

APPENDIX

- A. MAGISTRATE SUMMONS**
- B. MAGISTRATE ORDER OF DISMISSAL**
- C. AFFIDAVIT OF PAYMENTS**
- D. CDC CERTIFICATION**

**APPENDIX A
SUMMONS**

COUNTY OF ORANGEBURG

Rufus Rivers
Merle Rivers
1429 Legrand Smoak Street
Cordova, SC 29039

MAGISTRATE SUMMONS

You are hereby summoned to be and appear personally in the

**Central Region Magistrate
1540 Ellis Avenue
P. O. Box 9000
Orangeburg, SC**

on **August 24, 2021** at **2:30 PM** to serve as a party in a Motion Hearing in the case of:

RE: James Smith Jr

Vs

**Rufus Rivers
Merle Rivers**

PLAINTIFF(S)

DEFENDANT(S)

Civil Case Number: 2018CV3810702780, Rule to Vacate \$40.

**HEREIN FAIL NOT, ON PAIN OF FORFEITING THE LAWFUL PENALTY IN
SUCH CASE MADE AND PROVIDED.**



JUDGE

**Central Region Magistrate
1540 Ellis Avenue
P. O. Box 9000
Orangeburg, SC 29116
Phone: (803) 533-5844
Fax: (803) 516-4011**

August 9, 2021

APPENDIX B
ORDER FOR DISMISSAL



APPENDIX

Rufus Rivers <rivers788@gmail.com>

-James Smith, Jr. vs Rufus & Merle Rivers (EVICTION HEARING) - 2018CV3810702780

1 message

Stephanie Grant <sgrant@orangeburgcounty.org>

Tue, Oct 26, 2021 at 5:03 PM

To: "kmcDaniel@burnetteshutt.law" <kmcDaniel@burnetteshutt.law>, "rivers788@gmail.com" <rivers788@gmail.com>

Good Afternoon,

As follow up from this afternoon's motion hearing in the above-referenced case, this email serves as clarification of the court's interpretation of the Plaintiff's Motion to Dismiss and the court's ruling thereof. In absence of Defendants Rufus and Merle Rivers, Attorney McDaniel on behalf of Plaintiff Smith, motioned the court for dismissal of action on the plaintiff's case. Attorney McDaniel stated the plaintiff's request not to pursue was based on payment by the defendant to her (for plaintiff) for September and October 2021 rent, and based on veracious beliefs that defendants have or will qualify for SC Stay Rental Assistance Funds.

The plaintiff's Motion to Dismiss was granted with the understanding that plaintiff must refile case if future violation occurs.

The court's ruling is therefore amended and clarified to reflect the following:

- There has been only one case filed in Magistrate Court for an eviction action against the defendants (Case No.# 2018CV3810702780)
- Two attempts have been made by the plaintiff to evict the defendants
- The first attempt at eviction was appealed by the defendants
- Defendants posted appeal bond and made payments for a portion of time per court instructions
- Magistrate Court is holding in escrow, a specific sum as collected in appeal bond payments for forwarding to the plaintiff, pending the outcome of the appeal
- Subsequently, defendants payments per court instructions became non-existent
- Defendant was informed to contact the plaintiff regarding payments
- A second attempt at eviction was pursued by plaintiff and halted pursuant to the CDC Eviction Halt Declaration
- Eviction proceedings resumed after expiration of CDC Eviction Halt Declaration
- In August 2021, Plaintiff's attorney and Defendant made agreement to pay future rent payments to the plaintiff and defendant will seek additional funds from rental assistance agency or other resources to satisfy past unpaid rent
- **October 2021, Plaintiff's Motion to Dismiss is granted by the court and intent will be applied toward the termination of plaintiff's request to proceed with eviction under 2nd request for ejectment. It is the court's understanding that plaintiff no longer desires to pursue eviction under the 2nd attempt for ejectment in this case**
- Original eviction case (2018CV3810702780) in it's entirety will not be dismissed in Magistrate's Court and is considered to be pending until the decision of the Appellate Court is

APPENDIX

published

- Plaintiff will inform the court of the final Appellate Court's decision
- Previous court instructions to the defendant remain in effect for payment of a monthly appeal bond/rental payments
- Pursuant to agreement between the plaintiff and defendants, monthly payments in the amount of \$700 should be made to the plaintiff via attorney
- Defendant's future violation of payment terms can and/or will result in plaintiff's request for eviction and court ordered ejection in this pending case
- This case is still pending in Magistrate's Court awaiting the outcome of the Appellate Court's decision

IT IS SO ORDERED.

