA
MY COMMISSION EXPIRES
JANUARY 24, 2033

Shenika McIntyre

(Signature)

Shenika McIntyre



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

March 10, 2023

Shenika McIntyre
200 Rittenhouse Rd. Apt 4B
Myrtle Beach SC 29588

Re: Shenika McIntyre v. Plantation Apartments
Appellate Case No. 2023-000169

Dear Ms. McIntyre:

Upon reviewing your motion to reinstate, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and each deficiency must be corrected within ten (10) days of the date of this letter or your motion will not be considered:

- The required filing fee has not been submitted. The correct filing fee is \$50.00.
- A proof of service has not been provided. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.

Very truly yours,

A handwritten signature in cursive script that reads "Jenny A. Kitchings".

CLERK

cc: Plantation Apartments

RECEIVED

Mar 16 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas
William H. Seals Jr., Circuit Court Judge

APPEAL FROM HORRY COUNTY
Magistrate Court
Hon. Christopher J. Arakas

Case No.: 2023-CP-26-00448

Appellate Case No. 2023-000169

Plantation Apartments,

Respondent,

v.

Shenika McIntyre,

Appellant.

PROOF OF SERVICE

I certify that I have served the Motion to Dismiss and Memorandum and Appendix by depositing a copy in the United States Mail, postage prepaid, on March 16, 2023, addressed to the Appellant Shenika McIntyre, 200 Rittenhouse Road, Apartment 4-B, Myrtle Beach, South Carolina, 29588 and to John Ozolin, Esq., 1201B Creel Street, Wing A-1, Conway, South Carolina, 29527.

s/Elizabeth Castle

Elizabeth Castle, Legal Assistant
Robertson Hollingsworth Manos & Rahn, LLC
550 King Street, Suite 300
Charleston, South Carolina 29403
Phone: 843-723-6470
Attorneys for Respondent

Charleston, South Carolina
March 16, 2023

RECEIVED

Mar 16 2023

SC Court of Appeals

**ROBERTSON HOLLINGSWORTH
MANOS & RAHN, LLC**
ATTORNEYS AT LAW
550 King Street, Suite 300
Charleston, South Carolina 29403
(843) 723-6470 • Fax (843) 853-9045
www.roblaw.net

Dunn D. Hollingsworth
Theodore L. Manos
Paul R. Rahn
Jillian S. Barton
Benjamin M. Virgin

March 16, 2023

Via Email only: ctappfilings@sccourts.org

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

Re: Plantation Apartments v. Shenika McIntyre
Case No.: 2023-CP-26-00448
Appellate Case No.: 2023-000169

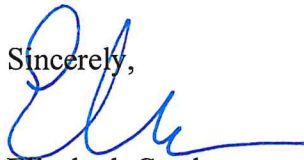
Dear Ms. Kitchings:

Attached for filing are Plantation Apartments' Motion to Dismiss and Memorandum in Support, with Appendix and Proof of Service. We are serving the Appellant and attorney as the online filing system indicates that Appellant is Self Represented, but the Notice of Appeal lists Mr. Ozolin as her counsel. A check in the amount of \$50.00 is on its way to your office today for payment of the filing fee owed for our Motion.

Please do not hesitate to contact this office should you have any questions.

With kind regards, I remain

Sincerely,



Elizabeth Castle
Legal Assistant

/ec

Attachments (as stated)

cc: Shenika McIntyre (via U.S.P.S.)
John Ozolin, Esq. (via U.S.P.S.)