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THE STATE OF SOUTH CAROLINA

In The Court of Appeals

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AUG 31 2015

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Mikell R. Scarborough, Master-in-Equity

Appellate Case No. 2014-002242

Windswept Villas III
Horizontal Property Regime.....Respondent,
v.
Elaine Devlin Peery a/k/a Elaine D. Peery.....Appellant.

APPELLANT'S RETURN TO RESPONDENT'S MOTION TO DISMISS

Appellant Elaine Devlin Peery a/k/a Elaine D. Peery, by and through her undersigned counsel, responding to the Respondent's motion to dismiss Appeal. It appears that the Respondents attorney Katie F. Monoc is requesting that the Appellant's Appeal be dismissed as a result of her erroneously finding additional errors and omissions in the Amended Record on Appeal.

Both counsel of record received an order from the South Carolina Court of Appeals indicating that

"Respondent has filed a Motion requesting an order requiring Appellant to file an Amended Record to include the January 13, 2014 transcript and to correct errors in the index and on pages 41, 141-42, 66-68, 160. Respondent's motion is granted. Appellants shall serve an amended record within twenty days of the date of this order. The parties shall serve and file their final briefs within twenty days of the date of service of the amended record."

The Appellant provided a Proof of Service that the Amended Record was served on Respondent on August 6, 2015. The Respondent failed to notify the Appellant nor the Court of Appeals of any errors or omissions within the prescribed twenty days of the filing of the Appellant's Final Brief until the eve of the twentieth day wherein the Respondent's Final Brief was due.

The Appellant has not changed the Amended Record on Appeal. The only items that have been corrected or changed from the original Record on Appeal are the items indicated in the Court's Order dated July 1, 2015. These are new errors and omissions that the Respondent is identifying that she did not raise when the original record was served upon her. This appears to be an effort on the part of the Respondent to receive additional time to prepare her Final Brief.

By way of example, the Respondent indicates Exhibit "D" of its June 17, 2014 Reply to Peery's Submission in Support of her Motion to Vacate and Exhibit's was omitted. Exhibit "D" is part of the Amended Record on Appeal and is on page 127.

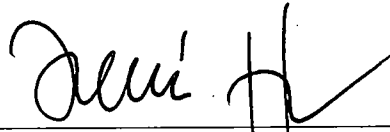
As another example, the Respondent indicates that page 5 of the transcript (located at p. 168 of the Record) contains handwritten notations (presumably written by Appellant's counsel) on part of the transcript. There is clearly no handwritten notations on p. 168 of the Record.

All of these new additional errors and omissions identified by the Respondent were not raised when she previously requested of the Court of Appeals that the Appellant amend the record. Hence, the Court only identifying in its July 1, 2015 Order, those items that needed to be corrected by the Appellant.

Moving forward, the Appellant is concerned that the Respondent does not properly review the record and will continue to complain that the Record on Appeal is not satisfactory in order to receive additional time to submit her final brief.

The Appellant moves before the Court denying Respondent's Motion to Dismiss Appellant's Appeal, denying Respondent's request for additional time to submit her Final Brief, or in the alternative require Respondent to pay all fees and costs associated in preparing a second Amended Record on Appeal.

Respectfully submitted,



Vernee C. Hancock SC Bar No. 15174
Hancock Law Firm
P.O. Box 2276
Summerville, SC 29484
(843) 851-1476
Attorney for Appellant Elaine Devlin Peery
a/k/a Elaine D. Peery

August 26, 2015.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Mikell R. Scarborough, Master-in-Equity

Case No. 2010-CP-10-5799
Appellate Case No.: 2014-002242

Windswept Villas III
Horizontal Property Regime,

Respondent,

v.

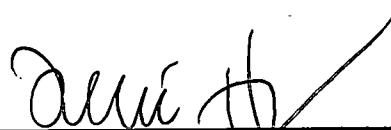
Elaine Devlin Peery a/k/a,
Elaine D. Peery,

Appellant.

PROOF OF SERVICE

I certify that I have served the Appellant's Return to Respondent's Motion to Dismiss Appellant's Appeal on Katie Fowler Monoc via US First Class Mail, postage prepaid to their attorney of record, Katie Monoc, at P.O. Drawer 22247, Charleston, South Carolina, 29413-2247.

August 27, 2015.



Vernee C. Hancock, Esquire
SC Bar No.: 15174
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(843) 851-1476
Attorney for Appellant

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August 27, 2015

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SC Court of Appeals

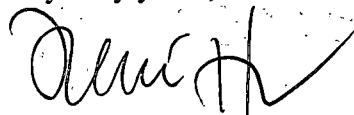
The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
Post office Box 11629
Columbia SC 29211

Re: Windswept Villas III Horizontal Property Regime v. Elaine Devlin Peery
Case No.: 2014-00224

Dear Ms. Kitchings:

Please find attached the Appellant's Return to Respondent's Motion to Dismiss Appellant's Appeal, a check in the amount of \$25.00 and the original Proof of Service in the above matter.

Very truly yours,



Vernee C. Hancock

VCH/nag

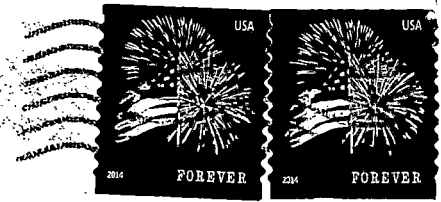
Enclosures – as stated.

cc: Katie F. Monoc, Esq.

Vernee C. Hancock, Esquire
P.O. Box 2276
Summerville, SC 29484

CHARLESTON SC 294

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SC Court of Appeals

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
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Columbia SC 29211

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