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**May 29 2024**

**SC Court of Appeals**

May 29, 2024

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

RE: THOMAS & NICOLE BETANCOURT, JIMMY & AMIE BOATWRIGHT AND  
NORMAN & KRISTINA WHETZEL, Appellants, v. CITY OF MULLINS  
ZONING BOARD AND DR. TODD BLEVINS OF BLEVINS DENTISTRY,  
Respondents  
Case No: 2023CP3300500

Dear Ms. Kitchings:

This letter is a request to obtain clarification on SC Rule 241(a) & (b). Reason being, on May 22, 2024 the Notice of Appeal for the above referenced case number was filed and logged into the Marion County system and hand delivered to all parties involved in this matter. Per SC Rule 241(a) "the service of a notice of appeal in a civil matter acts to automatically stay matters decided in the order and to automatically stay the relief ordered in the appealed order. This automatic stay continues in effect for the duration of the appeal unless lifted by order of the lower court". SC Rule 241(b) does not apply in this matter, as we feel that, none of the exemptions relate to this situation.

With that being said, we, the Appellants, are of the understanding that any construction, demolition, etc. on the parking lot is/was to stop immediately upon the filing of the Notice of Appeal. However, Friday morning, May 24, 2024, right before the long holiday weekend, Dr. Todd Blevins, Respondent, had multiple crews beginning demolition at 7:30am.

I called Curtis Richardson, Provisional Building Official of City of Mullins, and reminded him that a Notice of Appeal had been filed and an automatic stay was in effect. He responded that unless he received an injunction, Todd Blevins was allowed to proceed. I called to speak with Mayor Robert Woodbury right after and left a message. To date, I have left three (3) messages for him since May 24<sup>th</sup> and have not received a call back.

At this point, I took a few pictures and typed up a Motion for an Emergency Stay Pending Appeal. Brandy N Lewis, Deputy Court of Clerk Marion County filed and logged the Motion at 9:53am. She stated that Judge DeBerry, who presided over

the initial order, was most likely the only one to be able to sign an emergency stay, that she would call his office and also reach out to Judge Seals. I called Judge DeBerry's office and spoke with his law clerk who informed me that Judge DeBerry was on vacation. I explained the situation to him and the need for the emergent stay and was told that Judge DeBerry puts in his vacation time 200 days in advance and when he is on vacation he is "unavailable", to which I replied that emergencies are never planned. I heard nothing further from Marion County Courts on Friday, May 24, 2024, while Todd Blevins' crew continued on.

On Tuesday, May 28, 2024, after the holiday weekend, I called Brandy Lewis as soon as the offices opened. She told me that she spoke with Judge Seals on Friday, May 24, 2024 and his answer was "get an attorney". I do not understand this response, as an automatic stay does not require an attorney, nor does the Motion for Emergency Stay require an attorney. It needs a Judge to sign an order into effect. I explained, again, to Brandy that Todd Blevins was moving right along with his parking lot, when he is legally required to cease all activity, and I am literally begging for a Judge to rightfully sign the Order. She told me she had to go to court and could not help me and did not have time to call DeBerry's office. She put me on hold and a few moments later Christy M Gray, Clerk of Court Marion County, is on the phone telling me that Brandy does not have time to help me, has to go to court with her, will not be available all day, that Brandy is the only one that can help me, but she cannot do anything about the situation and hung up.

As of today, May 29, 2024, I have left another message for Brandy Lewis and Mayor Robert Woodbury. Todd Blevins has had his crew working all day on the parking lot. The Motion for Emergency Stay still sits untouched, ignored and unsigned.

We are getting absolutely no help from Marion County whatsoever, particularly the blatant disregard from the clerk's office and judges. Either way, if this Notice of Appeal falls under an automatic stay or the Motion for Emergency Stay, Marion County is turning a blind eye to the rules and allowing Todd Blevins to do whatever he wants. We feel that the Respondents, Todd Blevins and the City of Mullins, as well as Marion County are all in contempt of court and the parking lot construction calls for an immediate cease and desist order and the emergency stay order signed into effect.

Sincerely,

Nicole Betancourt  
618 S Main Street  
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(843) 561-3253  
Appellant

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