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May 19 2025

SC Court of Appeals

APPELLANT'S RESPONSE TO DEFICIENCY LETTER AND MOTION FOR  
EXTENSION OF TIME

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM YORK COUNTY  
Court of Common Pleas

Circuit Court Judge

\_\_\_\_\_

APPELLANT CASE NO: 2024-002028 \_\_\_\_\_  
Kendra Boekhoudt and Marcus Adams

Respondent,  
v.

Wellington Square Acquisitions, LLC. Appellant

\_\_\_\_\_

APPEAL OF ORDER OF DISMISSAL (Corrected and Signed Motion to  
Reinstate)

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

## I. INTRODUCTION

Appellant appeals 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. Appellant's 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 the Appellant 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 Appellant proceeded with other appeal steps. Upon realizing the error, the Appellant 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 Appellant's 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 Appellant 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 Appellant acted in good faith.
- \* There was no prejudice to the Respondent.

#### V. CONCLUSION

For these reasons, Appellant respectfully requests 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,

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Kendra Boekhoudt and Marcus Adams  
841 Lucas Street  
Rock Hill, SC

Date: May 19, 2025

## MOTION FOR EXTENSION OF TIME

TO THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS:

Comes now, Appellant, Kendra Boekhoudt, and respectfully requests an extension of time to fully comply with the Court's deficiency letter issued on May 2, 2025.

As grounds for this Motion, Appellant states:

1. The Court's deficiency letter identified issues with the proof of service and the required signature on the motion to reinstate.
2. Appellant has corrected the deficiency regarding the motion to reinstate by signing the "APPEAL OF ORDER OF DISMISSAL" document (attached hereto).
3. Appellant requires additional time to finalize the corrected Proof of Service due to extenuating circumstances beyond her control.
4. Specifically, on or around [Start Date of Eviction], Appellant was evicted from her residence at 1190 Wellington Square, York, SC 29745, by Wellington Square Acquisitions, LLC, the opposing party in this appeal.
5. This sudden eviction resulted in a period of significant instability. From February 20, 2025 to present, Appellant was forced to seek temporary shelter with a friend. During this time, Appellant lacked consistent access to stable housing, and, critically, had no access to reliable phone service or internet connectivity. This lack of

communication access made it impossible for Appellant to receive, review, and respond to the Court's deficiency letter in a timely manner.

6. Appellant understands the importance of adhering to the Court's deadlines and deeply regrets any inconvenience this delay may have caused. Appellant believes that the circumstances described above constitute excusable neglect, as her failure to comply was a direct result of the actions of the opposing party and the resulting lack of access to essential services. Appellant acted in good faith and is prepared to take immediate action to rectify the remaining deficiency.

7. Appellant respectfully requests that the Court grant an extension of time until May 29, 2025 to submit the corrected Proof of Service. Appellant is available to provide any further information or documentation the Court may require to support this request.

WHEREFORE, Appellant respectfully requests that this Honorable Court grant the requested extension of time.

Respectfully submitted,

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Kendra Boekhoudt and Marcus Adams  
841 Lucas Street  
Rock Hill, SC

Date: May 19, 2025

CORRECTED PROOF OF SERVICE

I, Kendra Boekhoudt and Marcus Adams, certify that on May 19, 2025, I served a true and correct copy of the foregoing APPELLANT'S RESPONSE TO DEFICIENCY LETTER AND MOTION FOR EXTENSION OF TIME upon the Appellee, Wellington Square Acquisitions, LLC, by depositing it in the United States mail, postage prepaid, addressed to its attorney of record:

Samantha Simpson, Esquire  
1850 E. Third Street Suite 100  
Charlotte, NC 28204

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Kendra Boekhoudt and Marcus Adams  
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