

RECEIVED
Jul 28 2022
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY
Circuit Court

Jennifer McCoy
Circuit Court Judge

Appellate Case No. 2022-000861

Stephen Woodard Respondent,

v.

Vermica Grant Appellant.

MOTION TO DISMISS
OR IN THE ALTERNATIVE
TO SET BOND

Pursuant to Rule 240, SCACR, Respondent Stephen Woodard moves to dismiss this appeal, or in the alternative, to set an appeal bond. Respondent would show the following in support of his motion:

1. This is the appeal of a Rule to Vacate in a residential real estate eviction. Respondent Stephen Woodard is the landlord and Appellant Vermica Grant is the tenant.
2. The Circuit Court record is attached as an exhibit. From this exhibit, this Court will find:

- a. Respondent filed a Rule to Vacate or Show Cause on April 18, 2022, for Appellant's failure to pay rent when due.¹
 - b. Appellant did not request a hearing, and Respondent filed a Writ of Ejectment on May 2, 2022, which was served on Appellant on May 5, 2022.
 - c. Appellant filed a notice of appeal to the Circuit Court on May 6, 2022, and the Berkeley County Magistrate Court held a hearing on an appeal bond on May 11, 2022.
 - d. At this hearing, the Magistrate set the appeal bond to \$2,350.00 each month, due on the 1st day of the month.
 - e. Appellant did not post bond. On June 13, 2022, the Magistrate issued an order noting the Appellant's failure to post bond and ordering a Warrant of Ejectment be issued.
 - f. On June 16, 2022, the Circuit Court dismissed Appellant's appeal.
3. Appellant served a notice of appeal to this Court on June 20, 2022. This notice of appeal lacks the required filing fee under Rule 203(d)(1)(B)(iii), SCACR.
 4. Accordingly, this appeal should be dismissed for Appellant's failure to comply with the rules of this Court, and any other grounds apparent from the record.
 5. Further, Respondent requests sanctions against the Appellant for the initiation of this matter, which has the sole purpose of extending her rent-free stay in Respondent's property. *See* Rule 269, SCACR. This is an abuse of the legal system, and as the proceedings below show, Appellant has engaged in such activities before. Appellant's acts have prevented

¹ Appellant has also violated her lease with Respondent in many other particulars, such as an unauthorized pet, damaging the premises, and having multiple unauthorized co-tenants.

Respondent from renting the property and he has incurred attorney's fees and costs.²

Respondent requests an order of this Court allowing him to recoup his losses and to punish Appellant for her actions.

6. In the alternative, should this Court allow this appeal to proceed, Respondent would ask this Court (or the Circuit Court on remand) to set a bond for appeal of \$5,000.00 payable immediately, and \$2,350.00 due on the 1st of each month.

Dated: 07/28/2022

/s/ Jason Scott Luck
Jason Scott Luck
P.O. Box 47
Bennettsville, SC 29512
843.479.6863 (o)
843.479.7222 (f)
jason@luck.law
Attorney for Respondent

² The Appellant has not paid her \$2,350.00 monthly rent in full since March. She made a partial payment of \$1,650.00 in June, purportedly for the bond.

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**APPEAL FROM BERKELEY COUNTY
Circuit Court
Jennifer McCoy
Circuit Court Judge**

Appellate Case No. 2022-000861

Stephen Woodard Respondent,

v.

Vermica GrantAppellant.

**EXHIBIT TO MOTION
(TRIAL COURT RECORD)**

Vermica Grant
PLAINTIFF(S)

Stephen Woodard
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 **DISMISSED**
- 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:

Appellant filed an appeal on 05/06/2022. Appellant failed to comply with the Bond to Stay. Magistrate filed a request for Dismissal on 06/14/2022. Therefore, this matter is hereby DISMISSED.

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 06/16/2022 .

Magistrate Court Goose Creek
Vermica Grant for Vermica Grant
Stephen Woodard for Stephen Woodard
Stephen Woodard for Stephen Woodard
Vermica Grant for Vermica Grant

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

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.



