



The South Carolina Court of Appeals

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November 05, 2024

The Honorable Julie J. Armstrong
100 Broad St Ste 106
Charleston SC 29401-2210

REMITTITUR

Re: Sheila Slomovitz v. Andrew Sperling
Lower Court Case No. 2023CP1003607
Appellate Case No. 2024-001160

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

A handwritten signature in blue ink that reads "Catherine Harrison, deputy".

CLERK

Enclosure

cc: Irish Ryan Neville, Esquire
Grier Hudson Worthy, Esquire
M. Dawes Cooke, Jr., Esquire

The South Carolina Court of Appeals

Sheila Slomovitz and Maryco Realty, LLC, Respondents,

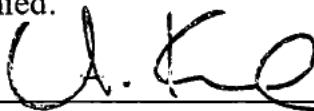
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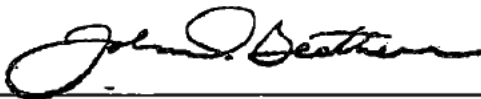
Andrew Sperling and Nina Sperling, Appellants.

Appellate Case No. 2024-001160

ORDER

On July 22, 2024, we dismissed this appeal because Appellants failed to timely serve the notice of appeal. Appellants have now filed a motion to reinstate, which we construe as a petition to rehear the dismissal. Appellants assert that thirty days from May 29, 2024—when they attested they received written notice of entry of the order on appeal—was June 29, 2024, and the next business day was July 1, 2024, the date on their proof of service. We disagree. Thirty days from May 29, 2024 was June 28, 2024, making Appellants' July 1 proof of service untimely. This court has no discretion to expand the time for service of the notice of appeal and Appellants' failure to timely serve the notice of appeal deprives this court of jurisdiction to hear the appeal. *See Mears v. Mears*, 287 S.C. 168, 169, 337 S.E.2d 206, 207 (1985) ("Service of the notice of intent to appeal is a jurisdictional requirement, and this Court has no authority to extend or expand the time in which the notice of intent to appeal must be served."). Accordingly, there is no basis for granting a rehearing and the petition is denied.

 J.

 J.

 J.

Columbia, South Carolina

FILED
Oct 03 2024

cc:

Irish Ryan Neville, Esquire
Grier Hudson Worthy, Esquire
M. Dawes Cooke, Jr., Esquire
Julie J. Armstrong