

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2022CP1003304

Athena L Irland et al
PLAINTIFF(S)

Isadore John Psaras et al
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

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 matter came before the Court on Appellant's appeal from Probate Court and Respondent's Motion to Dismiss the Appeal on October 27, 2022. The Court reviewed the record on appeal and considered arguments made by both parties. Respondent's Motion to Dismiss is DENIED and Appellant's appeal is GRANTED.

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 11/15/2022 .

Christina D Culp for Christina D Culp
Christina D Culp for Christina D Culp
Athena L Irland for Athena L Irland
Isadore John Psaras for Isadore John Psaras
Isadore John Psaras for Isadore John Psaras
Athena L Irland for Athena L Irland

RECEIVED
May 08 2023
SC Court of Appeals

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.



Charleston Common Pleas

Case Caption: Athena L Irland , plaintiff, et al VS Isadore John Psaras , defendant, et al
Case Number: 2022CP1003304
Type: Order/Electronic Form 4

IT IS SO ORDERED!

/s Hon. Bentley D. Price, Circuit Judge 2766

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
Athena Irland)
)
Pro Se Plaintiff/Appellant,)
)
v.)
)
Isadore John Psaras, Christina D. Culp,)
Brandy S. Culp,)
)
Defendants/Respondents.)
_____)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2022-CP-10-3304

**RESPONDENT BRANDY CULP'S
RULE 59(e) MOTION TO ALTER
OR AMEND ORDER AND
RULE 221(a) PETITION FOR
REHEARING**

RECEIVED
May 08 2023
SC Court of Appeals

TO: The Honorable Bentley D. Price, Circuit Court Judge:

Pursuant to Rule 59(e), SCRCP, and Rule 221(a), SCACR, Respondent Brandy S. Culp, through her undesignated counsel, hereby respectfully submits this Motion to Alter or Amend Order and Petition for Rehearing as to the Form 4 Order entered by this Court on November 15, 2022, denying Respondent's Motion to Dismiss, Granting the Appeal, and Remanding the case back to the Probate Court. A copy of the Form 4 Order is attached hereto as Exhibit A. Respondent respectfully submits that the following points have been overlooked or misapprehended by the Court:

1. The Court erred in granting an appeal where the Appellant failed to follow *any* of the statutorily-required steps to pursue and/or perfect an appeal, including, but not limited to, A) failing to properly serve the Notice of Appeal on all requisite parties as required by S.C. Code § 62-1-308(a); B) failing to file and serve a Statement of Issues on Appeal on *any* party as required by S.C. Code § 62-1-308(b); C) failing to file and serve a Designation of Matter to be included on the Record on Appeal on *any* party as required by S.C. Code § 62-1-308(c) and (d); D) failing to

file and serve a copy of her Brief on *any* party as required by S.C. Code § 62-1-308(e); E) failing to file and serve the Record on Appeal on *any* party as required by S.C. Code § 62-1-308(f); and F) where the Court, having not received any of the aforementioned filings, did not even conduct a hearing on the merits of the appeal as required by S.C. Code § 62-1-308(i).¹

2. The Court erred in granting an appeal where the Court did not A) make a single finding of fact; B) did not set forth a single conclusion of law; C) did not apply the law as it is required to do so by S.C. Code § 62-1-308(i); D) did not certify its decision to the Probate Court as required by S.C. Code § S.C. Code § 62-1-308(j); and E) remanded the case to the Probate Court without instruction.

3. The Court erred in exercising jurisdiction over this appeal, where Appellant failed to serve a Notice of Appeal on all requisite parties as required by S.C. Code § 62-1-308(a). Appellant's failure to serve all requisite parties within the statutorily required period of time is fatal to her appeal. "The requirement of service of the notice of appeal is jurisdictional, i.e., if a party misses a 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.**" *USAA Property and Cas. Ins. Co. v. Clegg*, 661 S.E.3d 791, 795, 377 S.C. 643 (2008), quoting *Elam v. S.C. Dep't of Transp.*, 351 S.C. 9, 14-15, 602 S.E.2d 772, 775 (2004). (Emphasis added).

