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**Jul 26 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.

RENEWED MOTION TO DISMISS  
Rule 260(a), SCACR

On July 1, 2024 the Court issued its Order instructing the Appellant to file his Amended Record on Appeal within twenty (20) days. On July 22, 2024, the Appellant filed a Fourth Amended Record on Appeal. The Fourth Amended Record on Appeal is defective in the following particulars:

The Fourth Amended Record on Appeal lacks the following items that were included within the December 11, 2023 Designation of Matter of the Respondent:

1. Defendant’s Exhibit #4 to Request to take Judicial Notice October 18, 2022 (Paragraph 2, g in the Designation). This is the attached Demand for Hearing by Marcus T. Riley, 2/19/2020, Estate of Marion Riley, Jr., 2018ES0300055.

2. Transcript of Trial (214, 239-240, 245-248, 273-274) (Paragraph 3, j, k, l, and m of the Designation). (These pages are identified as 95, 120-121, 126-129, 154-155 in the non-consecutive transcript, which appears to be the version used by Appellant.)

Respondent is not able to prepare and file a Final Brief without a complete Amended Record on Appeal.

Further, the Fourth Amended Record on Appeal contains matter that was not designated by either party, including a Memorandum in Opposition to Defendant's Motion to Dismiss (Page 31 of the Fourth Amended Record on Appeal) and Portions of the Transcript that were not designated, including pages 3-18, 23-25, 28-35, 39-49, 59-66, 86, 134-136, 148-152, and 156-189. (These pages are identified as 3-18, 23-25, 28-35, 39-49, 59-66, 86, from the First Volume of the Transcript, and Pages 134-136, 148-152, and 156-189, from the Second Volume of the Transcript or Pages 15-17, 29-33, and 37-70 in the non-consecutive transcript, which appears to be the version used by Appellant.)

The prior Order of the Court indicated that no further extensions would be granted. For this reason, Respondent respectfully requests the Court dismiss this Appeal, for failure to comply with Rule 209 and Rule 210, SCACR, and with the July 1, 2024 Order, pursuant to Rule 260(a), SCACR.

July 26, 2024  
Bamberg, South Carolina

Respectfully Submitted,

s/ R. Aaron Ness  
R. Aaron Ness,  
Alison Dennis Hood  
Ness & Jett, LLC  
P.O. Box 909  
Bamberg, SC 29003  
(803) 245-5178  
Attorneys for Respondent

STATE OF SOUTH CAROLINA

COUNTY OF: ALLENDALE

IN THE MATTER OF:

MARION FRANCIS RILEY, JR  
(Decedent)

IN THE PROBATE COURT

DEMAND FOR HEARING (ESTATES ONLY)  
Pursuant to Notice of Right to Demand Hearing

CASE NUMBER: 2018ES0300055

Pursuant to SCPC 62-3-1001, I demand a hearing in the above-referenced estate.

The estate issues I would like addressed are:

My father's competency to make a will, Challenge the PR's performance of  
her duties with the estate, Whether my father was susceptible to undue  
influence, signatures on all documents, Ownership of all property,  
Prepare Notice to all heirs and beneficiaries

(attach additional sheets if necessary)

Executed this 19th day of February, 2020.

Signature: [Handwritten Signature]

Print Name: MARLUS T. RILEY

Address: 14803 Sycamore Side Way  
Cypress Tx 77429

Telephone (Work): 571-270-1581

(Home): \_\_\_\_\_

(Cell): 508-207-2026

Email: marcus.riley@uspto.gov

Relationship to Decedent/Estate: SON

Attorney: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_



PROBATE COURT  
ALLENDALE COUNTY  
STATE OF SOUTH CAROLINA

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Case Number: 2023-001281

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v.

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

PROOF OF SERVICE

The undersigned certifies that a copy of Correspondence from Respondent, Renewed Motion to Dismiss, and Proof of Service, have been served upon counsel of record for the Appellant, using their primary email address listed in the Attorney Information System, as shown below, on July 26, 2024.

Ittriss Jenkins, *ittriss@jenkinslaw1.com*  
**Attorney for Appellant**

s/ R. Aaron Ness  
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raaronness@gmail.com  
Attorneys for Respondent

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SC Court of Appeals



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Attorneys at Law

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\*CERTIFIED CIRCUIT COURT MEDIATOR  
†AMERICAN BOARD OF TRIAL ADVOCATES

July 26, 2024

**Via U.S. Mail and Email**

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

**Re: RENEWED 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 a *Renewed* Motion to Dismiss and check #24572 to pay in full the filing fee. I am sending these documents via email, as well. Thank you for your attention to this matter.

Sincerely,

R. Aaron Ness

Enclosures