Berkeley Common Pleas

Case Caption: Vermica Grant VS Stephen Woodard

Case Number: 2022CP0801083

Type: Order/Electronic Form 4

So Ordered

s/Jennifer B. McCoy #2764

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

2022CV0810601201
CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

FILED

2022 JUN 14 AM 10:35

ORDER OF NON COMPLIANCE

JEAN GUERRE
CLERK OF COURT
BERKELEY COUNTY, SC

2022-CP-08-01083

Stephen Woodard
804 Harbour Watch Court
Mt. Pleasant, SC 29464
(843) 327-1600

PLAINTIFF(S)

Vs

Vermica Grant
115 Hayworth Rd
Summerville, SC 29486

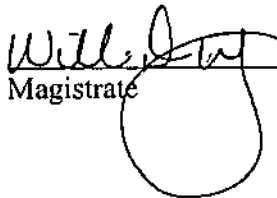
DEFENDANT(S)

Personally appeared before me Stephen Woodard 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 2022CV0810601201.

The Plaintiff states the Defendant/Tenant failed to appear failed to post bond in the amount of \$2,350.00 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 June 13, 2022.


Magistrate

E-MAILED JUN 13 2022

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

) IN THE MAGISTRATE'S COURT
) CASE NO: 2022CV0810601201
) CIVIL CASE NO.: 2022-CP-08-01083

Vermica Grant,
Plaintiff (Tenant)

MAGISTRATE'S RETURN

vs.

Stephen Woodard,
Defendant (Landlord)

This matter is on appeal from the Magistrate Court of Berkeley County, presiding judge, the Honorable Rad S. Deaton.

Stephen Woodard filed a Rule to Vacate or Show Cause (Eviction) on April 18, 2022. The Rule to Vacate or Show Cause (Eviction) was signed by the Honorable William D. Wilson, Jr. Vermica Grant was being evicted for failure to pay rent when due or demanded in an undisclosed amount.

A Show Cause Hearing was not requested by Vermica Grant. Stephen Woodard filed the Writ of Ejectment on May 2, 2022. The Writ of Ejectment was served on May 5, 2022 at 9:52 am and was signed by the Honorable William D. Wilson, Jr. Vermica Grant filed an Appeal on May 6, 2022. The Bond-to-Stay Hearing was scheduled on May 11, 2022 and heard by the Honorable Rad S. Deaton. Stephen Woodard appeared for the Bond-to-Stay Hearing in person. Vermica Grant attended remotely via telephone. Below is the outcome from the Bond-to-Stay hearing.

1. \$2,350.00 per month due on the 1st day of the month and late after the 5th of each month.

Dated this 11 day of May, 2022
Goose Creek, SC

W.D. Wilson, Jr.
Judge William D. Wilson, Jr. Magistrate
303-B North Goose Creek Blvd.
Goose Creek, SC 29445
843-553-7080 / 843-553-7074 (fax)

Enclosures: Bond-to-Stay on Execution of Appeal

LEAH QUERRY
CLERK OF COURT
BERKELEY COUNTY, SC

AK
2022 MAY 17 AM 2:18
FILED

cc: [unclear]

STATE OF SOUTH CAROLINA)
)
)
 COUNTY OF BERKELEY)
)
)
)
)

2022CV0810601201
CIVIL CASE NUMBER
MAGISTRATE'S COURT

BOND TO STAY EXECUTION
ON APPEAL

Stephen Woodard
804 Harbour Watch Court
Mt. Pleasant, SC 29464
(843) 327-1600

LANDLORD

Vs

Vermica Grant
115 Hayworth Rd
Summerville, SC 29486

TENANT(S)

TO: Circuit Court

Now comes the Tenant(s) in the above entitled action and respectfully shows the Court that a Judgment of Execution was issued against the Tenant(s) and for the Landlord on **May 2, 2022**, by the Magistrate. Tenant(s) has appealed the Judgment to the Circuit Court.

Pursuant to the findings of the Magistrate, the Tenant(s) is obligated to pay rent in the amount of \$2,350.00 per month, due on the 1st day of each month by certified funds to Stephen Woodard.

Tenant(s) hereby undertakes to pay the periodic rent hereinafter due according to the aforesaid findings of the Court and moves the Circuit Court to stay execution on the Judgment for Ejectment until this matter is heard on appeal and decided by the Circuit Court.

Dated on May 11, 2022:

Present via phone
Tenant(s)

Upon execution of the above bond, execution on the Judgment of Ejectment is hereby stayed until the action is heard on appeal and decided by the Circuit Court. If Tenant(s) fails to make any rental payment within five days of the due date, upon application of the Landlord, the stay of execution shall dissolve, the appeal by the Tenant(s) to the Circuit Court on issues dealing with possession must be dismissed and the Sheriff may dispossess the Tenant(s).

