

Swann, Rebecca

From: Carol Ann Honeycutt <auso2@southcarolina.usa.com>
Sent: Monday, July 15, 2024 5:34 PM
To: Court Of Appeals Filings; Transcripts; auso2@southcarolina.usa.com
Subject: APPELLANT'S MOTION FOR ABEYANCE OR ENLARGE TIME

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Jul 15 2024
SC Court of Appeals

July 15, 2024

Email and USPS

The Honorable Jenny Abbott Kitchings
Clerk of Court
1220 Senate Street
Columbia, South Carolina 29201

South Carolina Court of Appeals
Court Administration
Suite 200

RE: 25th Avenue LLC v. Carol Ann Honeycutt

Appellant Case No. 2023-001023

Dear Court Administration and Clerk Kitchings:

Enclosed please find the Appellant's Motion to Hold the Initial Brief and Designation of Matter in Abeyance Pending Receipt of a Complete Transcript of the hearing of April 24, 2023, and Pending Reinstatement of the Case, or In the Alternative, Appellant Submits a Motion for a Second Extension of Time to File Initial Brief and Designation of Matter Pending Receipt of a Complete Transcript of the Hearing of April 24, 2023, and Pending Reinstatement of the Case.

Proof of Service for this Motion is included, and additionally, please find a USPS money order # 29341091452 in the amount of \$50.00 attached below to cover the filing fee for appellant's motion.

Sincerely,

Carol Ann Honeycutt

Carol Ann Honeycutt
ATTACHED TO USPS COPY.

MONEY ORDER

Appellant Pro Se

Post Office Box 8574

Myrtle Beach, South Carolina 29578

843-254-5951

cc: by USPS

25th Avenue, LLC

Richard Williams, Agent of Record

309 North Highland Way, Myrtle Beach, SC 29572

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

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Jul 15 2024

SC Court of Appeals

APPEAL FROM HORRY COUNTY

Court of Common Pleas, Honorable Kristi F. Curtis, Circuit Court Judge

and

Court of Common Pleas, Honorable Debra R. McCaslin, Circuit Court Judge

Appellate Case No. 2023-001023

consolidated with

Appellate Case No. 2024 – 000131

Case no. 2020-CP-26-05267

25th Avenue, LLC,

Respondent

v.

Carol Ann Honeycutt,

Appellant

**APPELLANT’S MOTION TO HOLD THE INITIAL BRIEF AND DESIGNATION OF MATTER II
ABEYANCE PENDING RECEIPT OF A COMPLETE TRANSCRIPT OF THE HEARING OF APRIL
2023, AND PENDING REINSTATEMENT OF THE CASE**

**IN THE ALTERNATIVE, APPELLANT SUBMITS A MOTION FOR
A SECOND EXTENSION OF TIME TO FILE INITIAL BRIEF AND DESIGNATION OF MATTER
PENDING RECEIPT OF A COMPLETE TRANSCRIPT OF THE HEARING OF APRIL 24, 2023, AND
PENDING REINSTATEMENT OF THE CASE**

Appellant, Carol Ann Honeycutt, Pro se, has not yet received a Complete Transcript from the court reporter Ms. Julie Kevish. Appellant has received no responses from the Clerks of Court nor from the court reporter regarding requests made to order the completion of the transcript.

On June 13, 2024, appellant submitted by email the sixth letter to the Clerk of the Appellate Court notifying the Court that appellant had not yet received the Complete Transcript of the Hearing of April 24, 2023. Included in that letter was SCCA Form 12, NOTICE THAT TRANSCRIPT HAS NOT BEEN COMPLETED NOR TIMELY RECEIVED. This was also submitted by USPS by mailing a formal motion, **APPELLANT'S MOTION FOR ENLARGEMENT OF TIME TO FILE INITIAL BRIEF AND DESIGNATION OF MATTER PENDING RECEIPT OF A COMPLETE TRANSCRIPT OF THE HEARING OF APRIL 24, 2023**, required by Deputy Clerk Catherine Harrison. This was followed by submission of thirteen exhibits, including a copy of the Incomplete Transcript. Together, these prove that appellant had not received the Complete Transcript. All together, the motion and the exhibits exceeded 18 pages.

The Complete Transcript is necessary for this appeal in that it contains information relevant to the issues of the appeal. The Incomplete Transcript had extensive relevant statements made by the Court and information missing. Additionally, pursuant to SCAC Rule 208(a)(1), the complete transcript is required before the due date for the initial brief and designation of matter is set.

