

The South Carolina Court of Appeals

Leanora Nelson, Rosalind Nelson, Jean Nelson Lumbsby,
Adolphus Herman Harris and Florence Gibbs, Plaintiffs,

Of Whom Leanora Nelson is the Appellant,

v.

Heirs of Henry Gibbs, Peggy "Paige" Harris, Adolphus Harris, William Gibbs, Alberta Nelson, Robert Nelson, Curtisse Marie Nelson, Phoebe Nelson, Wilcy Nelson, Samuel Gerguson, Rina Fergusin, Edward P. Nelson, and Henrietta Gibbs and all other persons claiming by or under them and the unknown heirs at law, next of kin, and distributees of the said above named Defendants, and all other infants or persons under disability or person in the military service designated as a class Richard Roe, persons non compos mentis, and all other person under any disability or person in the military service designated as a class Richard Roe, persons non compos mentis, and all other person under disability who may have, or claim to have any right title or interest in, or lien upon the real property described in the Complaint designated as a class Mary Roe and John Doe and Mary Doe, fictitious names used to designate persons in the military service within the meaning of Title 50, United States Code, commonly referred to as the Soldiers and Sailors Civil Relief Act of 1940, as amended if any, and the unknown heirs at law, devisees, widows, widowers, executors, administrators, personal representatives, successors and assigns, firms or corporations of Heirs of Henry Gibbs, Alberta Nelson, Robert Nelson, Curtisse Marie Nelson, Wilcy Nelson, Henrietta Gibbs, Samuel Ferguson, Rina Ferguson, Edward P. Nelson, Phoebe Nelson (deceased) and surrounding landowners: Joseph and Betty Young, William Widener, Luke Brown, Jr., First African Baptist Church, Nelvin Graham, Lawrence Waiters, David and Andrew Fishkind Heape, Levy Center, LLC, Mary Jane

Singleton, Mungin Creek Partners, LLC, Heirs of Janie Crawford, Mary and James Dunbar, Boris Dilbert, William Monroe, Jr., Greater Pentecoastal Temple, Lawrence Clark and Mary Parrish and Tony and Ruth Carolyn Wright and any Defendants who may be deceased and all other persons claiming any right, title, estate interest in or lien upon the real estate described in the Complaint or any other part thereof, Respondents.

Appellate Case No. 2013-001124

The Honorable Deborah B. Kane, Esq
Jasper County
Trial Court Case No. 2005CP2700195

ORDER

Appellant served and filed a notice of appeal that was received by this Court on May 21, 2013. We requested that appellant serve and file an amended notice of appeal, including an original signature and proof of service of the notice on opposing counsel. The Court has now received a document titled "Notice of Appeal" that includes appellant's signature and proof of service, indicating the order of judgment was received April 22, 2013, and the notice was served on May 24, 2013. Pursuant to Rule 203(b)(1) of the South Carolina Appellate Court Rules, "a notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order of judgment." Therefore, the notice of appeal was not timely served and, therefore, the appeal is dismissed. The remittitur shall be sent in accordance with Rule 221, SCACR.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

cc:
Matthew Tillman

FILED
JG 6-24-13