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**Feb 26 2025**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
South Carolina Court of Appeals

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APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

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2024-001984

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MARE DECKARD.....Appellant(s),

vs.

TOWN OF PORT ROYAL ZONING BOARD OF  
APPEALS.....Respondent(s).

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RETURN TO APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE  
INITIAL BRIEF AND DESIGNATION OF MATTER

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Ms. Mare Deckard  
1006 Madrid Ave.  
Port Royal, SC 29935  
[maremailmmm@yahoo.com](mailto:maremailmmm@yahoo.com)

Pro-Se Appellant

Thomas A. Bendle, Jr., Esquire  
Howell Gibson and Hughes PA  
Post Office Box 40  
Beaufort, SC 29901  
843-522-2400  
Bar No.: 7907  
[tbendle@hgpha.com](mailto:tbendle@hgpha.com)

Attorney for Respondent

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This Return to Appellant's Motion for Extension of Time to File Initial Brief and Designation of Matter is filed pursuant to Rules 208(a)(1), Rule 209(a), and Rule 240(e) SCRAP. The Respondent Town of Port Royal Zoning Board of Appeals respectfully requests that the Appellant's Motion for Extension to File Initial Brief and Designation of Matter be denied.

**Procedural History**

The Appellant has filed this Appeal from the Court of Common Pleas for Beaufort County. The parties appeared before the Honorable Judge Bonds on appeal from the Town of Port Royal's Zoning Board of Appeals on August 13,

2024. Judge Bonds upheld the decision of the Respondents from the zoning appeal and issued an Order on August 19, 2024, accordingly. The Appellant timely filed a Motion for Reconsideration from Judge Bonds' decision and a hearing was held upon that Motion on November 4, 2024. Judge Bonds denied the Appellant's Motion for Reconsideration and issued an order, accordingly, on November 6, 2024. Appellant subsequently filed her Notice of Appeal from the Court of Common Pleas to the State of South Carolina's Supreme Court on November 20, 2024. The South Carolina Supreme Court issued an Order transferring the Appeal to this Court, the South Carolina Court of Appeals, on November 25, 2024. This Court's Notice of Appeal and Initial Letter were sent to the parties on November 27, 2024. On December 10, 2024 this Court sent Appellant a deficiency letter as Appellant did not provide the Court, along with the filing of the Notice of Appeal, with Proof of Service or the required filing fee. On December 31, 2024, and subsequent to correcting the deficiencies required by this Court relating to the Notice of Appeal, the Appellant provided notice to this Court that she was in receipt of the transcript from the Motion for Reconsideration heard before the Court of Common Pleas for Beaufort County. On February 11, 2025, the Court notes in its Case Management System that the Appellant's Initial Brief and Designation of Matter was overdue. The Appellant subsequently filed her Initial Brief and Designation of Matter with this Court, along with her Motion for an Extension to file same, on February 20, 2025. On February 21, 2025, the Appellant filed a second motion with this court to amend her designation of matter filed the day before. On February 24, 2025, this Court

provided notice to the Appellant that her motion for extension or motion to allow late filing of the Appellant's initial brief and designation of matter was deficient as she had not paid the filing fee. This Court also issued a separate notice to Appellant on February 24, 2025 that her Motion to Amend her Designation of Matter was deficient as she had not paid the filing fee nor had she provided this Court with Proof of Service.

### **ARGUMENT**

The Respondent, Town of Port Royal Zoning Board of Appeals, urges the Court to deny the Appellants Motion for an extension of time to file her initial brief and designation of matter. Rule 208(a)(1) requires that an Appellant, within thirty (30) days after receiving the transcript, serve a copy of his brief on all parties and this Court, with proof of service. There are three (3) transcripts involved in this matter. The first transcript was of the original ZBOA hearing before the Respondent. The video and audio transcript of the original ZBOA hearing was provided to the Appellant by certified restricted delivery on June 12, 2024 (Attached hereto as "Exhibit A"). The transcript was also provided to the Court with a certification that a copy had been provided to the Appellant on June 11, 2024. The second transcript was from the Appeal to the Court of Common Pleas for Beaufort County, South Carolina. This transcript was made available to the parties hereto and was entered of record by the Beaufort County Clerk of Court on October 28, 2024, a copy of which is available through the Court of Common Pleas Public Index under Case No. 2024CP0701072. The third transcript was from the hearing upon the Appellants Motion for Reconsideration in the Court of

