

The South Carolina Court of Appeals

American Homes 4 Rent Properties Ten, LLC, Petitioner,

In Re: Wells Fargo Bank, N.A., Respondent,

v.

Richard B. Cunningham; Latisa L. Cunningham; SC
Housing Corp.; Drakesborough Homeowners
Association, Inc., Defendants,

Of Whom Latisa L. Cunningham is the Appellant.

Appellate Case No. 2017-002169

ORDER

Appellant received written notice of entry of the order on appeal when she was provided a copy of the Writ of Assistance on August 9, 2017. Appellant did not serve the notice of appeal until September 14, 2017. In appeals from the court of common pleas, the notice of appeal must be served within thirty days of the date Appellant received written notice of entry of the order or judgment. *See* Rule 203(b)(1), SCACR. Because Appellant failed to timely serve the notice of appeal, the motion to dismiss is granted. *See Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 14–15, 602 S.E.2d 772, 775 (2004) ("The requirement of service of the notice of appeal is jurisdictional, i.e., if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to 'rescue' the delinquent party by extending or ignoring the deadline for service of the notice."). The remittitur will be sent as required by Rule 221(b), SCACR.



FOR THE COURT

Columbia, South Carolina

cc:

Latisa L. Cunningham

James Martin Page, Esquire

Shelton Sterling Laney, III, Esquire

Matthew Todd Carroll, Esquire

Thomas I. Howard, Jr., Esquire

FILED

Jan. 17, 2018