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SC Court of Appeals



WINDSOR PALMS
APARTMENT HOMES

December 1, 2022

RE: Shaneka Flournoy
1000 Pinegate Drive
Apt. A09 Spartanburg, SC 29303

Case# 2022CV4210301122

This letter and the attached documents are in regard to the court order dated August 26, 2022. The abovementioned order states that during the appeal process rent must still be paid in full and on time. We have not received any rent, nor communication regarding payment as of today. You currently have an outstanding balance of \$6,618.00.

We are hereby notifying you that we are requesting the order to pay be enforced by the courts and the balance be paid to bring the account current.

Please contact our office directly if you need further information.

Thank you,

Susan Medlin/PMIC

Windsor Palms Apartments

1000 Pinegate DR
Spartanburg, SC 29303
(864)503-9415

windsorpalmspm@artesiacapmgt.com

2022 CP 42 03163
2022 CV 4210301122

APPL - 2

STATE OF SOUTH CAROLINA
COUNTY OF Spartanburg

IN THE MAGISTRATE COURT
4224 Hwy 9
Boiling Springs SC 29716
Address of the Court

Shirley Flournoy

Landlord/Respondent

VS

Windsor Palms Apartments

Tenant/Appellant

ORDER
STAY OF EXECUTION
OF JUDGMENT OF EVICTION
PENDING APPEAL

S.C. Code Section 27-40-800(b)

On August 22, 2022, Tenant filed a bond to stay execution of a judgment of eviction issued on August 12, 2022. Tenant was given a written copy of the judgment of eviction on August 16, 2022.

Tenant's 30-day appeal time began to run on the date the copy of the judgment of eviction was received. However, because section 27-37-100 authorized for the magistrate court to issue an order to evict within 5 days of the judgment of eviction, Tenant applied to this magistrate court for a stay of the execution order before the 5-day period expired and prior to filing of an appeal.

IT IS THEREFORE ORDERED:

1. Execution of an eviction is stayed during the 30-day period in which to appeal and until an appeal, if any, is heard and decided by the circuit court.

Section 27-40-800(a) provides for a tenant to sign an undertaking (bond) to pay to the landlord the amount of rent as it becomes due periodically after the judgment is entered. Signing a bond by a tenant is sufficient to stay execution of a judgment of eviction until an appeal is heard and decided by the circuit court.

2. As a condition of the stay, Tenant must pay to Landlord the periodic rent as it becomes due in the amount and time set in the rental agreement. Section 27-40-800(b) requires payment of rent as a condition of a stay of the eviction.

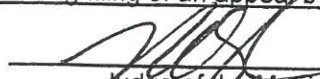
3. Upon affidavit to this court, this stay shall dissolve should Tenant fail to make any rental payment within 5 days of the due date.

4. If Landlord or Tenant disputes the amount of rent to be paid during the stay, either may apply for both to appear before this magistrate court at a hearing to decide the issue.

Section 27-40-800(b) authorizes a magistrate to decide the issue in accordance with code section 27-40-790.

5. Landlord may apply to this court for a temporary restraining order or a hearing for a temporary injunction if Landlord is likely to suffer any immediate danger, harm, or damages resulting from the claimed violations of Tenant pending filing of an appeal by Tenant.

Date: August 26, 2022
Spartanburg, SC



Judge of the Magistrate Court

2022 CP 42 03163

2022 W 4210301122

APPL - 4

STATE OF SOUTH CAROLINA
COUNTY OF Spartanburg

IN THE MAGISTRATE COURT
4224 Hwy 9
Boiling Springs SC 29316
Address of the Court

Shack Flanery
Landlord/Respondent
VS
Windsor Palms Apartments
Tenant/Appellant

ORDER
SETTING FAIR MARKET RENTAL VALUE
AND PERIODIC RENT TO BE PAID
PENDING APPEAL

S. C. Code Section 27-40-790
S. C. Code Section 27-40-800

On August 12, 2022 this court issued a judgment of eviction against Tenant. Tenant received a written copy of the judgment of eviction on August 16, 2022. He hastily filed and signed an undertaking without surety to stay execution of the judgment of eviction.

