

The South Carolina Court of Appeals

Shaneka S. Flournoy, Appellant,

v.

River Run, Respondent.

Appellate Case No. 2023-001068

ORDER

After careful consideration, Respondent's motion to dismiss this appeal is granted. In her notice of appeal, Appellant stated she received written notice of entry of the order on appeal on June 26, 2023. On July 5, 2023, this court sent Appellant a deficiency letter informing her she must file a proof of service for the notice of appeal within ten days or the appeal would be dismissed. On September 1, 2023, Appellant filed a proof of service showing she served Respondent with the notice of appeal on September 1, 2023. Appellant failed to serve Respondent with the notice of appeal within thirty days of receipt of written notice of the entry of the order on appeal, and this court lacks jurisdiction to expand the time for service. *See* Rule 203(b)(1), SCACR ("A notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment."); *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."). Accordingly, this appeal is dismissed and the remittitur will be sent as required by Rule 221(b), SCACR.¹


FOR THE COURT

¹ Because this appeal is dismissed, we decline to address Appellant's pending motion to stay.

FILED
Oct 02 2023

Columbia, South Carolina

cc:

Shaneka S. Flourney

Gentry L. Collins, Esquire