

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

G.D. Morgan, Jr., Circuit Court Judge

Case No. 2025-CP-46-01222

Appellate Case No. 2025-001843

Tonya R. Blake, Individually and as
Personal Representative of the Estate of
Reco D. Miller,

Appellant,

v.

Brenda Burris,

Respondent.

RESPONDENT’S MOTION TO DISMISS APPEAL

Respondent hereby moves the Court pursuant to Rule 240, SCACR, for an order dismissing Appellant’s appeal. In support of this Motion, Respondent states that this appeal is not within the jurisdiction of the Court because Respondent was not served with a valid notice of appeal within thirty (30) days of entry of the order of dismissal as required by Rule 203(b)(1), SCACR.

Introduction and Statement of Facts

This appeal from the York County Court of Common Pleas follows the dismissal of Appellant Tonya Blake (“Appellant” or “Appellant Blake”)’s complaint pursuant to Rule 12(b)(6), SCRCF. In 2022, a fire occurred at a single-family residence in Rock Hill, South Carolina, that Appellant rented from Respondent Brenda Burris (“Respondent” or “Respondent Burris”). **Exhibit A**, Order Granting Defendant’s Motion to Dismiss, 1. Appellant’s husband, who was

RECEIVED
Oct 14 2025
SC Court of Appeals

confined to a hospital bed following a stroke, was unable to get out of the house and died in the fire. *Id.* at 1-2. Appellant alleged that the residence was not equipped with smoke detectors, asserting causes of action for negligence, survival, wrongful death, loss of consortium, and negligent infliction of emotional distress. *Id.* at 2. The Honorable G.D. Morgan, Jr., granted Respondent Burris' Motion to Dismiss, finding that Appellant's complaint did not allege facts sufficient to constitute a cause of action and that the allegations did not support relief under any theory of law. *Id.* at 1. The formal order of dismissal, without prejudice, was entered on August 28, 2025. *Id.* at 6. No motion for reconsideration was filed in the Court of Common Pleas.

On September 11, 2025, the Clerk of Court sent correspondence to all counsel of record stating that this Court had received a notice of appeal filed by Appellant Blake. **Exhibit B**, Notice of Appeal Initial Letter. That correspondence reminded the parties that under Rule 264, SCACR, all counsel would remain counsel of record until relieved by an order of the Court and that all filings must conform to Rule 267, SCACR. *Id.* The Clerk also sent correspondence noting the notice of appeal was deficient for failing to serve and file proof of service. **Exhibit C**, Notice of Appeal Deficiency Letter. Appellant Blake subsequently sent a UPS package containing a proof of service (Form 7) certifying that she "served the Notice of Appeal on Brenda Burris by depositing a copy of it in the United States Mail, postage prepaid, on September 18, 2025, to her attorney of record[.]" **Exhibit D**, UPS Package and Contents, p. 1. Another proof of service (Form 7) was included in the package certifying that Appellant Blake had "informed Brenda Burris that I have motioned the court to proceed in forma pauperis by depositing a copy of it in the United States Mail[.]" *Id.* at 2. However, *no notice of appeal was served with Appellant's two proofs of service.*

Id. at 1-3; **Exhibit E**, Affidavit of MaryJo Zuebert, ¶¶ 8-9.¹ To date, a notice of appeal has not been served on Respondent as required by Rules 203(b)(1) and 262, SCACR.

Appellant Blake was represented by counsel at the trial court level. **Exhibit A** at 1. With the exception of her counsel's motion to withdraw filed on October 8, 2025, all filings in the appellate index have been by Appellant Blake herself.²

Argument

This Court Lacks Jurisdiction Because Appellant Failed to Serve a Notice of Appeal within Thirty (30) Days of Entry of the Order Granting Respondent's Motion to Dismiss.

I. Appellant sent proof of service but never served a notice of appeal on Respondent.

An appellant must serve a notice of appeal and otherwise comply with the Appellate Rules. Rule 203(a), SCACR. In appeals from the Court of Common Pleas, “[a] notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment.” Rule 203(b)(1), SCACR; *Wells Fargo Bank, N.A. v. Fallon Props. S.C., LLC*, 422 S.C. 211, 215, 810 S.E.2d 856, 858 (2018) (“Rule 203(b)(1), SCACR requires *the notice of appeal* be served within thirty days [.]”) (original emphasis). Service on a party represented by an attorney must be made on the attorney and may be accomplished by delivering a copy, mailing a copy, or serving a copy by certain electronic means. Rule 262(c), SCACR. If serving by mail, the notice of appeal must be “properly addressed to the person at that person’s last known address[.]”. Rule 262(c)(2), SCACR.

