

The South Carolina Court of Appeals

Andrew Ballard, Respondent,

v.

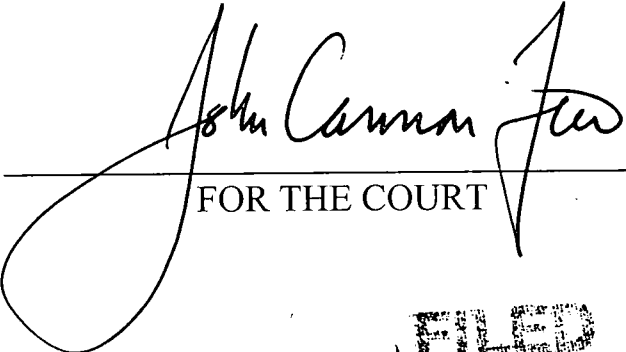
Tim Roberson, Rick Thoennes, Rick Thoennes III, and
Warpath Development, Inc., Appellants.

Appellate Case No. 2013-002790

ORDER

Respondent has filed a motion to dismiss or alternatively a motion to require Appellants to file an appeal bond. After reviewing the motion to dismiss, this Court does not interpret the language in Rule 203(b)(1), SCACR, to include a clerk of court's posting of an order on a website as "receipt of written notice of entry of the order or judgment." Thus, because Respondent has not provided the Court with any evidence to refute Appellants' claim that they first received written notice of the underlying order on October 19, 2013, Respondent's motion to dismiss is denied. *See* Rule 203(b)(1), SCACR (noting an appellant must serve a notice of appeal on all respondents within thirty days "after *receipt* of written notice of entry of the order or judgment" (emphasis added)).

Further, the only legal basis Respondent has provided for this Court to require an appeal bond is pursuant to Rule 241, SCACR. This Court, however, has not received a petition or motion pursuant to Rule 241, SCACR. Because this Court is aware of no other provision of law permitting a bond, Respondent's motion to require Appellants to file an appeal bond is denied.


FOR THE COURT

FILED
3/28/14

Columbia, South Carolina

cc:

Joshua L. Howard, Esquire

Wallace K. Lightsey, Esquire