The Honorable Judge Stephanie McKune-Grant

Orangeburg County Magistrate



ORANGEBURG COUNTY
WORKING HARD FOR YOU

##

**APPENDIX C
AFFIDAVIT OF PAYMENTS**

JUL 15 2020

SC Court of Appeals

Affidavit To The Court Of Appeals

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

The undersigned, RUFUS AND MERLE RIVERS, being duly sworn, hereby depose and says:

1. We are over the age of 18 and are residents of the State of South Carolina. We have personal knowledge of the facts herein, and, if called as a witness, could testify completely thereon.

2. We suffer no legal disabilities and have personal knowledge of the facts set forth below.

3. We currently have an appeal pending in the Court of Appeals with an appeal bond of \$700.00 per month being paid in to escrow.

4. The appeal alleges the Magistrate lacked subject matter jurisdiction because there was legal action pending in circuit court when the plaintiff filed eviction papers and had already been served on August 14, 2018.(see attached)

5. Magistrate Grant also ordered us to pay rental payments of \$700.00 per month when there was no landlord-tenant agreement and the plaintiff did not ask for rental payments. (see attached).

6. Magistrate Grant's staff refused our payment when we visited the office to provide a notice of appeal on March 2, 2020 without any valid explanation other than the notice did not state a reason for the appeal.

7. It is our belief that we are being treated unfairly and that the magistrate and her staff has taken this matter personally because of the appeal.

8. On March 11, 2020 the sheriff came to evict us and allowed us to remain to another date.

9. We personally visited the Court of appeals on March 12, 2020 and paid the filing fee and obtained a filed copy and provided it to the magistrate's office and was told they would get back with us. We received a call from the magistrate's office, allowing us until March 18, 2020 to make the rental payment.

10. On March 17, 2020, after obtaining a copy of Judge Beatty's order, we emailed the magistrate's court a correspondence requesting an extension. (see attached)

11. We received a reply from Sylvia Edwards stating that our request was denied. (See attached) We also received a reply from Lisa Proveaux explaining when the payments were due. (See attached)

12. On May 1, 2020, we visited the magistrate's office to bring the payments current in the amount

FILED FOR RECORD
WINNIFA B. CLARK
2020 JUN 22 AM 10:00
ORANGEBURG SC
CLERK OF COURT

of \$1400.00 and again the staff told us that they were instructed not to accept the payment by Judge Grant and to return on May 4, 2020 without any reason for returning. (see attached)

13. On May 4, 2020, we visited the magistrate's office as instructed. After being told to have a seat, Rufus Rivers waited for almost 30 minutes. He then approached the receptionist to ask how much longer and was told they could not accept the payment and to contact his lawyer knowing we are pro se litigants.

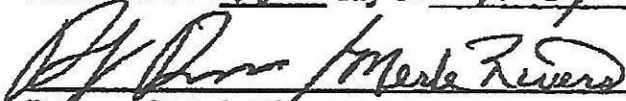
14. We have come to believe that we are being treated differently than anyone else. This is nothing more than retaliation for appealing a matter that should not have been decided by the magistrate in the first place. We certainly have the right to pay what was past due while the evictions were halted.

15. Because of the magistrate's actions, Rufus Rivers had to take temporary work to make certain we could take on the added expense of the rental payments. The temporary work ended March 11, 2020.

16. We believe the magistrate's office is acting in bad faith as agents for the Plaintiff and his counsel against us senior citizens with chronic medical issues.

I declare that, to the best of our knowledge and belief, the information herein is true, correct, and complete.


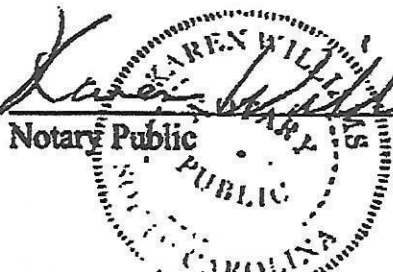
Executed this 18th day of May, 2020.


