



RECEIVED
Jul 27 2022
SC Court of Appeals

Attorneys & Counselors at Law

843-488-5000

July 25, 2022

Via Facsimile Only to
(843) 915-6065

Clerk, Central Jury Court
1201 Third Avenue
Conway, SC 29526

**RE: Cindy Smith and Richard Smith vs. Frank Demaria, Brittany Hunter,
and Lorretta Demaria
Case Number: 2021-CV-26-1091841
Appeal: 2021-CP-26-109-07445**

Dear Sir/Madam:

Enclosed please find a fully executed Affidavit of Non-Compliance in the above matter. Pursuant to your recommendation, this new Affidavit is being filed as a result of the Defendants' repeated failures to pay the Court-ordered Bond.

Per SC Statutes 27-37-130 and 27-40-800, an ejectment of the tenants and the appeal can be stayed upon the posting of Bond. The tenants have failed to pay their Court-ordered Bond for several months, their last Bond payment being received in April of 2022.

Although the tenants have lost the appeal in the Circuit Court and have an open filing with the Court of Appeals, they have failed to pay the Bond required by this Court. Therefore, we ask for an immediate Order of Non-Compliance to eject the tenants from the property for failure to pay the Court-ordered Bond.

With kind regards, I am

Very truly yours,

COASTAL LAW, LLC

Russel W. Fry, Esquire

RWF:kb/Enc.

MAIL: 1314 SECOND AVENUE, CONWAY, SC 29526

CONWAY OFFICE
Across from Courthouse
1314 2nd Avenue
Conway, SC 29526

MYRTLE BEACH OFFICE
Across from Myrtle Beach Courthouse
1104 Oak St.
Myrtle Beach, SC 29577

WEBSITE: WWW.COASTAL-LAW.COM

2022-000738

STATE OF SOUTH
CAROLINA

COUNTY OF HORRY

Cindy Smith and Richard Smith,

Plaintiff,

v.

Frank Demaria, Brittany Hunter,
and Lorretta Hunter,

Defendants.

IN THE MAGISTRATE COURT

COMMON PLEAS: 2021-CP26-7445

CIVIL: 2021-CV-261091841

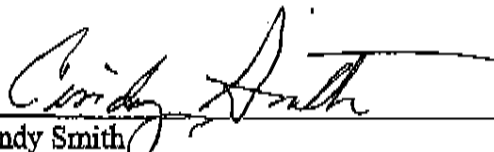
**LANDLORD'S AFFIDAVIT OF
NON-COMPLIANCE**

I, Cindy Smith, the Plaintiff/Landlord in this action do make the following claims:

- A. Pursuant to Section 37-40-800 of the SC Code of Laws, a Bond hearing was held in conjunction with civil case number: 2021-CV-26-1091841.
- B. Tenant signed Bond to Stay Execution of Warrant of Ejectment pursuant to Section 27-37-40 of the SC Code of Laws agreeing to pay unto the Landlord as required within five (5) days from Bond Hearing.
- C. Tenant has FAILED to pay the required BOND in the amount of Two Thousand Six Hundred Dollars and Zero Cents (\$2,600.00) due on May 13, 2022, June 13, 2022 and July 13, 2022, for a total amount of arrears of Seven Thousand Eight Hundred Dollars and Zero Cents (\$7,800.00). The Bond payments are due at 5:00 p.m., on the 13th of each month.

I state under penalty of perjury that the above is correct and truthful except those based on my information and belief.

Dated: July 25, 2022




Cindy Smith
Plaintiff/Landlord/Property Management Co.

Sworn to and Subscribed

Before me this 25th day of

July, 2022.


Notary Public

Karl Hohna
Notary Public
State of South Carolina
My Commission Expires 09/16/2029

CENTRAL JURY COURT
JUL 25 '22 PM 4:23

STATE OF SOUTH CAROLINA

2021CV261091841
CIVIL CASE NUMBER

COUNTY OF HORRY

IN THE MAGISTRATE'S COURT

ORDER OF NON COMPLIANCE

Cindy Smith
3565 Forestbrook Road
Myrtle Beach, SC 29588
(843) 385-0310

Richard Smith
3565 Forestbrook Road
Myrtle Beach, SC 29588

PLAINTIFF(S)

Vs

Frank Demaria
3700 Ed Smith Ave
Myrtle Beach, SC 29588

Brittany Hunter
3700 Ed Smith Avenue
Myrtle Beach, SC 29588

Loretta Demaria
3700 Ed Smith Avenue
Myrtle Beach, SC 29577

DEFENDANT(S)

Personally appeared before me Cindy Smith Plaintiff/ Landlord and pursuant to Section 27-40-800 of the South Carolina Code of Laws, a bond hearing was held in conjunction with civil case 2021CV261091841.

The Plaintiff states the Defendant/Tenant failed to appear failed to post bond in the amount of \$7800 to stay the execution of the Warrant of Ejectment pursuant to Section 27-37-40 of the South Carolina Code of Laws 1976 as amended.

It is therefore ordered: The Clerk of Court is to be notified of the Defendant's non-compliance with the above Section and a Warrant of Ejectment is to be issued in accordance with Section 27-37-40.

Given under my hand and seal this 26 Day July of, 20 22.

Margie B. Smith
Magistrate

South Carolina Court of Appeals

1000 W. BROADWAY, 1100
 COLUMBIA, SOUTH CAROLINA 29201
 1000 BROADWAY, 1100
 COLUMBIA, SOUTH CAROLINA 29201
 TEL: (803) 734-1000
 FAX: (803) 734-1034
 www.sccourts.org

JORGE GONZALEZ
 SHERIFF'S OFFICE
 2121 MAIN ST
 W. COLUMBIA, SC 29201

Re: **Case No. 2022-000138**
Case No. 2022-000138

Dear Ms. Hunter, Ms. DeMaria, and Mr. DeMama:

This Court has received your notice of appeal, and the case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at www.sccourts.org/courtreg. Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.