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Sep 05 2023

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

**APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas**

**R. Markley Dennis, Jr.
Circuit Court Judge**

Case No.: 2022-000644

Nicole Qunita Murray Appellant,

v.

Linda P. Smith Respondent.

RESPONDENT’S MOTION TO DISMISS

Pursuant to Rule 240, SCACR, Respondent moves¹ to dismiss this appeal. Appellant died on August 26, 2023, terminating the putative lease at issue.² Because the putative lease was between Appellant and Respondent and personal to them, substitution of parties is not proper. *See* Rule 265, SCACR. Further, persons who were not parties to the purported lease are occupying Respondent’s property, and Respondent desires to have them removed as soon as possible in order to protect the

¹ As this is a dispositive motion, opposing counsel was not consulted prior to filing.

² <https://www.tributearchive.com/obituaries/28831994/nicole-quinta-murray>

property and prevent loss of income.

Accordingly, and for the reasons set forth in Argument III of Respondent's Initial Brief (incorporated herein by reference), Respondent asks this appeal be dismissed forthwith, with costs and attorney's fees awarded to the Respondent.

Dated: 09/05/2023

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Nicole Qunita Murray..... Appellant,

v.

Linda P. Smith..... Respondent.

CERTIFICATE OF SERVICE

I certify that I have served a copy of the Motion to Dismiss to the following attorney(s) via their AIS email address(es) on the date set forth below:

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Dated: 09/05/2023

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