Conclusion

Because Appellant did not perfect nor pursue her appeal (as she is statutorily required to do), this Court must deny and dismiss the appeal.

¹ The Court held a hearing on Respondent's Motion to Dismiss Appeal, but not on the merits of the appeal itself (nor could it, given Respondent's complete failure to pursue and/or perfect the appeal. Appellant did not even brief the appeal).

Respectfully submitted,

THE LAW OFFICE OF JESSE SANCHEZ, LLC

s/Jesse Sanchez

Jesse Sanchez, Esquire
SC Bar #: 101906
The Law Office of Jesse Sanchez, LLC
98 ½ Broad Street, Suite B
Charleston, South Carolina 29401
(843) 814-8181 (Phone)
(843) 284-3953 (Fax)
jesse@jessesanchezlaw.com

And

SLOTCHIVER & SLOTCHIVER, LLP
Daniel S. Slotchiver, Esquire
Stephen M. Slotchiver, Esquire
751 Johnnie Dodds Boulevard, Suite 100
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(843) 577-0261 (Fax)
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steve@slotchiverlaw.com

ATTORNEYS FOR RESPONDENT
BRANDY S. CULP

Charleston, South Carolina
November 21, 2022

ELECTRONICALLY FILED - 2022 Nov 21 11:22 AM - CHARLESTON - COMMON PLEAS - CASE#2022CP1003304
ELECTRONICALLY FILED - 2023 Apr 07 10:56 AM - CHARLESTON - COMMON PLEAS - CASE#2022CP1003304



Charleston Common Pleas

Case Caption: Athena L Irland , plaintiff, et al VS Isadore John Psaras , defendant, et al
Case Number: 2022CP1003304
Type: Motion/Reconsider Sentence

IT IS SO ORDERED!

/s Hon. Bentley D. Price, Circuit Judge 2766

EXHIBIT B

Circuit Court Designation

Print Case Details

Case #	Plaintiff	Defendant	Sub Type	File Date	Case Status	Disp. Date
2022CP1003304	ATHENA L IRLAND , PLAINTIFF, ET AL	ISADORE JOHN PSARAS , DEFENDANT, ET AL	PROBATE COURT 940	07/22/2022	ENDED	11/15/2022

Parties

Filings

Events

Associated Cases

Settings

Date	Filing	Document
04/07/2023	ORDER: MOTION/ALTER OR AMEND & PETITION/REHEARING DENIED	
04/07/2023	NEF (04-07-2023 10:56:52 AM) ORDER/OTHER	
01/18/2023	1/26/2023_MOTION_ROSTER/NOTICE OF MOTIONS ROSTER PUBLICATION	
01/18/2023	1/26/2023_MOTION_ROSTER/NOTICE OF MOTIONS ROSTER PUBLICATION	
01/18/2023	1/26/2023_MOTION_ROSTER/NOTICE OF MOTIONS ROSTER PUBLICATION	
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01/18/2023	1/26/2023_MOTION_ROSTER/NOTICE OF MOTIONS ROSTER PUBLICATION	
01/18/2023	1/26/2023_MOTION_ROSTER/NOTICE OF MOTIONS ROSTER PUBLICATION	
11/21/2022	MOTION/ALTER OR AMEND ORDER & PETITION F/REHEARING	
11/21/2022	NEF (11-21-2022 11:22:01 AM) MOTION/BECONSIDERED	

EXHIBIT C

Correspondence with Judge Price's Office

From: Daniel S Slotchiver dan@slotchiverlaw.com
Subject: Re: Athena Irland v. Isadore John Psaras, et al. - Case No. 2022-CP-10-03304
Date: May 2, 2023 at 11:10 AM
To: Price, Bentley Law Clerk (Haley Kiser) bpricelc@sccourts.org
Cc: Angela Rigney ARigney@charlestoncounty.org, Susan Mauldin paralegal@slotchiverlaw.com, Price, Bentley Secretary (Tamara Walters) bpricesc@sccourts.org, athenasdanes@gmail.com, Jesse Sanchez jesse@jessesanchezlaw.com, Jack Sinclaire sinclairlawfirm@gmail.com, Steve Slotchiver Steve@slotchiverlaw.com

