

# The South Carolina Court of Appeals

Joseph R. Davis and Jennifer Davis, Individually and as  
Representatives of all those similarly situated,  
Appellants-Respondents,

v.

River Oaks Homeowners Association, Inc., Respondent-  
Appellant,

and

Halcyon Real Estate Services, LLC, and Dorchester Real  
Estate Services, Inc., Respondents.


Appellate Case No. 2024-001547

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## ORDER

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On October 2, 2024, Respondent-Appellant moved to dismiss this appeal on the basis Appellants-Respondents failed to file the notice of appeal with the clerk of the lower court within ten days after the notice of appeal was served. Appellants-Respondents filed a return and attached proof they had filed the notice of appeal with the clerk of the lower court on October 3, 2024. After careful consideration, Respondent-Appellant's motion to dismiss this appeal is denied. *See* Rule 263, SCACR ("The time prescribed by these Rules for performing any act except the time for *servicing* the notice of appeal under Rules 203 and 243 may be extended or shortened by the appellate court, or by any judge or justice thereof."). Within ten days of the date of this order, Appellants-Respondents may serve and file with this court a motion for leave to file the notice of appeal with the circuit court out of time. At the expiration of ten days, Respondent-Appellant may serve and file a second motion to dismiss.



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FOR THE COURT

Columbia, South Carolina

cc:

Mary Leigh Arnold, Esquire  
David Conor Keys, Esquire  
Andrew T. Shepherd, Esquire  
William Chase McNair, Esquire  
Kevin W. Mims, Esquire  
Thomas B Boger, Esquire  
Neil S. Haldrup, Esquire  
Ford Hamby Thrift, Esquire

**FILED**  
**Nov 01 2024**