During the 30 day period in which Tenant has time to decide whether to appeal, a tenant may file an appeal bond without surety. If Tenant and Landlord disagree about the amount of periodic rent that Tenant must pay pending an appeal, the court will decide the issue. The court made a record by either: tape recording; notes signed by witnesses; stenographer or court reporter. See code §§22-3-790, 18-7-60, and 18-70139.

FINDINGS OF FACT

Concerning the fair market rental value of the rental unit occupied by Tenant, as reflected in the record, this court finds the following facts credible: FMV 1068.00. This includes water @ 45.00, Rent @ 975.00, Cable & Internet 40.00, Trash @ 5.00 and pest control @ 2.00

CONCLUSIONS OF LAW

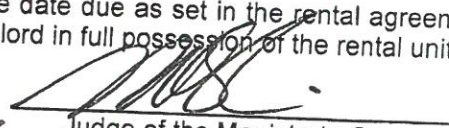
1. The Landlord has proved by the greater weight of the evidence that the fair market rental value of the unit occupied by Tenant is the amount bargained for in the rental agreement.

Section 27-40-800 requires a tenant to pay the periodic rent as it becomes due pending the period of the bond filed to stay eviction pending an appeal. The credible facts related above reveals the greater weight of evidence that supports a reasonable conclusion that the fair market rental value should be the amount bargained for in the rental agreement.

IT IS THEREFORE ORDERED:

1. Pending an appeal, Tenant shall pay a monthly rent of \$ 1068.00.
2. Failure to pay the periodic rent within 5 days of the date due as set in the rental agreement will result in an immediate order of eviction putting Landlord in full possession of the rental unit.

Date: August 26, 2022
Spartanburg, SC


Judge of the Magistrate Court

2022 CV 421030112 2

CIVIL CASE NUMBER

MAGISTRATE'S COURT

BOND TO STAY EXECUTION
ON APPEAL

STATE OF SOUTH CAROLINA

COUNTY OF Spartanburg

Shaneka Flournoy
LANDLORD(S)

VS.

Windsor Palms Apartments
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 August 17, 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 \$ 1066.⁰⁰ per month, due on the 1st of each month, beginning September 1 2022. Payments are to be made by cash, cashier's check or money order to Windsor Palms Apartments, located at 1000 Pinegate Drive Spartanburg SC 29305 "Leasing Office"

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: 8-26-2022

Shaneka Flournoy
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 (5) 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: 8/26/22

