



# The South Carolina Court of Appeals

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April 26, 2024

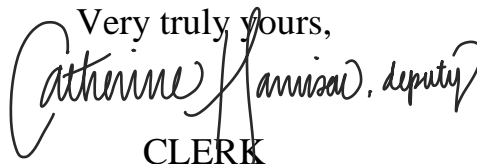
Mr. Wesley D. Dail, Esquire  
PO Box 110564  
Durham NC 27709

Mr. Jason Scott Luck, Esquire  
P.O Box 47  
Bennettsville SC 29512

Re: Synchrony Bank v. Michael Hudson  
Appellate Case No. 2024-000280

Dear Counsel:

Enclosed is the Court's decision on the respondent's motion to dismiss. The appellant must notify the Court immediately upon receipt of the transcript so that the appropriate timelines may be set.

Very truly yours,  
  
CLERK

# The South Carolina Court of Appeals

Synchrony Bank, Appellant,

v.

Michael Hudson, Respondent.

Appellate Case No. 2024-000280

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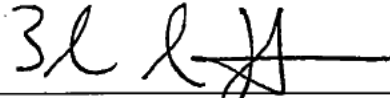
## ORDER

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Appellant filed its notice of appeal on February 29, 2024, stating it received the circuit court's order on January 23, 2024. Appellant also filed a certificate of service stating the notice of appeal was served upon Respondent on February 19, 2024 "by the eFlex System, pursuant to the South Carolina E-Filing Policies and Guidelines . . . ." On March 12, 2024, Appellant filed a second certificate of service stating it served Respondent via email on March 12, 2024, pursuant to Rule 262(c) of the South Carolina Appellate Court Rules. Subsequently, Respondent moved to dismiss the appeal because Appellant failed to properly serve Respondent within thirty days of receipt of the circuit court's order. Appellant did not file a return.

After careful consideration, we deny the motion to dismiss. *See* Rule 203(b), 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."); Rule 262(c)(3), SCACR (allowing for service upon a party's attorney by "[s]erving a copy on the person by electronic means in a manner provided by order of the Supreme Court of South Carolina"); *RE: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (As Amended April 24, 2024)*, No. 2020-000447 (S.C. Sup. Ct. Order dated Apr. 24, 2024) (Howard Adv. Sh. No. 15) (detailing electronic methods of service for appeals, which include the use of the circuit court's e-filing system); *Eberly v. Advanced Flooring & Design Div. of ISI, LLC*, Op. No. 28199 (S.C. Sup. Ct. filed Apr. 24, 2024) (Howard Adv. Sh. No. 15 at 16-20) (acknowledging confusion in the rules and orders over whether service by NEF meets the requirements for serving a notice of

appeal, resolving the confusion by issuing an amended order allowing for service of a notice of appeal by NEF, and reversing an order dismissing an appeal due to the lack of "appropriate guidance with respect to this issue at the time of the service of th[e] notice of appeal").

A handwritten signature in black ink, appearing to be '3L L H' with a horizontal line extending from the end.

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FOR THE COURT

Columbia, South Carolina

**FILED**  
**Apr 26 2024**

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cc:

Wesley D. Dail, Esquire

Jason Scott Luck, Esquire