Dear Ms Haley,

I apologize for reaching out again, but I am concerned about the fact that the Clerk of Court still lists the Motion to Reconsider as being Denied. While I certainly am in receipt of your communication stating that the Order was filed in error, it alone does not change the timely requirement to file a Notice of Intent to Appeal within 30 days of receipt of the Order. Please know that the last thing we want to do is to file a Notice of Intent to Appeal, but if we do not file the same by Monday of next week we will have failed to preserve our clients rights. Under the circumstances, anything the Court can do to assist in a timely manner would be greatly appreciated.

Dan

Daniel S Slotchiver
Slotchiver & Slotchiver LLP
751 Johnnie Dodds Blvd Suite 100
Mt Pleasant SC 29464
(o)[843-577-6531](tel:843-577-6531)
(f)[843-577-0261](tel:843-577-0261)
dan@slotchiverlaw.com

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On Apr 25, 2023, at 2:00 PM, Price, Bentley Law Clerk (Haley Kiser) <bpricelc@sccourts.org> wrote:

Good afternoon,

The Court has not yet completed the documentation needed by the clerk's office yet for them to make the change. It will be done ASAP.

Best,

Haley Kiser
Law Clerk
The Honorable Bentley Price
100 Broad Street, Suite 432
Charleston, South Carolina 29401
Phone: (843) 958-4450
Fax: (843) 958-5095

From: Daniel S Slotchiver <dan@slotchiverlaw.com>
Sent: Tuesday, April 25, 2023 1:56 PM
To: Angela Rigney <ARigney@charlestoncounty.org>; Price, Bentley Law Clerk (Haley Kiser) <bpricelc@sccourts.org>
Cc: Susan Mauldin <paralegal@slotchiverlaw.com>; Price, Bentley Secretary (Tamara Walters) <bpricesc@sccourts.org>; athenasdanes@gmail.com; Jesse Sanchez

waters, <bpricelc@sccourts.org>, athenasuaras@gmail.com, Jesse Sanchez <jesse@jessesanchezlaw.com>; Jack Sinclair <sinclairlawfirm@gmail.com>; Steve Slotchiver <Steve@slotchiverlaw.com>

Subject: Re: Athena Irland v. Isadore John Psaras, et al. - Case No. 2022-CP-10-03304

***** EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

Angela,

I am following up as on the clerk website this case is still referenced as having been disposed of. I certainly may have misread it, but as an abundance I wanted to bring it to your attention. Would you please confirm that the finding of a denial has been withdrawn?

Thanks in advance,

Dan

Daniel S Slotchiver
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dan@slotchiverlaw.com

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On Apr 18, 2023, at 2:40 PM, Price, Bentley Law Clerk (Haley Kiser) <bpricelc@sccourts.org> wrote:

Good afternoon, Angela,

We received a Motion to Reconsider in our queue that was accidentally pushed through to Judge Price's queue for signature before any type of Order was uploaded to replace it for signature. It was electronically signed by mistake and no decision has been made yet on the Motion to Reconsider. An Order is still forthcoming.

Mr. Slotchiver has brought to my attention that it was marked as denied by the clerk's office. Can this be undone? If I need to do a Form 4 Order for clarification, I can, but an Order was never signed. Please let me know the best resolution.

