

The South Carolina Court of Appeals

Centre Pointe Charleston, LLC d/b/a Centre Pointe
Apartment Homes, Respondent,

v.

Avis Johnson, Appellant.

Appellate Case No. 2024-001520

RECEIVED

Mar 05 2026

S.C. SUPREME COURT

ORDER

On December 4, 2025, this court dismissed this appeal because Appellant failed to serve and file her final brief. On December 22, 2025, this court properly sent remittitur. On February 6, 2026, Appellant moved to recall remittitur.¹ On February 25, 2026, Appellant moved for expedited consideration of her motion to recall remittitur. After careful consideration, we grant Appellant's motion for expedited consideration of her motion to recall remittitur.

A remittitur cannot be recalled except upon "a very strong showing . . . that the remittitur was sent down through some mistake or inadvertence on the part of this [c]ourt or its officer." *State v. Keels*, 39 S.C. 553, 17 S.E. 802 (1893). Appellant has failed to make such a showing. Therefore, Appellant's motion to recall remittitur is denied.²



FOR THE COURT

J.

Columbia, South Carolina

¹ In her motion to recall remittitur, Appellant also moved this court to reinstate the appeal. In light of our decision to deny recalling remittitur, we take no action on Appellant's motion to reinstate.

² In light of our decision to deny recalling remittitur, we take no action on Appellant's motion to stay filed February 17, 2026.

cc:

Avis Johnson

Sean Michael Tropea, Esquire

The Honorable Julie J. Armstrong

The Honorable Milton G. Kimpson

FILED
Mar 05 2026



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

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FEB 23 2026
SC Court of Appeals

December 22, 2025

The Honorable Julie J. Armstrong
100 Broad St Ste 106
Charleston SC 29401-2210

REMITTITUR

Re: Centre Pointe Charleston, LLC v. Avis Johnson
Lower Court Case No. 2023CP1005823
Appellate Case No. 2024-001520

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

Jasmine D. Smith, Deputy

CLERK

Enclosure

cc: Avis Johnson
Sean Michael Tropea, Esquire
The Honorable Milton G. Kimpson

The South Carolina Court of Appeals

Centre Pointe Charleston, LLC d/b/a Centre Pointe
Apartment Homes, Respondent,

v.

Avis Johnson, Appellant.

Appellate Case No. 2024-001520

The Honorable Milton G. Kimpson
Charleston County
Trial Court Case No. 2023CP1005823

ORDER

Appellant has failed to serve and file a final brief of appellant, as required by Rule 211 of the South Carolina Appellate Court Rules (SCACR) and this Court's order filed October 24, 2025. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY

Jasmine J. Smith, Deputy
CLERK

Columbia, South Carolina

cc:

Avis Johnson
Sean Michael Tropea, Esquire
The Honorable Milton G. Kimpson

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Dec 04 2025



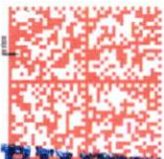
South Carolina Court of Appeals

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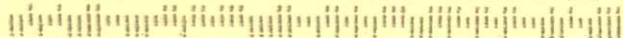
SC Court of Appeals

AVIS JOHNSON
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NORTH CHARLESTON SC 29418

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The South Carolina Court of Appeals

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SC Court of Appeals

February 12, 2026

Avis Johnson
4986 Wetland Crossing Drive
Apt 2301
North Charleston SC 29418

Re: Centre Pointe Charleston, LLC v. Avis Johnson
Appellate Case No. 2024-001520

Dear Counsel:

Upon reviewing your motion to recall remittitur, the following 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 your filing will not be considered:

- The accompanying proof of service is not in compliance with the SCACR. Your February 6, 2026 proof of service indicated you served the notice of appeal; however, you must provide proof of service showing that you served all parties with the motion to recall the remittitur.
- The required filing fee has not been submitted. The correct filing fee is \$50.00.

Very truly yours,

Jasmine D. Smith, Deputy
CLERK

cc: Sean Michael Tropea, Esquire
The Honorable Milton G. Kimpson

The South Carolina Court of Appeals

Centre Pointe Charleston, LLC d/b/a Centre Pointe
Apartment Homes, Respondent,

v.

Avis Johnson, Appellant.

Appellate Case No. 2024-001520

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SC Court of Appeals

The Honorable Milton G. Kimpson
Charleston County
Trial Court Case No. 2023CP1005823

ORDER

The Court has received Appellant's motion requesting permission to serve the record on appeal out of time. The motion is Granted. The record on appeal is accepted as filed. The final briefs must be served and filed, and the record on appeal must be filed within twenty (20) days of the date of this order.

FOR THE COURT
BY Catherine Jamin, deputy
CLERK

Columbia, South Carolina

cc:
Avis Johnson
Sean Michael Tropea, Esquire

FILED
Oct 24 2025



South Carolina Court of Appeals

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SC Court of Appeals

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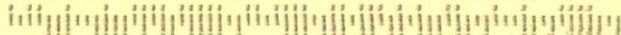
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The South Carolina Court of Appeals

Centre Pointe Charleston, LLC d/b/a Centre Pointe
Apartment Homes, Respondent,

v.

Avis Johnson, Appellant.

