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Jun 02 2025

SC Court of Appeals

**PROOF OF SERVICE OF A NOTICE OF APPEAL**

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 \_\_\_\_\_

Kendra Boekhoudt and  
Marcus Adams

Respondent,

v.

Wellington Square Acquisitions, LLC. Appellant

**PROOF OF SERVICE**

**APPEAL OF ORDER OF DISMISSAL**

**Subject: Regarding Case No. 2024-002028, Boekhoudt v. Wellington Square Acquisitions, LLC - Request for Extension of Time**

"Dear Clerk's Office/Your Honor,

I am writing concerning the deficiency letter issued by the South Carolina Court of Appeals on May 2, 2025, regarding my attempted deficiency correction in the above-referenced case. I understand that the letter indicated deficiencies in the proof of service and the required signature on the motion to reinstate, citing non-compliance with the South Carolina Appellate Court Rules (SCACR).

I sincerely apologize for my failure to correct these deficiencies within the ten-day timeframe stipulated by the Court. The reason for this delay is due to circumstances entirely beyond my

control. Specifically, on or around [Start Date of Eviction], I was evicted from my residence at 1190 Wellington Square, York, SC 29745, by Wellington Square Acquisitions, LLC, the opposing party in this appeal.

This sudden eviction resulted in a period of significant instability. From [Start Date of Displacement] to [End Date of Displacement], I was forced to seek temporary shelter with a friend. During this time, I lacked consistent access to stable housing, and, critically, I had no access to reliable phone service or internet connectivity. This lack of communication access made it impossible for me to receive, review, and respond to the Court's deficiency letter in a timely manner.

I understand the importance of adhering to the Court's deadlines, and I deeply regret any inconvenience my delay may have caused. I believe that the circumstances described above constitute excusable neglect, as my failure to comply was a direct result of the actions of the opposing party and the resulting lack of access to essential services. I acted in good faith and am prepared to take immediate action to rectify the deficiencies outlined in the Court's letter.

To demonstrate my commitment to rectifying this situation, I am prepared to submit the corrected [Specify Document - e.g., proof of service and motion to reinstate] within [State a reasonable timeframe, e.g., two business days] of the Court's granting of an extension.

Therefore, I respectfully request that the Court grant me an extension of time until [Proposed New Deadline Date] to submit the corrected documents. I am available to provide any further information or documentation the Court may require to support this request.

Thank you for your understanding and consideration of this urgent matter.

Sincerely,

Kendra Boekhoudt"

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 C
- 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 lack of clear guidance. This is an unduly harsh sanction.

Respectfully submitted,  
Kendra Boekhoudt and Marcus Adams  
May 1, 2025

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

#### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Appeal of Order of Dismissal v served upon the Appellee, Wellington Square Acquisitions, LLC, on this 1st day of May 20 mail, postage prepaid, on May 1, 2025, addressed to their Attorney of record, Samantha Simpson 1850 E. Third Street Suite 100 Charlotte, NC 28204

*Kendra Boekhoudt*  
*Marcus Adams*

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