[Signature]
JUDGE

Tenant Ledger

Tenants: Shaneka Flournoy

Phone: (864) 706-3617

Unit: A09

Property: Windsor Palms Apartment Homes - 1000 Pinegate Dr Spartanburg, SC 29303

Status: Evict

Move in date: 11/13/2020

Move out date: --

Lease Expiration: 12/31/2022

Rent: 975.00

Deposit Paid: 400.00

Date	Payer	Description	Charges	Payments	Balance
Starting Balance					0.00
11/13/2020		Security Deposits	400.00		400.00
11/13/2020	Shaneka Flournoy	Payment		400.00	0.00
11/01/2021		Rent Income - November 2021	875.00		875.00
11/01/2021		WATER INCOME - November 2021	45.00		920.00
11/06/2021		Late Fee - November 2021 Late Fees	50.00		970.00
11/24/2021	Shaneka Flournoy	Payment (Reference #108105) November Rent & Water Recapture, Late Fees & Prepay December Rent-Apt A09		1,840.00	-870.00
11/30/2021	Shaneka Flournoy	Payment (Reference #108575) Prepaid Rent -Apt A09		1,840.00	-2,710.00
12/01/2021		Rent Income - December 2021	875.00		-1,835.00
12/01/2021		WATER INCOME - December 2021	45.00		-1,790.00
01/01/2022		Rent Income - January 2022	875.00		-915.00
01/01/2022		WATER INCOME - January 2022	45.00		-870.00
01/01/2022		Rent Income - January 2022	975.00		105.00
01/01/2022		Cable & Internet Fees - January 2022 - Cable Internet	40.00		145.00
01/01/2022		Trash Income - January 2022 - Trash Recapture	5.00		150.00
01/01/2022		Pest Control Income - January 2022 - Pest Control	3.00		153.00
01/04/2022	Shaneka Flournoy	Payment (Reference #002) January Rent, Water & Prepayment (A-09)		1,068.00	-915.00
02/01/2022		WATER INCOME - February 2022	45.00		-870.00
02/01/2022		Rent Income - February 2022	975.00		105.00
02/01/2022		Cable & Internet Fees - February 2022 - Cable Internet	40.00		145.00
02/01/2022		Trash Income - February 2022 - Trash Recapture	5.00		150.00
02/01/2022		Pest Control Income - February 2022 - Pest Control	3.00		153.00
02/06/2022		Late Fee - February 2022 Late Fee	50.00		203.00
03/01/2022		WATER INCOME - March 2022	45.00		248.00
03/01/2022		Rent Income - March 2022	975.00		1,223.00
03/01/2022		Cable & Internet Fees - March 2022 - Cable Internet	40.00		1,263.00
03/01/2022		Trash Income - March 2022 - Trash Recapture	5.00		1,268.00
03/01/2022		Pest Control Income - March 2022 - Pest Control	3.00		1,271.00
03/06/2022		Late Fee - March 2022 Late Fee	50.00		1,321.00
03/17/2022		Eviction Expenses - Filed for eviction 03/16/2022	100.00		1,421.00
04/01/2022		WATER INCOME - April 2022	45.00		1,466.00
04/01/2022		Rent Income - April 2022	975.00		2,441.00
04/01/2022		Cable & Internet Fees - April 2022 - Cable Internet	40.00		2,481.00
04/01/2022		Trash Income - April 2022 - Trash Recapture	5.00		2,486.00
04/01/2022		Pest Control Income - April 2022 - Pest Control	3.00		2,489.00

