

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

Maite Murphy, Circuit Court Judge

Appellate Case No. 2020-000405

Case No. 2019-CP-38-00655

Jacquita Funchess

..... Appellant,

v.

Glenfield Apartments

..... Respondent,

MOTION TO DISMISS APPEAL

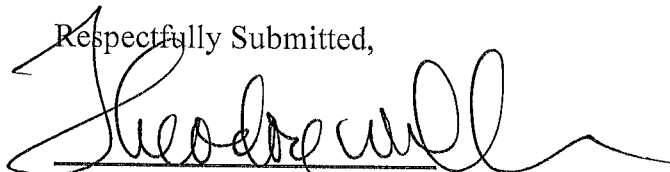
The Respondent, Glenfield Apartments, hereby moves pursuant to Rules 210, 240 and 260(c) SCACR, for an order dismissing the appeal filed by the Appellant. In support of the motion, the Respondent shows the following to the court:

1. By Order dated February 7, 2020, The Honorable Maite Murphy dismissed Appellant's appeal of the Magistrate Court's eviction for failure to obtain a Return as required by SC Code of Laws 18-7-60.
2. Appellant filed a Notice of Appeal regarding the Order of The Honorable Maite Murphy on March 5, 2020.
3. Appellant filed its Designation of Matter on October 7, 2020.
4. Appellant filed its Initial Brief on October 14, 2020.

5. Respondent filed its Initial Brief and Designation of Matter on December 10, 2020.
6. Rule 210 SCACR requires that within thirty (30) days after service of the last brief, the Appellant shall serve a copy of the Record on Appeal on each party who has served a brief. Proof of service of the Record shall be immediately filed with the clerk of the appellate court.
7. Appellant has failed to serve a copy of the Record on Appeal for more than thirty (30) days from the December 10, 2020 and has made no request for an extension.
8. Respondent moves to dismiss the appeal for failure to prosecute.
9. Respondent also moves to dismiss the appeal due to substantive failures by Appellant.
10. Appellant failed to include a Table of Contents and Cases as required by 208(b)(1)(a).
11. Appellant's Statement of Issues on Appeal was a broad general statement, which can be disregarded by the Appellate Court pursuant to Rule 208(b)(1)(b).
12. Appellant's Statement of the Case contained contested matters and did not contain a concise history of the proceedings as required by Rule 208(b)(1)(c).
13. Appellant failed to include a Standard of Review as required by 208(b)(1)(d).
14. Appellant failed to state an Argument which has been preserved for this Court. Appellant's Initial Brief argues the validity of the Magistrate Court application for ejection. That issue has not been preserved. This appeal stems from the Trial Court's granting of Respondents Motion to Dismiss for failure to obtain a Return. The propriety of the underlying eviction is not before the Court.

WHEREFORE, Respondent prays for an order dismissing the appeal based on Appellant's failure to prosecute and the substantive failures by Appellant as set forth above.

Respectfully Submitted,



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THEODORE VON KELLER, SC BAR NO. 5718
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ATTORNEYS FOR RESPONDENT

Columbia, South Carolina

January 20, 2021

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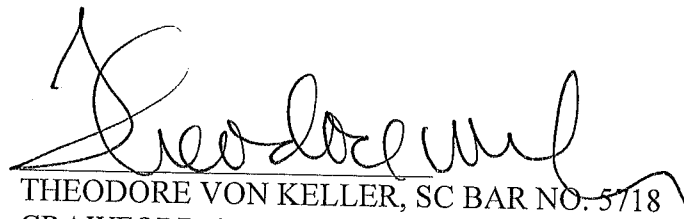
Glenfield Apartments

..... Respondent.

PROOF OF SERVICE

I certify that I served Respondent's Motion to Dismiss Appeal in this case by depositing a copy of it on the date shown below in the United States Mail, postage prepaid, addressed as follows:

Jacquita Funchess
1303 Glenfield Circle Apartment
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Orangeburg, SC 29118



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