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**Oct 09 2023**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM DARLINGTON COUNTY  
Court of Common Pleas/Magistrate  
Craig L. LaCross, Magistrate Judge

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**Appellate Case No. 2023-000546**

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Stephanie McAnuff, .....Appellant,

v.

ASIP Town Park, LLC, .....Respondent.

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**MOTION TO DISMISS**

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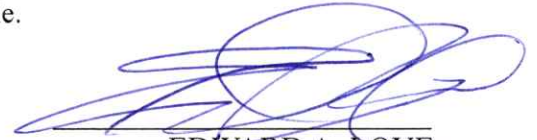
The Respondent, by and through the undersigned, respectfully moves, pursuant to Rule 240 of the South Carolina Appellate Court Rules, this Honorable Court for an order dismissing appeal. The grounds therefor are as follows:

1. Appellant’s appeal is moot in that appellant has voluntarily vacated the Respondent’s property therefore making moot the Order to Vacate.
2. The Appellant has failed to comply with Rule 210(c) of the Appellate Court Rules by failing to include in the Record on Appeal those items designated by Respondent in its Designation of Matter filed with the Court on August 2, 2023.
3. The Appellant has failed to comply with Rule 210(c) of the Appellate Court Rules by including matters outside of the record and Rule 210(g) by falsely certifying that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

4. The Appellant has failed to comply with Rule 210(c) of the Appellate Court Rules by failing to sequentially number the pages of the Record on Appeal.

**WHEREFORE**, the Respondent respectfully prays that this Honorable Court grant its Motion to Dismiss and grant any further relief the court deems just and equitable.

October 9, 2023



EDWARD A. LOVE  
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(843) 407-5525 – Tel  
Attorney for Respondent

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MEMORANDUM IN SUPPORT OF RESPONDENT'S  
MOTION TO DISMISS

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I. INTRODUCTION

This matter involves an action for eviction/ejectment filed by Respondent with the Magistrate Court of Darlington County. Petitioner, a former tenant of Respondent who rented four lots upon which she placed mobile homes, has filed this Appeal contesting Darlington County Magistrate Craig L. LaCross's Order of Eviction/Ejectment.

II. Argument

a. Appellant's appeal is moot in light of her vacating the homes and/or property at issue.

This appeal is from a Magistrate Court order granting Respondent's petition to evict/eject Appellant. The Order(s) require the Appellant to vacate the premises. Since the time of the Magistrate Order, Appellant has sold two of the four mobile homes on Respondent's property and she has moved the other two mobile homes from the property. As such, she has fully vacated the property. An order from this court either affirming or reversing the lower court serves no purpose as Appellant has voluntarily vacated in compliance with the Magistrate Court order.

b. Appellant's Record on Appeal is unintelligible and improper under the rules of the South Carolina Court of Appeals.

The Respondent has no means by which it can meaningfully respond to Appellant's appeal. Appellant has failed to include any of the items listed on the Respondent's Designation of Matter to include in the Record on Appeal ("DOM"). Respondent notified Appellant of this flaw after she submitted her original "Record on Appeal." Appellant next submitted an "Amended Record on Appeal" which included the list of documents from Respondent's DOM but the actual documents

submitted were not those identified. This failure to comply with Rule 210(c) of the Appellate Court Rules, leaves Respondent hard-pressed to cite to the Record on Appeal. Further, by her own admission, Appellant has included matters outside the lower court record to include: a “profit-sharing agreement” (which she footnotes in the Table of Contents for her “Amended Record on Appeal”); a proposed Settlement Agreement and Mutual Release; and a series of emails between counsel for Respondent and (former) counsel for Appellant. Despite not including documents from Respondent’s DOM and including documents outside of the record, Appellant has certified to this Court the contrary. Finally, Appellant failed to include page numbers as required under Rule 210 making it impossible to cite to the Record on Appeal even if it was complete.

In short, Appellant is expected to substantially comply with this Court’s rules or her appeal is subject to dismissal. As matters stand, the Respondent cannot formulate or prepare its final brief to submit to the Court.

WHEREFORE, Respondent prays the Court of Appeals dismiss the above-captioned matter as same is moot and due to a failure to adhere to procedural rules of this court regarding the Record on Appeal.



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Stephanie McAnuff, .....Appellant,

v.

ASIP Town Park, LLC, .....Respondent.

**PROOF OF DELIVERY**

The undersigned hereby certifies that on October 9 2023, Respondent's Motion to Dismiss was served on Appellant by mailing a copy of same by United States Mail, postage prepaid, to the following address:

STEPHANIE MCANUFF  
PO BOX 691228  
MINT HILL, NC 28227

October 9, 2023



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R. Edward Henderson, Jr.

† CERTIFIED MEDIATOR  
\* ALSO ADMITTED IN NC  
\*\* ALSO ADMITTED IN GA

# KING & LOVE

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**SC Court of Appeals**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
120 Senate Street  
Columbia, SC 29201

Re: Stephanie McAnuff v. ASIP Town Park, LLC  
Appellate Case No.: 2023-000546  
Our File No.: 50102.04844

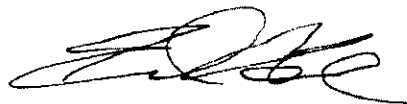
Dear Ms. Kitchings:

Please find enclosed Respondent's Motion to Dismiss Appeal in regard to the above-referenced matter. Please file the original in your office and return a stamped copy to me by electronic mail. We have also enclosed our firm's check in the amount of \$50 which represents the filing fee.

Should you have any questions, please do not hesitate to contact me.

Thank you. I am

Sincerely,



Edward A. Love  
[ELove@kingandlove.com](mailto:ELove@kingandlove.com)

EAL/wl  
Enclosures  
cc: Ms. Stephanie McAnuff