Dated on May 11, 2022

JUDGE

Goose Creek Magistrate
303-B North Goose Creek Blvd.
Goose Creek, SC 29445
Phone: (843) 553-7080
Fax: (843) 553-7074

dk

FILED

2022 MAY 17 AM 2:16

LEAH GUERRY DORRICE
CLERK OF COURT
BERKELEY COUNTY, SC

Appeal Transmittal

Date: 5/12/2022

Goose Creek Magistrate
303-B N. Goose Creek Blvd.
Goose Creek, SC 29445
843-553-7080

From: Valita Goodman

Name	Case Number	Documents being transmitted
Vermica Grant (tenant) vs Stephen Woodard (landlord)	2022CV0810601201 2022-CP-08-01083	Bond-to-Stay on Execution of Appeal Magistrate's Return

Received this 16 day of May 2022

Received by: *[Signature]*

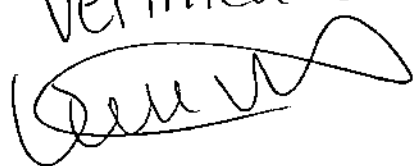
Please sign and return to Goose Creek Magistrate.

cc: nos

2022-CP-08-01083

FILED
2022 MAY -6 PM 2:42
-EVA GUE...
CLERK OF COURT
BERKELEY COUNTY
SMM

I am appealing this because I never
received a mailbox key and my money. I
had to change the mailing address twice
now the bank wants me to come in person
to verify my identity because of all the fraud
I don't have a local bank so I am trying
to get time off to drive to the bank
I just need time to get to the bank

Vermica Grant


5-6-2022

cc:
V.G.

COUNTY OF _____

Vermica Grant

Plaintiff(s)

CIVIL ACTION COVERSHEET

2022-CP-08-01088

vs.

Stephen Woodward

Defendant(s)

Submitted By: Vermica Grant

SC Bar #: _____

Address: _____

Telephone #: 843-909-2298

115 Hayworth Rd

Fax #: _____

Selmaville SC 29486

Other: _____

E-mail: VermicaGrant@gmail.com

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. This form is NOT required to be filed in E-Filed Cases.

DOCKETING INFORMATION (Check all that apply)