¹ While Appellant Blake’s Proof of Service states the notice of appeal was served via US Mail, the receipt and tracking label attached with the proof of service show the package was shipped via UPS. The package was addressed to the undersigned’s law firm only and was not addressed to either of Respondent’s attorneys of record. **Exhibit D** at 1-3; **Exhibit E** at ¶¶ 5-7, 11.

² As of the time of filing the instant Motion, this Court has not ruled on the motion to withdraw filed by Appellant’s counsel.

“Upon the *service* of the notice of appeal, the appellate court shall have exclusive jurisdiction over the appeal[.]” Rule 205, SCACR (emphasis added). ““The requirement of service of the notice of appeal is jurisdictional, *i.e.*, if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to ‘rescue’ the delinquent party by extending or ignoring the deadline for service of the notice.”” *USAA Prop. & Cas. Ins. Co. v. Clegg*, 377 S.C. 643, 651, 661 S.E.2d 791, 795 (2008) (quoting *Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 14–15, 602 S.E.2d 772, 775 (2004)). ““The failure to comply with procedural requirements for an appeal divests a court of appellate jurisdiction.”” *State v. Devore*, 416 S.C. 115, 119, 784 S.E.2d 690, 692 (Ct. App. 2016) (quoting *State v. Brown*, 358 S.C. 382, 387, 596 S.E.2d 39, 41 (2004)).

To date – well beyond thirty (30) days since entry of Judge Morgan’s order on August 28, 2025 – no notice of appeal has been served on Respondent. The UPS package Appellant Blake sent to the undersigned counsel’s law firm included only a proof of service form in which she stated, “I have served the Notice of Appeal on Brenda Burris by depositing a copy of it in the United States Mail[.]” **Exhibit D** at 1. *A copy of the notice of appeal was not included in the package.*³ *Id.* at 1-3; **Exhibit E** at ¶¶ 8-9. The package received from UPS was sealed and unopened until it was opened by the firm’s receptionist. *Id.* at ¶ 6. Serving only the proof of service, without the notice of appeal itself, cannot be effective service of a notice of appeal. Rule 262, SCACR (“Service ... shall be made by: (1) *Delivering a copy* to the person... (2) *Depositing a copy* in the U.S. mail ... (3) *Serving a copy* on the person by electronic means in a manner provided by order

³ A copy of Appellant’s motion to proceed *in forma pauperis* was not included in the package, either. As stated above, the proof of service was sent via UPS package and not by US Mail.

of the Supreme Court of South Carolina.”) (emphasis added).⁴ Respondent was never served with the notice of appeal and, “in the absence of a timely served notice of appeal, this court has no jurisdiction.” *Devore*, 416 S.C. at 119, 810 S.E.2d at 858. Accordingly, the appeal must be dismissed.

II. Appellant Blake’s “pro se” filings are ineffective because she is represented by counsel.

a. Appellant’s counsel of record from the lower court remains her counsel until removed by order of this Court.

Under this Court’s rules, “[t]he attorneys ... of the respective parties in the court below shall be deemed the attorneys ... of the same parties in the appellate court until withdrawal is approved and notice is given[.]” Rule 264(a), SCACR. An attorney may withdraw “only after proper written notice to his client, on petition to and by written order of the appellate court[.]” Rule 264(b), SCACR. “Equally strong policy considerations dictate that the court must, by order, approve a client’s discharge of an attorney of record in a court proceeding ... withdrawal can only be accomplished by order of the court.” *Ex parte Strom*, 343 S.C. 257, 263-64, 539 S.E.2d 699, 702 (2000) (applying Rule 11, SCRCP, and citing similar requirements for a court order in other

