THE STATE OF SOUTH CAROLINA
SOUTH CAROLINA COURT OF APPEALS

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MAR 06 2025
SC Court of Appeals

APPEAL FROM BEAUFORT COUNTY
COURT OF COMMON PLEAS

Robert Bonds, Circuit Court Judge

APPELLATE CASE #: 2024-001984

Mare Deckard — Appellant

v.

Town of Port Royal Zoning Board of Appeals — Respondent

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

Mare Deckard, *Pro Se*
1006 Madrid Avenue
Port Royal, South Carolina 29935
Date: March 2, 2025

Counsel of Record:
Thomas Bendle
25 Rue Du Bois
Beaufort, South Carolina 29907
(843) 522-2400
Attorney for Respondent.

Town of Port Royal Zoning Board
PO Drawer 9
Port Royal SC 29935

The Respondent stated in their Return of February 26, 2025 that this Honorable Court erred in allowing the Appellant an extension to file her Initial Brief and Designation of Matter. The Appellant disagrees with opposing counsel for the following reasons:

On January 19, 2025, almost two weeks before the [original] deadline to submit her Initial Brief/Designation of Matter, the Appellant emailed Thomas Bendle, counsel for the Respondent, asking him to provide a *written* transcript of the Zoning Board of Appeals hearing, for which she was never provided. The Appellant was only given a flash drive. Therefore, the Appellant asked Bendle [email attached]:

Please provide a written transcript of the April 15, 2024 Zoning Board of Appeals hearing to my attention at your earliest convenience so I may properly prepare my appellate briefings. Kindly confirm receipt of this email.

On January 24, 2025 the Appellant telephoned the Clerk's office because she had not yet heard from Bendle. The Appellant was informed the Court did not yet have guidance on the question of how to obtain this written transcript, and that Bendle contacted their office too. Therefore, the Appellant was under the impression there would be a subsequent communication from the Court on this issue. A few days later, on January 27th, the Appellant received the following email from Bendle:

Good morning, Ms. Deckard.

Respectfully, I believe that the Appellant is responsible for ordering the transcript(s) from the hearings held that led to your appeal. As you are aware, the ZBOA hearing was recorded. I believe that there is also audio that was done separately from the video that also has sound. It may be that whoever is responsible for providing the Court of Appeals a transcript may have to hire a court reporter to provide a written transcript. I believe that the Court will provide guidance soon and probably would have already done so but for the government closings throughout the State due to inclement weather.

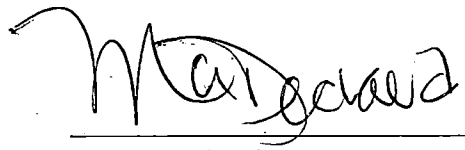
Please feel free to contact me with any questions or thoughts. ***Otherwise, we can wait until we hear from the Clerk in response to your letter of January 19th.*** *Have a great day!* **[emphasis added]** – [email attached]

Subsequently, the Court advised the Appellant by letter February 11, 2025 she made a procedural error in requesting an extension and thus had ten days to submit her brief and designation. The Appellant not only cured her error in the time frame required by the Court, she drove to Columbia to personally hand deliver her documents to the Clerk's office to ensure they were received and clocked in.

The record in this case shows the Appellant has communicated with the Court in a timely manner and has cured any deficiencies, up to and including mailing the additional filing fees and proof of service requested by the Court as of March 3, 2025.

Therefore, the Appellant requests this Court deny the Respondent's request to dismiss her appeal because there clearly was legitimate confusion on both the Appellant ***and*** the Respondent's part as to how to obtain this written transcript, and because the Appellant has properly complied with the Clerk of Court in filing all of the requested documentation.

Respectfully submitted,



Mare Deckard, *Pro Se*
1006 Madrid Avenue
Port Royal, South Carolina 29935
March 3, 2025

RE: Case No 2024-001984

From: Thomas A Bendle, Jr. (tbendle@hghpa.com)

To: maremailmmm@yahoo.com

Cc: bgiles@hghpa.com; scotc1012@gmail.com; NKrepps@portroyal.org; bplank-buccola@portroyal.org

Date: Monday, January 27, 2025 at 09:44 AM EST

Good morning, Ms. Deckard.

