

The South Carolina Court of Appeals

James C. Kincannon, James J. Kincannon, and Carolyn
R. Kincannon, Appellants,

v.

U.S. Bank National Association, U.S. Bank National
Association ND, Unknown U.S. Bank Entities,
Greenville Process Service, Five Brothers Mortgage
Company Services and Securing Inc., and John Does #1-
50, Defendants,

Of which U.S. Bank National Association and U.S. Bank
National Association ND are Respondents.

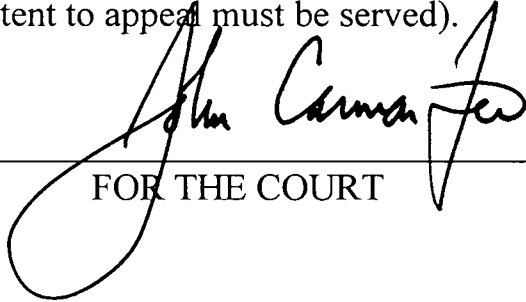
Appellate Case No. 2015-002383

ORDER

Respondents have filed a motion to dismiss this appeal, explaining that service of the notice of appeal was untimely because Appellants filed their motion to alter or amend fifteen days after receiving written notice of the trial court's orders. Respondent further argues Appellants consented to the trial court's order granting summary judgment at the trial level. Appellants did not file a return.

Respondents' motion to dismiss this appeal is granted. *See Wells Fargo Bank, N.A. v. Fallon Properties South Carolina, LLC*, 413 S.C. 642, 643, 776 S.E.2d 575, 576 (Ct. App. 2015) (finding an e-mail from the office of the master-in-equity with the order on appeal as an attachment constitutes written notice of entry of the order under Rule 203(b)(1) of the South Carolina Appellate Court Rules and dismissing the appeal because the appellants served their notice of appeal more than thirty days after receipt of the email); Rule 59(e), SCRCP ("A motion to alter or amend the judgment shall be served not later than 10 days after receipt of written notice of the entry of the order."); Rule 203(b)(1), SCACR (providing a notice of appeal

shall be served within thirty days after receipt of written notice of entry of the order and when a *timely* motion to alter or amend has been made, the time for appeal shall be stayed and shall run from receipt of written notice of entry of the order granting or denying such motion); Rule 263(b), SCACR ("The time prescribed by these Rules for performing any act except the time for serving the notice of appeal under Rules 203 and 243 may be extended . . ."); *Mears v. Mears*, 287 S.C. 168, 169, 337 S.E.2d 206, 207 (1985) (explaining the notice of appeal is a jurisdictional requirement, and the appellate courts have no authority to extend the time in which the notice of intent to appeal must be served).


FOR THE COURT

Columbia, South Carolina

cc:
James C Kincannon
James J Kincannon
Carolyn R Kincannon
John C. Hawk, IV, Esquire
Jana Bebergal Baker, Esquire