⁴ Appellant’s counsel has not attempted to file or serve a notice of appeal. As counsel did not e-file the notice of appeal in the circuit court or serve the notice of appeal by email to the undersigned counsel’s email addresses on file with AIS, service was not accomplished by any permitted electronic means. Similarly, Appellant Blake filed her notice of appeal with the circuit court by mail, and the entry of her filing in the public index did not electronically serve the undersigned counsel through the circuit court’s e-filing system or generate an NEF. *See Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules*, S.C. Sup. Ct. Order (as amended April 24, 2024), ¶ (d)(4); *Eberly v. Advanced Flooring & Design Div. of ISI, LLC*, 442 S.C. 656, 660, 901 S.E.2d 273, 275 (2024) (holding: “[A]utomatic service of the NEF upon the E-Filing of a notice of appeal constitutes proper service of the notice of appeal as to parties who are represented by counsel and proceeding in the E-Filing System.”).

states). “[I]f the client fails to request a court order changing attorneys, the attorney is required to request such an order on his own motion.” *Id.* at 263, 539 S.E.2d at 702.

Appellant Blake’s “*pro se*” notice of appeal was received by this Court on September 10, 2025. Appellant Blake’s notice of appeal is dated September 9, 2025, and stamped as received by the Court on September 10, 2025. While counsel for Appellant Blake has filed a motion to withdraw, that motion was not filed until October 8, 2025. Accordingly, by operation of Rule 264, SCACR, Appellant Blake is not a *pro se* litigant. Rather, Appellant is represented by her counsel of record until withdrawal is approved by written order of this Court. To date, no such order has been issued.

b. Because Appellant is represented by counsel, her *pro se* notice of appeal is a nullity.

A “*pro se*” party represented by counsel cannot file a notice of appeal. *Devore*, 416 S.C. at 123–24, 784 S.E.2d at 694–95. When a party is already represented by counsel, *pro se* filings constitute impermissible “hybrid representation.” *Foster v. State*, 298 S.C. 306, 379 S.E.2d 907 (1989). A litigant does not have a right to “hybrid representation,” and any “substantive documents filed *pro se* by a person represented by counsel are not accepted unless submitted by counsel.” *State v. Stuckey*, 333 S.C. 56, 58, 508 S.E.2d 564, 564 (1998) (refusing to consider a *pro se* initial brief and designation of matter on appeal); *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010) (instructing courts “not to accept substantive documents, with the exception of motions to relieve counsel, filed *pro se* by a party who is represented by counsel.” *See also Howard v. Cartee*, No. 2011-UP-100, 2011 WL 11733589 (Ct. App. Mar. 14, 2011) (affirming dismissal of a *pro se* complaint because counsel had already been appointed at the time the complaint was filed).

In *Devore*, a criminal defendant’s appeal was dismissed for lack of appellate jurisdiction because his *pro se* submission was not a proper post-trial motion or notice of appeal. 416 S.C. at

123-24, 784 S.E.2d at 692. This Court found that the party's *pro se* filings were impermissible hybrid representation and, "essentially, a nullity" because the appellant was represented by counsel at the time of filing. *Id.* at 122, 784 S.E.2d at 694. The party was represented by counsel at his trial, and the Court noted that "Rule 264 of our appellate rules...provides for continued representation by a party's trial counsel at the appellate level until proper withdrawal[.]" (citing Rule 264, SCACR). The party's trial counsel remained "obligated to serve and file a notice of appeal and continue to represent [Defendant] Devore until his withdrawal from representation was approved." *Id.* at 123, 784 S.E.2d at 694. The Court concluded that the *pro se* filings were a "nullity" and, therefore, "there was no proper notice of appeal served ... and this court does not have appellate jurisdiction." *Id.* at 123-24, 784 S.E.2d at 694-95.

Similarly, Appellant Blake was represented by her counsel of record from the lower court when she filed her *pro se* notice of appeal on September 10, 2025. All counsel of record – and Appellant Blake – were notified of counsel's continued representation of the parties by the clerk of court's letter dated September 11, 2025, only fourteen (14) days after entry of the formal order. **Exhibit B.** Appellant Blake did not file a permissible *pro se* motion to relieve her counsel and, to date, the only filing by Appellant's counsel of record was a motion to withdraw twenty-six (26) days after the Court's September 11 correspondence. As Appellant Blake was represented by counsel at the time her *pro se* notice of appeal was filed, her *pro se* notice is a nullity and cannot be a proper notice of appeal. Even if Respondent had been served with Appellant's *pro se* notice of appeal, the notice would be improper and could not confer appellate jurisdiction.