Common Pleas for Beaufort County. The Appellant ordered a copy of said transcript from the November 5, 2024 reconsideration hearing and notified this Court that she was in receipt of same on December 31, 2024. Therefore, as of December 31, 2024, the Appellant, under the South Carolina Appellate Court Rules was required to file and serve the Respondent and this Court with her initial brief and designation of matter on or before January 30, 2025. The Appellant did not file her Motion to Extend the Time to File until February 20, 2025, twenty-one (21) days after the deadline. The Appellant failed to comply with the rules of this Court and, as such, under Rule 208(a)(4) the Clerk of Court should have signed an Order dismissing the appeal and the appeal should not be reinstated except as provided by Rule 260. As such, the Respondent respectfully requests that the Appellant's Appeal be dismissed in its entirety.

The three aforementioned transcripts were all in the possession of the Appellant on December 31, 2024. If the Appellant should argue, without merit, that she did not order or have in her possession the three transcripts, Rules 208 and 209 would still have required the Appellant to file her initial brief and designation of matter within thirty (30) days after serving the notice of appeal. Although the Appellant initially did not provide proof of service upon the Respondent to this Court, or pay the required filing fee, the Appellant corrected the deficiencies and filed the required Proof of Service and Filing fee with this Court on December 18, 2024. Under Rules 208 and 209, even assuming the Appellant was not in possession of or had ordered the transcripts, the Appellant was required to file her Initial Brief and Designation of Matter on or before

January 17, 2025. Of note, two days past the January 17, 2025 deadline, the Appellant wrote to this Court on January 19, 2025 indicating that she had requested a transcript from the original ZBOA hearing which she had had in her possession since June of 2024. The Appellant's Motion for Extension of Time was filed on February 20, 2025, thirty-four (34) days past the deadline. The Appellant failed to comply with the rules of this Court and, as such, under Rule 208(a)(4) the Clerk of Court should have signed an Oder dismissing the appeal and the appeal should not be reinstated except as provided by Rule 260. As such, the Respondent respectfully requests that the Appellant's Appeal be dismissed in its entirety.

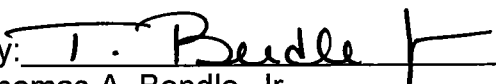
In addition to the inexcusable deadlines that have been missed by the Appellant, this Respondent, other than citing to and pointing out the applicable Rules of Appellate Practice in South Carolina, takes issue with the Motion for the Extension of Time without providing a reasonable basis for filing the motion. The Appellant does not provide to this Respondent, and, more importantly, to this Court, a definitive basis for the neglect. As this Court is aware, Rule 240(c) requires that all motions filed in an appellate court shall be in writing *and* shall state the grounds thereof. The Appellant only refers to the letter from the Clerk to the Appellant indicting that her brief and designation were overdue. The letter from the Clerk also references correspondence from the Appellant dated January 19, 2025 whereby she indicates that she ordered a copy of the ZBOA transcript. The Appellant "ordered" the transcript from the undersigned Counsel for the Respondent in an e-mail also dated January 19, 2025. However, as

forementioned, the Appellant was already in possession of the Audio and Video transcript of the ZBOA hearing which was part of the record on appeal to the Court of Common Pleas and had been provided to the Appellant by the Respondent on June 12, 2024. Thus, the Appellant had no excusable reason not to have had her Initial Brief and Designation of Matter filed in accordance with the rules. The Respondent is unaware of any other rational basis provided by the Appellant as to why this Court should grant her Motion for Extension of Time.

For the foregoing reasons, this Respondent would respectfully request that the Appellant be held to the standards as formulated under the Rules of Appellate Practice and dismiss the Appellant's appeal. In the event that this Court does grant Appellant's motion to extend time to file, the Respondent would respectfully ask for clarification as to the computation of time that the Court will allow for the filing of the Respondent's Initial Brief and Designation of Matter.

RESPECTFULLY SUBMITTED,

HOWELL, GIBSON & HUGHES, P.A.

