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October 15, 2020

**VIA EMAIL ONLY TO CTAPPFILINGS@SCCOURTS.ORG**

South Carolina Court of Appeals  
Attn: Sierra Ritchie  
Post Office Box 11629  
Columbia, SC 29211

**RECEIVED**  
**Oct 15 2020**  
**SC Court of Appeals**

**RE: *In Re: Estate of Laura Brown; Alexa Naomi Garner Brown, Appellant v. St. Jude Apostolic Faith Church of God and Michael Brown, Respondents***  
***Appellate Case No. 2020-000504***

Dear Ms. Ritchie:

I am following up on a phone call I made to the Court yesterday regarding this matter. Although the remittitur for this case was issued on September 30, 2020, and even though I received it soon thereafter, the Hampton County Clerk of Court informs that they have not yet received the remittitur. I am concerned because I will be seeking additional relief from the Hampton County Probate Court (where the original appeal began), which may not take up the matter in the absence of the remittitur. Accordingly, I am bringing this to the Court's attention with the hope that the matter can be addressed.

Further, I am in receipt of the Appellant's latest filing, styled as a "Motion to Recall Remittitur." In lieu of sending a Return in Opposition to a motion that has been filed in a closed matter ("Motion"), I would offer the following in response:

1. The remittitur was properly sent, the Court of Appeals no longer has jurisdiction over the matter and no motion can be heard thereafter. *Wise v. S.C. Dept. of Corrections*, 372 S.C. 187 (2007).
2. The only exception to the foregoing rule is when the remittitur is sent down by mistake, error or inadvertence *on the part of the Court of Appeals*. *Id.* The Motion does not assign any mistake, error or inadvertence to the Court of Appeals.
3. The Appellant was provided ample opportunity to address the concerns stated in her Motion: the Court of Appeals first notified Appellant's counsel by letter dated August 21, 2020 that the status of the transcript must be forthcoming by no later than August 31. This notice was ignored. Thereafter, the Court issued its order dismissing the appeal on September 8, 2020; under the SCACR, the Appellant had fifteen days

to petition for a rehearing. The Appellant again failed to take action, opting instead to file her Motion only after the remittitur was sent to the lower court.

4. In her Motion, Appellant asserts the following: "All briefs and the record on appeal were previously filed by both parties in the Circuit Court." This is false. The Appellant did *not* file her Record on Appeal in the Circuit Court, which is precisely why Judge Mullen dismissed her appeal.

In light of the foregoing, the Respondents respectfully request that the Motion be denied.

With kind, personal regards, I am

Sincerely,

BOLCHOZ LAW FIRM, PA



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SMB/aap

cc: James H. Moss, Esquire  
Michael Brown

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