

The South Carolina Court of Appeals

David C. Bennett and Kristen L. Bennett, Respondents,

v.

Harbor View Homeowners Association, Inc., Appellant.

Appellate Case No. 2023-000621

ORDER

After careful consideration, Respondents' motion to dismiss is granted. See Rule 203(b)(1), SCACR (providing the notice of appeal must be served on all respondents within thirty days of receipt of written notice of entry of the order); *id.* (providing that when a *timely* motion to alter or amend the judgment is made, "the time for appeal for all parties shall be stayed and shall run from receipt of written notice of entry of the order granting or denying such motion"); Rule 6(b), SCRCPP ("The time for taking any action under rules 50(b), 52(b), 59, and 60(b) may not be extended except to the extent and under the conditions stated in them. The time for filing notice of intent to appeal is jurisdictional and may not be extended by consent or order."); Rule 59(e), SCRCPP ("A motion to alter or amend the judgment shall be served not later than 10 days after receipt of written notice of the entry of the order."); *Citizens & S. Nat. Bank of S.C. v. Easton*, 310 S.C. 458, 460, 427 S.E.2d 640, 641 (1993) ("[T]he trial court was without authority to order a new trial beyond 10 days after entry of judgment, regardless of the pend[e]ncy of the Rule 50(b) motion of C & S."); *Mears v. Mears*, 287 S.C. 168, 169, 337 S.E.2d 206, 207 (1985) ("Service of the notice of intent to appeal is a jurisdictional requirement, and this Court has no authority to extend or expand the time in which the notice of intent to appeal must be served."). The remittitur will be sent as required by Rule 221(b), SCACR.


FOR THE COURT

FILED
Jun 09 2023

Columbia, South Carolina

cc:

Eugene Charles Fulton, Jr., Esquire

Paul S. Landis, Esquire