

THE STATE OF SOUTH CAROLINA
In the Circuit Court

APPEAL FROM HAMPTON COUNTY
Probate Court

Sheila B. Odom, Probate Court Judge

Case No. 2018CP2500508

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SC Court of Appeals

In Re: Estate of Laura Brown:
Alexa Naomi Garner Brown. Appellant,

v.

St. Jude Apostolic Faith Church of God and Michael Brown. Respondents.

ORDER DISMISSING APPEAL

THIS MATTER comes before this Court by motion of Respondents St. Jude Apostolic Faith Church of God and Michael Brown for dismissal of the within matter, dated August 15, 2019 (“Motion”), an appeal from certain final Orders¹ issued by the Honorable Sheila B. Odom, Hampton County Probate Judge, which ended the Hampton County Probate Court case captioned as *In Re: Estate of Laura Brown: Alexa Naomi Garner Brown v. St. Jude Apostolic Faith Church of God and Michael Brown*, Case No. 2016-ES-25-00018;

A HEARING on the Motion was held before this Court on December 18, 2019; present at

¹The Orders appealed from were the Order Granting Summary Judgment to Respondents, dated December 14, 2018; Order on Remanded Issue of Sanctions, dated December 20, 2018; and the Order dated December 20, 2018.

the said hearing were counsel for the Respondents, Sean Bolchoz, Esquire, and counsel for the Appellant, James M. Moss, Esquire;

AFTER HEARING the arguments of counsel and reviewing the Motion, as well as the Appellant's Response to Respondents' Second Motion to Dismiss Appeal and for Sanctions filed by Appellant on December 5, 2019 and the Court's file, I find and conclude as follows:

1. Appeals from the Probate Court to this Court are governed by S.C. Code Ann. Section 62-1-308.
2. Pursuant to S.C. Code Ann. Section 62-1-308(f), the Appellant was required to serve the Record on Appeal ("ROA") within thirty (30) days after service of Respondent's Brief, or, by no later than August 11, 2019.
3. The Appellant did not file the ROA by August 11. Moreover, Appellant had not filed the ROA as of the date of the Motion hearing—a date more than four months past the deadline for filing dictated by Section 62-1-308—notwithstanding the additional notice afforded her by virtue of the filed Motion.
4. Dismissal of an appeal is appropriate when an appellant fails to comply with the applicable rules; *see generally Lawson v. Mills*, 259 S.C. 308, 191 S.E.2d 637 (1972); *Diamond v. Powell*, 271 S.C. 183, 246 S.E.2d 233 (1978); *Brown v. Barrineau*, 102 S.C. 441, 86 S.E. 769 (1915); *Coker v. Duncan*, 113 S.C. 204, 102 S.E. 18 (1920). I find that, in light of the facts of set forth hereinabove, dismissal of the appeal is appropriate here.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT the Respondents' Motion to Dismiss the within Appeal must be and hereby is GRANTED and the within Appeal DISMISSED.

IT IS SO ORDERED.

The Honorable Carmen T. Mullen
 Presiding Judge
 Hampton County Court of Common Pleas

Hampton, South Carolina
 _____, 2019



Hampton Common Pleas

Case Caption: Alexa Naomi Garner Brown VS St. Jude Apostolic Faith Church Of
God , defendant, et al
Case Number: 2018CP2500508
Type: Order/Dismissal

So Ordered

s/Carmen T Mullen 2142