



The South Carolina Court of Appeals

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March 06, 2024

Dewayne Alphonza Sykes
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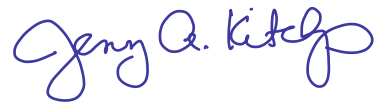
Mr. Stephen Peterson Groves, Sr., Esquire
25 Calhoun Street
Suite 250
Charleston SC 29401

Re: Ex Parte: DeWayne Alphonza Sykes
Appellate Case No. 2023-001086

Dear Counsel, and Mr. Sykes:

Enclosed is the decision of the Court. The initial brief of respondent and designation of matter are due to be served and filed within thirty (30) days of the date of this order.

Very truly yours,

A handwritten signature in blue ink that reads "Jerry A. Kitch". The signature is written in a cursive style with a large initial "J" and a distinct "K".

CLERK

The South Carolina Court of Appeals

Ex Parte: DeWayne Alphonza Sykes, Appellant,

In re:

Pvone REO, LLC, Respondent,

v.


The Estate of Mary A. White; Heirs-at-Law of Mary A. White; unknown Heirs-at-Law or Devisees of Mary A. White, Deceased; their Heirs, Personal Representatives, Administrators, Successors, and Assigns, and all other persons entitled to claim through them; all unknown owners, unknown heirs or unknown devisees of any deceased person, or by any such designation; and John Doe and Mary Roe, representing all unknown persons having or claiming to have any right, title, or interest in or to, or lien upon, the real estate described as 1959 Jacksonville Road, Charleston County, South Carolina PIN 466-03-00-154, their heirs and assigns, and all other persons, firms, or corporations entitled to claim under, by or through the above-named Defendant(s), and all other persons or entities unknown claiming any right, title, interest, estate in, or lien upon, the real estate described as 1959 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154, Defendants.

Appellate Case No. 2023-001086

ORDER

Respondent filed a motion to remand this case to the circuit court for consideration of Appellant's pending second motion to vacate. Respondent thereafter filed a supplement to its motion, asking this court to dismiss the appeal, pursuant to

Hughes on behalf of Est. of Hughes v. Bank of Am. Nat'l Ass'n, Appellate Case No. 2021-001339 (S.C. Sup. Ct. filed Jan. 17, 2024) and *Hudson v. Hudson*, 290 S.C. 215, 349 S.E.2d 341 (1986). Appellant's second motion to vacate was untimely; the master-in-equity's motion denying Appellant's motion to intervene and first motion to vacate was filed on June 21, 2023. Appellant's second motion to vacate was filed on July 3, 2023. Accordingly, Respondent's motion is denied. *See Hudson v. Hudson*, 290 S.C. 215, 216, 349 S.E.2d 341, 341-42 (1986) ("[I]n the event timely post-trial motions are filed under Rule 59, simultaneously with or subsequent to the filing of a Notice of Appeal, the appellant shall notify the Clerk of this Court in writing. Upon receipt of such notice, the appeal shall be dismissed without prejudice.") (emphasis added);



FOR THE COURT

Columbia, South Carolina

cc:

Dewayne Alphonza Sykes
John Joseph Dodds, III, Esquire
Kelley Yarborough Woody, Esquire
Stephen Peterson Groves, Sr., Esquire

FILED
Mar 06 2024