

**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

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Feb 05 2021

**APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas**

SC Court of Appeals

**Mikell Scarborough
Master-in-Equity**

Appellate Case No. 2019-001838

SRP 2011-6, LLC..... Respondent,

v.

**Alluette K. Jones, South Carolina Federal Credit Union,
Synovus Bank, and Historic Charleston Foundation.....Defendants,**

Of whom Alluette K. Jones is the.....Appellant.

RESPONDENT'S MOTION TO DISMISS APPEAL

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Attorneys for Respondent

Appellant, Pro Se:
Alluette Karen Jones
142 Coming St.
Charleston, SC 29403

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MEMORANDUM

COMES NOW the Respondent, SRP 2011-6, LLC (“Respondent”), by and through its undersigned counsel, pursuant to Rule 240 of the South Carolina Appellate Court Rules (“SCACR”), who hereby moves this Honorable Court for an Order dismissing the appeal filed by Alluette Karen Jones (“Appellant”). The basis for Respondent’s motion is the Appellant’s wanton and continual disregard of the South Carolina Appellate Court Rules, her failure to serve the Record on Appeal as required, and her failure to timely correct deficiencies in the appeal.

ARGUMENT

Appellant has not complied with Rule 210, SCACR. “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.” Rule 210, SCACR. The last brief in this matter was served by the Respondent on October 17, 2020. Thus, Appellant was required to serve the Record on Appeal (the “ROA”) on the Respondent on or about November 16, 2020. Appellant failed to serve the ROA by the time specified in Rule 210, SCACR, and, to date, still has not served the ROA on the Respondent.

On December 4, 2020, the Clerk of Court for South Carolina Court of Appeals sent a deficiency letter to the Appellant advising her that the time for serving the ROA had expired. Further, Appellant was provided ten (10) days to serve the ROA along with a motion requesting permission to serve the ROA outside the filing deadlines set by Rule 210, SCACR.

On December 17, 2020, the Appellant apparently filed a motion for an extension for fifteen (15) days which was not served on the Respondent. Appellant conveniently alleged in her motion that she did not receive the December 4th letter from the Clerk of Court until December 14, 2020, the date of the deadline for submission of the ROA and a required motion to permit the late filing.

Respondent had no knowledge of the initial motion for extension, was not served with the same as required under Rules 240 and 262, SCACR, and would have opposed the same had it known. No proof of service was or has ever been filed by the Appellant for the December 17, 2020 motion for extension.

On December 30, 2020, the Appellant apparently filed another Motion for Extension of Time to Complete Record on Appeal requesting thirty (30) days from December 14, 2020 to serve the ROA. Appellant also did not serve this motion on the Respondent at the time same was submitted to the Court in violation of Rules 240 and 262, SCACR. Nevertheless, in Appellant's very own Motion for Extension of Time to Complete Record on Appeal she requests that she be given until Thursday, January 14th, 2020 [sic] to complete and serve the ROA. As of today, February 5, 2021, Respondent still has not been served with the ROA; thus, she has failed to abide by even the very own timeframes that she herself established in her Motion for Extension of Time to Complete Record on Appeal.

“Whenever it appears that an appellant or a petitioner has failed to comply with the requirements of these Rules, the clerk shall issue an order of dismissal, which shall have the same force and effect as an order of the appellate court.” Rule 260(a), SCACR. Appellant has failed to serve motions and pleadings on Respondent as required by the Rules and as evidenced by the lack of Proofs of Service (or their subsequently filings), she has failed to comply with the requirements of this Court as provided in the December 4, 2020 deficiency letter of the Clerk of Court, she has failed to timely serve the ROA on Respondent in violation of the Rules, and she has even failed to abide by her own arbitrary timeframes established in the Motion for Extension of Time to Complete Record on Appeal and has otherwise shown an absolute disregard for following the South Carolina Appellate Court Rules.

CONCLUSION

From this appeal's very inception, the Appellant has continually failed to comply with the South Carolina Appellate Court Rules. Over two (2) months have passed since Appellant was required to serve the ROA on Respondent and, to date, Respondent still has not been served with the same. The Appellant should not be rewarded for her delays and failure to abide by the South Carolina Appellate Court Rules, and this appeal should be summarily dismissed.

CLAWSON and STAUBES, LLC

/s/ Andrew M. Sullivan

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Attorney for Respondent SRP 2011-6, LLC

February 5, 2021

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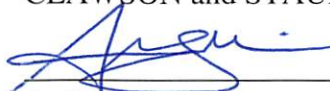
Of whom Alluette K. Jones is the.....Appellant.

PROOF OF SERVICE

I certify that I have served the *Respondent's Motion to Dismiss* by depositing a copy of it in the United States Mail, postage prepaid, on February 5, 2021 to the Appellant as follows:

Alluette K. Jones
142 Coming St.
Charleston, SC 29403-6104

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February 5, 2021

Attorney for Respondent



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February 5, 2021

File No.: 20140012.007

VIA EMAIL ONLY

Jenny Abbott Kitchings
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RECEIVED
Feb 05 2021
SC Court of Appeals

Re: *SRP 2011-6, LLC v. Alluette K. Jones*
Appellate Case No.: 2019-001838

Dear Ms. Kitchings:

Please find enclosed the *Respondent's Motion to Dismiss* and the accompanying *Proof of Service*. Additionally, a \$50.00 check for the filing fee is being sent to the South Carolina Court of Appeals with a copy of this letter within five (5) days pursuant to the 2020-05-29-02 Amended Order of the Supreme Court of South Carolina.

Please do not hesitate to contact me with any questions or concerns.

Very truly yours,

CLAWSON and STAUBES, LLC

Andrew M. Sullivan

AMS/AMS

cc: Alluette Karen Jones