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Feb 17 2021
SC Court of Appeals

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,

**RESPONDENT’S REPLY TO APPELLANT’S RETURN TO MOTION TO DISMISS
APPEAL**

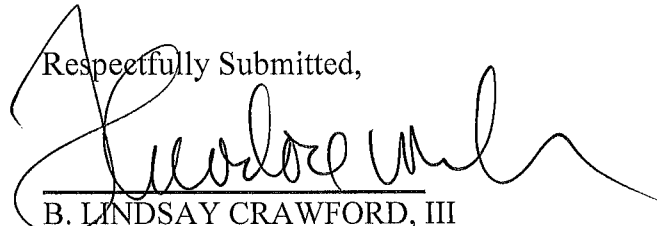
The Respondent, Glenfield Apartments, hereby Replies to Appellant’s Return to Respondent’s Motion to Dismiss pursuant to 240 SCACR.

1. The above matter is an appeal from the Circuit Court. 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 failed to comply with 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.

3. Appellant has failed to serve a copy of the Record on Appeal for more than thirty (30) days from the December 10, 2020.
4. Appellant failed to include a Table of Contents and Cases as required by 208(b)(1)(a).
5. 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).
6. 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).
7. Appellant failed to include a Standard of Review as required by 208(b)(1)(d).
8. 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.
9. Respondent moved to dismiss the appeal, for failure to prosecute and also moves to dismiss the appeal due to substantive failures by Appellant.
10. Appellant's letter, which the court accepted as a Return to Respondent's Motion to Dismiss, continues to be an argument of the underlying eviction action, which is not before the Court and has not be properly preserved.

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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Respondent.

PROOF OF SERVICE

I certify that I served Respondent's Reply to Appellant's Return to 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
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