



The South Carolina Court of Appeals

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March 05, 2024

The Honorable Julie J. Armstrong
100 Broad St Ste 106
Charleston SC 29401-2210

REMITTITUR

Re: J. Bradford McIlvain v. Town of Kiawah Island
Lower Court Case No. 2023CP1003550
Appellate Case No. 2023-001789

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: J. Bradford McIlvain
Ross A. Appel, Esquire
Joseph C. Wilson, IV, Esquire

The South Carolina Court of Appeals

J. Bradford McIlvain, Appellant,

v.

The Town of Kiawah Island, Respondent.

Appellate Case No. 2023-001789

ORDER

After careful consideration, Respondent's motion to dismiss is granted. Appellant failed to serve Respondent with the notice of appeal in a manner permitted by our South Carolina Appellate Court Rules within thirty days of his receipt of written notice of entry of the order on appeal. *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); Rule 262(c), SCACR (providing that service may be accomplished via hand delivery, U.S. mail, or "electronic means in a manner provided by order of the Supreme Court of South Carolina"); *Re: Methods of Electronic Filing & Service Under Rule 262 of the South Carolina Appellate Court Rules (As Amended May 6, 2022)*, S.C. Sup. Ct. Order dated May 6, 2022 (Howard Adv. Sh. No. 17) (providing that only lawyers admitted to practice in South Carolina may serve other lawyers using the lawyer's primary email address in AIS); *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."). The remittitur will be sent as required by Rule 221(b), SCACR.


FOR THE COURT

Columbia, South Carolina

FILED
Feb 15 2024

cc:

J. Bradford McIlvain

Ross A. Appel, Esquire

Joseph C. Wilson, IV, Esquire