

MOTION TO PROCEED WITHOUT COST

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Edgar W. Dickson, Circuit Court Judge

Case No. 2022-CP1801938

Douglas H. Heaton, Respondent,

v.

Avery Torres, Appellant.

MOTION TO PROCEED WITHOUT COST

I Avery Torres has been impacted by COVID-19 since the beginning of 2020. I am on disability and have a fixed income. I am asking to proceed without cost.

**FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Edgar W. Dickson, Circuit Court Judge

Case No. 2022-CP1801938

Douglas H. Heaton, Respondent,

v.

Avery Torres, Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Douglas Heaton by depositing a copy of it in the United States Mail, postage prepaid, on July 5, 2022, addressed to 212 Deming Way, Summerville, SC 29483 [by personally delivering a copy of it to Dorchester County Civil Court.

FORM 7
PROOF OF SERVICE OF MOTION TO
PROCEED WITHOUT COST

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Edgar W. Dickson, Circuit Court Judge

Case No. 2022-CP1801938

Douglas H. Heaton, Respondent,

v.

Avery Torres, Appellant.

PROOF OF SERVICE

I certify that I have served the Motion To Proceed Without Cost on Douglas Heaton by depositing a copy of it in the United States Mail, postage prepaid, on July 5, 2022, addressed to 852 ST. Andrews Blvd, Charleston, SC 29407 [by personally delivering a copy of it to Douglas Heaton.

On Thu, Jun 30, 2022 at 8:23 AM Court Of Appeals Filings <ctappfilings@sccourts.org> wrote:

The Court has received your filing. A stamped copy is attached for your records.

Thank you.

From: Axel Blade <axelblade23@gmail.com>
Sent: Wednesday, June 29, 2022 4:27 PM
To: Court Of Appeals Filings <ctappfilings@sccourts.org>
Subject: Re: Avery Torres Form 1

***** EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

**FORM 1
NOTICE OF APPEAL IN A CIVIL CASE**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Edgar W. Dickson Circuit Court Judge

Case No. 2021-CP1801938

Douglas H. Heaton,

Respondent,

v.

Avery M. Torres,

Appellant.

NOTICE OF APPEAL

Avery Torres appeals the order [judgment] of the Honorable Edgar W. Dickson dated June 2, 2022. Appellant received written notice of entry of this order [judgment] on June 24, 2022.

On Wed, Jun 29, 2022 at 4:24 PM Axel Blade <axelblade23@gmail.com> wrote:

**FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Edgar W. Dickson Circuit Court Judge

Case No. 2022-CP1801938

Douglas H. Heaton, Respondent,

v.

Avery M. Torres, Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal and Motion to Proceed Without Cost on Douglas Heaton by depositing a copy of it in the United States Mail, postage prepaid, on June 29th, 2022 addressed 852 ST. Andrews Blvd Charleston SC, 29407 [by personally delivering a copy of it to Douglas Heaton.

Summerville Magistrate Court
Douglas Heaton for Douglas Heaton
Avery Torres for Avery Torres
Douglas Heaton for Douglas Heaton
Avery Torres for Avery Torres

NAME(S) OF TRADITIONAL FILERS SERVED BY MAIL

**MOTION TO PROCEED WITHOUT
COST**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Edgar W. Dickson Circuit Court Judge

Case No. 2021-CP1801938

Douglas H. Heaton, Respondent,

v.

Avery M. Torres, Appellant.

NOTICE OF APPEAL

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Summerville Magistrate Court
Douglas Heaton for Douglas Heaton
Avery Torres for Avery Torres
Douglas Heaton for Douglas Heaton
Avery Torres for Avery Torres

NAME(S) OF TRADITIONAL FILERS SERVED BY MAIL

RECEIVED

Jul 07 2022

SC Court of Appeals

From: [Axel Blade](#)
To: [Court Of Appeals Filings](#)
Subject: Re: Avery Torres update Form7
Date: Thursday, July 7, 2022 10:36:42 AM

*** **EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Edgar W. Dickson, Circuit Court Judge

Case No. 2021-CP1801938

Douglas H. Heaton, Respondent,
v.
Avery M. Torres, Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Douglas Heaton by depositing a copy of it in the United States Mail, postage prepaid, on July 7, 2022, addressed to 5200 E. Jim Bilton Blvd. St. George, SC 29477 [by personally delivering a copy of it to Dorchester County Common Pleas Court.

On Tue, Jul 5, 2022 at 2:11 PM Axel Blade <axelblade23@gmail.com> wrote:

CONFIDENTIALITY NOTICE This message is intended only for the addressee

FORM 4
JUDGMENT IN A CIVIL CASE

STATE OF SOUTH CAROLINA
COUNTY OF Dorchester
IN THE COURT OF COMMON PLEAS

CASE NO. 2021CP1801938

Avery Torres
PLAINTIFF(S)

Douglas Heaton
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), SCRCP; Rule 41(a), SCRCP (Vol. Nonsuit); Rule 43(k), SCRCP (Settled);
 Other

ACTION STRICKEN (CHECK REASON): Rule 40(j), SCRCP; 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 June 2, 2022, by way of Appellant's Appeal from Magistrate Court. Appellant alleges that Magistrate Judge Templeton did not perform due diligence on the S.C. Stay rental assistance program and therefore erred in finding Appellant considerably behind on rent and ordering Appellant vacate the unit. The Magistrate's Return indicates that upon review of the receipts provided by Appellant, he was still behind on rent on the date of filing, and there was no evidence provided at the November 3, 2021 hearing that Appellant had actually received money from the S.C. Stay rental assistance program.

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 06/20/2022 .

Summerville Magistrate Court
Douglas Heaton for Douglas Heaton
Avery Torres for Avery Torres
Douglas Heaton for Douglas Heaton
Avery Torres for Avery Torres

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

SCRPC Form 4CE (08/31/2017) Page 1 of 2

ELECTRONICALLY FILED - 2022 Jun 20 2:27 PM - DORCHESTER - COMMON PLEAS - CASE#2021CP1801938


ELECTRONICALLY FILED - 2022 Jun 20 2:27 PM - DORCHESTER - COMMON PLEAS - CASE#2021CP1801938

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.

After careful review of the Magistrate Court records and consideration of Appellant's arguments on appeal, the Court finds that Judge Templeton adequately considered the evidence presented before him in issuing his ruling. Accordingly, Appellant's appeal is hereby DISMISSED.

You have received an important message from SC Stay Plus.



Dear Avery Torres,

This email confirms that our staff has evaluated and approved the application number SCE23606 for Avery Torres residing at 175 Corey Blvd Apt10 Summerville South Carolina 29483 through SC Stay Plus COVID19 Emergency Rental Assistance Program.

The Total Amount Approved is \$5,400.00 and details are as follows:

The amount Approved for Arrears is \$2,700.00 for the months of May- July 2021

The amount Approved for Prospective Payments is \$2,700.00 for the months of August- October 2021.

The amount Approved for Late Fees: \$270 (\$90 for May, June, July)

Payee: Landlord/Owner: DOUGLAS HEATON

Payment was sent via mailed check on 11/18/2021 and cashed 12/10/2021.

Thank you,
The SC Stay Plus Team

Have Additional Questions? View Our Frequently Asked Questions by clicking [HERE](#) or call our Customer Care team at (803) 336-3420, Monday-Friday from 8am-9pm ET. You may also reach us by replying to this email or emailing us directly at SCStayPlus@schousing.com.

SCRPC Form 4CE (08/31/2017) Page 2 of 2

and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.