Thank you,

Haley Kiser

Law Clerk
The Honorable Bentley Price
100 Broad Street, Suite 432
Charleston, South Carolina 29401
Phone: (843) 958-4450
Fax: (843) 958-5095

From: Daniel S Slotchiver <dan@slotchiverlaw.com>
Sent: Tuesday, April 18, 2023 2:34 PM
To: Price, Bentley Law Clerk (Haley Kiser) <bpricelc@sccourts.org>
Cc: Susan Mauldin <paralegal@slotchiverlaw.com>; Price, Bentley Secretary (Tamara Walters) <bpricesc@sccourts.org>; athenasdanes@gmail.com; Jesse Sanchez <jesse@jessesanchezlaw.com>; Jack Sinclair <sinclairlawfirm@gmail.com>; Steve Slotchiver <Steve@slotchiverlaw.com>
Subject: Re: Athena Irland v. Isadore John Psaras, et al. - Case No. 2022-CP-10-03304

***** EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

Thank you for your prompt response. My remaining concern is that of the Clerks office still showing that the motion was denied. Is that something that you can pull back? Alternatively, it leaves us in a position of having to appeal the Court entry.

Thanks again,

Dan

Daniel S Slotchiver
Slotchiver & Slotchiver LLP
751 Johnnie Dodds Blvd Suite 100

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dan@slotchiverlaw.com

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On Apr 18, 2023, at 2:27 PM, Price, Bentley Law Clerk (Haley Kiser) <bpricelc@sccourts.org> wrote:

Good afternoon, all,

As the Court has previously indicated, the signing of your e-filed Motion was a mistake. Motions for Reconsideration are pushed through to our office on the e-filing system from time to time so that we are aware one has been filed in any given case. The e-filing system does not automatically differentiate between a motion or an order uploaded in the system and a motion can be electronically signed just the same as an Order for that reason. Your Motion was accidentally pushed through to Judge Price's signature queue which is meant for Orders that need to be signed.

Furthermore, the Court has not made a decision on your motion at this time and as previously indicated, will prepare an Order when necessary. Please let me know if you have any other questions.

Thank you,

Haley Kiser

Law Clerk

The Honorable Bentley Price

100 Broad Street Suite 432

100 Broad Street, Suite 100
Charleston, South Carolina 29401
Phone: (843) 958-4450
Fax: (843) 958-5095

From: Susan Mauldin <paralegal@slotchiverlaw.com>
Sent: Tuesday, April 18, 2023 2:00 PM
To: Price, Bentley Secretary (Tamara Walters)
<bpricesc@sccourts.org>
Cc: Price, Bentley Law Clerk (Haley Kiser)
<bpricelc@sccourts.org>; athenasdanes@gmail.com; Daniel S. Slotchiver <dan@slotchiverlaw.com>; Jesse Sanchez <jesse@jessesanchezlaw.com>; Jack Sinclair <sinclairlawfirm@gmail.com>; Steve Slotchiver <steve@slotchiverlaw.com>
Subject: RE: Athena Irland v. Isadore John Psaras, et al. - Case No. 2022-CP-10-03304

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Good Afternoon Judge Price:

Attached please find correspondence in regard to the above referenced case.

All my best,

Susan

Susan C. Mauldin
Paralegal to Daniel S. Slotchiver
Paralegal to Andrew J. McCumber
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**SLOTCHIVER & SLOTCHIVER, L.L.P.**

ATTORNEYS AT LAW  
EST. 1959

IRVIN J. SLOTCHIVER  
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April 18, 2023

**VIA EMAIL ONLY**

The Honorable Bentley Price  
100 Broad Street, Suite 432  
Charleston, SC 29401  
[bpricesc@sccourts.org](mailto:bpricesc@sccourts.org)

RE: Athena Irland v. Isadore John Psaras, Christina D. Culp, Brandy S. Culp  
Case No. 2022-CP-10-3304

Dear Judge Price,

I am writing to follow up on my previous email regarding the Order entered on April 7, 2023 in our Motion for Reconsideration in the above-captioned case. Following the same, I received correspondence from your office stating that the Order was a mistake. For the Court's convenience, a copy of the subject filing is attached. By way of further background, instead of an Order granting or denying our Motion, the Clerk's office simply re-filed a copy of our Motion for Reconsideration, which we previously filed on November 21, 2022. Attached to the Motion is a signature page from Your Honor, identifying the Case Caption and Case Number and stating "Motion/Reconsider Sentence. It is so Ordered!" However, the signature page does not identify whether our Order was granted or denied.

