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JUN 30 2016

SC Court of Appeals

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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ORANGEBURG COUNTY

Martin R. Banks, Special Referee, Orangeburg County

Appellate Case No: 2016-001068

First Citizens Bank and Trust Company, Inc.....Respondent

v.

The Estate of Dorothy S. Johnson a/k/a Dorothy Sistrunk a/k/a Dorothy B.S. Johnson, B. Delores Sistrunk, James L. Johnson, Rodney L. Sistrunk, Coleman B. Sistrunk, Daniel R. Sistrunk, George M. Sistrunk and David B. Sistrunk

Of whom B. Delores Sistrunk is the Appellant

MOTION TO DISMISS BY RESPONDENT

B. LINDSAY CRAWFORD, III
THEODORE VON KELLER
SARA C. HUTCHINS
CRAWFORD & VON KELLER, LLC
POST OFFICE BOX 4216
COLUMBIA, SOUTH CAROLINA 29240
(803) 790-2626
ATTORNEYS FOR RESPONDENT FIRST CITIZENS BANK
AND TRUST COMPANY, INC.

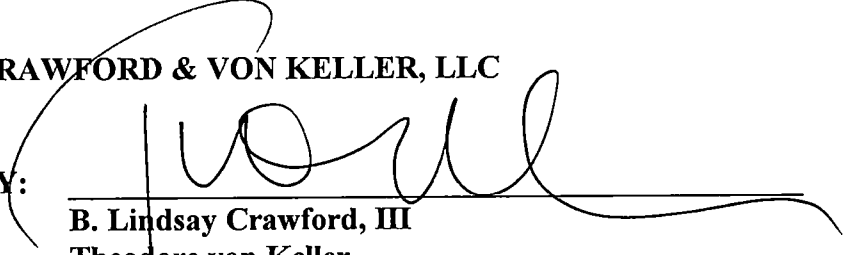
The Respondent, First Citizens Bank and Trust Company, Inc,(Hereinafter referred to as First Citizens”), pursuant to Rules 203 and 262, SCACR, moves the Court for an order dismissing the appeal filed by the appellant. In support of the motion, the respondent shows the following to the court::

1. That on May 20, 2016, Appellant filed a Notice of Appeal in the above captioned action.
2. That on June 14, 2016, the South Carolina Court of Appeals issued a deficiency letter advising Appellant that the transcript was not provided to opposing party’s counsel. Specifically, that the address Appellant sent the courtesy copy of the transcript to was not the correct address for the opposing counsel of record. That the letter further advised Appellant that a copy of the transcript was not provided to Office of Court Administration as required by SCACR. See Exhibit A attached hereto.
3. That on June 14, 2016, the South Carolina Court of Appeals issued another deficiency letter to Appellant, advising Appellant that the required filing fee has not been submitted. See Exhibit B attached hereto.
4. That, to date, Respondent First Citizens has not been served with a copy of the Transcript, and upon information and belief, a copy of said transcript has not been provided to Court Administration.
5. That, upon information and belief, the Appellant has not yet paid the filing fee required by the South Carolina Court of Appeals.

WHEREFORE, Respondent moves for dismissal of the appeal based on the failure to comply with the South Carolina Appellate Court Rules.

CRAWFORD & VON KELLER, LLC

BY:



**B. Lindsay Crawford, III
Theodore von Keller
Sara C. Hutchins
Post Office Box 4216
Columbia, South Carolina 29240
(803) 790-2626
Attorneys for Respondent**

Columbia, South Carolina

June 29, 2016

EXHIBIT A



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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

June 14, 2016

B. Delores Sistrunk
Post Office Box 2952
Orangeburg SC 29116

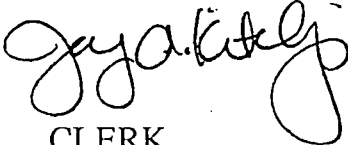
Re: First Citizens Bank v. The Estate of Dorothy S. Johnson
Appellate Case No. 2016-001068

Dear Ms. Sistrunk:

Upon reviewing your letter regarding the transcript the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your appeal will be dismissed:

- The document does not show that a copy of this correspondence was provided to the opposing parties counsel. Specifically, the address you sent a courtesy copy of this document to is not the correct address for the opposing counsel of record. You must furnish all counsel of record with a copy of all correspondence regarding the transcript pursuant to Rule 207, SCACR.
- A copy of this document was not provided to the Office of Court Administration as required by the SCACR. The address for Court Administration is 1220 Senate Street, Suite 200, Columbia, SC 29201.