Rufus and Merle Rivers

NOTARY ACKNOWLEDGMENT

STATE OF SOUTH CAROLINA, COUNTY OF ORANGEBURG, ss:

The foregoing Affidavit was acknowledged before me this 18th day of May, 2020, by Rufus and Merle Rivers, who, being first duly sworn on oath according to law, deposes and says that he/she has read the foregoing Affidavit subscribed by him/her, and that the matters stated herein are true to the best of his/her information, knowledge and belief.


Notary Public


2020-03-17-02

The Supreme Court of South Carolina

RE: Statewide Evictions

ORDER

FILED FOR RECORD
WINNIFER B. CLARK
2020 MAY 22 10:05
CLERK OF COURT
ORANGEBURG

Pursuant to provisions of Article V, Section 4 of the South Carolina Constitution,

IT IS ORDERED that all evictions currently ordered and scheduled statewide from March 17, 2020, through March 31, 2020, shall be rescheduled for a date not earlier than May 1, 2020. However, case-by-case exceptions for evictions may be made for matters that involve essential services and/or harm to person or property.

s/Donald W. Beatty
J.

FOR THE COURT

Columbia, South Carolina
March 17, 2020



Search mail

8 of 377

to me, twolfe@burnetteshutt.law

Payment of \$700.00 is due on today, 3-18-2020 and thereafter \$700.00 payments are to be made by the 2nd of each month.

From: Rufus Rivers [mailto:rivers788@gmail.com]

Sent: Wednesday, March 18, 2020 10:23 AM

To: Lisa Proveaux

Cc: Kathleen M. McDaniel

Subject: Eviction- Rufus & Merle Rivers

FILED FOR RECORD
WINNIE B. CLARK
2020 MAY 22 AM 10:17
CLERK OF COURT
ORANGEBURG, SC

As of today, we are requesting that our appeal bond payments be extended, pursuant to the attached Supreme Court order issued 03/17/2020. Please see attached. We are placing a hard copy in the mail.

Rufus Rivers <rivers788@gmail.com>
to Lisa, twolfe@burnetteshutt.law

Wed, Mar 18, 5:22 PM (22 hours ago)



Search mail



4 of 377

-Rufus Rivers - Eviction Inbox x

Sylvia Edwards <sedwards@orangeburgcounty.org>
to me

12:13 PM (3 hours ago)

Good afternoon,

Your request for extension is denied and payment of \$700.00 was due on March 18, 2020 and thereafter payments of \$700.00 are due by 2nd of each month and are to be made on the 15th as previously ordered.

Will do, thank you.

Paid.

Thank you for informing me.

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WINNIE B. CLARK
2020 MAR 22 AM 10:05
CLERK OF COURT
ORANGEBURG, SC

Reply

Forward



Search mail



83 of 452

-RE: Eviction- Rufus & Merle Rivers Inbox x

Lisa Proveau

Wed, Mar 18, 3:38 PM

Payment of \$700.00 is due on today, 3-18-2020 and thereafter \$700.00 payments are to be made by

Rufus Rivers <rivers788@gmail.com>

Wed, Mar 18, 5:22 PM

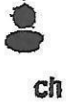
to Lisa, twolfe@burnetteshutt.law

Received, thank you.

Reply

Reply all

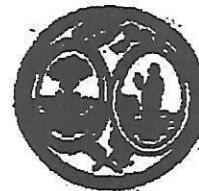
Forward



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WINNIEFA B. CLARK
2020 MAY 22 AM 10:05
CLERK OF COURT
ORANGEBURG, SC



**ORANGEBURG COUNTY
CENTRAL REGION
MAGISTRATE COURT**



1540 Ellis Avenue
P.O. Box 9000
Orangeburg, South Carolina 29116
Phone: (803) 533-5843
Fax: (803) 516-4011

May 18, 2020

VIA ELECTRONIC DELIVERY: rrivers788@gmail.com

Rufus and Merle Rivers
1429 Legrand Smoak Street
Cordova, South Carolina 29039

**RE: Defendant's Appeal on Eviction
James Smith vs Rufus and Merle Rivers
Magistrate Case No.: 2018CV3810702780**

FILED FOR RECORD
WINNIFA B. CLARK
2020 MAY 22 AM 10: 05
CLERK OF COURT
ORANGEBURG, SC

Dear Mr. Rivers:

Our records reflect that your monthly rent payment was not made to our office in March or April by the specified due date as required.

