



The South Carolina Court of Appeals

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POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

March 14, 2016

The Honorable Mary P. Brown
PO Box 219
Moncks Corner SC 29461-0219

REMITTITUR

Re: Nancy Turner v. Susan Sawadske
Lower Court Case No. 2011CP0802315
Appellate Case No. 2013-000457

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jenny A. Kitchings".

CLERK

Enclosure

cc: Nancy S. Turner
Katherine H. Hyland, Esquire
Andrew T. Shepherd, Esquire

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Nancy Schaffer Turner, as Personal Representative of the
Estate of Martha L. Schaffer, Appellant,

v.

Susan Linda Schaffer Sawadske, Respondent.

Appellate Case No. 2013-000457

Appeal From Berkeley County
Kristi Lea Harrington, Circuit Court Judge

Unpublished Opinion No. 2016-UP-081
Submitted December 1, 2015 – Filed February 24, 2016

VACATED

Nancy Schaffer Turner, of Bennett, North Carolina, pro
se.

Andrew T. Shepherd and Katherine H. Hyland, both of
Hart Hyland Shepherd, LLC, of Summerville, for
Respondent.

PER CURIAM: Nancy Schaffer Turner appeals the circuit court's order affirming the probate court's finding that the statute of limitations barred Turner's request to set aside a deed. We vacate the circuit court's order and reinstate the probate

court's order because the appeal to the circuit court was untimely. *See* S.C. Code Ann. § 62-1-308(a) (Supp. 2015) ("The notice of intention to appeal to the circuit court must be filed in the office of the circuit court and in the office of the probate court and a copy served on all parties not in default within ten days after receipt of written notice of the appealed from order"); *In re Estate of Cretzmeyer*, 365 S.C. 12, 14, 615 S.E.2d 116, 116-17 (2005) ("[Section 62-1-308(a)] is clear that the notice of appeal 'must be filed' in the circuit court within the ten-day period."); *Great Games, Inc. v. S.C. Dep't of Revenue*, 339 S.C. 79, 82 n.5, 529 S.E.2d 6, 7 n.5 (2000) ("The failure of a party to comply with the procedural requirements for perfecting an appeal may deprive the court of 'appellate' jurisdiction over the case"); *Gallagher v. Evert*, 353 S.C. 59, 68-69, 577 S.E.2d 217, 221-22 (Ct. App. 2002) (vacating a circuit court's ruling and reinstating a probate court's award when the appealing party failed to timely appeal to the circuit court).

VACATED.¹

FEW, C.J., and KONDUROS and LOCKEMY, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.