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Apr 29 2024

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ALLENDALE COUNTY
Court of Common Pleas

Brooks P. Goldsmith, Circuit Court Judge

Case Number: 2023-001281

Marcus Riley, Appellant,

v.

Dorothy Riley, individually and Dorothy Riley in her role as Personal Representative of
the Estate of Marion F. Riley, Jr..... Respondent.

MOTION TO DISMISS
Rule 260(a), SCACR

On March 28, 2024, the Court issued its Order instructing the Appellant to file his Amended Record on Appeal within twenty days. The parties were further directed to file their final briefs within ten days of the filing of the Amended Record on Appeal. On April 18, 2024, Appellant filed an Amended Record on Appeal. On April 26, 2024, Respondent notified Appellant by phone and email that certain documents properly included within the previously filed Designation of Matter were absent from the April 18, 2024 Amended Record on Appeal. Respondent further provided additional copies of those documents to be included within the Amended Record on Appeal to Appellant by email. At the time of filing, Respondent has not

received an Amended Record on Appeal with those items that were previously designated.

These documents include the following:

1. Memo of Law in support of the February 12, 2021 motion to dismiss (Paragraph 2, c in the Designation)
2. Exhibits to Request to take Judicial Notice October 18, 2022 (Paragraph 2, g in the Designation)
3. Transcript of Trial (214, 239-240, 245-248, 273-274) (Paragraph 3, j, k, l, and m of the Designation)
4. Order Closing the Estate (Defendant's Exhibit 11) (Paragraph 4, h of the Designation)
5. Deed, Book 127 at page 1 (February 26, 1999) (Paragraph 4, l of the Designation)
6. Amended Inventory and Appraisalment of 1999 Estate (Paragraph 5, a of the Designation)

Pursuant to the March 28, 2024 Order, Respondent's Final Brief is due today.

Respondent is not able to prepare and file a final brief without a complete Amended Record on Appeal. The prior Order of the Court indicated that no further extensions would be granted. For this reason, Respondent requests that the Court dismiss this Appeal, for failure to comply with Rule 209 and Rule 210, SCACR and with the March 28, 2024 Order, pursuant to Rule 260(a), SCACR.

Respectfully Submitted,

s/ R. Aaron Ness

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Attorneys for Respondent

April 29, 2024
Bamberg, South Carolina

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the Estate of Marion F. Riley, Jr..... Respondent.

PROOF OF SERVICE

The undersigned certifies that a copy of Correspondence from Respondent, Motion to Dismiss, and Proof of Service has been served upon counsel of record for the Appellant using their primary email address listed in the Attorney Information System, as shown below, on April 29, 2024.

Itriss Jenkins, *itriss@jenkinslaw1.com*
Attorney for Appellant

s/ R. Aaron Ness
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SC Court of Appeals



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April 29, 2024

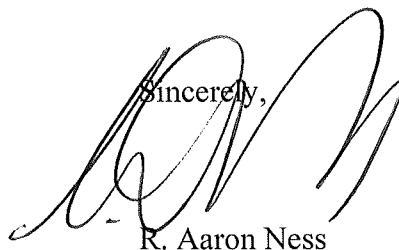
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: MOTION TO DISMISS
Marcus Riley, Appellant v. Dorothy Riley, individually and as Personal Representative of the Estate of Marion F. Riley, Respondent
Appellate Case No.: 2023-001281

To Whom It May Concern:

Please find enclosed with this letter my firm's check #24325 to pay in full our firm's Motion to Dismiss enclosed in this envelope. Thank you for your attention to this matter.

Sincerely,



R. Aaron Ness

RAN/aw
Enclosures