

RECEIVED

Aug 22 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM HORRY COUNTY  
Horry County Magistrate Court

Bradley D. Mayers, Magistrate Judge

RECEIVED

Sep 14 2022

SC Court of Appeals

Case No.: 2022CV261072370  
2022-CP-26-03318

Parcon Holdings, LLC ..... Respondent

vs.

Champion Nursery & Landscaping, LLC ..... Appellant.

**NOTICE OF APPEAL**

Appellant Champion Nursery & Landscaping, LLC, appeals the Order and Judgment in favor of Respondent Parcon Holdings, LLC which was signed by the Honorable Bradley D. Mayers on April 26, 2022, and Writ of Ejectment signed and dated April 27, 2022.

FILED  
COUNTY MAGISTRATE  
2022 SEP -1 P 10 05  
HORRY COUNTY, SC

**HOPKINS LAW FIRM, LLC**

s/ J. Clay Hopkins  
J. Clay Hopkins, SC Bar No. 102053  
clay@hopkinsfirm.com  
12019 Ocean Highway  
Post Office Box 1885  
Pawleys Island, South Carolina 29585  
(843) 314-4202 – Telephone  
(843) 314-9365 – Facsimile

*Attorneys for Appellants*

Pawleys Island, South Carolina

August 22, 2022

Other Counsel of Record:

George N. Spirakis, Esquire  
**Wright, Worley, Pope, Ekster & Moss, PLLC**  
628-A Sea Mountain Highway  
North Myrtle Beach, SC 29582

Attorney for Respondent

FILED  
CLAYTON M. HARRIS, CLERK  
1001 SEP -1 P 2:05  
HORRY COUNTY, SC

THE STATE OF SOUTH CAROLINA  
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Case No.: 2022CV261072370  
2022-CP-26-03318

Parcon Holdings, LLC ..... Respondent

vs.

Champion Nursery & Landscaping, LLC ..... Appellant.

CERTIFICATE OF SERVICE

I, Kathy Roberts, an employee of Hopkins Law Firm, LLC, do hereby certify that on August 22, 2022, I served a copy of the **Notice of Appeal** upon counsel for Respondent via Federal Express, postage prepaid, to the following address:

George N. Spirakis, Esquire  
**Wright, Worley, Pope, Ekster & Moss, PLLC**  
628-A Sea Mountain Highway  
North Myrtle Beach, SC 29582

*Kathy Roberts*  
Kathy Roberts

Pawleys Island, South Carolina

FILED  
COMMON PLEAS MAGISTRATE  
2022 SEP -1 P 2:05  
HORRY COUNTY, SC

STATE OF SOUTH CAROLINA  
COUNTY OF HORRY

CIVIL CASE NUMBER  
#2022CV261072370  
#2022CP2603318

Parcon Holdings LLC

Plaintiff

Vs.

**ORDER OF NON COMPLIANCE**

Chapmion Nursery &  
Landscaping LLC

Defendant

FILED  
CORWAY MAGISTRATE  
2022 SEP -1 10 2:55  
HORRY COUNTY, SC

FILED  
HORRY COUNTY  
2022 AUG 10 A 9: 28  
RENEE N. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC

Personally appeared before me April 25, 2022 Plaintiff/Landlord, that pursuant to section 27-40-800 of the South Carolina code of Laws, a bond hearing was held in conjunction with civil case 2022CV261072370.

27-40-800

(d) If either party disputes the amount of the payment or the due date in the undertaking, the aggrieved party may move for modification of the terms of the undertaking before the circuit court. Upon the motion and upon notice to all interested parties, the court shall hold a hearing as soon as is feasible after the filing of the motion and determine what modifications, if any, are appropriate. No judgment for ejection may be executed pending a hearing on the motion, provided the tenant complied with the terms of the undertaking.

(e) If the tenant fails to make a payment within five days of the due date according to the undertaking and order staying execution, the clerk, upon application of the landlord, shall issue a warrant of ejection to be executed pursuant to Section 27-37-40 of the 1976 Code.

