

SAMUEL DAVIES and JUDU KENNEDY, Appellants, *v.* **PHELICIA K. JOHNSON**,
Appellee.

JUDGMENT WITHOUT OPINION

Heard: October 16, 1984. Decided: November 22, 1984

When this case was called for hearing of a motion to dismiss the appeal on the ground that appellants had neglected to file their bill of exceptions within statutory time, and to file an approved appeal bond and a notice of completion of appeal, Counsellor E. Winfred Smallwood appeared for the appellants and Counsellor J. Emmanuel R. Berry announced representation for the appellee. Counsel for appellants conceding the legal soundness of the motion made the following record:

"Counsel for appellants/respondents, Counsellor E. Winfred Smallwood, says that he has not filed any resistance to the motion to dismiss filed by the appellee/movant's counsel and that his failure to do so is because the appellants were unable to secure the necessary requirements to perfect the said appeal, and that no appeal bond has been filed nor any notice of completion of appeal. Therefore, the Court may proceed in making its ruling as in keeping with law. And most respectfully submits".

In view of the appellants' failure to perfect their appeal as provided by statute, it is hereby adjudged that the motion to dismiss the appeal be, and the same is hereby granted with costs against the appellants.

The Clerk of this Court is hereby ordered to send a mandate to the court below to resume jurisdiction and enforce its judgment. And it is hereby so ordered.