The Clerk's office has advised me that it marked the Order on CourtPlus as "Rehearing Denied" based on its reading of the "Conclusion" contained in the Motion filed with the Court. The "Conclusion," however, does not say the hearing was denied, but rather that the Circuit Court did not have jurisdiction to entertain the appeal. If the Court has adopted the conclusive language of our Motion to Reconsider, it would appear that our Motion was granted, not denied. Regardless, this is not how the case is marked at this time.

We are respectfully requesting that Your Honor clarify whether the Court is granting or denying the Motion for Reconsideration. If Your Honor is granting the Motion for Reconsideration, we are happy to prepare a proposed order. If Your Honor is denying the Motion for Reconsideration, please let us know so we can make sure to preserve our client's right to timely file an appeal. Because the subject filing was entered on April 7, 2023, we are conscious of the fact that time is of the essence.

We appreciate your guidance on this matter.

Sincerely,



Daniel S. Slotchiver

DSS/scm

Attachment(s) as stated.

cc: Haley Kiser, Esquire (via email only – [bpricelc@sccourts.org](mailto:bpricelc@sccourts.org))  
Athena Irland (via email only - [athenasdanes@gmail.com](mailto:athenasdanes@gmail.com))  
Stephen M. Slotchiver (via email only)  
Jack Sinclair, Esquire (via email only)  
Jesse Sanchez, Esquire (via email only)  
Isadore John Psaras (via US Mail only)  
Christina D. Culp (via US Mail only)

**From:** Daniel S Slotchiver dan@slotchiverlaw.com   
**Subject:** Re: Athena Irland v. Isadore Psaras, Christina Culp and Brandy Culp (2022-CP-10-3304)  
**Date:** April 7, 2023 at 12:30 PM  
**To:** Price, Bentley Law Clerk (Juliana Beeks) bpricelc@sccourts.org, Price, Bentley Secretary (Tamara Walters) bpricesc@sccourts.org  
**Cc:** athenasdan@gmail.com, Steve Slotchiver Steve@slotchiverlaw.com, Jack Sinclair sinclairlawfirm@gmail.com, Jesse Sanchez jesse@jessesanchezlaw.com, Susan Mauldin paralegal@slotchiverlaw.com

---

Judge Price

This morning we received notification via efile that an order had been rendered with reference to the above caption case. For your convenience, I have attached hereto what was submitted. I'm not sure if there was an issue with the clerks office, but what was attached was a copy of our motion together with a page that said it is so ordered. My thought is that perhaps the copy of our motion was juxtaposed with the order, as it is unclear as to what was ordered, based on what was filed. . If you would please provide clarification to everybody.

Thank you.

Dan

Order - Culp  
040723.pdf

Daniel S Slotchiver  
Slotchiver & Slotchiver LLP  
751 Johnnie Dodds Blvd Suite 100  
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On Apr 6, 2023, at 2:50 PM, Daniel S Slotchiver <[dan@slotchiverlaw.com](mailto:dan@slotchiverlaw.com)> wrote:

Judge Price,

In connection with the Motion to Reconsider, heard before you on January 26th, we attach hereto a recent filing with strong similarities to the issues at hand. We pass this along for your consideration.

<2023-04-06 - FILED - Order of Dismissal.pdf>

Dan

Daniel S Slotchiver  
Slotchiver & Slotchiver LLP

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(f)843-577-0261  
dan@slotchiverlaw.com

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On Feb 27, 2023, at 4:10 PM, Susan Mauldin <paralegal@slotchiverlaw.com> wrote:

Good Afternoon Judge Price:

Attached please correspondence in regard to the above-referenced.

All my best,

Susan

Susan C. Mauldin  
Paralegal to Daniel S. Slotchiver  
Paralegal to Andrew J. McCumber  
Slotchiver & Slotchiver, LLP  
751 Johnnie Dodds Blvd  
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843-577-6531 (p)  
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[paralegal@slotchiverlaw.com](mailto:paralegal@slotchiverlaw.com)

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<2023-02-27 - Ltr to Judge Price.pdf>