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January 21, 2022

**RECEIVED**

JAN 24 2022

SC Court of Appeals

**Via Federal Express**

The Honorable Jenny Abbott Kitchings  
Clerk of Court for the South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

**Re: Ernest Pinckney aka Ernest R. Pinckney v. Deborah Price, et al**  
**Case No.: 2018-CP-10-3105**  
**Appellate Case No.: 2021-001381**  
**Appellant: Margie Brown**

Dear Ms. Kitchings:

The records in the Office of the Clerk of Court for Charleston County in Case No.: 2018-CP-10-3105 will reflect that I filed a Suit To Quiet Title and Partition action on behalf of Ernest Pinckney against certain family members for real property located at 17 Magazine Street, Charleston, South Carolina 29401. Appellant Margie Brown is a niece of Ernest Pinckney.

The records in the Clerk's Office will further reflect that Margie Brown filed a pro se Motion to Dismiss the Complaint.

This matter was referred to the Charleston County Master-in-Equity, The Honorable Mikell R. Scarborough. On November 7, 2021, Master Scarborough held a hearing on Ms. Brown's Motion to Dismiss, and he issued a Form 4 Order on November 8, 2021 wherein he denied Ms. Brown's Motion to Dismiss. The Order was served on Ms. Brown directly by the Clerk of Court on November 8, 2021 (See Form 4 - Exhibit 1). My office further served Ms. Brown with the Order denying her Motion on November 10, 2021 (See Certificate of Mailing - Exhibit 2).

After Master Scarborough dismissed Ms. Brown's Motion, he then proceeded to hold a hearing on the quiet title aspect of the case. The Master thereafter issued an Interim Decree to quiet the title to the property on November 22, 2021. The Master found that Ms. Brown owned a 1.34% interest in 17 Magazine Street. The Quiet Title Order was served on Ms. Brown by e-mail and US Postal Service on November 24, 2021 (See Certificate of Mailing - Exhibit 3). Ms. Brown has not appealed this Quiet Title Order.

*Page Two*

*January 21, 2022*

*Ernest Pinckney aka Ernest R. Pinckney v. Deborah Price, et al*

*Case No.: 2018-CP-10-3105*

*Appellate Case No.: 2021-001381*

*Appellant: Margie Brown*

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Insofar as Ms. Brown's alleged appeal of the Order denying her Motion to Dismiss, as an officer of the Court, I hereby affirm to this Honorable Court that I never received any form of notice of appeal from Ms. Brown until January 18, 2022. The very first correspondence that I received from Ms. Brown involving any alleged appeal was her email and illegible copy of a Motion and Affidavit to Proceed in Forma Pauperis that she apparently sent to this Honorable Court on January 18, 2022 (See e-mail and attachments - Exhibit 4).

Upon receipt of Ms. Brown's e-mail of January 18, 2022, I reviewed the documents filed on record with this Honorable Court. I would call to the attention of this Court that Ms. Brown's Notice of Appeal named the Master-in-Equity as the only Respondent. The proof of service was also mailed only to the Master-in-Equity.

I would respectfully request that Ms. Brown's appeal be dismissed upon the following grounds:

1. The Master's Order denying Ms. Brown's Motion to Dismiss is an interlocutory decree and is not directly appealable to an appellate court.
2. As the Court is well aware and as pronounced in the case of Conner v. City of Forest Acres, 348 S.C. 454, 560 S.E.2d 606 (2002), the Supreme Court stated, "Service of the notice of intent to appeal is a jurisdictional requirement, and the Court has no authority to extend or expand the time in which the notice of intent to appeal must be served." In addition, Ms. Brown has failed to comply with Rule 203(b)(1), SCACR by not serving all respondents within thirty (30) days after receipt of written notice of the Order.
3. Further, Ms. Brown has failed to comply with Rule 203(d)(1)(B), SCACR. As of yesterday, January 20, 2022, Ms. Brown has still not complied with the Notice that this Court sent her by letter dated December 2, 2021 advising her that she must file a copy of the Notice of Appeal with the Clerk of Court for Charleston County and further must provide proof of the filing with the Clerk of Court.

Your letter of December 2, 2021, further advised Ms. Brown that the Master-in-Equity was not a party to the case and that she must provide the Court with an amended Notice of Appeal naming the responsible respondent(s) and file a proof of service of the respondent(s).