Now, today is July 15, 2024, appellant is still working on obtaining the Complete Transcript. With this motion, appellant requests the Court to hold the case in abeyance until the Complete Transcript is received, or at minimum, provide a thirty day extension through the date of August 14, 2024, to obtain the Complete Transcript, to submit a formal motion for reinstatement, and to complete the initial brief and designation of matter. Due to the orders of the Clerk of Court, the sequence of these steps in the appellate process have become out of logical order. An order of abeyance will allow the appellant to complete the process in the correct sequence: (1) obtain the complete transcript, (2) submit the motion for reinstatement and (3) submit the initial brief and designation of matter.

APPELLANT'S ACTIONS TO OBTAIN A COMPLETE TRANSCRIPT

In the prior motion, pursuant to SCAC Rule 208(a)(1), appellant respectfully requested from this Honorable Court an Order directing the court reporter, Ms. Julie Kevish, to complete the Transcript of the

Hearing of April 24, 2024, upon which this Appeal is made. The appellant received no response to that motion.

Since February 5, 2024, appellant has given the Clerks of Court, Ms. Jenny Abbott Kitchings and Catherine Harrison six formal letters indicating that the court reporter has not yet produced a Complete Transcript. Those six letters also included requests for the clerks to order the court reporter to complete the transcript. Several letters contained alternative production of the transcript according to Appellate Court R and the SC Court Reporters Manual. None of those requests for help were answered. All of these and many more actions are documented in **APPELLANT'S MOTION FOR ENLARGEMENT OF TIME TO FILE INITIAL BRIEF AND DESIGNATION OF MATTER PENDING RECEIPT OF A COMPLETE TRANSCRIPT OF THE HEARING OF APRIL 24, 2023**, and are supported in complete detail in the **Exhibits** to the motion.

Appellant has taken additional steps to obtain the Complete Transcript including submitting a MOTION TO COMPEL DISCOVERY in the Court of Common Pleas. This is scheduled for a hearing on July 22, 2024, before Judge B. Alex Hyman in the Fifteenth Judicial District. A subpoena has been served on court reporter, Ms. Julie Kevish, to complete the transcript and to testify at the hearing. (See Exhibit 1.) Should this not be successful, there are other remedies in the South Carolina Appellate Court Rules which the appellant is pursuing.

WHEREFORE, having fully set before this Court the grounds for this Motion, **and having provided the complete and required documentation through the prior motion**, the appellant prays for an Order (1) granting that this case is put in abeyance until a Complete Transcript is received, or in the alternative, that the time to complete the initial brief and designation of matter is extended to August 14, 2024.

Respectfully submitted,

Carol Ann Honeycutt

Carol Ann Honeycutt

Appellant, Pro Se

P. O. Box 8574

Myrtle Beach, South Carolina 29578

843-254-5951

email: auso2@southcarolina.usa.com

Myrtle Beach, South Carolina

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SC Court of Appeals

FORM 7

**APPELLANT’S MOTION TO HOLD THE INITIAL BRIEF AND DESIGNATION OF MATTER IN
ABEYANCE PENDING RECEIPT OF A COMPLETE TRANSCRIPT OF THE HEARING OF APRIL
2023, AND PENDING REINSTATEMENT OF THE CASE**

IN THE ALTERNATIVE, APPELLANT SUBMITS A MOTION FOR

**A SECOND EXTENSION OF TIME TO FILE INITIAL BRIEF AND DESIGNATION OF MATTER
PENDING RECEIPT OF A COMPLETE TRANSCRIPT OF THE HEARING OF APRIL 24, 2023, AND
PENDING REINSTATEMENT OF THE CASE**

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

Appellate Case No. 2023-001023

consolidated with

Appellate Case No. 2024 – 000131

25th Avenue LLC,

Respondent,

v.

Carol Ann Honeycutt,

Appellant

PROOF OF SERVICE

I certify that I have served the above titled Motion and Supporting Documents on 25th Avenue LLC by placing a copy of them into the USPS mail to Respondent 25th Avenue Llc., Richard F. Williams, Agent of Record, at 309 North Highland Way, Myrtle Beach, South Carolina 29572.

July 15, 2024

Carol Ann Honeycutt

Carol Ann Honeycutt

Post Office Box 8574

Myrtle Beach, South Carolina 29578

(843) 254-5951

Appellant Pro Se

