

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

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Feb 15 2023

SC Court of Appeals

Appellate Case No: 2023-000045

Order for Appeal received January 7, 2023
Appeal Order, Proof of Service Attached

Danny L. Ivester, Sr., Appellant,

v.

EYZC RE, LLC, Respondent.

STATE OF SOUTH CAROLINA

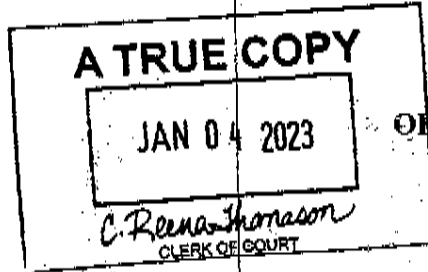
IN THE COURT OF COMMON PLEAS

COUNTY OF ANDERSON

C.A. NO.: 2022-CP-04-01976

DANNY L. IVESTER, SR.,

Appellant,



ORDER ON APPEAL

vs.

EYZC RE, LLC,

Respondent.

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The following matter is before the Court on Appellant's appeal of the Magistrate's Court's Order granting Respondent Summary Judgment. For the reasons set forth below, the Court affirms the Magistrate's Court's Order.

BACKGROUND

The underlying claim arises out of Respondent's Application for Ejectment against Appellant, which Respondent filed in the Magistrate's Court on January 6, 2022.

Respondent is the record owner of the premises located at 211 Highway 17 Piedmont, South Carolina 29673, TMS No. 2160103011000 (the "Property"). Appellant has been occupying the Property without permission of Respondent and without a lease agreement with Respondent.

The responsive pleadings filed by Appellant are largely unintelligible. The Appellant has presented no evidence of a valid lease agreement between the parties. In his pleadings, Appellant admitted there was no such contract between the parties.

Appellant filed a Motion for Judgement on the Pleadings, or in the alternative, Summary Judgment. A hearing was held on Respondent's Motion on September 14, 2022, but Appellant failed to appear despite notice being given on August 18, 2022. Magistrate Judge Mary Frances Cole granted Respondent's Motion by way of formal Order on September 20, 2022.

The Appellant filed his Notice of Civil Appeal with this Court on September 23, 2022, appealing the Order granting summary judgment by the trial court. The basis of the appeal is largely unintelligible but appears to reference various jurisdictional claims.

STANDARD OF REVIEW

The circuit court evaluates cases on appeal from the magistrate's court as to errors of law and fact. S.C. Code § 18-7-170 (1976). When reviewing the grant of summary judgment, the appellate court applies the same standard which governs the trial court under Rule 56(c), SCRCP: summary judgment is proper when there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. *Henderson v. Allied Signal, Inc.*, 373 S.C. 179, 183 (2007).

ANALYSIS

It is clear from the pleadings in the underlying proceeding that Respondent is the lawful owner of the Property, there is no agreement between Respondent and Appellant whereby Appellant is entitled to remain on the premises, and Appellant has presented no evidence showing there is a genuine issue of these material facts. In fact, the Appellant failed to appear at all for the Motion for Summary Judgment.

In his appeal, Appellant asserted various unintelligible positions. It appears his broad claim is that the Magistrate Court lacked the proper jurisdiction to issue summary judgment against him. However, magistrate courts have jurisdiction in all matters between landlords and tenants and the possession of land, including ejectment of tenants. S.C. Code Ann. § 22-3-10 (1976). The underlying dispute is a landlord and tenant ejectment action. Therefore, it is clear that the Magistrate's Court acted within its jurisdiction when issuing summary judgment in favor of Respondent.

CONCLUSION

For the reasons stated above, the Magistrate's Court's decision to grant Respondent's Motion for Summary Judgment is AFFIRMED.

[Judge's Signature Page to Follow]

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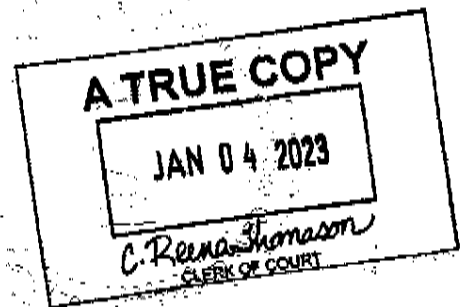
Anderson Common Pleas

Case Caption: Danny L Ivester Sr VS Eyzc, Re, Llc
Case Number: 2022CP0401976
Type: Order/Other

So Ordered

s/ J. Cordell Maddox Jr.

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APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

J. Cordell Maddox Jr., Circuit Court Judge

Case No: 2022-CP-04-01976

Danny L. Ivester, Sr., Appellant,

v.

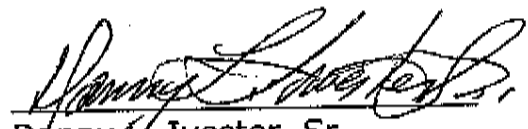
EYZC RE, LLC, Respondent.

PROOF OF SERVICE

I certify that I have served Notice of Appeal on EYZC RE, LLC, by depositing a copy of it in United States Mail, postage prepaid, on January 11, 2023, addressed to his attorney of record: M. Stokely holder, LLC, PO Box 1804, Greenville, SC 29602, phone (864) 335-8808.

February 15, 2023

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Appellant