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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Appellate Case No. 2025-000751

ECP CHS Saint Ives, LLC, d/b/a Ellevate St. Ives,

Landlord, Respondent,

v.

Nicolle Mack,

Appellant.

MOTION FOR DISMISSAL PURSUANT TO RULE 260(a), SCACR

PLEASE TAKE NOTICE, Respondent ECP CHS Saint Ives, LLC, d/b/a Ellevate St. Ives (hereinafter “Respondent”), by and through undersigned counsel, will move before this Court, to grant the Respondent’s Motion to dismiss the appeal filed by Appellant Nicole Mack (hereinafter “Appellant”) pursuant to Rule 260(a) of the South Carolina Appellate Court Rules (hereinafter “SCACR”). In support of this Motion, Respondent presents to the Court as follows:

PROCEDURAL HISTORY

1. On or about January 29, 2025, an Application for Ejectment was filed in the Charleston County Magistrate Court by Respondent against Appellant, bearing Case No.: 2025CV1011400393, based on non-payment of rent in the amount of \$1,254.00.
2. On or about February 27, 2025, a hearing was conducted before the Honorable Judge Singleton-Brown. Appellant, represented by counsel with Charleston Pro Bono Legal

Services, mutually consented to a settlement agreement with Respondent. The agreement, adopted by the court, permitted Appellant to voluntarily vacate the premises by March 17, 2025, with a writ of ejectment to issue thereafter if Appellant failed to vacate.

3. On or about March 5, 2025, prior to the agreed-upon vacate date, Appellant filed a Notice of Appeal in the Charleston County Circuit Court, bearing Case No: 2025-CP-10-01238, appealing the court-approved settlement agreement to which Appellant had consented to.
4. As a result of the appeal, a bond-to-stay hearing was held in the Charleston County Magistrate Court on or about March 13, 2025. Pursuant to the Bond Order issued at that hearing, Appellant was required to pay back rent in the amount of \$4,797.09 within five (5) days and to make monthly payments of \$1,310.00 on the first day of each month pending the outcome of the appeal in the Circuit Court.
5. On or about April 14, 2025, following the dismissal of Appellant's Circuit Court appeal, the Charleston County Magistrate Court issued a Writ of Ejectment against Appellant.
6. On or about April 17, 2025, Appellant filed a Notice of Appeal of the Writ of Ejectment with the South Carolina Court of Appeals, bearing Appellate Case No. 2025-000751.
7. On or about April 21, 2025, the South Carolina Court of Appeals issued an Order remanding the matter to the Charleston County Circuit Court for an expedited hearing on Appellant's motion to stay and for determination of any appeal bond.
8. As a result, a bond-to-stay hearing was held in the Charleston County Circuit Court on or about May 6, 2025. Pursuant to the Bond Order issued at that hearing, Appellant was required to pay back rent in the amount of \$8,246.36 within five (5) days and to make monthly payments of \$1,310.00 on the first day of each month pending the outcome of the appeal in the South Carolina Court of Appeals.
9. On September 4, 2025, the South Carolina Court of Appeals issued a notice to Appellant

stating that, within ten (10) days of the date of the notice, Appellant was required to file a copy of a letter confirming that the transcript had been timely ordered from the court reporter.

10. As of September 15, 2025, which marked ten (10) days from the date of the notice, Appellant failed to comply with the Court's instruction as set forth in the notice.
11. As of September 15, 2025, Appellant also failed to serve and file a motion seeking permission to order the transcript outside the filing deadlines established by Rule 207, SCACR.

STANDARD OF REVIEW

Rule 260(a) of the South Carolina Appellate Court Rules, in relevant part states:

Whenever it appears that an appellant or a petitioner has failed to comply with the requirements of these Rules, the clerk shall issue an order of dismissal, which shall have the same force and effect as an order of the appellate court. A case shall not be reinstated except by leave of court, upon good cause shown, after notice to all parties. The clerk shall remit the case to the lower court or administrative tribunal in accordance with Rule 221 unless a motion to reinstate the appeal has been actually received by the court within fifteen (15) days of filing of the order of dismissal (the day of filing being excluded). Rule 260(a), SCACR.

Rule 207(a)(1) of the South Carolina Appellate Court Rules, in relevant part states:

Where a transcript of the proceeding must be prepared by the court reporter, appellant shall, within the time provided for ordering the transcript, make satisfactory arrangements (including agreement regarding payment for the transcript), in writing with the court reporter for furnishing the transcript. In appeals from the court of common pleas, masters-in-equity, special referees or the family court in domestic actions, the transcript must be ordered within ten (10) days after the date of service of the notice of appeal. [...] Appellant shall contemporaneously furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter. [...] Unless the parties otherwise agree in writing, appellant must order a transcript of the entire proceedings below. Rule 207(a)(1), SCACR.

CONCLUSION

Upon review of the procedural history and the notice issued by the South Carolina Court of Appeals, Appellant's failure to meet the ten (10)-day deadline in the Court's notice and

comply with Rule 207, SCACR, warrants a dismissal of Appellant's appeal pursuant to Rule 260(a), SCACR.

Accordingly, Respondent respectfully requests that the Court grant the Motion for Dismissal and remit this case to the Charleston County Circuit Court in accordance with Rule 221, SCACR.

Respectfully submitted,

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