*Page Three*

*January 21, 2022*

*Ernest Pinckney aka Ernest R. Pinckney v. Deborah Price, et al*

*Case No.: 2018-CP-10-3105*

*Appellate Case No.: 2021-001381*

*Appellant: Margie Brown*

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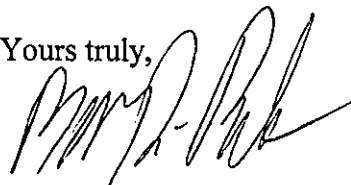
Inasmuch as more than ten (10) days have passed since this Court put Ms. Brown on notice of this requirement and she has not complied with the same, this is further grounds for the dismissal of this appeal.

Finally, on January 4, 2022, you again advised Ms. Brown that the proof of service had not been provided to the Court.

In accordance with the Rules of the Court, I am sending a copy of this letter, together with all enclosures not only to Ms. Brown, but to all of the other named Defendants in this case.

Further, in order that the Master-in-Equity might be kept apprised of the proceedings, I am also sending a copy of this letter and enclosures the Honorable Mikell R. Scarborough.

Yours truly,



Barry I. Baker

BIB/dd

Enclosure

cc: Margie Brown  
The Honorable Mikell R. Scarborough  
David M. Low, Esquire  
Kenneth Pinckney  
Debra Price  
Raymond Pinckney

**STATE OF SOUTH CAROLINA  
COUNTY OF Charleston  
IN THE COURT OF COMMON PLEAS**

**JUDGMENT IN A CIVIL CASE**

**CASE NO. 2018CP1003105**

Ernest Pinckney et al  
PLAINTIFF(S)

Deborah Price et al  
DEFENDANT(S)

**DISPOSITION TYPE (CHECK ONE)**

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  
 Other
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See attached order (formal order to follow)  Statement of Judgment by the Court:

This matter came before the Court on Margie Brown's pro se Motion to Dismiss, filed June 17, 2021. The Court DENIES the Motion on the basis that Rule 3 (a)(2) applies when the statute of limitations is about to expire. See Mims v. Babcock Center, 399 S.C. 341 (2012). As this is a quiet title action involving tenants in common and has been determined to be Heirs Property, there is no statute of limitations which applies in this case.

**ORDER INFORMATION**

This order  ends  does not end the case.  See Page 2 for additional information.

**For Clerk of Court Office Use Only**

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 11/08/2021 .

Mary Roe  
Leroy Pinckney  
John Pinckney, Jr  
Herman Pinckney  
Eugene Pinckney  
William Pinckney  
Jennie Pinckney  
Janie Pinckney  
Marjorie Brown  
Margie Brown for Margie Brown  
Deborah Brisbane  
LVNV Funding LLC  
Shirley Brisbane  
Eugene Nabritt, Jr  
Debra Price  
Joann Nabritt  
Raymond Pinckney  
Kenneth Pinckney  
Deborah Price  
Margie Brown for Margie Brown  
Richard Roe

**NAMES OF TRADITIONAL FILERS SERVED BY MAIL**

**EXHIBIT 1**

**Court Reporter:**

**E-Filing Note:** The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

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ELECTRONICALLY FILED - 2021 Nov 08 2:43 PM - CHARLESTON - COMMON PLEAS - CASE#2018CP1003105



**Charleston Common Pleas**

**Case Caption:** Ernest Pinckney , plaintiff, et al VS Deborah Price , defendant, et al  
**Case Number:** 2018CP1003105  
**Type:** Order/Electronic Form 4

**So Ordered**

**s/Mikell R. Scarborough 3062**

STATE OF SOUTH CAROLINA )  
: )  
COUNTY OF CHARLESTON )

IN THE COURT OF COMMON PLEAS

CASE NO. 2020-CP-10-5603

MARGIE BROWN,

Plaintiff,

-Versus-

ERNEST PINCKNEY,

Defendants.

