



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

February 03, 2025

Mr. William Donald All, III, Esquire
108 West South Street
PO Box 731
Union SC 29379

Mr. Tyler Earl McLeod, Esquire
PO Box 2464
Greenville SC 29602-2464

Re: Sally T. Atwater v. Curtis Dunbar
Appellate Case No. 2025-000165

Dear Counsel:

Enclosed is a copy of this Court's order.

Also, we received respondents' motion to dismiss dated February 3, 2025. This Court declines to consider the respondents' motion to dismiss based on the order enclosed. No further action will be taken on the respondents' motion to dismiss dated February 3, 2025.

Very truly yours,

A handwritten signature in blue ink that reads "Jenny A. Kitchings". The signature is fluid and cursive.

CLERK

The South Carolina Court of Appeals

Sally T. Atwater and Ashley Atwater, as Trustees of the
Sally D. Atwater Revocable Trust, Respondents,

v.

Curtis Dunbar, individually and as former Co-Personal
Representative of the Estate of Theo(dosia) Dunbar,
Appellant.

Appellate Case No. 2025-000165

ORDER

This appeal arises out of an order issued December 30, 2024. Appellant received written notice of entry of the order on December 30, 2024. The proof of service shows service on January 30, 2025. Appellant filed a motion seeking permission to serve the notice of appeal one day after the deadline for service. After careful consideration, the motion is denied and the appeal is dismissed for failure to timely serve the notice of appeal. *See* Rule 203(b)(1), SCACR (noting a notice of appeal shall be served on all respondents within 30 days after receipt of written notice); *Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 14-15, 602 S.E.2d 772, 775 (2004) ("The requirement of service of the notice of appeal is jurisdictional, *i.e.*, if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal. . . ."). The remittitur will be sent as provided by Rule 221(b), SCACR.



FOR THE COURT

Columbia, South Carolina
cc:
William Donald All, III, Esquire
Tyler Earl McLeod, Esquire

FILED
Feb 03 2025