Conclusion

For the foregoing reasons, Respondent respectfully requests that this Court dismiss the Appellant's appeal for lack of appellate jurisdiction.

MURPHY & GRANTLAND, P.A.

s/ Santino U. Ambrosini

E. Raymond Moore, III, Esquire (SCB 11609)
Santino U. Ambrosini, Esquire (SCB 106857)
P.O. Box 6648
Columbia, SC 29260
Phone: 803-782-4100
Email: ermoore@murphygrantland.com;
sambrosini@murphygrantland.com
Attorneys for Respondent Brenda Burris

Columbia, South Carolina
October 14, 2025

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF YORK

CIVIL ACTION NO: 2025-CP-46-01222

Tonya R. Blake, Individually and as Personal Representative of the Estate of Reco D. Miller,

Plaintiff,

v.

Brenda Burris,

Defendant.

ORDER GRANTING DEFENDANT BRENDA BURRIS' MOTION TO DISMISS

This matter came before the court upon Defendant Brenda Burris (“Defendant”)’s Motion to Dismiss at a hearing held on August 12, 2025. E. Raymond Moore, III, appeared and argued the motion on behalf of Defendant, and Taylor Grooms appeared and argued on behalf of Plaintiff Tonya R. Blake, Individually and as Personal Representative of the Estate of Reco D. Miller (“Plaintiff”). Both counsel made compelling arguments on behalf of their clients. The Court acknowledges and sympathizes with the unfortunate loss of life in this case. However, based on a review of the file, submissions of the parties, and after hearing oral argument, the Court hereby **GRANTS** Defendant’s Motion to Dismiss and the Plaintiff’s Complaint is **DISMISSED**, without prejudice. Plaintiff has not alleged facts sufficient to constitute a cause of action and the allegations of Plaintiff’s Complaint, viewed in the light most favorable to Plaintiff, do not support relief under any theory of law.

FACTS

This case arises out of a fire that occurred at a single-family residential home in Rock Hill, South Carolina. For several years, Plaintiff rented the home from Defendant and lived there along with her husband and son. Compl. ¶ 6. On April 26, 2022, Plaintiff’s husband alerted her to a fire

**EXHIBIT
A**

which had broken out in his room. *Id.* at ¶¶ 8-9. Plaintiff's husband, who had previously suffered a stroke and was confined to a hospital bed, was unable to get out of the house and died in the fire. *Id.* at ¶¶ 7, 11. Plaintiff alleges that the rental home was not equipped with smoke detectors. *Id.* at ¶¶ 15-17. Plaintiff alleged causes of action for negligence, survival, wrongful death, loss of consortium, and negligent infliction of emotional distress. *Id.* at ¶¶ 14-39.

STANDARD OF REVIEW

“Under Rule 12(b)(6), SCRPC, a defendant may make a motion to dismiss based on a failure to state facts sufficient to constitute a cause of action.” *Pitts v. Jackson Nat. Life Ins. Co.*, 352 S.C. 319, 327, 574 S.E.2d 502, 506 (Ct. App. 2002) (quoting *Baird v. Charleston Cty.*, 333 S.C. 519, 527, 511 S.E.2d 69, 73 (1999)). “A ruling dismissing a complaint for failure to state facts sufficient to constitute a cause of action must be based solely on allegations set forth in the complaint.” *Click Props., LLC v. Thomas SC Props., LLC*, 445 S.C. 468, 483, 914 S.E.2d 488, 495 (Ct. App. 2025), *reh'g denied* (Apr. 10, 2025) (citing *Doe v. Marion*, 373 S.C. 390, 395, 645 S.E.2d 245, 247 (2007)). “The question to be considered is whether, when viewed in the light most favorable to the plaintiff, the complaint states any valid claim for relief.” *Carolina Care Plan, Inc. v. United HealthCare Servs., Inc.*, 361 S.C. 544, 550, 606 S.E.2d 752, 755 (2004). Dismissal is appropriate “if the facts alleged in the complaint do not support relief under any theory of law.” *Cap. City Ins. Co. v. BP Staff, Inc.*, 382 S.C. 92, 99, 674 S.E.2d 524, 528 (Ct. App. 2009).

