

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM GREENVILLE COUNTY  
Court of Appeals

S.C. SUPREME COURT

The Honorable Judges: Williams, Thomas, and Hill

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Appellate Case No. 2021-000665  
Court of Appeals Case No. 2018-001209  
Case No. 2017-CP-23-06301

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Raymond A. Wedlake, individually and derivatively, on behalf of all Members of the  
Woodington Homeowners' Association, Inc., Appellant,

v.

Benjamin Acord, William Craigo, Denis Esteve, and Brian James in their capacity as the  
current Board of Directors of the Woodington Homeowners' Association, Inc., Respondents.

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**PETITION FOR REHEARING OF ORDER**

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Pursuant to Rule 242(c), SCACR, Raymond A. Wedlake submits this “Petition for Rehearing of Order”, objecting to **Error of Fact** contained in the order (O24) filed 06/24/2021, as follows. The time period of thirty (30) days in which Appellant may file a “Petition for Writ of Certiorari” is **not** expired, where Rule 242(c), SCACR shows (excerpted, emphasis added):

RULE 242 CERTIORARI TO THE COURT OF APPEALS  
(c) **Time for Petitioning** and Filing Fee. A decision of the Court of Appeals is not final for the purpose of review by the Supreme Court until the petition for rehearing or reinstatement has been acted on by the Court of Appeals. A **petition for writ of certiorari** shall be **served** on opposing counsel and filed with proof of service with the Clerk of the Court of Appeals and

the Clerk of the Supreme Court **within thirty (30) days after the petition for rehearing** or reinstatement is finally decided by the Court of Appeals. An original and six (6) copies of the petition shall be filed with the Supreme Court. The copies filed with the Supreme Court shall be accompanied by the filing fee set by order of the Supreme Court. ...

### **ADMINISTRATIVE HISTORY**

After 06/15/2021, Appellant received service of an order that denied his 04/19/2021 filing of “Petition for Rehearing With a New Panel of Judges; or, Alternately *En Banc*”. O24 was filed on 06/24/2021.

### **FACTUAL HISTORY**

1. O24 marks a date of 06/24/2021 that begins a 30-day period within which Appellant may file a “Petition for Writ of Certiorari”.
2. To date, Appellant has **not** received service of O24, and presumes that service of O24 “... got lost in the mail ...”; Appellant became aware of O24 via inspection of the Public Index for “South Carolina Appellate Case Management System” on 07/08/2021.
3. A 30-day period that began on 06/24 does not end until 07/24/2021.

### **ARGUMENT**

4. The Court’s statement in O24 is incorrect; to construe that Appellant’s “Notice of Appeal” was a petition for a “Writ of Certiorari” is not justified, and represents an “Error of Fact”; O24 shows:

... this notice of appeal has been construed as a petition for a writ of certiorari.

5. The Court’s statement of dismissal in O24 is also an “Error of Fact”, where O24 shows:

This petition for a writ of certiorari does not have the content required by Rule 242(d), SCACR.<sup>1</sup> Accordingly, this matter is dismissed.

6. Appellant has ample time to complete and submit a “Petition for Writ of Certiorari” to comply with Rule 242(d), SCACR, before 07/24/2021.

7. Only in the event that before 07/24/2021 Appellant does **not** file a “Petition for Writ of Certiorari”, can the Court construe Appellant’s “Notice of Appeal” as a deficient “Petition for Writ of Certiorari”, and dismiss.

### CONCLUSION

Based on all content herein, O24 stating dismissal cannot stand at this date, being before 07/24/2021. Consequently, O24 must be reversed and rescinded. Appellant’s plan to comply with Rule 242(d) before 07/24/2021 cannot be taken away by the premature dismissal found in O24.

Appellant attaches Proof of Service to Counsel of Record. A filing fee of \$50 is remitted by Priority Mail.

July 9, 2021



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