

# The South Carolina Court of Appeals

In the Matter of: David Edward Murday (Decedent)

Elsbeth Murday, Appellant,

v.

Alanna Murday, Respondent.

Appellate Case No. 2026-001100

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## ORDER

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On May 7, 2026, Appellant filed a notice appeal from a circuit court order dismissing her appeal from probate court on the basis she failed to "properly or timely" serve or file the notice of appeal or statement of issues on appeal. Appellant also appealed the Form 4 denial of her motion to alter or amend. On July 28, 2026, Appellant filed a "Motion For Extension of Time to Serve and File Brief of Appellant, Designation of Matter to be Included in the Record on Appeal, and Record on Appeal," arguing she needed an extension of time because (1) she had a second motion to alter or amend judgment pending in the circuit court, (2) she needed to order additional transcripts from two probate court hearings, and (3) the record on appeal was voluminous and taking time to put together as a pro se litigant. On July 31, 2026, Respondent filed a combined return and motion to dismiss, arguing (1) Appellant's stated reasons for the extension request were unrelated to the appeal or were not persuasive and (2) Appellant failed to correspond on the status of the transcript or furnish the appeal bond, thus, the appeal should be dismissed. Appellant filed a reply, indicating the circuit court hearing transcript ordered on May 15, 2026, had been received.

After careful consideration, we deny Respondent's motion to dismiss. *See Ex parte Andrews*, 152 S.C. 325, 150 S.E. 313 (1929) (explaining that purchaser of property was entitled to possession of property pending appeal because no bond was posted). Further, we construe Appellant's July 28, 2026 motion, in part, as a motion to hold the appeal in abeyance and remand for the circuit court to consider

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the motion to alter or amend, and deny such a request. We further deny Appellant's request to extend time to allow for additional transcripts to be transcribed.<sup>1</sup> Within thirty days of the date of this order, Appellant shall serve and file her initial brief and designation of matter. Failure to do so may result in the dismissal of the appeal. Additionally, the record on appeal shall not be filed at this time. *See* Rule 210(a), SCACR ("Within thirty (30) days after service of the last brief, the appellant shall serve a copy of the Record on Appeal on each party who has served a brief."); Rule 210(c), SCACR ("The Record on Appeal shall include all matter designated to be included by any party under Rule 209 and shall comply with the requirements of Rule 267. The Record shall not, however, include matter which was not presented to the lower court or tribunal. Matter contained in the Record on Appeal shall be arranged in the following order: the title page, index, orders, judgments, decrees, decisions, pleadings, transcript, charges, and exhibits and other materials or documents. Each page of the Record on Appeal shall be numbered consecutively beginning with the index. Where a portion of a page of the trial transcript, or a page of an exhibit or document, is to be included in the Record on Appeal, the entire page shall be included.").

 C. J.  
FOR THE COURT

Columbia, South Carolina

cc:  
Elspeth Murday  
William H. Edwards, Esquire

**FILED**  
**Sep 11 2026**

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<sup>1</sup> However, we take no position on the inclusion of additional transcripts in the record on appeal, as that question is not before this court.

