

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

James F. Chellis, Master In Equity,
Court of Common Pleas

Appeal Case Number: 2024-000122
Lower Court Case No. 2011-CP-18-00871

US BANK TRUST, NA as Trustee for
Waterfall Victoria Grantor Trust II Series G,

Appellant,

v.

JAMIE SINGLETON and INDIGO POINTE
HOMEOWNERS' ASSOCIATION,

Defendants,

Of Which JAMIE SINGLETON is the Respondent.

MOTION TO DISMISS APPEAL

JAMIE SINGLETON, Respondent, moves to dismiss this appeal, and as grounds states:

1. Appellant has filed a Notice of Appeal which lists four (4) separate Orders entered by the Master In Equity in the Court of Common Pleas.
2. The Order listed in paragraph 3 of the Notice of Appeal is an Order dated March 28, 2023 setting aside an Order dated November 21, 2022.
3. The Order listed in paragraph 4 of the Notice of Appeal is an Order dated November 21, 2022 granting Appellant's (Plaintiff's) Motion for Summary Judgment.
4. Pursuant to Rule 203(b)(1) of the South Carolina Appellate Court Rules (SCACR), a

notice of appeal as to appeals from the Court of Common Pleas, which includes appeals of orders entered by a master-in-equity, shall be served on all respondents within thirty (30) days after receipt of written notice of the order or judgment. *Wells Fargo Bank, N.A. v. Fallon Props. S.C. LLC*, 810 S.E.2d 856, 857, 422 S.C. 211 (S.C. 2018)(procedure for appealing a decision of a master-in-equity, pursuant to Rule 203(b)(1) by way of and pursuant to Rule 203(b)(4) SCACR, provides that 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).

5. The Orders listed in paragraphs 3 and 4 of the Notice of Appeal, those being the Orders entered on March 28, 2023 and November 21, 2022 are well outside of the 30-day timeframe for Appellant to have filed an appeal thereof.

6. Appellant filed no paper in the Court of Common Pleas of any intention to appeal the March 28, 2023 or November 21, 2022 Orders within thirty (30) days of the dates thereof, and did not seek any appeal of said Orders within the 30-day timeframe provided by Rule 203(b)(1) per Rule 203(b)(4) .

7. This appeal is thus subject to dismissal as to the Orders identified in paragraphs 3 and 4 of the Notice of Appeal, those being the Orders of March 28, 2023 and November 21, 2022.

WHEREFORE, JAMIE SINGLETON moves for the entry of an Order dismissing this appeal for the reasons set forth, and for any other and further relief which is just and proper.

February 8, 2024

/s/ Jeff Barnes, Esq.

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PHV counsel for Respondent Jamie Singleton
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s/William H. Sloan

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SC Court of Appeals

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Of Which JAMIE SINGLETON is the Respondent.

**PROOF OF SERVICE OF MOTION TO
DISMISS APPEAL**

I certify that I have served the Motion to Dismiss Appeal by depositing a copy of the subject Motion in the United States Mail, postage prepaid, on February 6, 2024, addressed to Dean A. Hayes, Esq., McCabe, Trotter & Beverly, P.C., Appellant's attorney of record, 4500 Fort Jackson Boulevard, Suite 250, Columbia, South Carolina 29209, and to January N. Taylor, Esq., McMichael Taylor Gray LLC, counsel for Appellant, 3550 Engineering Drive, Suite 260, Peachtree Corners, Georgia 30092, and by e-mailing a copy of the Motion to Dismiss Appeal to Mr. Hayes and Ms. Taylor as well.

February 8, 2024

/s/ Jeff Barnes, Esq.

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s/William H. Sloan

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