DISCUSSION

I. Defendant cannot be liable for alleged failure to install smoke detectors because liability is barred under S.C. Code Ann. § 5-25-1380.

Plaintiff-tenant alleged negligence-based causes of action for Defendant-landlord's alleged failure to install smoke detectors in her rental home. Article 11 of Building Codes and Fire Prevention requires an owner to provide smoke detectors in rented one-family homes. S.C. Code

Ann. §§ 5–25–1310 and 1330(A). However, Article 11 specifically states: “Failure to comply with the provisions of this article *does not create a cause of action* for a per se statutory violation for liability, *or for negligence-based* liability, for death, injury, or damages.” S.C. Code Ann. § 5–25–1380 (emphasis added). The Court of Appeals has held that this provision precludes liability for failure to install smoke detectors. *Robinson v. Code*, 384 S.C. 582, 587-88, 682 S.E.2d 495, 497-98 (Ct. App. 2009). Therefore, even accepting Plaintiff’s allegations regarding the lack of smoke detectors as true, S.C. Code Ann. § 5–25–1380 precludes recovery against Defendant on that basis. *Id.* at 588, 682 S.E.2d at 498 (“Article 11 does not provide for a negligence cause of action.”). Accordingly, Plaintiff’s allegations regarding smoke detectors fail to allege facts sufficient to constitute a cause of action and are hereby dismissed.

II. Plaintiff’s allegations of negligence do not allege that written notice was provided to Defendant as required for liability to attach under the Residential Landlord and Tenant Act, S.C. Code Ann. § 27-40-630(d).

Plaintiff’s Complaint asserts allegations relating to smoke detectors and general, conclusory allegations of negligence concerning the premises. The Residential Landlord and Tenant Act (“the Act”) creates a negligence cause of action for a tenant of residential property against his or her landlord “for failure, *after notice*, to make necessary repairs and to do what is reasonably necessary to keep the premises in a habitable condition.” *Watson v. Sellers*, 299 S.C. 426, 433, 385 S.E.2d 369, 373 (Ct.App.1989) (emphasis added). There is no specific requirement under the Act mandating that a landlord provide smoke detectors. *Code*, 384 S.C. at 586, 682 S.E.2d at 497. Moreover, no cause of action for negligence arises until a tenant “has given notice to the landlord and the landlord fails to act within a reasonable time[.]” S.C. Code Ann. § 27–40–630(d).

The general and conclusory allegations of the Complaint do not allege that Plaintiff provided written notice to Defendant regarding any allegedly deficient condition of the rental

property. Similarly, the Complaint does not allege that Plaintiff provided written notice to Defendant regarding any lack of smoke detectors. Accordingly, the allegations of Plaintiff's Complaint, viewed in the light most favorable to Plaintiff, do not support relief under any theory of law and must be dismissed.

III. The Complaint's conclusory allegations are insufficient to overcome Defendant's motion to dismiss under Rule 12(b)(6), SCRCP.

Plaintiff's Complaint alleges various general and conclusory allegations, including that Defendant was negligent in:

- “(b) Failing to address known or foreseeable risks associated with fire safety; ...
- (d) Failing to implement or enforce a proper maintenance plan to ensure the home remained safe and habitable;
- (e) Failing to otherwise act as a reasonably prudent owner or manager of a short-term rental would have acted under the same or similar circumstances; ...
- (f) Failing to ensure the house contained proper life safety and fire protection measures; ...
- (h) In such other particulars as the evidence at trial may show.”

Compl ¶ 17. Allegations which are merely conclusory are subject to dismissal. *Jones v. Gilstrap*, 288 S.C. 525, 528, 343 S.E.2d 646, 648 (Ct. App. 1986) (affirming dismissal of a complaint where were “conclusory only and therefore demurrable.”) (citing *Stroud v. Riddle*, 260 S.C. 99, 194 S.E.2d 235 (1973)). “A motion under Rule 12(b)(6) ... admits the well pleaded facts in the complaint, but it does not admit the inferences drawn by the plaintiff from such facts, nor does it admit conclusions of law.” *Carolina Winds Owners' Ass'n, Inc. v. Joe Harden Builder, Inc.*, 297 S.C. 74, 76, 374 S.E.2d 897, 899 (Ct. App. 1988) (citing *Bryan v. Stillwater Bd. of Realtors*, 578 F.2d 1319 (10th Cir.1977)) (*disagreed with on other grounds, Kennedy v. Columbia Lumber & Mfg. Co.*, 299 S.C. 335, 384 S.E.2d 730 (1989)). Plaintiff's general and conclusory allegations do not include facts sufficient to support a cause of action for negligence. Accordingly, dismissal of Plaintiff's Complaint is proper under Rule 12(b)(6), SCRCP on this additional basis.

