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**Nov 14 2024**

**SC Court of Appeals**

IN THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM DORCHESTER COUNTY

Court of Common Pleas

The Honorable Thomas L. Hughston, Jr.

Case No.: 2020-CP-18-01856

Joseph R. Davis and Jennifer Davis, individually  
and as representative of all those similarly situated.....Appellants-Respondent,

v.

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

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

RESPONDENT-APPELLANT RIVER OAKS HOMEOWNERS ASSOCIATION, INC.'S  
REPLY TO APPELLANT-RESPONDENT'S MOTION FOR LEAVE TO FILE NOTICE OF  
APPEAL WITH THE CIRCUIT COURT

WALL TEMPLETON & HALDRUP, P.A.

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

Respondent-Appellant River Oaks Homeowners Association, Inc. (“River Oaks”), respectfully submits this reply to Appellants-Respondents Joseph R. Davis and Jennifer Davis’s (“Appellants”) Motion for Leave to file the Notice of Appeal with the Circuit Court. River Oaks moved for dismissal on the Appellants’ failure to timely file the Notice of Appeal in the Circuit Court. Appellants concede this error and now seek leave to file outside the time set by the Rules. River Oaks defers to the Court’s wisdom and judgment in deciding Appellants’ Motion. River Oaks submits this reply to preserve and maintain its arguments that the appeal should be dismissed.

Rule 203(d)(3), SCACR, requires dismissal when an appeal is not timely filed, and the appeal shall not be reinstated “except as provided by Rule 260.” Rule 260(a), SCACR, in turn, provides that “[a] case shall not be reinstated except by leave of the court, upon good cause shown, after notice to all parties.” (emphasis added). While the deadline to file a notice of appeal may be extended under Rule 263, SCACR, the rule requires the same showing of good cause. See Lovette v. Sonoco Prod. Co., 2004 WL 6250393, at \*5 (S.C. Ct. App. Mar. 11, 2004). No showing of good cause has been made and Appellants’ return to River Oaks’ Motion concedes that no such cause exists.<sup>1</sup> Mistakes are not good cause. Simon v. Flowers, 231 S.C. 545, 549, 99 S.E.2d 391, 393 (1957).

It is to be regretted in any case when a party loses the opportunity afforded by the law and the rules prescribed for the administration thereof to present his cause on the merits. But it must always be remembered that the other party to the cause has the right to the orderly disposition thereof, and that his rights must be respected, and that it is essential to the due and orderly administration of the law that the methods of procedure prescribed by the statutes and rules of court be complied with. Otherwise, there would be no end to litigation.

Thomas v. Lynch, 87 S.C. 44, 68 S.E. 817, 817 (1910).

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<sup>1</sup> The return itself was 15 calendar days after River Oaks filed its motion and three calendar days after the deadline set by Rules 240(e) and 263(a), SCACR. Thus, Appellants are deemed to have consented to River Oaks’ motion. Rule 240(e), SCACR.

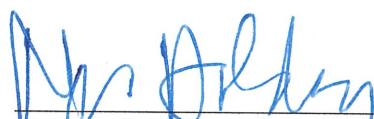
**Conclusion**

River Oaks appreciates the position of both Appellants and this Court. It will, therefore, defer to the wisdom of this Court in determining this Motion; however, the Rules of Civil and Appellate Procedure are clear and require good cause for any extension of time to file the notice of appeal.

Respectfully,

WALL TEMPLETON & HALDRUP, P.A.

By:



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**Attorneys for Respondent River Oaks  
Homeowners Association, Inc.**

Dated: November 14, 2024  
Charleston, South Carolina

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas  
The Honorable Thomas L. Hughston, Jr.

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v.

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

Haylcyon Real Estate Services, LLC, and  
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**CERTIFICATE OF SERVICE**

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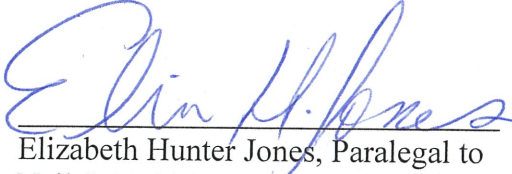
I certify that on this 14th day of November 2024, I have served the Respondent-Appellant's Reply to Appellant-Respondent's Motion for Leave to File Notice of Appeal with Circuit Court upon Appellants-Respondents via U.S. Regular Mail and via electronic transmission addressed to their attorneys of record, D. Conor Keys, Esquire and Mary Leigh Arnold, Esquire and via electronic transmission upon all other counsel of record listed as follows:

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Elizabeth Hunter Jones, Paralegal to  
Neil S. Haldrup and Ford H. Thrift

Dated: November 14, 2024  
Charleston, South Carolina



November 14, 2024

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**SC Court of Appeals**

**Via U.S. Regular Mail and Electronic Transmission:**

The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211  
[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

Re: *Joseph R. Davis and Jennifer Davis vs. River Oaks Homeowners Association, et al*  
Dorchester County Court of Common Pleas Case No: 2020-CP-18-01856  
Appellate Case No.: 2024-001547

Dear Ms. Kitchings:

Please find enclosed an original and one (1) copy of Respondent-Appellant River Oaks Homeowners Association, Inc's Reply to Appellant-Respondent's Motion for Leave to File Notice of Appeal with Circuit Court in the above matter.

Please file the enclosed Reply in your usual manner and return a time-stamped copy in the postage-prepaid envelope enclosed.

Thank you for your time and attention to this matter.

Sincerely,

WALL TEMPLETON & HALDRUP, P.A.



Neil S. Haldrup

NSH/ej

Enclosures

cc: D. Conor Keys, Esquire (*w/ encl, via U.S. Regular Mail & electronic mail*)  
Mary Leigh Arnold, Esquire (*w/ encl, via U.S. Regular Mail & electronic mail*)  
Kevin W. Mims, Esquire (*w/ encl, via electronic mail only*)  
Andrew T. Shepherd, Esquire (*w/ encl, via electronic mail only*)