

**From:** [Carol Ann Honeycutt](#)  
**To:** [Court Of Appeals Filings](#); [auso2southcarolina.usa.com](mailto:auso2southcarolina.usa.com)  
**Subject:** Fw: 2023-001023: MOTION TO REINSTATE  
**Date:** Wednesday, November 22, 2023 9:36:54 PM

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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM HORRY COUNTY  
IN THE COURT OF APPEALS

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APPEAL FROM HORRY COUNTRY  
Court of Common Pleas  
The Honorable Kristi F. Curtis

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Trial Court Case 2020--CP-2605267  
Appellate Court Case 2023-001023

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25th Avenue LLC., Respondent,

v.

Carol Ann Honeycutt, Appellant

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MOTION TO REINSTATE

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Appellant prays that this Honorable Court accepts this motion to reinstate this case and that this motion is approved by this Court. The following facts, rules, and documents support this request.

(All exhibits are sent by paper copy with the required motion documents through the United States Postal Service. No exhibits have been emailed.)

#### REQUIREMENTS OF THE COURT

1. The letter from the Court dated November 16, 2023, from Clerk Catherine Harrison, required that three

**RECEIVED**

**Nov 22 2023**

**SC Court of Appeals**

deficiencies, (1) a \$50 filing fee, (2) Proof of Service of a Motion to Reinstate, and (3) a formal Motion to

Reinstate be submitted within ten (10) days of the date of the letter. The indicated date is November 26,

2023, a Sunday. Today, November 22, 2023, these requirements have been submitted by email, and a

paper copy has been mailed through the United States Postal Service.

2. The Order to dismiss this case, dated November 9, 2023, and signed by Clerk Kitchings, refers to

Rules 207, 208, and 209, of the South Carolina Appellate Court. Rule 208 allows reinstatement by

fulfilling the requirements of Rule 260, which requires that "a motion to reinstate the appeal has been

actually received by the court within fifteen (15) days of the filing of the order of dismissal (the day of

filing being excluded)." The indicated 15 days is November 24, 2023. Today, November 22, 2023,

this Motion for Reinstatement has been filed by email, and a paper copy has been placed in the United

States Postal Service mail.

#### STATEMENT OF CASE FACTS, LAW, and AUTHORITIES

3. Appellant received the letter of October 17, 2023, from Clerk Harrison on November 3, 2023. (Appellant was out of town for two weeks in October.) On November 3, 2023, Appellant called the SCCA phone number on the letterhead and left a message that the transcript had been received. On November 6, 2023, Appellant called the Clerk's office to state directly to the Clerk that the transcript had been received on September 6, 2023. The clerk indicated that Appellant must send a written notice to the Court.

4. On November 7, 2023, Appellant wrote a letter the Clerk Harrison stating that the transcript had been received. The letter was mailed on November 8, 2023, prior to the filing of the Order of November 9, 2023. This letter was not posted to the Appellate Court Public Index until November 16, 2023. To remedy this delay in the future, Appellant requested (by the letter of November 20, 2023) and was given permission (by Clerk Harrison's letter of November 21, 2023) to email documents

to

the Court. (See Exhibit 1.)

5. The Order of November 9, 2023, (see Exhibit 2) signed and filed by Clerk Kitchings was an the Order to

dismiss this case. This Order stated that the Appellant failed to provide the status of the transcript as required

by SCACR Rule 207. This is an incorrect statement. In fact, Appellant had numerous communications with

the Court and court reporters about this transcript. Exhibit 3 contains all of the documents and communications

the Appellant made to obtain the Transcript of May 31, 2022, which relates to this case.

6. On November 16, 2023, after receiving Appellant's letter of November 7, 2023, which stated that the

transcript had been received on September 6, 2023, Clerk Harrison wrote a letter which stated:

"The Court received your correspondence dated November 7, 2023 which we construe as a motion to reinstate."

The letter gave instructions to the Appellant to make a formal motion to reinstate this case. The content of this

letter is enumerated in the above paragraph 1.

7. The Order of November 9, 2023, (see Exhibit 2) also addressed the fact that the Appellant had not met the

requirements of SCACR Rules 208 and 209. Rule 260 states: "A case shall not be reinstated except by leave

of the court upon good cause shown, after notice to all parties," and ". . . a motion to reinstate the appeal has

been actually received by the court within fifteen (15) days of the filing of the order of dismissal (the day of

filing being excluded).

8. Appellant requests that the court reinstates the case for the following reasons.

(1) The orders being appealed violated my U.S. Constitutional rights and my South Carolina Statutory rights.

(2) Numerous intentional misrepresentation of material fact were made. This meets the standard of "the

most egregious conduct that implicates . . . officer[s] of the court." (Van Doren, page 1, noted in next paragraph.)

(3) This case deals with the very serious legal concept of Fraud on the Court which not only

affected the

Appellant but, "the integrity of the judicial process ha[s] been fraudulently subverted," as described in the article

by Stephen Van Doren, More Than Fraud: Proving Fraud on the Court, 10 ST. JOHN'S BANKR. RESEARCH LIBR.

NO. 24 (2018). This standard was defined by The Supreme Court, in Hazel-Atlas Glass Co. v. Hartford-Empire Co.,

322 U.S. at 245-246.

(4) The Appellant believed that the Appeal could not move forward until a bond hearing was held in the lower court.

No bond hearing has been scheduled because one of the attorneys for the Plaintiff/Respondent, Taylor K. Voegel,

was given leave by an Order of Protection by the lower court for maternity leave. (See Exhibit 4.)

November 22, 2023  
SUBMITTED

RESPECTFULLY

Ann Honeycutt

s/Carol

Ann Honeycutt

Carol

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