It is therefore **ORDERED** that Defendant Brenda Burris' Motion to Dismiss is **GRANTED** and the Complaint is hereby **DISMISSED**, without prejudice.

AND IT IS SO ORDERED.

electronic signature to follow

Honorable G. D. Morgan, Jr.
Circuit Court Judge



York Common Pleas

Case Caption: Tonya R Blake Ind And As Pr Of The Estate Of Reco Miller VS
Brenda Burris
Case Number: 2025CP4601222
Type: Order/Dismissal

So Ordered

G.D. Morgan Jr.



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

September 11, 2025

Mr. Taylor Lawrence Grooms, Esquire
1643B Savannah Highway
#335
Charleston SC 29407

Re: Tonya R. Blake v. Brenda Burris
Appellate Case No. 2025-001843

Dear Counsel:

This Court has received the notice of appeal filed by your client, and the case has been assigned the appellate case number that appears above. By operation of Rule 264 of the South Carolina Appellate Court Rules (SCACR), you remain counsel of record until relieved by order of the Court. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267, SCACR. The SCACR are available online at www.sccourts.org/courtreg. Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will *not* review filings for redaction or to determine if materials should be sealed.

**EXHIBIT
B**

This is to advise that the title in the above matter has been changed to read as follows:

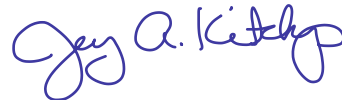
Tonya R. Blake, Individually and as Personal Representative of the Estate of Reco D. Miller, Appellant,

v.

Brenda Burris, Respondent.

All future records in this matter should be changed to reflect this title. If you have any questions, please do not hesitate to contact this office.

Very truly yours,

A handwritten signature in blue ink that reads "Jay A. Keith". The signature is written in a cursive, flowing style.

CLERK

cc: Santino Umberto Ambrosini, Esquire
Edward Raymond Moore, III, Esquire
Tonya R. Blake



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

September 11, 2025

Mr. Taylor Lawrence Grooms, Esquire
1643B Savannah Highway
#335
Charleston SC 29407

Re: Tonya R. Blake v. Brenda Burris
Appellate Case No. 2025-001843

Dear Counsel:

Upon reviewing your client's notice of appeal, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or this matter will be dismissed:

- A proof of service has not been provided. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.
- You must provide proof of filing with the court of common pleas.

Very truly yours,

A handwritten signature in blue ink that reads "Jenny A. Kitchings".

CLERK

cc: Santino Umberto Ambrosini, Esquire
Edward Raymond Moore, III, Esquire
Tonya R. Blake

EXHIBIT
C

**FORM 7
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

G. D. Morgan, Jr., Circuit Court Judge

Appellant Case No. 2025-001843
Civil Action Case No.
2025-CP-46-01222

Brenda Burris

Respondent,

v.

Tonya R. Blake, Individually
and as Personal Representative for
The Estate of Reco D. Miller

Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Brenda Burris by depositing a copy of it in the United States Mail, postage prepaid, on September 18, 2025, addressed to her attorney of record, Santino Umberto Ambrosini, Esquire, and Edward Raymond Moore, Esquire, at Murphy and Grantland, P.A., 4406-B Forest Drive, Columbia, S.C. 29206.

September 18, 2025

Tonya R. Blake
201 Sidney Street
Rock Hill, South Carolina 29730
(803) 371-3324
Appellant

**EXHIBIT
D**

**FORM 7
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

G. D. Morgan, Jr., Circuit Court Judge

Appellant Case No. 2025-001843
Civil Action Case No.
2025-CP-46-01222

Brenda Burris

Respondent,

v.

