

RECEIVED

Aug 16 2021

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 and this Honorable Court in its July 21, 2021 Order. 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 and this Honorable Court's July 21, 2021 Order. This 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. Further, Appellant has failed to order the transcript of the lower court proceedings pursuant to this Honorable Court's July 21, 2021, Order granting Appellant an additional 20 days from the date of it's Order to provide proof that she has made "satisfactory arrangements (including agreement regarding payment for the transcript), in writing with the court reporter for furnishing the transcript."

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,

SHULER-KILLEN, LLC

By:



Patrick M. Killen
Matthew A. Williamson
1 Law Range, Suite B
Sumter, South Carolina 29150
(803) 774-5026
(803) 774-5028
pkillen@shulerkillen.com
mwilliamson@shulerkillen.com

Sumter, South Carolina
Date: August 16, 2021

RECEIVED

Aug 16 2021

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.

PROOF OF SERVICE

I certify that I have served Respondents' Motion to Dismiss on Irene L. Myers by depositing a copy of it in the United States Mail, postage prepaid, on August 16, 2021, addressed to the Pro Se Appellant, Irene L. Myers, 3150 Spencer Road, Rembert, SC 29128.

SHULER-KILLEN, LLC

By: 

Patrick M. Killen
Matthew A. Williamson
1 Law Range, Suite B
Sumter, South Carolina 29150
(803) 774-5026
pkillen@shulerkillen.com
mwilliamson@shulerkillen.com

Sumter, South Carolina
Date: August 16, 2021