* If Action is Judgment/Settlement do not complete

- JURY TRIAL demanded in complaint. NON-JURY TRIAL demanded in complaint
- This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|---|--|--|--|
| <p>Contracts</p> <ul style="list-style-type: none"> <input type="checkbox"/> Constructions (100) <input type="checkbox"/> Debt Collection (110) <input type="checkbox"/> General (130) <input type="checkbox"/> Breach of Contract (140) <input type="checkbox"/> Fraud/Bad Faith (150) <input type="checkbox"/> Failure to Deliver/Warranty (160) <input type="checkbox"/> Employment Discrim (170) <input type="checkbox"/> Employment (180) <input type="checkbox"/> Other (199) | <p>Torts - Professional Malpractice</p> <ul style="list-style-type: none"> <input type="checkbox"/> Dental Malpractice (200) <input type="checkbox"/> Legal Malpractice (210) <input type="checkbox"/> Medical Malpractice (220) Previous Notice of Intent Case #
20 <u>-NI-</u> <input type="checkbox"/> Notice/ File Med Mal (230) <input type="checkbox"/> Other (299) | <p>Torts - Personal Injury</p> <ul style="list-style-type: none"> <input type="checkbox"/> Conversion (310) <input type="checkbox"/> Motor Vehicle Accident (320) <input type="checkbox"/> Premises Liability (330) <input type="checkbox"/> Products Liability (340) <input type="checkbox"/> Personal Injury (350) <input type="checkbox"/> Wrongful Death (360) <input type="checkbox"/> Assault/Battery (370) <input type="checkbox"/> Slander/Libel (380) <input type="checkbox"/> Other (399) | <p>Real Property</p> <ul style="list-style-type: none"> <input type="checkbox"/> Claim & Delivery (400) <input type="checkbox"/> Condemnation (410) <input type="checkbox"/> Foreclosure (420) <input type="checkbox"/> Mechanic's Lien (430) <input type="checkbox"/> Partition (440) <input type="checkbox"/> Possession (450) <input type="checkbox"/> Building Code Violation (460) <input type="checkbox"/> Other (499) |
| <p>Inmate Petitions</p> <ul style="list-style-type: none"> <input type="checkbox"/> PCR (500) <input type="checkbox"/> Mandamus (520) <input type="checkbox"/> Habeas Corpus (530) <input type="checkbox"/> Other (599) | <p>Administrative Law/Relief</p> <ul style="list-style-type: none"> <input type="checkbox"/> Reinstate Drv. License (800) <input type="checkbox"/> Judicial Review (810) <input type="checkbox"/> Relief (820) <input type="checkbox"/> Permanent Injunction (830) <input type="checkbox"/> Forfeiture-Petition (840) <input type="checkbox"/> Forfeiture-Consent Order (850) <input type="checkbox"/> Other (899) | <p>Judgments/Settlements</p> <ul style="list-style-type: none"> <input type="checkbox"/> Death Settlement (700) <input type="checkbox"/> Foreign Judgment (710) <input type="checkbox"/> Magistrate's Judgment (720) <input type="checkbox"/> Minor Settlement (730) <input type="checkbox"/> Transcript Judgment (740) <input type="checkbox"/> Lis Pendens (750) <input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760) <input type="checkbox"/> Confession of Judgment (770) <input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780) <input type="checkbox"/> Incapacitated Adult Settlement (790) <input type="checkbox"/> Other (799) | <p>Appeals</p> <ul style="list-style-type: none"> <input type="checkbox"/> Arbitration (900) <input checked="" type="checkbox"/> Magistrate-Civil (910) <input checked="" type="checkbox"/> Magistrate-Criminal (920) <input type="checkbox"/> Municipal (930) <input type="checkbox"/> Probate Court (940) <input type="checkbox"/> SCDOT (950) <input type="checkbox"/> Worker's Comp (960) <input type="checkbox"/> Zoning Board (970) <input type="checkbox"/> Public Service Comm. (990) <input type="checkbox"/> Employment Security Comm (991) <input type="checkbox"/> Other (999) |
| <p>Special/Complex /Other</p> <ul style="list-style-type: none"> <input type="checkbox"/> Environmental (600) <input type="checkbox"/> Automobile Arb. (610) <input type="checkbox"/> Medical (620) <input type="checkbox"/> Other (699) <input type="checkbox"/> Sexual Predator (510) <input type="checkbox"/> Permanent Restraining Order (680) <input type="checkbox"/> Interpleader (690) <input type="checkbox"/> Pharmaceuticals (630) <input type="checkbox"/> Unfair Trade Practices (640) <input type="checkbox"/> Out-of State Depositions (650) <input type="checkbox"/> Motion to Quash Subpoena in an Out-of-County Action (660) <input type="checkbox"/> Pre-Suit Discovery (670) <input type="checkbox"/> Other (799) | | | |

2022 MAY 05 PM 2:43
 CLERK OF COURT
 BERKELEY COUNTY

FILED

Submitting Party Signature: _____

Date: 5-6-2022

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

STATE OF SOUTH CAROLINA)
)
COUNTY OF BERKELEY)
)
)
)
)

2022CV0810601201
CIVIL CASE NUMBER
IN THE MAGISTRATE'S COURT
WRIT OF EJECTMENT

Stephen Woodard
804 Harbour Watch Court
Mt. Pleasant, SC 29464
(843) 327-1600

PLAINTIFF(S)

Vs
Vermica Grant
115 Hayworth Rd
Summerville, SC 29486

DEFENDANT(S)

TO THE SHERIFF/MAGISTRATE'S CONSTABLE:

Upon Judgment of this Court, rendered on the 2nd day of May, 2022, you are hereby Ordered to proceed to the premises located at **115 Hayworth Rd
Summerville, SC 29486.**

Announce your identity and purpose and serve on the defendant(s) and all occupants a copy of this Writ of Ejectment. Inform them they have **twenty four (24) hours to voluntarily vacate the premises. If the premises appear unoccupied and no one responds to your announced identity and purpose, the Writ of Ejectment shall be served by securely attaching a copy of the Writ in a conspicuous place on the premises.**

If after 24 hours following the service or posting of the Writ, the occupants have not voluntarily vacated the premises, **a deputy sheriff may enter the premises using only as much force as is necessary to effectuate the Ejectment.**

Upon gaining access, you shall **remove from the premises any occupants and all items of personal property found on the premises. Such property may be deposited beside the public street or roadway.** All personal property removed from the premises and placed on a public street or roadway may be removed by the proper local government agency after forty eight (48) hours, excluding Saturdays, Sundays, and holidays. Such property may also be removed in the normal course of debris or trash collection before or after a period of forty eight (48) hours.

