

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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JUL 08 2021

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APPEAL FROM SUMTER COUNTY  
MASTER IN EQUITY

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**SC Court of Appeals**

Case No. 2015-CP-43-1981  
Appellate Case No. 2021-000230

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Edward Mays and Corrine Mays.....

Respondents,

Irene L. Myers.....

Appellant.

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REPLY TO MOTION TO DISMISS

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The Respondents' motion to dismiss the above-captioned appeal evades numerous factors and seeks to limit the powers of the Court and the Clerk's Office in setting time frames and whether to grant extensions. The Appellant is an elder. It is Appellant's belief that the Respondents have engaged in an elaborate scheme to defraud, extort, and harass the Appellant in order to seize her property.

Appellant Has Made Reasonable Good Faith Attempts to Obtain Transcripts

The Sumter County Master In Equity, Michael M. Jordan ordered that Appellant would pay for the stenographer out of money that the Respondents were offering in order to justify their attempted illegal taking of property. Although a name for the alleged stenographer is listed upon some documents, the documents failed to provide the contact information for the stenographer. Thereafter, the Appellant attempted to obtain the Stenographer's contact information with no success. To date, the Sumter County Master In Equity has failed to provide the contact information for the alleged stenographer. Appellant has reached out to several Court entities in an attempt to obtain the stenographers that the Master-In-Equity has refused to provide.

The Respondents have been aware of Appellant's attempts to acquire the transcripts. Why this belated ploy by Respondents? Again, it is Appellants belief that the Respondents are seeking to avoid having the Court address the blatant existing constitutional infringements and disregard of South Carolina Law as it applies to true boundary line disputes between adjacent land owners.

#### The Court's Power to Extend the Time

Rule 263 addresses the extending and diminishing of time prescribed by the Rules.' Rule 263(b) states that the time prescribed by the rules for performing any act except for the time for serving the Notice of Appeal under Rule 203 and 227 may be extended or shortened by the Appellate Court or by any Judge or Justice thereof. It is the Appellant's belief that the Court has the power to extend the ten day period if it finds any omission or failure on the part of the Appellant. Appellant asks that the Court exercise its power to extend the time, if necessary.

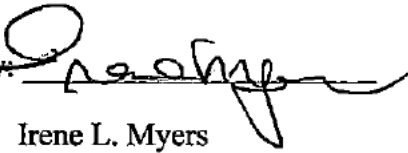
Pursuant to SC Rule 262(b)(1), Appellant's Appeal was timely filed on March 26, 2021. On March 9, 2021 a letter of deficiency from the Clerk of Court requiring a correction within ten days of the date of the letter was sent to Appellant. The deficiency was corrected on March 12, 2021 within the ten day period for correction. Appellant who does not have the Court Reporter's contact information, pursuant to Appellant Rules made the first request for the Court Reporter's contact information to Master in Equity Michael M. Jordon on March 17, 2021 within the ten day period of correction. Additional requests for the Court Reporter's contact information for this case have been made to Master in Equity Jordan but no response has been received from Master in Equity Jordan. Appellant, therefore, ask this court to issue an Order of Compelling Master in Equity Jordan to comply with the request relating to the transcripts.

Although Rule 240 uses the word must, there is no law which states that this ten day period can't be increased or that it requires the dismissal of an appeal if not met. Rule 263 addresses the extending and diminishing of time prescribed by the Rules.' Rule 263(b) states that the time prescribed by the rules for performing any act except for the time for serving the Notice of Appeal under Rule 203 and 227 may be extended or shortened by the Appellate Court or by any Judge or Justice thereof.

## **CONCLUSION**

For the reasons stated above, the Court should deny the Respondent's motion to dismiss the above-captioned appeal, extend the time relating to Appellant's transcript request, and compel the Sumter County Master in Equity to furnish either the transcripts or the stenographer's contact information in order for the Appellant to arrange payment and obtain such records of the proceeding.

Respectfully submitted,

By: 

Irene L. Myers  
3150 Spencer Road  
Rembert, South Carolina 29128  
(803) 757-5155  
[rosesbyirene@hotmail.com](mailto:rosesbyirene@hotmail.com)

Sumter, South Carolina  
Date: July 3, 2021

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THE STATE OF SOUTH CAROLINA  
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Case No. 2015-CXP-43-1981  
Appellate Case No. 2021-000230

Edward Mays and Corrine Mays.....

Respondents,

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Appellant.

**PROOF OF SERVICE**

I affirm, under the penalty of perjury, that I have served the Reply to the Motion to Dismiss on the Respondents via their counsel, Patrick M. Killen by depositing a copy of it in the United States Mail, postage prepaid, on July 3, 2021, addressed to Patrick M. Killen, 1 Law Range, Suite B, Sumter, South Carolina 29150.

Sworn to Before Me This 3<sup>rd</sup> Day of July  
2021



Sumter, South Carolina  
Date: July 3, 2021

Irene L. Myers  
3150 Spencer Road  
Rembert, South Carolina 29128  
(803) 757-5155  
[rosesbyirene@hotmail.com](mailto:rosesbyirene@hotmail.com)

State of South Carolina  
County of Sumter  
sworn to and subscribed before me on  
the 3rd day of July  
Luke DeBran  
Notary Public's Signature  
My Commission Expires April 19th 2021

Irene Myers  
3150 Spencer Road  
Dorchester, SC 2912



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