

October 8, 2024

VIA EMAIL (ctappfilings@sccourts.org)

The Honorable Jenny Abbott Kitchings
Clerk of Court
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
Appellate Case No: 2024-000868
Case No: 2023CP3300500

Dear Ms. Kitchings:

We, the Appellants, respectfully request to gain clarification on the recent Order filed September 17, 2024, by your Court, wherein our petition for a writ of supersedeas was denied. In this Order it states that “a stay of the circuit court’s order would only prevent the property from being used for parking for a non-contiguous business”. And that a stay “is not necessary in this case to preserve the jurisdiction of the appeal or to prevent a contested issue from becoming moot.”

As a reminder, this entire case, from the complaint in Marion County to this current appeal in appellate court, is about preventing the property from being used for parking for a non-contiguous business.

Since the September 17, 2024 Order was filed, Todd Blevins has had the pleasure of completing the concrete work for his parking lot immediately after the Order was filed and within days has begun using the parking lot for employee, patient and neighbor parking. The parking lot is being utilized to its fullest capacity daily, with more than just employees. The Tenant, that resides next door, is parking on the property 24/7, and uses the parking lot driveway.

As your Order states in Paragraph 2, “the circuit court found completing the concrete work would not render the appeal moot because future non-contiguous use of the parking area could always be enjoined”.

For clarification, what does the Order specifically allow Mr. Blevins to do? Obviously, he is allowed to complete the concrete work. However, the Order does not detail what else, if any, Mr. Blevins is allowed to do at this time. Is he allowed to utilize the lot for parking pending the outcome of the appeal?

As of this moment, since the concrete has been completed, Mr. Blevins’ parking lot has been in full operation. We agree completing the concrete work does not prevent the contested issue from being disputed. However, allowing for the parking lot to become operational, open and utilized for parking, undeniably, renders this entire case moot. The only way to preserve the jurisdiction of

the appeal and to prevent the contested issue from becoming moot, Mr. Blevins' parking lot should not be allowed to be used, in any which way, especially as a parking lot pending the outcome of this appeal.

Respectfully, we seek a better interpretation, from the Order, of exactly what Todd Blevins is and is not allowed to do, on that lot, pending the appeal.

Thank you for your time and consideration.

Sincerely,

/s/ Nicole Betancourt

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