(f)(1) Upon appeal to the Supreme Court or to the court of appeals, it is sufficient to stay execution of a judgment for ejection that the tenant sign an undertaking that he will pay to the landlord the amount of rent,

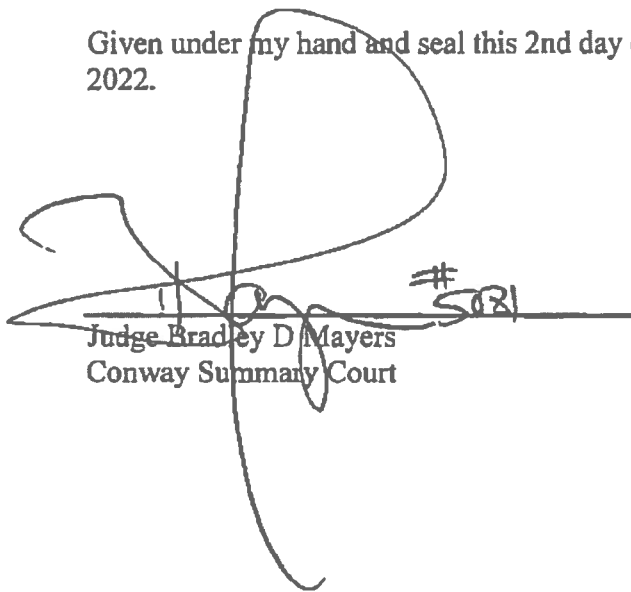
determined by order of the judge of the circuit court, as it becomes due periodically after judgment was entered. The judge of the court having jurisdiction shall order stay of execution upon the undertaking.

(2) The tenant's failure to comply with the terms of the undertaking entitles the landlord to execution of the judgment for possession in accordance with the provisions of subsection (e) of this section.

The Plaintiff states the Defendant/Tenant  failed to appear  failed to post bond in the amount of \$2500.00 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 27-37-40.

Given under my hand and seal this 2nd day of August 2022.

  
#5081  
Judge Bradley D. Mayers  
Conway Summary Court

FILED  
CONWAY ADMINISTRATOR  
2022 SEP -1 PM 2:05  
HORRY COUNTY, SC

FILED  
HORRY COUNTY  
2022 AUG 10 A 9:28  
REHEE N. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC

STATE OF SOUTH CAROLINA )  
COUNTY OF HORRY )

IN THE MAGISTRATE'S COURT

2022CV261072370

2022CP2603318

CIVIL CASE NUMBER

Parcon Holdings LLC )  
Plaintiff(s) )

LANDLORD'S AFFIDAVIT OF NON-COMPLIANCE

VS.

Champion Nursery & Landscaping, LLC )  
Defendant(s) )

FILED  
MAGISTRATE  
2022 SEP 14 11:46 AM  
HORRY COUNTY, SC

I, Parcon Holdings LLC, the Plaintiff/Landlord in this civil action do make the following claims:

- A. Pursuant to Section 27-40-800 of the South Carolina Code of Laws, a bond hearing was held in conjunction with civil case 2022CV261072370.
- B. Tenant signed Bond to Stay Execution of Warrant of Ejectment, agreeing to pay unto the Landlord as required within five days from bond hearing.
- C. Tenant has failed to post bond in the amount of \$2500.00 to stay the Execution.
- D. Tenant has failed to pay monthly rent as ordered in the amount of \$ 2,500.00, due on the 1<sup>st</sup> day of each month starting with July 1, 2022.
- E. Tenant paid did not forward funds to the Plaintiffs on July 1, 2022 as Court Ordered ( Order Attached).

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

Dated August 2, 2022

Richard Guignon  
Parcon Holding LLC  
By: Richard Guignon  
Signature of Plaintiff (or his attorney)

Sworn to and Subscribed before me  
This 2 day of Aug, 2022  
[Signature]  
Notary Public for South Carolina  
My Commission Expires 1-6-32

FILED  
HORRY COUNTY  
2022 AUG 10 A 9:28  
REHEE N. ELMIS  
CLERK OF COURT  
HORRY COUNTY, SC

STATE OF SOUTH CAROLINA )  
)  
COUNTY OF HORRY )  
)  
)  
)  
)

2021CV261072370  
CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

WRIT OF EJECTMENT

Parcon Holdings Llc  
C/ Wright Worley Pope Ekster &  
Moss  
628 A Sea Mountain Hwy  
North Myrtle Beach, SC 29582  
(843) 281-9901

FILED  
MAGISTRATE  
CONWAY  
SEP 14 2 05 PM  
HORRY COUNTY, SC

**PLAINTIFF(S)**

Vs

Howard R Mcpherson

Chapmion Nursery & Landscaping L

LC

11157 Hwy 707  
Murrells Inlet, SC 29582

11157 Hwy 707  
Murrells Inlet, SC 29576

**DEFENDANT(S)**

**TO THE SHERIFF/MAGISTRATE'S CONSTABLE:**

Upon Judgment of this Court, rendered on the 26th day of April, 2022, you are hereby Ordered to proceed to the premises located at **11157 Hwy 707 Murrells Inlet, SC 29582.**

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.

April 27, 2022

Conway Magistrate Court

\_\_\_\_\_, 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