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From: [Carol Ann Honeycutt](#)
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Subject: ATTN: CLERKS KITCHINGS AND HARRISON
Date: Thursday, March 14, 2024 1:22:34 PM

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March 14, 2024

by email and USPS

**THIS LETTER IS TO BE CONSIDERED WITH THE
REPLY TO THE MOTION TO REINSTATE
DUE TO A SUBSTANTIAL CHANGE IN CASE STATUS**

Re: Appellate Case No.: 2024 – 000131

Re: Appellate Case No.: 2023 - 001023

25th Avenue Llc.. Respondent v. Carol Ann Honeycutt, Appellant

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM HORRY COUNTY

Court of Common Pleas

Appeal on the Orders of Debra R. McCaslin

Circuit Court Judge

Appeal from Case No. 2020 – CP -260-5267

25th Avenue Llc., Plaintiff v. Carol Ann Honeycutt, Defendant

Ms. Jenny Abbot Kitchings, Clerk
Ms. Catherine Harrison, Deputy Clerk
The South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

Dear Ms. Kitchings and Ms. Harrison,

Please forward this letter to the Judge(s) who is/are considering the Motion to Reinstate Case 2023-001023, above captioned.

To: Appellate Court Judge(s):

In the past few weeks, the status of Appellate Case No. 2023 – 001023 has taken a course that makes the Appellant's Motion to Reinstate moot.

After reviewing the facts and arguments below, appellant prays that the Court finds that the Order to Reinstate is GRANTED and, not to reinstate this case would be a perversion of justice.

I. CHANGE IN CASE STATUS

On January 25, 2024, Appellant filed a new appeal:

“Carol Ann Honeycutt appeals the orders of the Honorable Deborah McCaslin January 11, 2024, May 24, 2023, and April 27, 2023. The three orders are related and sequential. Appellant found the Order of January 11, 2024, on the Horry County Public Index on January 17, 2024, and has not yet received written notice of entry.” (See Exhibit 1.)

The Appeal was received by the Court on January 31, 2024, and was assigned the case number of 2024 – 000131. This was filed in a timely manner with all Appellate Court requirements met. On February 5, 2024, Appellant sent the first letter to the Court to order the transcript of the Hearing of April 24, 2023, upon which the three orders were based.

On February 6, 2024, Deputy Clerk Catherine Harrison consolidated the new case, 2024 –

000131, into the prior case 2023 – 001023, which was awaiting the Court's review of the Motion to Reinstate case 2023 – 001023.

Deputy Clerk Harrison's letter stated:

“The Court received your notice of appeal dated January 25, 2024 and it is being consolidated with appellate case 2023 – 001023. This case is in a dismissed status and your motion to reinstate is pending.” (See Exhibit 2.)

Since all of the Appellate Court requirements were met for 2024 -000131, and there is no reason for it to be dismissed, and it has been consolidated with case 2023 – 001023, it logically follows that the entire case of 2023 – 001023 should be removed from “dismissal status.”

II. THE UNDERLYING CASE IS ONGOING

This letter of February 6, 2024, draws attention to the fact that Horry County Circuit Court Case 2020 CP 260 – 5267 is ongoing and that additional issues and appeals could come from it. Deputy Clerk Harrison's letter supports and reinforces the position that the Motion to Reinstate 2023 – 001023 should be granted.

III. A RECAP OF THE MAIN POINTS OF APPELLANT'S MOTION TO REINSTATE

A. The Order to Dismiss Appeal 2023 – 001023, was wrongly made and should be revoked.

B. The “bottom line” of this Motion to Reinstate is that through errors in the Court filing of documents which showed up in the Appellate Court Public Index, and “disconnects” of communication between Clerk Kitchings and Appellant, Clerk Kitchings somehow overlooked the extensive efforts made by the Appellant to get the transcript prepared.

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1. C. The transcript was actually completed and forwarded to Appellant on September 6, 2023, prior to Clerk Kitchings writing the first warning letter of dismissal on October 17, 2023.

D. Appellant's Motion to Reinstate contained forty-two pages, most of which were exhibits showing Appellant's letters and emails to get the transcript ordered.

E. Clerk Kitchings never sent the Appellant a letter stating that the transcript had not been ordered.

F. Appellant's Reply and Motion to Reinstate meet all the requirements of the South Carolina Appellate Court Rules, and the requirements in the letter of November 16, 2023, of Clerk Kitchings.

IV. THE RETURN DOCUMENT OF RESPONDENT WAS SUBSTANTIALLY FALSIFIED.

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1. Appellant found that the Return to the Motion to Reinstate, produced by the Respondent's attorney contained numerous misstatements and/or deceptive statements which distort the appearance and understanding of this case, and was substantially falsified. Appellant replied to those “statements and arguments” in the rebuttal arguments in the Reply to the Return.

It is noteworthy that the attorney who produced the “Return” resigned from the Respondent's firm and from this case nine days after writing the Return. This is documented in the ACMS 2023- 001023 case index, January 12, 2024.

V. THE NEW APPEAL, 2024 – 000131, SHOULD NOT BE ACCIDENTLY ELIMINATED BY GETTING BURIED IN THE 2023 – 001023 APPELLATE CASE STATUS.

The letter of Deputy Clerk Harrison would appear to be prejudicial if this new appeal was eliminated by being buried in the Appeal of 2023 -001023, which is in dismissed status. This action would appear to be prejudicial in favor of the Respondent, prejudicial against the Appellant, and favorable toward the judges whose orders are being appealed.

VI. APPELLANT PRAYS THE MOTION TO REINSTATE IS GRANTED

Wherefore, based on all the facts and arguments above listed, and based on the entire content of Appellant's Reply, and Appellant's Motion to Reinstate, Appellant respectfully requests that the Court GRANT Appellant's Motion to Reinstate.

Sincerely,

s/Carol Ann Honeycutt

Carol Ann Honeycutt

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