



# The South Carolina Court of Appeals

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February 05, 2024

The Honorable Amy W. Cox  
PO Box 3483  
Spartanburg SC 29304-3483

## REMITTITUR

Re: Shaneka S. Flournoy v. River Run  
Lower Court Case No. 2023CP4201755  
Appellate Case No. 2023-001068

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,

  
CLERK

Enclosure

cc: Shaneka S. Flournoy  
Gentry L. Collins, Esquire

# The Supreme Court of South Carolina

Shaneka S. Flournoy, Petitioner,

v.

River Run, Respondent.

Appellate Case No. 2023-001782

RECEIVED

Jan 09 2024

SC Court of Appeals

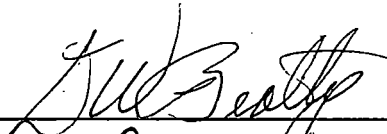
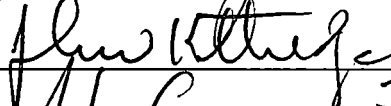

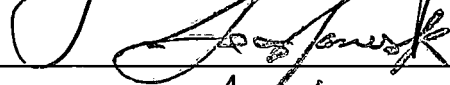
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## ORDER

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This matter of before the Court on a petition for a writ of certiorari and a motion to stay eviction proceedings.

The motion to stay eviction proceedings is denied. *See* S.C. Code Ann. § 27-37-130 (2007) (providing an appeal in an ejection case will not stay ejection unless at the time of appealing the tenant posts an appeal bond for an amount to be fixed by the magistrate and conditioned for the payment of all costs and damages that the landlord may sustain). Further, the petition for a writ of certiorari is denied.

	_____	C.J.
	_____	J.
	_____	J.
	_____	J.
D. H. I.	_____	J.

Columbia, South Carolina  
January 9, 2024

cc:

Gentry L. Collins, Esquire

Shaneka S. Flournoy

The Honorable Jenny Abbott Kitchings

# The South Carolina Court of Appeals

Shaneka S. Flournoy, Appellant,

v.

River Run, Respondent.

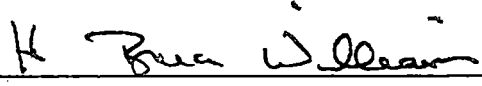
Appellate Case No. 2023-001068

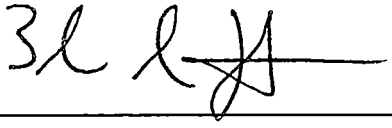
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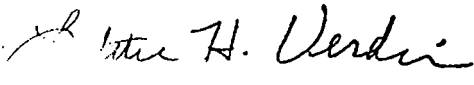
## ORDER

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Appellant has filed a motion to reinstate, which we construe as a petition to rehear the dismissal of this appeal. After careful consideration, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition is denied.<sup>1</sup>

  
\_\_\_\_\_  
C.J.

  
\_\_\_\_\_  
J.

  
\_\_\_\_\_  
J.

Columbia, South Carolina

cc:  
Shaneka S. Flournoy  
Gentry L. Collins, Esquire

**FILED**  
**Nov 09 2023**

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<sup>1</sup> Because this court has no jurisdiction over the appeal, we cannot consider Appellant's pending motion to stay.

# The South Carolina Court of Appeals

Shaneka S. Flournoy, Appellant,

v.

River Run, Respondent.

Appellate Case No. 2023-001068

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## ORDER

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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.<sup>1</sup>

  
FOR THE COURT

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<sup>1</sup> 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. Flournoy

Gentry L. Collins, Esquire