May 2, 2022

Goose Creek Magistrate

_____, being duly sworn state that:

- I personally served a copy of this Writ on _____, an occupant of the rental unit
- On _____ 20____, at _____ the rental unit appeared unoccupied and no one responded when I announced my identity and intentions. I attached a copy of this Writ to a conspicuous part of the premise.
- On _____ 20____, at _____, which was not less than 24 hours from the posting date and time, I returned to the rental unit for the purpose of ejectment.
- Under my supervision, I had all persons and personal property removed and evicted from the rental unit placing all personal property beside the roadside.
- The rental unit was unoccupied. The Tenant and all occupants had vacated the unit.
- Informed by Plaintiff that case is settled.

Date: _____, 20____

Sheriff/Deputy Sheriff/Constable

Common Pleas

Clerk : Leah Guerry Dupree

300 B California Avenue

Moncks Corner, SC 29461

Phone:(843) 719-4400 Fax:(843) 719-4509

Received From: Grant, Vermica
115 Hayworth Rd
Summerville, SC 29486

Date: 5/ 6/2022
Receipt #: 6110758
Clerk: c08slovin

Paying for: Self
Transaction Type: Payment

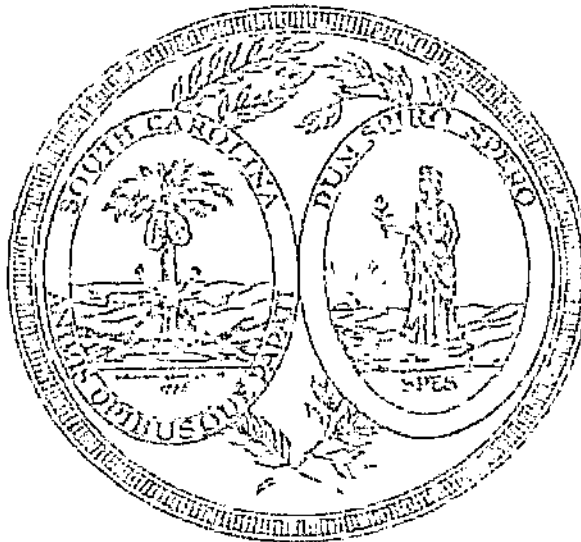
Payment Type: Cash \$150.00
Total Paid: \$150.00

Reference #:
Comment:
Non-Refundable

You may check the status of your Berkeley case at:

<http://www.sccourts.org/caseSearch/>

<u>Case #</u>	<u>Caption</u>	<u>Previous Balance</u>	<u>Amount Paid</u>	<u>Balance Due</u>
2022CP0801083	Vermica Grant VS Stephen Woodard	\$150.00	\$150.00	\$0.00



Total Cases:	1	\$150.00	\$150.00	\$0.00
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Jul 28 2022
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY
Circuit Court
Jennifer McCoy
Circuit Court Judge

Appellate Case No. 2022-000861

Stephen Woodard Respondent,

v.

Vermica GrantAppellant.

CERTIFICATE OF SERVICE

I certify I have served the (1) Notice of Appearance; (2) Motion to Dismiss, or in the alternative, to Set Bond; and (3) Return to Motion to Proceed without Costs on *pro se* Appellant Vermica Grant by depositing a copy of the same in the United States Mail, postage prepaid, on July 28, 2022, addressed to 115 Hayworth Road, Summerville, SC 29486.

Dated: 07/28/2022

/s/ Jason Scott Luck
Jason Scott Luck
P.O. Box 47
Bennettsville, SC 29512
843.479.6863 (o)
843.479.7222 (f)
jason@luck.law
Attorney for Respondent

JASON SCOTT LUCK

ATTORNEY AT LAW

**P.O. BOX 47 (107 S. PARSONAGE ST.)
BENNETTSVILLE, SC 29512
843.479.6863**

RECEIVED

Jul 28 2022

SC Court of Appeals

28 July 2022

S.C. Court of Appeals
ATTN: Clerk / Filings
P.O. Box 11629
Columbia, SC 29211

Re: Woodard v. Grant, 2022-000861

Dear Clerk:

Please find enclosed my Notice of Appearance, Respondent's Motion to Dismiss, or in the alternative, to Set Bond, and Return to Motion to Proceed without Costs. I am also enclosing a firm check for \$50.00, representing the required filing fee for the motion.

Please do not hesitate to contact me with any questions.

With Kind Regards,



Jason Scott Luck

/JSL

Enclosures

Cc: Stephen Woodard (via email) (w/enc)
Vermica Grant (w/enc)
S.C. Court of Appeals (via email) (w/enc)