



# The South Carolina Court of Appeals

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December 07, 2023

The Honorable Renee Elvis  
PO Box 677  
Conway SC 29528-0677

## REMITTITUR

Re: Thomas Kline v. Rhonda Merritt  
Lower Court Case No. 2022CP2604863  
Appellate Case No. 2023-001088

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

A handwritten signature in blue ink that reads "Catherine Harrison, deputy".

CLERK

Enclosure

cc: Rhonda Merritt  
Douglas Michael Zayicek, Esquire

# The South Carolina Court of Appeals

Thomas Kline, Respondent,

v.

Rhonda Merritt, Appellant.

Appellate Case No. 2023-001088

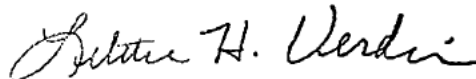
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## ORDER

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First, Appellant's motion to proceed *in forma pauperis* is denied. *See Ex parte Martin*, 321 S.C. 533, 535, 471 S.E.2d 134, 134-35 (1995) ("In the absence of a statutory provision allowing the general waiver of filing fees, we conclude motions to proceed in forma pauperis may only be granted where specifically authorized by statute or required by constitutional provisions.").

Second, Respondents' motion to dismiss is granted because the appeal is untimely. Appellant has informed this court she received written notice of entry of the order on appeal on June 22, 2023, and served Respondents with the notice of appeal on August 31, 2023, more than thirty days later. *See* Rule 203(b)(1), SCACR (providing the notice of appeal must be served on all respondents within thirty days after receipt of written notice of entry of the order); *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. The remittitur will be sent as required by Rule 221(b), SCACR.



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FOR THE COURT

Columbia, South Carolina

cc:

**FILED**  
**Nov 20 2023**

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Rhonda Merritt  
Douglas Michael Zayicek, Esquire