

The South Carolina Court of Appeals

In the matter of: Estate of Robert Ross Dinkins

Mae Lee Dinkins, Appellant,

v.

Synovus Trust Company, N.A., Respondent,

William C. Cantey, Jr., Intervener.

Appellate Case No. 2012-213564

ORDER

In this probate matter, Appellant served and filed a notice of appeal from the circuit court's order granting Respondent's motion to dismiss, granting William C. Cantey, Jr.'s motion to intervene, denying Appellant's appeal, and affirming the probate court's order. Although Cantey intervened and appeared before the circuit court alongside Appellant seeking the reversal of the probate court's order, Cantey did not file a notice of appeal.

Cantey's counsel subsequently contacted our clerk's office explaining that Cantey would like to participate in this appeal. In response to the telephone conversation, by letter of May 1, 2013, our clerk's office informed the parties that the caption for this appeal had been changed to list Cantey as a respondent, and not as the intervener below. The letter further provided that "all future records in this matter should be changed to reflect this title."

On May 8, 2013, anticipating that Cantey's "Respondent's Brief" would be more aligned with Appellant's Brief, Respondent filed a motion seeking to file a reply to Cantey's Respondent's Brief. Cantey has now served and filed his brief and it is in fact aligned with Appellant's Brief as it seeks the reversal of the circuit court's order.

Our review of the brief indicates Cantey is not a respondent. Furthermore, Cantey is not an appellant because Cantey failed to serve a notice of appeal pursuant to Rule 203 of the South Carolina Appellate Court Rules. Accordingly, we strike Cantey's brief. Furthermore, the caption for this appeal shall be amended as set forth in this order. Respondent's motion to file a reply is moot.

Paul G. Shortz, Jr. J.

H. B. W. W. J.

Stephen A. Curator A.J.

Columbia, South Carolina

cc:

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FILED
2/19/13