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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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JAN 15 2016

SC Court of Appeals

APPEAL FROM HORRY COUNTY
Circuit Court

Honorable Larry B. Hyman, Circuit Court Judge
Honorable Steven H. John, Circuit Court Judge

Appellate Case No. 2015-001621

City of Conway, Respondent,

-vs.-

Retha Sturdivant, Appellant.

MOTION TO DISMISS

O. Terry Beverly
SC Bar No. 00691
1202 Third Avenue
Conway, South Carolina 29526
Phone: (843) 248-7576
Attorney for Respondent

MOTION TO DISMISS

The Respondent, City of Conway, by and through its attorney, O. Terry Beverly, hereby moves this Court for dismissal of this appeal. This motion is based upon the failure of Appellant to follow the South Carolina Appellate Court Rules, (SCACR), in the following particulars:

1. Appellant, Retha Studivant, hereinafter referred to as "Appellant," failed to comply with Rules 208 and 209, SCACR, and has not filed a motion requesting permission to serve and file the initial brief and designation of matter outside of the filing deadlines.
2. Appellant failed to comply with Rule 207(a)(1), SCACR, in that Appellant failed to contemporaneously furnish all counsel of record with copies of all correspondence with the court reporter. In addition, Appellant has failed to provide Respondent with a copy of the transcript which Appellant apparently received on October 22, 2015, according to her letter dated October 26, 2015.
3. Appellate failed to comply with Rule 208(a)(1), SCACR, in that her initial brief was not filed within 30 days of October 22, 2015, the date that she purportedly received the transcript.
4. Appellant failed to comply with Rule 208(b)(1)(D), SCACR, in that Appellant failed to include her argument of issues on appeal in her filing entitled Appellant's Initial Brief.
5. Appellant failed to comply with Rule 208(a)(4), SCACR, in that she failed to file an initial brief as required by South Carolina Appellate Court Rules.

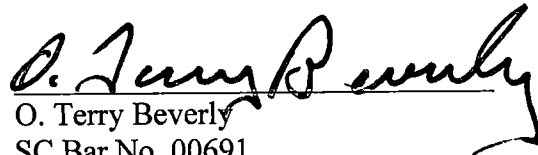
6. Appellant failed to comply with Rule 240(c), SCACR with regard to the form and content of motions and petitions. Also, in noncompliance with Rule 240(c), SCACR, the Appellant failed to present meritorious grounds for appeal and refers to matters irrelevant to the appeal.
7. Appellant failed to comply with Rule 240(g), SCACR, in that she failed to perform many acts required by South Carolina Appellate Court Rules, which constitutes abandonment of the appeal.
8. Appellant failed to comply with Rule 267(c), SCACR, in that Appellant's Motion to Allow Initial Brief and Designation of Matter to be Filed Out-of-Time fails to have a discernible margin and it is handwritten. Therefore, Appellant's form of papers does not adhere to the rules set forth.
9. On January 4, 2016 Respondent received correspondence from Appellant dated December 20, 2015 which did not contain enclosures stated and contained only the following: Designation of Matter to be Included in the Record on Appeal (5 pages); Certificate of Counsel (1 page); Certificate of Service – dated December 22, 2015 (1 page); and Initial Brief of Appellant (4 pages). In addition, while the Certificate of Service listed the date of mailing as December 22, 2015, the postmark on the envelope was December 28, 2015.
10. Respondent did not receive the correspondence until almost 10 days after it was mailed because it was mailed to the Municipal Court for the City of Conway, South Carolina, rather than to the Respondent.
11. On January 6, 2016 Respondent received a copy of correspondence from the Appellant to the Court of Appeals., postmarked December 29, 2015, containing only a

letter dated December 24, 2015 and no enclosures, as stated.

12. Appellant's Designation of Matters on Appeal did not designate documents to support her issue on appeal. Appellant's appeal is frivolous, taken solely for the purpose of delay, and is not in compliance with South Carolina Appellate Court Rules. Therefore, Appellant's appeal should be dismissed, pursuant to Rule 269, SCACR.

WHEREFORE, for the reasons set forth above, Respondent, City of Conway, moves for the dismissal of this appeal.

RESPECTFULLY submitted this 14th day of January, 2016, by:



O. Terry Beverly
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1202 Third Avenue
Conway, SC 29526
Phone: (843) 248-7576
Facsimile: (843) 248-8829
Email: beverlylaw@sccoast.net
Attorney for Respondent

January 14, 2016

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM HORRY COUNTY
Circuit Court

JAN 15 2016

Honorable Larry B. Hyman, Circuit Court Judge
Honorable Steven H. John, Circuit Court Judge

SC Court of Appeals

Appellate Case No. 2015-001621

City of Conway, Respondent,

-vs.-

Retha Sturdivant, Appellant.

PROOF OF SERVICE

I certify that I have serve Respondent's **MOTION TO DISMISS**, by depositing a copy of it with the United States Post Office, postage prepaid, on January 14, 2016, addressed to Appellant, **Retha Sturdivant, 412 32nd Avenue South, Atlantic Beach, South Carolina 29582-4716.**

January 14, 2016



O. Terry Beverly
SC Bar No. 00691
1202 Third Avenue
Conway, South Carolina 29526
Phone: (843) 248-7576
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Attorney for Respondent

O. Terry Beverly

Attorney at Law

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1202 Third Avenue
Conway, South Carolina 29526

Certified Family Court Mediator
E-mail: terry6@sccoast.net

January 14, 2016

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Honorable V. Claire Allen, Deputy Clerk
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

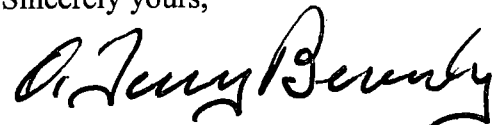
Re: *City of Conway v. Retha Sturdivant*
Appellate Case No.: 2015-001621

Dear Ms. Allen:

Enclosed for filing please find one (1) original and six (6) copies of Respondent's **MOTION TO DISMISS** and **PROOF OF SERVICE** of the same. Also enclosed is the required fee for the motion in the amount of \$25.00. Upon filing, I respectfully request that you please return a clocked copy to me in the enclosed self-addressed and stamped envelope. By copy of this letter, I have served a copy of the motion upon Appellant, Retha Sturdivant.

Thank you for your assistance with this matter.

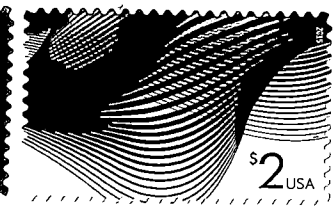
Sincerely yours,



O. Terry Beverly

OTB/ejs
Enclosures

cc: Retha Sturdivant
412 32nd Avenue South
Atlantic Beach, South Carolina 29582-4716



O. Terry Beverly
Attorney at Law
1202 Third Avenue
Conway, South Carolina 29526-5106

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