By:   
Thomas A. Bendle, Jr.  
PO Box 40  
Beaufort, SC 29901-0040  
(843) 522-2400  
Attorney for Respondent  
Bar No:7907

Beaufort, South Carolina  
February 26, 2025

EXHIBIT "A"

**HOWELL, GIBSON AND HUGHES, P.A.  
ATTORNEYS AT LAW**

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June 12, 2024  
CERTIFIED/RESTRICTED DELIVERY  
9589 0710 5270 0189 1638 69

Ms. Mare Deckard  
1006 Madrid Ave.  
Port Royal, SC 29935

Re: Mare Deckard vs. Town of Port Royal Zoning Board of Appeals  
Civil Action No.: 2024-CP-07-01072  
Our File No.: 13179 TAB

Dear Ms. Deckard:

Enclosed please find a copy of the filed Record on Appeal including the audio/video of the ZBOA Hearing. The audio/video of the ZBOA Hearing was provided to the Clerk's Office on a flash drive via hand delivery.

With kindest regards, I am

Yours truly,

HOWELL, GIBSON AND HUGHES, P.A.

Thomas A. Bendle, Jr.  
TAB/bg  
Enclosures

Tracking Number:

Remove X

## 9589071052700189163869

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

### Latest Update

Your item was delivered to an individual at the address at 11:41 am on June 14, 2024 in PORT ROYAL, SC 29935.

#### Get More Out of USPS Tracking:

**USPS Tracking Plus®**

#### Delivered

**Delivered, Left with Individual**

PORT ROYAL, SC 29935  
June 14, 2024, 11:41 am

#### Departed Post Office

PORT ROYAL, SC 29935  
June 13, 2024, 5:02 pm

#### USPS in possession of item

PORT ROYAL, SC 29935  
June 13, 2024, 4:38 pm

Hide Tracking History

Feedback

What Do USPS Tracking Statuses Mean? (<https://faq.usps.com/s/article/Where-is-my-package>)

Text & Email Updates



EXHIBIT "A"

**HOWELL, GIBSON AND HUGHES, P.A.  
ATTORNEYS AT LAW**

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June 11, 2024

TO: Clerk of Court

Re: Mare Deckard vs. Town of Port Royal Zoning Board of Appeals  
Civil Action No.: 2024-CP-07-01072  
Our File No.: 13179 TAB

The Record on Appeal was filed today through the E-filing system. The Record contains a video/audio of the ZBOA hearing which was held on April 15, 2024. The Appellant intends to provide a copy of the flash drive to the Court for filing via hand delivery.

Attached is a copy of the flash drive with a description for reference to the Record.

With kindest regards, I am

Yours truly,

HOWELL, GIBSON AND HUGHES, P.A.

s/Thomas A. Bendle, Jr.

Thomas A. Bendle, Jr.  
TAB/bg

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**SC Court of Appeals**

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vs.

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APPEALS.....Respondent(s).

AFFIDAVIT OF SERVICE

The undersigned counsel hereby certifies that he has served the foregoing **REPLY TO APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE INITIAL BRIEF** upon the Pro-Se Appellant by affixing same with proper postage and placing same with the United States Postal Service and emailing to Appellant at maremailmmm@yahoo.com on 26<sup>th</sup> day of February, 2025 addressed to the following:

Mare Deckard  
1006 Madrid Ave.  
Port Royal, SC 29935

HOWELL, GIBSON & HUGHES, P.A.

By: T. Bendle  
Thomas A. Bendle, Jr.  
PO Box 40  
Beaufort, SC 29901-0040  
(843) 522-2400  
Attorney for Respondents  
Bar No.: 7907

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**SC Court of Appeals**

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WILLIAM H. COX, III

NATHAN E. AKERS  
ROBERT S. DENNIS

\* Certified Mediator

February 26, 2025  
VIA EMAIL ONLY

Honorable Catherine S. Harrison  
Chief Deputy Clerk  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

Re: Mare Deckard vs. Town of Port Royal Zoning Board of Appeals  
Civil Action No.: 2024-001984  
Our File No.: 13179 TAB

Dear Ms. Harrison:

Enclosed please find the Respondent's Return to the Appellant's Motion for Extension of Time for File Initial Brief and Designation of Matter regarding the above matter.

By copy of this correspondence to the Appellant, I am providing an electronic copy of the enclosures, as well as placing a copy in the U.S. Mail today.

If you have any questions, please feel free to reach out to our office.

With kindest regards, I am

Yours truly,

HOWELL, GIBSON AND HUGHES, P.A.



Thomas A. Bendle, Jr.  
TAB/bg

cc: Ms. Mare Deckard