Respectfully, I believe that the Appellant is responsible for ordering the transcript(s) from the hearings held that led to your appeal. As you are aware, the ZBOA hearing was recorded. I believe that there is also audio that was done separately from the video that also has sound. It may be that whoever is responsible for providing the Court of Appeals a transcript may have to hire a court reporter to provide a written transcript. I believe that the Court will provide guidance soon and probably would have already done so but for the government closings throughout the State due to inclement weather.

Please feel free to contact me with any questions or thoughts. Otherwise, we can wait until we hear from the Clerk in response to your letter of January 19th. Have a great day!

Thomas A. Bendle, Jr. ("Tab")
Howell, Gibson & Hughes, P.A.
P.O. Box 40
25 Rue Du Bois
Beaufort, SC 29901
843-522-2400
843-522-2429 (fax)

From: Mare Deckard <maremailmmm@yahoo.com>
Sent: Sunday, January 19, 2025 7:25 PM
To: Thomas A Bendle, Jr. <TBendle@hghpa.com>
Subject: RE: Case No 2024-001984

Dear Mr. Bendle:

Please provide a written transcript of the April 15, 2024 Zoning Board of Appeals hearing to my attention at your earliest convenience

so I may properly prepare my appellate briefings. Kindly confirm receipt of this email. Thank you, Mare Deckard

THE STATE OF SOUTH CAROLINA
SOUTH CAROLINA COURT OF APPEALS

APPEAL FROM BEAUFORT COUNTY
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APPELLATE CASE #: 2024-001984

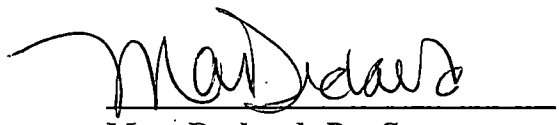
Mare Deckard — Appellant

v.

Town of Port Royal Zoning Board — Respondent

PROOF OF SERVICE

I certify I have served a copy of the Reply in Opposition to Respondent's Return to Appellant's Motion for an Extension of Time to File Initial Brief and Designation of Matter to the Clert of Court, and by United States mail, postage prepaid, to the Town of Port Royal Zoning Board and the counsel of record March 3, 2025.



Mare Deckard, *Pro Se*
1006 Madrid Avenue
Port Royal, South Carolina 29935
Date: March 3, 2025

Counsel of Record:
Thomas Allen Bendle Jr
Howell, Gibson & Hughes
PO Box 40
Beaufort SC 29901-0040

Town of Port Royal Zoning Board
PO Drawer 9
Port Royal SC 29935

MARE DECKARD
1006 Madrid Avenue
Port Royal, South Carolina 29935
(843) 592-1062
Maremail59@yahoo.com

RECEIVED
MAR 06 2025
SC Court of Appeals

March 3, 2025

The Honorable Catherine S. Harrison
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211
RE: Mare Deckard v. Town of Port Royal Zoning Board
Appellate Case No.: 2024-001984

Dear Ms. Harrison:

Per the Clerk of Court's letters dated February 24th, the Appellant encloses the following:

1. A check made out to the Clerk of Court for $100;
2. Proof of Service for the Motion to Submit a Revised Designation of Matter

In addition, per the Court's letter dated February 26th, the Appellant encloses a Reply in Opposition to Respondent's Return to Appellant's Motion for Extension of Time to File Initial Brief and Designation of Matter, a filing fee of $50 (out of an abundance of caution, if a fee is required) and Proof of Service of same. The Appellant submits this Reply in Opposition because, upon review of the Respondent's Return, she noted the absence of salient facts. Therefore, in the interest of fairness, the Appellant respectfully requests the Court accept her Reply.

Sincerely,

Mare Deckard, *Pro Se*

Counsel of Record:
Thomas Allan Bendle, Jr.

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FROM:

FROM: Deckard
1006 Madrid Ave
Port Royal SC 29935

TO: The Honorable
Catherine Harrison, Clerk
Ct of Appeals
PO Box 11629
Columbia SC 29211

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