Appellate Case No. 2024-001520

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FEB 23 2026
SC Court of Appeals

The Honorable Milton G. Kimpson
Charleston County
Trial Court Case No. 2023CP1005823

ORDER

Appellant has failed to serve and file a final brief of appellant, as required by Rule 211 of the South Carolina Appellate Court Rules (SCACR) and this Court's order filed October 24, 2025. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY Jasmine J. Smith, Deputy
CLERK

Columbia, South Carolina

cc:
Avis Johnson
Sean Michael Tropea, Esquire
The Honorable Milton G. Kimpson

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Dec 04 2025



South Carolina Court of Appeals

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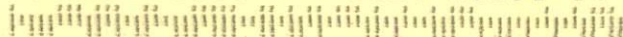
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The South Carolina Court of Appeals

Centre Pointe Charleston, LLC d/b/a Centre Pointe
Apartment Homes, Respondent,

v.

Avis Johnson, Appellant.

Appellate Case No. 2024-001520

The Honorable Milton G. Kimpson
Charleston County
Trial Court Case No. 2023CP1005823

ORDER

Appellant has failed to serve and file a final brief of appellant, as required by Rule 211 of the South Carolina Appellate Court Rules (SCACR) and this Court's order filed October 24, 2025. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY Jasmine D. Smith, Deputy
CLERK

Columbia, South Carolina

cc:
Avis Johnson
Sean Michael Tropea, Esquire
The Honorable Milton G. Kimpson

FILED
Dec 04 2025

MOTION TO RECALL REMITTITUR AND REINSTATE APPEAL

SOUTH CAROLINA COURT OF APPEALS

RECEIVED

CENTRE POINTE CHARLESTON LLC v. AVIS JOHNSON **Feb 06 2026**

APPELATE CASE NO. 2024-001520

SC Court of Appeals

This appeal was dismissed by order of the Court on December 4th, 2025, for failure to meet a filing deadline. Appellant did not receive the Court's notice regarding the applicable deadline and was therefore unaware that action was required. In all previous notices appellant was notified via email because sometimes appellant has issues with receiving her physical mail. Appellant did not receive any emails addressed from the court since September of 2025. Appellant first learned of the dismissal on February 6, 2026 when a writ of ejectment was posted on her door and is filing this motion immediately upon learning of the dismissal. The court issued its remittitur on December 29th, 2025, returning jurisdiction to the lower court. Appellant respectfully requests that the court recall the remittitur due to Appellant's lack of notice of the dismissal and the prompt action taken upon learning of it. Appellant did not intend to abandon the appeal and has acted in good faith at all times. For those reasons, Appellant respectfully requests that the Court reinstate the appeal and permit appellant to cure any deficiency the Court deem appropriate.

AVIS JOHNSON

4986 WETLAND XING APT 2301

NORTH CHARLESTON, SC 29418

(843) 452-3048

avisj60@gmail.com

SUPPLEMENTAL AFFADAVIT IN SUPPORT OF MOTION TO RECALL REMITTITUR

SOUTH CAROLINA COURT OF APPEALS

CENTRE POINTE CHARLETON, LLC v. AVIS JOHNSON

APPELATE CASE NO. 2024-001520

I, Avis Johnson, being duly sworn, state as follows:

1. I am the Appellant in the above-captioned matter and submit this affidavit in support of my Motion to Recall Remittitur and Reinstate Appeal
2. Throughout the pendency of this appeal, the Court consistently communicated with me by email, including notices and correspondence related to the appeal.
3. The court was aware that I have experienced ongoing issues with receiving physical mail throughout the United States Postal Service and, for that reason, prior notices were sent to me by email.
4. Beginning in or around September 2025, I did not receive any further email communications from the court regarding this appeal.
5. I did not receive any mailed notice advising me of a deadline to file a brief or warning that failure to do so would result in dismissal of the appeal.
6. As a result, I was unaware that a filing deadline had been set or that action was required on my part
7. On February 6th, 2026, I first learned that my appeal had been dismissed when a writ of ejectment was posted on my door by the lower court.
8. Upon learning of the dismissal, I acted immediately and filed my Motion to Recall Remittitur without delay.
9. I did not intend to abandon my appeal and at all times acted in good faith.
10. Because notice of the filing deadline was not reasonably calculated to reach me, the dismissal occurred without my having a meaningful opportunity to be heard, resulting in substantial prejudice to me.
11. I respectfully submit that recalling the remittitur and reinstating the appeal is necessary to prevent a denial of due process

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on this 9th day of February 2026

Avis Johnson

4986 Wetland Xing Apt 2301

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Feb 09 2026
SC Court of Appeals

North Charleston, SC 29418

(843)452-3048

avisj60@gmail.com

SUPPLEMENTAL MEMORANDUM IN SUPPORT OF MOTION TO RECALL
REMITTITUR

SOUTH CAROLINA COURT OF APPEALS

CENTRE POINTE CHARLESTON, LLC v. AVIS JOHNSON

APPELLATE CASE NO. 2024-001520

Appellant submits this Supplemental Memorandum in support of her Motion to Recall Remittitur and Reinstate Appeal and the accompanying Supplemental Affidavit. As set forth therein, Appellant did not receive notice of the filing deadline that led to the dismissal of the appeal. Throughout the pendency of this matter, the court had consistently communicated with Appellant by email due to known issues with physical mail delivery, but such email communication ceased without notice. As a result, the appeal was dismissed without Appellant having actual notice or a meaningful opportunity to be heard. Appellant acted in good faith upon learning of the dismissal. Under these circumstances, recalling the remittitur is necessary to prevent a denial of due process and to preserve the integrity of the appellate process.

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Feb 09 2026

SC Court of Appeals