Tonya R. Blake, Individually
and as Personal Representative for
The Estate of Reco D. Miller

Appellant.

PROOF OF SERVICE

I certify that I have informed Brenda Burris that I have motioned the court to proceed in forma pauperis by depositing a copy of it in the United States Mail, postage prepaid, on September 18, 2025 to her attorneys Santino Umberto Ambrosini and Edward Raymond Moore to 4406 B Forest Dr. Columbia, SC 29206.

September 18, 2025

Tonya R. Blake
201 Sidney Street
Rock Hill, South Carolina 29730
(803) 371-3324
Appellant

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

G.D. Morgan, Jr., Circuit Court Judge

Case No. 2025-CP-46-01222

Appellate Case No. 2025-001843

Tonya R. Blake, Individually and as
Personal Representative of the Estate of
Reco D. Miller,

Appellant,

v.

Brenda Burris,

Respondent.

AFFIDAVIT OF MARYJO ZUEBERT

I, MaryJo Zuebert, being first duly cautioned and sworn, state as follows:

1. I am over the age of 18 and am competent to testify to and have personal knowledge of the facts set forth herein.
2. I submit this Affidavit in support of Respondent Brenda Burris' Motion to Dismiss in the matter of *Tonya R. Blake, Individually and as Personal Representative of the Estate of Reco D. Miller, Appellant, v. Brenda Burris, Respondent*, Appellate Case No. 2025-001843, currently pending in the South Carolina Court of Appeals.
3. I am the full-time receptionist at the law firm of Murphy Grantland, PA.

4. As part of my normal job duties at Murphy Grantland, I am responsible for receiving mail and packages delivered to the firm.

5. On September 19, 2025, I received a UPS package addressed to Murphy Grantland. The package did not include the names of any individuals at the firm, only the name and address of the firm. The return address on this package read: TONYA BLAKE; 8033713324; TONYA BLAKE; 201 SIDNEY STREET; ROCK HILL SC 29730.

6. The UPS package was sealed and unopened when I received it.

7. As the package was not addressed to any particular individual at the firm, I opened the sealed package in order to determine to whom the package or contents should be delivered.

8. Upon opening the package, the only items contained therein were two, single-page documents entitled “FORM 7 – PROOF OF SERVICE OF A NOTICE OF APPEAL.” No other documents were contained in the package.

9. One of the “FORM 7” documents referenced a copy of a Notice of Appeal. However, there was no copy of any document entitled “Notice of Appeal” included in the package.

10. The other “FORM 7” referenced a copy of a motion to proceed *in forma pauperis*. However, there was no copy of any motion included in the package.

11. A true, accurate, and complete copy of the package I received, and all documents contained within it, is attached hereto as **Exhibit 1**.

12. Upon reading these two “FORM 7” documents, I learned that the forms were meant for two attorneys at our firm – E. Raymond Moore, III, and Santino U. Ambrosini. I then provided these attorneys with the package and its contents.

Further Affiant sayeth naught.

[SIGNATURE ON FOLLOWING PAGE]

Mary Jo Zuebert
Mary Jo Zuebert

SWORN TO and subscribed before me this

14TH day of OCTOBER, 2025

Helene W. Sessler (L.S.)

Notary Public for Richard, SOUTH CAROLINA (State)

My Commission Expires: 3-24-2033



**FORM 7
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

G. D. Morgan, Jr., Circuit Court Judge

Appellant Case No. 2025-001843
Civil Action Case No.
2025-CP-46-01222

Brenda Burris

Respondent,

v.

Tonya R. Blake, Individually
and as Personal Representative for
The Estate of Reco D. Miller

Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Brenda Burris by depositing a copy of it in the United States Mail, postage prepaid, on September 18, 2025, addressed to her attorney of record, Santino Umberto Ambrosini, Esquire, and Edward Raymond Moore, Esquire, at Murphy and Grantland, P.A., 4406-B Forest Drive, Columbia, S.C. 29206.

September 18, 2025

Tonya R. Blake
201 Sidney Street
Rock Hill, South Carolina 29730
(803) 371-3324
Appellant

EXHIBIT

1

**FORM 7
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**

G. D. Morgan, Jr., Circuit Court Judge

**Appellant Case No. 2025-001843
Civil Action Case No.
2025-CP-46-01222**

Brenda Burris

Respondent,

v.