Past due payments and future payment arrangements may be coordinated directly with the plaintiff's attorney if accepted.

A physical copy of this letter will follow via today's U.S. Mail.

County of Orangeburg
Central Region Magistrate Office

CC: VIA ELECTRONIC DELIVERY:

**KMedaniel@BurnetteShutt.Law
TWolfe@BurnetteShutt.Law
Kathleen M. McDaniel, Esquire
Attorney for James F. Smith, Jr.
Post Office Box 1929
Columbia, South Carolina 29202**

Terry Leverette, Court Administration -- by U.S. Mail and Electronic Delivery

FILED FOR RECORD
WINNIFA B. CLARK

VOID MONEY ORDER INCLUDES 1 Heat sensitive, red stop sign AND 2 Contains a True watermark hold up to light to view
2020 MAY 22 AM 10:05

MoneyGram

CLERK OF COURT
ORANGEBURG, SC



To Validate: Touch the stop sign,
then watch it fade and reappear

PAY TO THE
ORDER OF /
PAGAR A LA
ORDEN DE

Robin Magistrate's Court

IMPORTANT - SEE BACK BEFORE CASHING

Robin Magistrate's Court
PURCHASER, SIGNER FOR DRAWER / COMPRADOR, FIRMA DEL LIBRADOR
FIRMA DEL COMPRADOR, SIGNER FOR DRAWER AND OTHER ITEMS ON THE FRONT OF
FORMS, BY SIGNING YOU AGREE TO THE TERMS AND OTHER TERMS ON THE FRONT OF

ADDRESS /
DIRECCIÓN: *1429 Legwood Street, Orangeburg, SC 29039*

Payable through
ISSUER/DRAWER:
MONEYGRAM PAYMENT SYSTEMS, INC
BOX 100
EMID, OK

PAY EXACTLY

10310186412094 582100821 90 May, 2020

MoneyGram



To Validate: Touch the stop sign,
then watch it fade and reappear

PAY TO THE
ORDER OF /
PAGAR A LA
ORDEN DE

Robin Magistrate's Court

IMPORTANT - SEE BACK BEFORE CASHING

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PURCHASER, SIGNER FOR DRAWER / COMPRADOR, FIRMA DEL LIBRADOR
FIRMA DEL COMPRADOR, SIGNER FOR DRAWER AND OTHER ITEMS ON THE FRONT OF
FORMS, BY SIGNING YOU AGREE TO THE TERMS AND OTHER TERMS ON THE FRONT OF

ADDRESS /
DIRECCIÓN: *1429 Legwood Street, Orangeburg, SC 29039*

Payable through
ISSUER/DRAWER:
MONEYGRAM PAYMENT SYSTEMS, INC
BOX 100
EMID, OK

PAY EXACTLY

10310186412089 014205081 90 May, 2020

WESTERN UNION FINANCIAL SERVICES INC - Denver, CO - Englewood, Colorado
Pays to the order of the drawer - Denver, CO - Englewood, Colorado

MONEY ORDER

19-094193651

B1710

ISSUING AGENT



PAY TO THE
ORDER OF
Robin Magistrate's Court

Robin Magistrate's Court
PURCHASER, SIGNER FOR DRAWER / COMPRADOR, FIRMA DEL LIBRADOR
FIRMA DEL COMPRADOR, SIGNER FOR DRAWER AND OTHER ITEMS ON THE FRONT OF
FORMS, BY SIGNING YOU AGREE TO THE TERMS AND OTHER TERMS ON THE FRONT OF

19-094193651

B1710

ISSUING AGENT

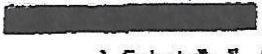
WESTERN UNION FINANCIAL SERVICES INC - Denver, CO - Englewood, Colorado
Pays to the order of the drawer - Denver, CO - Englewood, Colorado

