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SC Court of Appeals

THE SOUTH CAROLINA COURT OF APPEALS

Amended Return to Motion to Dismiss

Pelican House Apartments

v.

The Estate of Rosa Gee (Ariel Mack appellant)

Appellate Case NO. 2022-001296

On November 2, 2022 the Respondent and their Attorney (Mark W. Buyck) will be presented with a hand delivered a copy of the Return to Motion to Dismiss in The South Carolina Court of Appeals. I Ariel Mack never had a written statement of being added to the lease of Mrs. Rosa Gee (grandmother) but there were several statements given verbally to the Pelican House and Housing that I would be living with my grandmother Rosa Gee. South Carolina law states that any guest residing at the property for more than 14 days in a six month period or spending more than 7 nights consecutively will be considered a tenant. I stated in my appeal on March 23, 2022 that I was only living with Rosa Gee for a year and a half. I made that statement because during that time was when I moved my bed into her apartment. The first statement was verbally made to Sheena Faletti in 2018 when I was added to my grandmother's account at the Pelican House. I had to be added to my grandmother's account in order for the site manager to discuss any payment information Mrs. Gee may owe or anything else involving the guidelines at the Pelican House. My uncle Jerry Gee was living with her full time at the Pelican House until he had to move out. He too was never added to her lease. My grandmother had dementia and needed someone to be over her at all times due to the fact that her dementia was only getting worse. I Ariel Mack stepped in to take care of all of her, her finances and to maintain her well-being and her apartment. I started staying with Mrs. Rosa Gee (grandmother) back and forth from to accommodate her more, to and from her doctor's appointment, to take care of her shopping, and to make sure she was taking her all of her medications prescribed from her doctor. In 2020 I completely moved in after she was sexually assaulted. I made an appeal in writing to the site manager Sheena Falletti at the time of the incident and there was nothing done about that assault at the Pelican House in her apartment. I made a police report and spoke with Pamela Stevenson at the Housing of Florence once I realized the site manager was not going to do anything about what I saw happening to my grandmother the night I came over to visit her (see attachment).

A long with completing Rosa's Gee annual recertification form in 2021 from the nursing Carlyle Senior Care of Kingstree, I completed any necessary forms provided to me from the Pelican House. In the Pelican House Apartments DWELLING HOUSE RULES #7 states that "If a resident is expecting guests he/she should meet them in the lobby, at the front door, to let them enter the building. NO unauthorized person should have a key to the Pelican House (in which I Ariel Mack have a key). Only authorized person (family member or designated person) should have a key. The name or names of those persons who have a key should be given to the manager. *Note -unauthorized means without permission.* The Pelican House will provide reasonable accommodation in rules, policies, practices or services for persons with disabilities where necessary to use and enjoy the dwelling unit.

Therefore I made the Pelican House verbally aware of myself (Ariel Mack) living in the home with my grandmother and neither the site manager Sheena Falletti nor Mindy Martin once spoke to me about being adding me to her lease being that I was already living with her to accommodate her.

The Honorable Frank Judge White ordered the tenant in which is myself (Ariel Mack) to pay \$523 for rent on or before the 5th of every month. If I the tenant did not pay rent on or before the 5th of every month then the Pelican House Apartments could evicted me.

Since the passing of my grandma on January 9, 2022 I have been looking for another place to live. I have applied with Echo housing in February. During the month of her death and the month thereafter I have had two burglaries on the inside of the apartment that I reside in (see attachment). While my grandmother was living I had one break in, in my car. I've made a report every time I've had a break in and I also spoke to the Housing of Florence and the site manager. The site manager Mindy Martin would never give me any information as to whom entered into my car or my apartment. Along with her not supplying any information as to who entered into my apartment she (Mindy Martin- site manager) entered into my apartment on October 19, 2022 with prior notice but in return left my unit unlocked. I returned home at 11:01 pm to my door being unlocked. I was able to walk into the unit without the use of my key.

Oct 31 2022

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