

FORM 4

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

JUDGMENT IN A CIVIL APPEAL

CASE NO. 2021-CP-42-04055
(2021CV4210301115)

Diane JACKSON-WRIGHT,

Lorine JACKSON,

TENANT/Defendant/APPELLANT,

LANDLORD/Plaintiff/RESPONDENT.

Submitted by: the Court	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant or <input type="checkbox"/> Self-Represented Litigant
--------------------------------	--

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. See Page 2 for additional information.
- 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

IT IS ORDERED AND ADJUDGED: See following pages for complete ruling. Statement of Judgment by the Court:

This matter came before the court via Webex technology for hearing with the parties appearing without counsel. This is an appeal from a writ of ejection issued in a landlord/tenant eviction action commenced in the magistrate court pursuant to S. C. Code Ann. Section 27-37-20.

Landlord (Jackson) filed an application in the magistrate court seeking issuance of a rule requiring the tenant (Jackson-Wright) to vacate the premises occupied by tenant or to show cause why tenant should not be ejected based upon the tenant's (1) failure to pay monies in accordance with an agreement for occupancy (2) the term of tenant's occupancy has ended, and (3) the terms and conditions of the agreement for occupancy have been violated.

A Rule to Vacate or Show Cause was issued by the magistrate and served on the tenant. A "show cause" hearing was requested by the tenant and a hearing held with the parties appearing and presenting testimony and evidence. After taking testimony and considering all evidence submitted the magistrate found the landlord was entitled to possession of the premises and ordered the tenant evicted.

A warrant of ejectment was issued by the magistrate but its execution stayed upon tenant filing a Notice of Appeal and posting bond.

"When a judgment is rendered by a magistrate court ... the appeal shall be to the circuit court of the county wherein the judgment was rendered ..." S. C. Code Ann. Section 18-7-10.

"The appellant, within thirty days after written notice of judgment has been given him ... shall serve a notice of appeal stating the grounds upon which the appeal is founded." S. C. Code Ann. Section 18-7-20.

"The appeal shall be heard by the court upon all the papers in the case ... and the grounds of exception made, without examination of witnesses in court." S. C. Code Ann. Section 18-7-130.

Reviewing the appellant's notice of appeal and the magistrate return, it appears that Appellant takes exception to the magistrate's ruling stating that: (1) "the rent has consistently been paid." (2) "the property is maintained in accordance with the city of Inman standards" and (3) [the property is] "a family plot in which the monies paid are to assist in the payment of the taxes." The magistrate based his ruling for the writ of ejectment upon a finding that the term of the occupancy agreed upon by the parties pursuant to a written agreement had ended and the landlord had provided the tenant with proper notice to vacate the premises. These are factual issues decided by the magistrate based upon consideration of the evidence presented at the "show cause" hearing.

"Upon hearing the appeal the appellate court shall give judgment according to the justice of the case, without regard to technical errors and defects which do not affect the merits. In giving judgment the court may affirm or reverse the judgment of the court below, in whole or in part, as to any or all parties and for errors of law or fact." S. C. Code Ann. Section 18-7-170.

The appellate court should not ordinarily involve itself in judging the credibility of witness testimony as that is the function of the trier of fact who is usually in a better position to make that assessment than an appellate court. Southern Realty & Construction v. Bryan, 290 SC 302 (Ct. App. 1986).

Upon review of the record and the argument made at the hearing on appeal, this court finds that the judgment of the magistrate court is supported by the law and evidence appearing in the record of this case.

There appearing no error of law or fact, the **JUDGMENT** of the magistrate court should be and **IS** therefore **AFFIRMED** and the **APPEAL** is therefore **DISMISSED**.

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk

:

INFORMATION FOR THE JUDGMENT INDEX		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order:		



Spartanburg Common Pleas

Case Caption: Diane Jackson-Wright VS Lorine Jackson

Case Number: 2021CP4204055

Type: Order/Form 4

IT IS SO ORDERED!

s/J. Derham Cole 2053