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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SUMTER COUNTY
MASTER IN EQUITY

The Hon. Michael M. Jordon, Master In Equity

Case No. 2015-CP-43-1981

Appellate Case No. 2021-000230

Edward Mays and Corrine Mays.....
Respondents,

v.

Irene L. Myers.....
Appellant.

MOTION TO DISMISS

Pursuant to Rules 240 and 260(a) of the South Carolina Appellate Court Rules (“SCACR”), Respondents Edward Mays and Corrine Mays, move to dismiss the above-captioned appeal based on Appellant’s failure to comply with the deadline imposed by Rule 207(a)(1), SCACR. This failure requires dismissal of this appeal pursuant to Rule 260(a), SCACR.

Appellant represented herself in this Court of Common Pleas matter which was adjudicated by the Hon. Michael B. Jordon, Sumter County, Master-in-Equity. Appellant is *pro se* before this Honorable Court.

Appellant has failed to comply with the requirements of the appellate court rules and has, therefore, not perfected her appeal. Dismissal is warranted. Here, Appellant was required to order transcripts of the proceedings within the time required by rule. This time deadline has passed.

Appellant failed to make arrangements with the court reporters involved and order the transcript in this matter. Our appellate rules mandate that:

Where a transcript of the proceeding must be prepared by the court reporter, appellant shall, within the time provided for ordering the transcript, make satisfactory arrangements (including agreement regarding payment for the transcript), in writing with the court reporter for furnishing the transcript. In appeals from the court of common pleas, masters in equity, special referees or the family court in domestic actions, the transcript must be ordered **within ten (10) days after the date of service of the notice of appeal.**

Rule 207(a)(1), SCACR (emphasis added). Appellant's Notice of Appeal in this matter was filed on February 26, 2021. Appellant failed to order the transcript in this matter by March 8, 2021, which was the deadline imposed by Rule 207, SCACR. Appellant did not obtain consent of the Respondents in writing to dispense with the requirement of ordering the transcript of the proceedings.

Therefore, this Court should dismiss this appeal. See Rule 260(a), SCACR ("Whenever it appears that an appellant or 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.") (emphasis added). Indeed, the failure to comply with the Appellate Court Rules by failing to order the transcript of the lower court proceedings requires the dismissal of the appeal. See Wise v. S.C. Dep't of Corr., 372 S.C. 173, 174, 642 S.E.2d 551, 551 (2007) ("Wherever it appears that an appellant has failed to comply with the requirements of the SCACR, an order of dismissal shall be issued.")

CONCLUSION

For the reasons stated above, the Court should dismiss the above-captioned appeal.

Respectfully submitted,

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