CERTIFICATE OF MAILING

I, Denise DeGolyer, paralegal for Baker and Varner, LLC, Attorneys at Law, hereby certify that on the 10th day of November 2021, I mailed by U.S. Postal Service, with sufficient postage affixed, a copy of the ORDER/ELECTRONIC FORM 4, denying the Motion of Margie Brown, issued by the Honorable Mikell R. Scarborough, dated November 8, 2021, in the above entitled action to the following Defendants for service on them addressed as follows:

Kenneth Pinckney  
38 New Street  
Jersey City, NJ 07305

Debra Price  
PO Box 14724  
Atlanta, GA 30324

Raymond Pinckney  
3612 Ada Avenue  
Ft. Worth, TX 76105

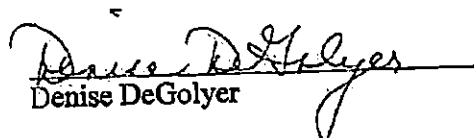
United States Attorney Office  
c/o Matthew Modica, Esquire,  
151 Meeting Street - Suite 200  
Charleston, SC 29401

Margie Brown  
PO Box 72122  
N. Charleston, SC 29415

David M. Low, Esquire  
PO Box 1409  
Mt. Pleasant, SC 29465

Eugene and Joanne Nabritt  
8780 SW 56<sup>th</sup> Ave Road  
Ocala, FL 34476

November 10, 2021

  
Denise DeGolyer

STATE OF SOUTH CAROLINA )  
: )  
COUNTY OF CHARLESTON )

IN THE COURT OF COMMON PLEAS

CASE NO. 2018-CP-10-3105

ERNEST PINCKNEY a/k/a ERNEST R. PINCKNEY, )

Plaintiff, )

-Versus- )

DEBORAH PRICE a/k/a DEBRA PRICE, ET AL.: )

Defendants. )

**CERTIFICATE OF MAILING**

I, Denise DeGolyer, paralegal for Baker and Varner, LLC, Attorneys at Law, hereby certify that on the 24<sup>th</sup> day of November 2021, I mailed by U.S. Postal Service, with sufficient postage affixed, a copy of the INTERIM DECREE (SUIT TO QUIET TITLE) dated November 23, 2021, e-signed by the Honorable Mikell R. Scarborough, in the above entitled action to the following Defendants addressed as follows:

Kenneth Pinckney  
38 New Street  
Jersey City, NJ 07305

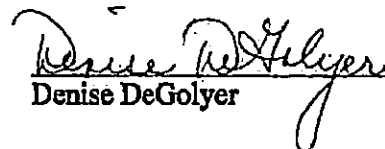
Debra Price  
PO Box 14724  
Atlanta, GA 30324

Raymond Pinckney  
3612 Ada Avenue  
Ft. Worth, TX 76105

Margie Brown  
PO Box 72212  
N. Charleston, SC 29415

David M. Low, Esquire  
PO Box 1409  
Mt. Pleasant, SC 29465

November 24, 2021

  
Denise DeGolyer

**Barry Baker**

---

**From:** Margie Brown <brown.margie@aol.com>  
**Sent:** Tuesday, January 18, 2022 12:12 PM  
**To:** Barry Baker  
**Subject:** Fw: 2021-00-1381 Forma Pauperis Proof Pf Service  
**Attachments:** TapScanner 01-18-2022-11:46.pdf

Sent from the all new AOL app for Android

— Forwarded Message —

**From:** "Margie Brown" <brown.margie@aol.com>  
**To:** "Court Of Appeals Filings" <ctappfilings@sccourts.org>  
**Sent:** Tue, Jan 18, 2022 at 11:57 AM  
**Subject:** 2021-00-1381 Forma Pauperis Proof Pf Service

Sent from the all new AOL app for Android

— Forwarded Message —

**From:** "Margie Brown" <brown.margie@aol.com>  
**To:** "Court Of Appeals Filings" <ctappfilings@sccourts.org>  
**Sent:** Tue, Jan 18, 2022 at 11:51 AM  
**Subject:** Fw: Forma Pauperis Proof Pf Service

Sent from the all new AOL app for Android

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Jan 18 2022  
SC Court of Appeals

IN RE: [Illegible]  
[Illegible]  
[Illegible]

2022 JAN 18 11:00 AM

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 Jan 18 2022  
 EG Court Appara

[Faint, mostly illegible text follows, including what appears to be a header section and several lines of body text.]

[Handwritten signature and date:]  
 JAN 18, 2022





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151069 REV 3/21

Page 1 of 3

ONE CARRIAGE LANE, BLDG H  
 CHARLESTON, SC 29407  
 UNITED STATES

BILL SENDER

TO HONORABLE JENNY ABBOTT KITCHINGS  
 SOUTH CAROLINA COURT OF APPEALS  
 1220 SENATE STREET

COLUMBIA SC 29201

SC Court of Appeals



RECEIVED

MON - 24 JAN 8:00A  
 JAN 21 2021  
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7758 2250 6418

SC Court of Appeals 29201  
 SCUS CAE

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