Very truly yours,


CLERK

cc: B. Lindsay Crawford, III, Esquire
Theodore von Keller, Esquire
Adam Hollen Schanz, Esquire
Sara Christine Hutchins, Esquire

EXHIBIT B



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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www.sccourts.org

June 14, 2016

B. Delores Sistrunk
Post Office Box 2952
Orangeburg SC 29116

Re: First Citizens Bank v. The Estate of Dorothy S. Johnson
Appellate Case No. 2016-001068

Dear Ms. Sistrunk:

Upon reviewing your notice of appeal, the following deficiency has been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your appeal will be dismissed:

- The required filing fee has not been submitted. The correct filing fee is \$100.00.

Very truly yours,

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

CLERK

cc: B. Lindsay Crawford, III, Esquire
Theodore von Keller, Esquire
Adam Hollen Schanz, Esquire
Sara Christine Hutchins, Esquire

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v.

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Of whom B. Delores Sistrunk is the Appellant

PROOF OF SERVICE

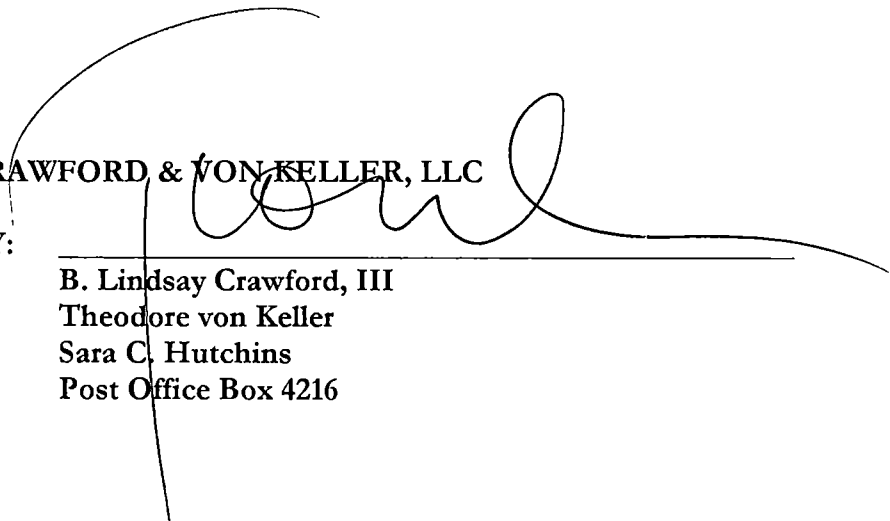
I certify that I have served the Respondent's Motion to Dismiss by depositing a copy of it in the United States Mail, postage prepaid, on June 29, 2016, addressed to its Appellant at the following address:

B. Delores Sistrunk
Post Office Box 2952
Orangeburg, SC 29116

CRAWFORD & VON KELLER, LLC

BY:

B. Lindsay Crawford, III
Theodore von Keller
Sara C. Hutchins
Post Office Box 4216



CRAWFORD & VON KELLER, LLC

POST OFFICE BOX 4216, COLUMBIA, SOUTH CAROLINA 29240

TELEPHONE NUMBER (803) 790-2626

FACSIMILE NUMBER (803) 790-1277

June 29, 2016

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SC Court of Appeals

Honorable Kenneth A. Richstad
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: First Citizens Bank v. The Estate of Dorothy S. Johnson
Appellate Case No. 2016-00168
Our File No.: 1308.1529

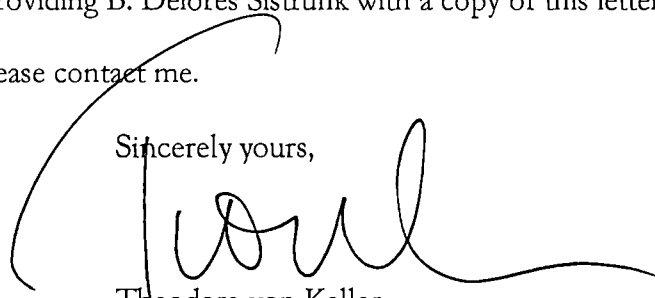
Dear Mr. Richstad

I am enclosing the original and seven (7) copies of the Motion to Dismiss by Respondent and Proof of Service in the above-captioned action. Please file the original and six (6) copies, returning the extra copy to me, clocked, in the envelope provided for your convenience. I am enclosing this firm's check in the amount of \$25.00 to cover the cost of filing this motion.

By copy of this letter, I am providing B. Delores Sistrunk with a copy of this letter and Motion.

If you have any questions, please contact me.

Sincerely yours,



Theodore von Keller

Enclosures
cc: B. Delores Sistrunk (w/enclosures)

neopost

06/29/2016

U.S. POSTAGE



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Columbia, SC 29240

Clerk, South Carolina Court of Appeals
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Columbia, South Carolina 29211

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