Tenant Ledger

Date	Payer	Description	Charges	Payments	Balance
04/14/2022	Shaneka Flournoy	Payment (Reference #002263) Feb, March, April rent, all late fees and eviction fee 2022		2,369.00	120.00
04/14/2022	Shaneka Flournoy	Payment (Reference #5400038656) April Rent 2022		120.00	0.00
05/01/2022		WATER INCOME - May 2022	45.00		45.00
05/01/2022		Rent Income - May 2022	975.00		1,020.00
05/01/2022		Cable & Internet Fees - May 2022 - Cable Internet	40.00		1,060.00
05/01/2022		Trash Income - May 2022 - Trash Recapture	5.00		1,065.00
05/01/2022		Pest Control Income - May 2022 - Pest Control	3.00		1,068.00
05/05/2022	Shaneka Flournoy	Payment (Reference #1054) May Rent		1,068.00	0.00
06/01/2022		WATER INCOME - June 2022	45.00		45.00
06/01/2022		Rent Income - June 2022	975.00		1,020.00
06/01/2022		Cable & Internet Fees - June 2022 - Cable Internet	40.00		1,060.00
06/01/2022		Trash Income - June 2022 - Trash Recapture	5.00		1,065.00
06/01/2022		Pest Control Income - June 2022 - Pest Control	3.00		1,068.00
06/06/2022	Shaneka Flournoy	Payment (Reference #1056) June Rent 2022		1,068.00	0.00
07/01/2022		WATER INCOME - July 2022	45.00		45.00
07/01/2022		Rent Income - July 2022	975.00		1,020.00
07/01/2022		Cable & Internet Fees - July 2022 - Cable Internet	40.00		1,060.00
07/01/2022		Trash Income - July 2022 - Trash Recapture	5.00		1,065.00
07/01/2022		Pest Control Income - July 2022 - Pest Control	3.00		1,068.00
07/06/2022		Late Fee - Late fee	50.00		1,118.00
07/21/2022		Eviction Expenses - Filed 7.19.22	100.00		1,218.00
08/01/2022		WATER INCOME - August 2022	45.00		1,263.00
08/01/2022		Rent Income - August 2022	975.00		2,238.00
08/01/2022		Cable & Internet Fees - August 2022 - Cable Internet	40.00		2,278.00
08/01/2022		Trash Income - August 2022 - Trash Recapture	5.00		2,283.00
08/01/2022		Pest Control Income - August 2022 - Pest Control	3.00		2,286.00
09/01/2022		WATER INCOME - September 2022	45.00		2,331.00
09/01/2022		Rent Income - September 2022	975.00		3,306.00
09/01/2022		Cable & Internet Fees - September 2022 - Cable Internet	40.00		3,346.00
09/01/2022		Trash Income - September 2022 - Trash Recapture	5.00		3,351.00
09/01/2022		Pest Control Income - September 2022 - Pest Control	3.00		3,354.00
09/06/2022		Late Fee - September 2022	50.00		3,404.00
10/01/2022		WATER INCOME - October 2022	45.00		3,449.00
10/01/2022		Rent Income - October 2022	975.00		4,424.00
10/01/2022		Cable & Internet Fees - October 2022 - Cable Internet	40.00		4,464.00
10/01/2022		Trash Income - October 2022 - Trash Recapture	5.00		4,469.00
10/01/2022		Pest Control Income - October 2022 - Pest Control	3.00		4,472.00
10/07/2022		Late Fee - October late fee	50.00		4,522.00
11/01/2022		WATER INCOME - November 2022	45.00		4,567.00
11/01/2022		Rent Income - November 2022	975.00		5,542.00
11/01/2022		Cable & Internet Fees - November 2022 - Cable Internet	40.00		5,582.00
11/01/2022		Trash Income - November 2022 - Trash Recapture	5.00		5,587.00
11/01/2022		Pest Control Income - November 2022 - Pest Control	3.00		5,590.00
12/01/2022		WATER INCOME - December 2022	45.00		5,635.00
12/01/2022		Rent Income - December 2022	975.00		6,610.00
12/01/2022		Trash Income - December 2022 - Trash Recapture	5.00		6,615.00

Tenant Ledger

Date	Payer	Description	Charges	Payments	Balance
12/01/2022		Pest Control Income - December 2022 - Pest Control	3.00		6,618.00
Total					6,618.00

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PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Weight: 0 lb 0.30 oz			
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Certified Mail®			\$4.00
Tracking #: 70222410000158870331			
Total			\$4.60

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Tracking #: 9405 5118 9950 1866 8474 77			

First-Class Mail® Letter	1		\$0.60
Spartanburg, SC 29303			
Weight: 0 lb 0.50 oz			
Estimated Delivery Date Sat 12/03/2022			
Certified Mail®			\$4.00
Tracking #: 70222410000158870331			

Return Receipt			\$3.25
Tracking #: 9590 9402 7205 1284 0166 26			
Affixed Postage			-\$4.60
Affixed Amount: \$4.60			

Total			\$3.25
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First-Class Mail® Letter	1		\$0.84
Spartanburg, SC 29303			
Weight: 0 lb 1.20 oz			
Estimated Delivery Date Sat 12/03/2022			
Certified Mail®			\$4.00
Tracking #: 70222410000158870348			
Return Receipt			\$3.25
Tracking #: 9590 9402 7205 1284 0166 40			
Total			\$8.09

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SPARTANBURG, SC 29303

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 Adult Signature Required \$0.00
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Postage \$0.84

Total Postage and Fees \$8.09

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12/01/2022

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 City, State, ZIP+4®
 Spartanburg SC 29303

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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