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SC Court of Appeals

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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

Circuit Court Judge

APPELLANT CASE NO: 2024-002028

v.

Wellington Square Acquisitions, LLC.

Respondent,

Kendra Boekhoudt and Marcus Adams, Appellant.

PROOF OF SERVICE

APPEAL OF ORDER OF DISMISSAL

Comes now, Kendra Boekhoudt, Appellant, and Marcus Adams, Appellant, and appeal the Order of Dismissal issued on April 7, 2025. The dismissal was based on an alleged failure to order the transcript.

I. INTRODUCTION

Appellants appeal the Order of Dismissal issued on April 7, 2025. The dismissal was based on an alleged failure to order the transcript.

However, this failure resulted directly from explicit misinformation from the Clerk's office, which incorrectly stated a 60-day timeframe for transcript completion, and a lack of clear guidance from the Court on how to obtain the transcript.

II. ISSUES PRESENTED FOR APPEAL

1. Appellants' non-compliance was caused by misinformation from the Clerk's office regarding the transcript deadline and a lack of clear procedural guidance from the Court.

III. STATEMENT OF FACTS

1. The Court dismissed the case on April 7, 2025, for failure to order the transcript.

2. On March 25, 2025, the Clerk's office explicitly told Appellant Boekhoudt she had 60 days to the transcript. The Court's letter dated March 20, 2025, lacked instructions on how to order the transcript.

3. Relying on the Clerk's office, the Appellants proceeded with other appeal steps. Upon realizing the error, the Appellants promptly attempted to order the transcript.

4. The delay caused no prejudice to the Respondent.

IV. ARGUMENT

1. The Court Erred in Finding a Failure to Order the Transcript:

The Appellants' non-compliance was due to:

Explicit misinformation from the Clerk's office about the transcript deadline.

A lack of clear instructions from the Court on the ordering process.

The Appellants reasonably relied on the Clerk's office's statement.

2. The Dismissal Was an Unduly Harsh Sanction:

Dismissal is too harsh when non-compliance is caused by misinformation from the Court.

The Appellants acted in good faith.

There was no prejudice to the Respondent.

V. CONCLUSION

For these reasons, Appellants respectfully request that the Court reverse the dismissal and reinstate the appeal. The dismissal resulted from misinformation from the Clerk's office and a lack of clear guidance. This is an unduly harsh sanction.

Respectfully submitted,

Kendra Boekhoudt and Marcus Adams

May 1, 2025

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