MONEY ORDER

19-094193652

B1710

ISSUING AGENT



PAY TO THE
ORDER OF
Robin Magistrate's Court

Robin Magistrate's Court
PURCHASER, SIGNER FOR DRAWER / COMPRADOR, FIRMA DEL LIBRADOR
FIRMA DEL COMPRADOR, SIGNER FOR DRAWER AND OTHER ITEMS ON THE FRONT OF
FORMS, BY SIGNING YOU AGREE TO THE TERMS AND OTHER TERMS ON THE FRONT OF

19-094193652

B1710

ISSUING AGENT

APPENDIX D
CDC CERTIFICATION



Eviction Protection Declaration

The Centers for Disease Control and Prevention (CDC) has issued an order that may protect you from being evicted or removed from where you are living. **This means that you may be able to stay at the place where you live through October 3, 2021, if you qualify.**

How to use this form

1. See if you qualify for eviction protection under the CDC order. If you'd like help from an expert, contact the US Department of Housing and Urban Development (HUD) at (800) 569-4287 or go to <https://www.hudexchange.info/programs/housing-counseling/rental-eviction/> to get contact information for a local housing counselor.
2. Sign the declaration that you qualify, on the next page.
3. Give the signed declaration page to the individual or company you rent from (for example, building management, landlord, etc.). Keep a picture or copy for your records and call your expert back if there's a problem.

If your landlord violates the CDC order, they could be subject to criminal penalties, including fines or a term of imprisonment.

1. Do I qualify?

If you can check at least one box in each column, you qualify.

Column A

AND

Column B

- I received a stimulus check (Economic Impact Payment) in 2020 or 2021
- I was not required to report any income to the IRS in 2020
- I am receiving any of the following benefits:
 - Supplemental Nutrition Assistance Program (SNAP)
 - Temporary Assistance for Needy Families (TANF)
 - Supplemental Security Income (SSI)
 - Supplemental Security Disability Income (SSDI)
- In 2020 or 2021, I earned (or expect to earn) less than \$99,000 as an individual or less than \$198,000 as a joint filer

I cannot pay my full rent or make a full housing payment because:

- My household income has gone down substantially
- I have been laid off from work
- My work hours or wages have been cut
- I have extraordinary out-of-pocket medical expenses¹

None of the above — You do not qualify.

None of the above — You do not qualify.

You checked at least one item in each column? Your income level qualifies.

Check the first box on the next page]

¹Defined as 7.5% or more of my adjusted gross income for the year



Rufus Rivers <rrivers788@gmail.com>

Hearing

1 message

Rufus Rivers <rrivers788@gmail.com>

Wed, Aug 25, 2021 at 1:15 PM

To: "Kathleen M. McDaniel" <kmcdaniel@burnetteshutt.law>

Ms. McDaniel, just to follow-up on what was discussed. Please find attached the first page of CDC Declaration which has been signed and verified and protected. It is valid. I have contacted a local resource and awaiting a call. I will advise. I feel that I was ambushed with this second attempt for Rule to show Cause or vacate.

Rufus Rivers
803-218-9573

Virus-free. www.avast.com**cdc.pdf**
368K

IN THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

RECEIVED

Jan 13 2023

SC Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
The Honorable Edgar W. Dickson

Case No. 2018-CP-01339
Appellate Case No. 2020-000451

Rufus Rivers and Merle Rivers

Appellant

VS.

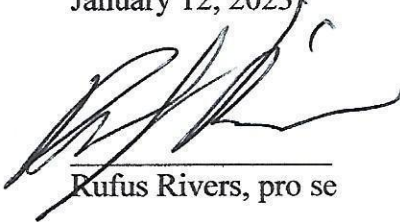
James Smith, Jr.

Respondent

PROOF OF SERVICE

We certify we have served Appellants' Reply To Respondent's Final Brief on Respondent James Smith, Jr. by electronically filing a copy with the Court Of Appeals depositing same in the U.S. Mail in an envelope with proper postage attached addressed to his attorney of record, Kathleen McDaniel, esq. At P.O. Box 1929 Columbia, SC 29202 on January 12, 2023.

January 12, 2023



Rufus Rivers, pro se



Merle Rivers, pro se