

**Ballard
Watson Weissenstein**
PERSISTENT · UNWAVERING

Desa Ballard
Harvey M. Watson III
Stephanie Weissenstein
Attorneys at Law

Post Office Box 6338 | West Columbia, SC 29171
226 State Street | West Columbia, SC 29169 | ph: 803.796.9299 | fx: 803.796.1066 | desaballard.com

September 18, 2013

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Via Hand Delivery

Honorable Daniel Shearouse
Supreme Court of South Carolina
Post Office Box 11330
Columbia, South Carolina 29211

RECEIVED

SEP 18 2013

SC Court of Appeals

Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia, South Carolina 29211

Re: *Hammer v Hammer*, Case No. 2009-CP-40-05911, Appellate Tracking
No. 2013-001635
1634 Main LP v Shirley Hammer, Case No. 2010-CP-40-2889, Appellate
Tracking No. 2013-001634, 2013-001707

Dear Mr. Shearouse and Mrs. Kitchings:

We have been in contact with the three (3) court reporters whose transcripts have been requested by the appellants in these cases. Two of those reporters, Karen Ambroziak, who transcribed the proceedings before Judge James in October, 2012 and January, 2013, and Crystal Holmes, who transcribed the May 1, 2013 proceedings, report that neither appellant has made satisfactory financial arrangements for the order for the respective transcripts. The third court reporter, Hattie Gordon, who transcribed the May 17, 2013 proceedings, will not disclose whether she has been paid or whether financial arrangements have been made by appellants for the transcript order sent to her.

Pursuant to Rule 207(a)(1), SCACR, Appellants have a period of ten (10) days after filing a notice of appeal within which to order the transcript and to make satisfactory arrangements, including agreement regarding payment for the transcript, in writing with the court reporter for furnishing the transcript. For both the initial trial

Honorable Clerks of Court
Re: 2013-001635 and 2013-001634 and 2013-001707
Motion to Dismiss Appeals

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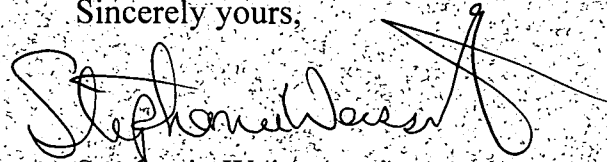
proceedings, and subsequent hearings, appellants have failed to comply with Rule 207(a)(1); SCACR.

We have communicated with Desiree Allen at Court Administration and she confirmed that neither Ms. Ambroziak nor Ms. Holmes have reported receiving a final order for transcripts in these appeals. Ms. Gordon has. By copy of this letter to Ms. Allen and the respective court reporters, we are advising them of our communication with this Court.

Please consider this letter as a motion to dismiss all appeals referenced above, for failure to comply with Rule 207(a)(1), SCACR. Even if the transcript from Ms. Gordon was properly ordered, the entire trial court proceedings have not been properly ordered, so no sufficient record will exist from which a record and appeal may be generated.

We are enclosing two (2) checks for \$25.00 with our letter to Ms. Kitchings to serve as the filing fee(s) for this motion. Thank you for your assistance. With warm personal regards, I am,

Sincerely yours,



Stephanie Weissenstein
Stephanie@desaballard.com

C: (via US Mail and email)
Arthur K. Aiken, Esquire
Howard Hammer, Esquire
Susan Lipscomb, Esquire
Desiree Allen
Karen Ambroziak
Crystal M. Holmes
Hattie O. Gordon
Shirley Hammer