



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1015 SUMTER STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

February 14, 2013

The Honorable Cheryl L. Graham  
5200 E Jim Bilton Blvd  
St George SC 29477-8020

## REMITTITUR

Re: Stone, Daniel v. Spence, Mary  
Lower Court Case No. 2005CP1800568  
Appellate Case No. 2009-144389

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,

*V. Claire Allen, Deputy*

CLERK

Enclosure

cc: William W. Peagler, III  
Louis H. Lang  
Jeffrey Scott Weathers

# The South Carolina Court of Appeals

Daniel Stone and Mary Sage Stone, Plaintiffs,

v.

Mary T. Spence and Judson C. Spence,  
Respondents/Appellants,

v.

Paul C. Lawson, Jr., Ashley Engineering & Surveying,  
Inc., Gloris L. Faulk Griffin, Marie L. Varner, Elise L.  
Cox and James H. Laymeyer, Jr.,

of whom Gloria Faulk Griffin, Marie L. Varner, Elsie L.  
Cox and James H. Laymeyer, Jr., are the  
Appellants/Respondents.

Appellate Case No. 2009-144389

---

## ORDER

---

On September 13, 2012, this court issued an order directing a private court reporter to deliver a transcript within 20 days or to provide a written explanation of why that could not be done. The order also directed Appellants/Respondents to serve the order on the court reporter. On January 14, 2013, the court issued an order giving Appellants/Respondents until Friday, January 18, 2013, to provide verification that the order had been served upon the court reporter in a timely manner. On January 18, 2013, this court received a faxed letter from counsel for Appellants/Respondents. In the letter, counsel admitted that they had not complied with the order. Counsel has not offered a sufficient explanation for the failure to comply with the order. Accordingly, this appeal is dismissed for Appellants/Respondents' failure to comply with the September 13, 2012 order directing service of the order upon the court reporter.

*John Cannon Jr*  
FOR THE COURT

C.J.

Columbia, South Carolina

cc:

William W. Peagler, III

Louis H. Lang

Jeffrey Scott Weathers

**FILED**

1/30/13 AS