

STATE OF SOUTH CAROLINA

COUNTY OF FLORENCE

SHARON CLARK,

Appellant,

v.

HABITAT 2000 LLC,

Respondent.

IN THE COURT OF COMMON PLEAS

2022-CP-21-01276
COMMON PLEAS CASE NO.

2021CV2110104298
MAGISTRATE CIVIL CASE NO.

**ORDER DENYING MOTION FOR
CONTINUANCE AND DISMISSING AND
DENYING APPEAL**

This matter comes before the Court upon the appeal of Appellant Sharon Clark (“Appellant”) from the entry of a Writ of Ejectment in favor of Respondent Habitat 2000, LLC (“Respondent”) as well as a monetary judgment against Appellant in Respondent’s favor for Two Thousand and no/100 (\$2,000.00) Dollars. On November 10, 2022 this Court held an appeal hearing and appearing for Respondent was Charles Epps (Charlie) Ipock, Esq. Appellant failed to appear. The evening before the hearing, Appellant filed a Motion for Continuance which is denied for the reasons stated herein.

Respondent filed an Application for Ejectment December 2021. Appellant answered and asserted counterclaims along with a demand for a jury trial. During the time between responsive pleadings and the trial, multiple hearings were requested and/or conducted, some of which delayed and/or hindered the jury trial. At the jury trial, Appellant repeatedly sought continuances despite a jury being present and nearly Eight (8) hours of testimony. On June 20, 2022, after hearing the facts of the case, a jury found in favor of Respondent and a Writ of Ejectment was thereafter issued. In addition, the jury found that Appellant was acting in bad faith and without merit, thereby awarding attorney’s fees in favor of Respondent for Two Thousand and no/100 (\$2,000.00) Dollars.

Appeal was taken June 24, 2022 by Appellant. A hearing on the matter was scheduled for August 22, 2022. In return, Appellant filed a Motion for Continuance. For various reasons, that matter was in fact continued. Another hearing on the matter was scheduled for November 10, 2022. In return, Appellant filed another Motion for Continuance. Such was done the night before the hearing under the auspice of her having medical appointments on November 10, 2022. Notwithstanding, the record illustrates that notice was afforded Appellant of the hearing October 20, 2022 by this Court and counsel for Respondent also provided notice of the hearing October 24, 2022. Appellant admits as much in her Motion for a Continuance.

The Court finds these numerous and redundant requests for a continuance as unpersuasive and illustrative of an attempt to delay a hearing of this matter and ultimate resolution of this dispute. Additionally, Appellant had a number of weeks to facilitate changing medical appointments or notifying this Court of the conflict but failed to do so. Further, the Court offered to accommodate Appellant's schedule, but in turn, she refused and expressed total unavailability. Consequently, for the above described reasons, Appellant's Motion for a Continuance is untimely, without merit, and denied.

In addition, Appellant failed to appear and argue why the eviction or underlying findings and order of the Magistrate Court should be appealed. Even had she, upon review of the record, this Court finds no error in law or fact.

Therefore, based on the foregoing, it is **ORDERED, ADJUDGED, AND DECREED** that the Motion for a Continuance is denied.

It is further **ORDERED, ADJUDGED, AND DECREED** that the appeal is dismissed and denied with prejudice and that the Court affirms the judgment of the Court below.

It is further **ORDERED, ADJUDGED, AND DECREED** that the eviction, writ, and/or set-out move forward against Appellant as soon as practical.

Upon the entry of this Order, the Clerk of Court is requested to remit a copy to Appellant and the Florence County Magistrate Court.

November __, 2022

The Honorable Judge Clifton Newman



Florence Common Pleas

Case Caption: Sharon Clark VS Habitat 2000 LLC

Case Number: 2022CP2101276

Type: Order/Dismissal

So Ordered

s/ Clifton B. Newman, 2127

Electronically signed on 2022-11-15 11:17:11 page 4 of 4

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2022CP2101276

Official File Stamp: 11-15-2022 02:08:19 PM
Court: CIRCUIT COURT
Common Pleas
Florence
Case Caption: Sharon Clark VS Habitat 2000 LLC
Document(s) Submitted: Order/Dismissal/Denying Motion for Continuance
and Dismissal Order/Dismissal
Filed by or on behalf of: Clifton Newman

This notice was automatically generated by the Court's auto-notification system.

The following people were served electronically:

Pierce Talmadge MacLennan for Habitat 2000
LLC

Charles Epps Ipock for Habitat 2000 LLC

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Sharon Clark for Sharon Clark

Sharon Clark for Sharon Clark

Certificate of Electronic Notification

Recipients

Charles Ipock - Notification transmitted on 11-15-2022 02:08:33 PM.

Pierce MacLennan - Notification transmitted on 11-15-2022 02:08:33 PM.