**Tonya R. Blake, Individually
and as Personal Representative for
The Estate of Reco D. Miller**

Appellant.

PROOF OF SERVICE

I certify that I have informed Brenda Burris that I have motioned the court to proceed in forma pauperis by depositing a copy of it in the United States Mail, postage prepaid, on September 18, 2025 to her attorneys Santino Umberto Ambrosini and Edward Raymond Moore to 4406 B Forest Dr. Columbia, SC 29206.

September 18, 2025

**Tonya R. Blake
201 Sidney Street
Rock Hill, South Carolina 29730
(803) 371-3324
Appellant**

TONYA BLAKE
8033713324
TONYA BLAKE
201 SIDNEY STREET
ROCK HILL SC 29730

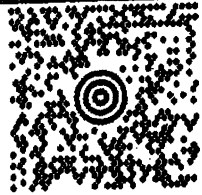
1 LBS

1 OF 1

DWT: 12,10,1

SHIP TO:

9999999999
MURPHY AND GRANTLAND PA
4406B FOREST DRIVE
COLUMBIA SC 29206-3104

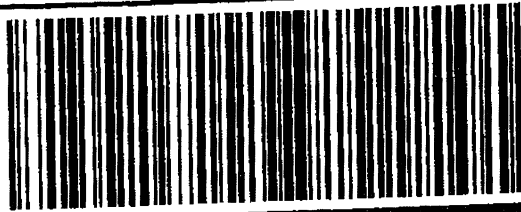


SC 292 9-01



UPS GROUND

TRACKING #: 1Z 02G 10R 03 2001 2417



BILLING: 3RD PARTY



XOL 25.09.09 NV45 38.0A 09/2025*

P: ORANGE S: IN
FF4-6621
1Z02G10R032001 2417
SHIP TO: 27141B-5117 19 07:08:02 2025
US 8920 HIP 59.3.8 27141B

COLUMBIA SC 29206
MURPHY AND GRANTLAND PA
4406B FOREST DR

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

G.D. Morgan, Jr., Circuit Court Judge

Case No. 2025-CP-46-01222

Appellate Case No. 2025-001843

RECEIVED

Oct 14 2025

SC Court of Appeals

Tonya R. Blake, Individually and as
Personal Representative of the Estate of
Reco D. Miller,

Appellant,

v.

Brenda Burris,

Respondent.

PROOF OF SERVICE

I certify that I have served the Motion to Dismiss on Appellant Tonya R. Blake by depositing a copy of it in the United States Mail, postage prepaid, on October 14, 2025, addressed to her as follows: 201 Sidney Street, Rock Hill, South Carolina 29730.

October 14, 2025

MURPHY & GRANTLAND, P.A.

s/ Santino U. Ambrosini

E. Raymond Moore, III, Esquire (SCB 11609)

Santino U. Ambrosini, Esquire (SCB 106857)

P.O. Box 6648

Columbia, SC 29260

Phone: 803-782-4100

Email: ermoore@murphygrantland.com;

sambrosini@murphygrantland.com

Attorneys for Respondent Brenda Burris

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

G.D. Morgan, Jr., Circuit Court Judge

Case No. 2025-CP-46-01222

Appellate Case No. 2025-001843

RECEIVED

Oct 14 2025

SC Court of Appeals

Tonya R. Blake, Individually and as
Personal Representative of the Estate of
Reco D. Miller,

Appellant,

v.

Brenda Burris,

Respondent.

PROOF OF SERVICE

I certify that I have served the Motion to Dismiss on Appellant Tonya R. Blake by depositing a copy of it in the United States Mail, postage prepaid, on October 14, 2025, addressed to her attorney of record, Taylor L. Grooms, 4 Carriage Lane, Suite 301, Charleston, South Carolina 29407.

MURPHY & GRANTLAND, P.A.

October 14, 2025

s/ Santino U. Ambrosini

E. Raymond Moore, III, Esquire (SCB 11609)

Santino U. Ambrosini, Esquire (SCB 106857)

P.O. Box 6648

Columbia, SC 29260

Phone: 803-782-4100

Email: ermoore@murphygrantland.com;

sambrosini@murphygrantland.com

Attorneys for Respondent Brenda Burris