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Dec 05 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Appellate Case No. 2025-002268

Anthony Bowman and Ashley Bowman,

Appellants,

v.

Kilnsea Village,

Respondent.

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

PLEASE TAKE NOTICE, Respondent ATRIUM AT WESCOTT, LLC, d/b/a Kilnsea Village (hereinafter “Respondent”), by and through undersigned counsel, will move before this Court, to grant the Respondent’s Motion to dismiss the appeal filed by Appellants Anthony Bowman and Ashley Bowman (hereinafter “Appellants”) 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 November 5, 2025, the Dorchester County Circuit Court issued an “Order Dismissing Appeal,” wherein the Circuit Court dismissed Appellants’ filed appeal of the writ that was previously issued by the Summerville Magistrate Court in this matter.
2. On or about November 12, 2025, Appellants filed a Notice of Appeal with the South Carolina

Court of Appeals (hereinafter “Court”), to appeal the Circuit Court’s Order Dismissing Appeal.

3. On or about November 19, 2025, the Court issued a notice to Appellants stating that, within ten (10) days of the date of the notice, Appellants were required to: 1) pay the required filing fee of \$250.00 to the Court; 2) file a proof of service with the Court; 3) file a Notice of Appeal that has been signed by both Appellants as required by Rule 267(b), SCACR; and 4) provide proof of filing the Notice of Appeal with the Dorchester County Court of Common Pleas.
4. Upon information and belief, as of December 1, 2025, which marked ten (10) days from the date of the notice from the Court, Appellants failed to comply with the Court’s instructions as set forth in the notice.

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.

CONCLUSION

Upon review of the procedural history and the notice issued by the Court, Appellants’ failure to meet the ten (10) day deadline set forth in the Court’s notice, and to comply with the requirements imposed by the South Carolina Appellate Court Rules for parties who file appeals with the South Carolina Court of Appeals, warrants dismissal of Appellants’ 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 Dorchester County Circuit Court in accordance with Rule 221, SCACR.

Respectfully submitted,

BROWNLEE WHITLOW & PRAET, PLLC

s/ Eric G. Pettis

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Attorneys for Respondent

December 5, 2025
North Charleston, SC

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PROOF OF SERVICE

I certify that I have served the MOTION FOR DISMISSAL PURSUANT TO RULE 260(a), SCACR on Appellants by depositing a copy of it in the United States Mail, postage prepaid, on December 5, 2025, addressed to Anthony and Ashley Bowman, 5300 Patron Place, Apt. 1217, Summerville, SC 29485, and electronically, by way of email, to flyguy03161@gmail.com and ashcash843@icloud.com.

[SIGNATURE ON FOLLOWING PAGE]

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