RECEIVED
Mar 16 2023
SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM ORANGEBURG COUNTY
The Honorable Edgar W. Dickson

Circuit Court Case No. 2018-01339
Appellate Case No. 2020-000451

MOTION TO VACATE

Rufus Rivers and Merle Rivers, pro se — Appellants

VS.

James Smith, Jr. — Respondent

March 9, 2023

Rufus Rivers, pro se

Merle Rivers, pro se

1429 Legrand Smoak Street
Cordova, SC 29039

Attorney for Respondent
Kathleen McDaniel, Esq.
P. O. Box 1929
Columbia, South Carolina 29202

STATEMENT OF FACTS

Plaintiff filed eviction documents against defendants on August 20, 2018 alleging: 1. Defendants failed to pay rent when due or demanded in the amount$. (See Rule to Vacate or Show Cause) when there was no agreement written or oral. 2. The terms of your tenancy or occupancy have ended. There never was a tenancy as described in URLT Act,"this Act involves rental agreements.

On September 17, 2018 a judgment was entered through issuance of an order to evict. Moving party contends the Court should vacate the judgment on the grounds of extraordinary circumstances in the declaration of defendants and exhibits attached hereto filed and served concurrent herewith and incorporated herein by reference. This motion is made pursuant to Federal Rules of Civil Procedure Rule 60(b)6.

After the Circuit Court's decision on Defendants' appeal February 24, 2020, dismissing it and remanding, Defendants appealed to the Court of Appeals. Defendants immediately on March 2, 2020(See notice of appealt Court of Appeals) filed and delivered their Notice of Appeal to the Court of Appeals with the Clerk of Court in Orangeburg County and delivered a filed copy to the magistrate. Defendants attempted to continue their rental bond payments and the magistrate's staff refused to accept either stating the matter was closed and the notice did not state why Defendants were appealing. On March 11, 2018 a notice of eviction was delivered to defendants. On March 12, 2018 Defendants traveled to the Court of Appeals and filed their Notice of Appeal and hand delivered it to the magistrate's office and was told that it was accepted and would advise about the payments. Upon returning home, defendants received a telephone call from the magistrate's ofice agreeing to accept the payments and allowed Defendants until March 18, 2018 to make the payment. At this point Judge Beatty's order was in effect. Defendants are retired senior citizens and never missed a payment. (See attached magistrate's record search). After reaching out to the magistrate's office to make arrangements to make the payment at a later date, the magistrate's staff began resisting by sending emails.(See attached emails). Defendants received a Rule to Vacate with a hearing scheduled for August 24, 2021

during the moriatorium which clearly states the CDC prohibited "any action to effectuate an eviction for nonpayment of rent..." At the hearing there was no discussion of motion to vacate, only discussion of defendants' past due payments and eviction which the magistrate's court was responsible for the delinquency.(See Defendants' affidavit). During the hearing defendants provided their CDC Eviction Protection Certification where the magistrate refused to accept or make a decision. Defendant was coerced into directing rental bond payments directly to Plaintiff's attorney and agreeing to apply for assistance from South Carolina Stay without any means of verifying that Defendants owed rent. Plaintiff never completed the application. A follow-up hearing was scheduled for updating the court on the status of the assistance. On October 26, 2021 the follow-up hearing was held absent Defendants who arrived late and was not permitted to enter the courtroom. Defendant was told he could obtain a recording later that day. After obtaining audio of the hearing Defendants received an email with the details of the hearing. Plaintiff made a unilateral motion to dismiss the plaintiff's 2nd attempt to evict in which there was no 2nd attempt on record. (See attached index, magistrate motion to Dismiss and Notice of eviction). If it was, it would have been in violation of CDC protections.

Due to extraordinay circumstances after Defendants' appeal, defendants were mentally and emotionally, as pro se litigants, restricted from effectively litigating their appeal. This court has the authority to vacate the lower court's judgemnt for the foregoing reasons.

Under penalty of perjury Defendants declare all of the information provided is true and accurate to their knowledge.

March 9, 2023

Rufus Rivers, pro se

Merle Rivers, pro se

Attorney For Respondent
Kathleen McDaniel, Esq.
P. O. Box 1929
Columbia, South Carolina 29202

230

3792

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)

2018CV3810702780
CIVIL CASE NUMBER
IN THE MAGISTRATES COURT

FILED FOR RECORD
WINNIPA B. CLARK
2018 NOV 21 PM 3:13
CLERK OF COURT
ORANGEBURG, SC

James F. Smith Jr
Attorney Kathleen M McDaniel
Post Office Box 1929
Columbia, SC 29202
(803) 850-0912

PLAINTIFF(S)

VS.

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

DEFENDANT(S)

RULE TO VACATE OR SHOW CAUSE
(Eviction)

TO [Defendant(s)]: [Landlord] is asking this Court to evict you from the property located at 1429 Legrand Smoak Street, Cordova, SC 29039 because they say that:

- ☒ You have failed to pay rent when due or demanded in the amount of $_____.
- ☒ The terms of your tenancy or occupancy have ended.
- ☐ You have violated the terms or conditions of your lease by:

You, **Rufus & Merle Rivers**, the defendant and lessee of the premises listed above, **and all others** are ordered to vacate the premises immediately pursuant to S.C. Code of Laws Section 27-37-10 **OR** to contact **Central Region Magistrate** located at **1540 Ellis Avenue, Orangeburg, SC 29115, PHONE: (803) 533-5843** within **ten (10) days** of receiving this notice, for the purpose of scheduling a hearing to show why you should not be evicted from these premises.

FAILURE TO VACATE THE PREMISES OR RESPOND WITHIN TEN (10) DAYS MAY RESULT IN THE ISSUANCE OF A WRIT OF EJECTMENT.

Dated: August 20, 2018

Peggy D. Doremus
MAGISTRATE JUDGE

Personally appeared before me, the undersigned deponent who, being duly sworn, says that s/he is a person over 18 years of age not a party or attorney in this action and that s/he attempted to serve the Rule to Vacate or Show Cause on [Defendant(s)] on the following dates/times:

	DATE	TIME	INITIALS
1.			
2.			
3.			

DATE OF SERVICE	8-23-18
TIME OF SERVICE	5:44
SETTLED/DATE	
VACANT/DATE	

SWORN to and Subscribed before me
This 24 Day of August, 2018
Melissa G Barbee My Com. ID, 2022
NOTARY PUBLIC OR JUDGE

SIGNATURE OF SERVER
Fruder

On _____, I deposited a copy of this document in the United States Mail in an envelope addressed to the Defendant(s) above with first class postage affixed thereto.

Pl. Pur

92409

FORM 1
NOTICE OF APPEAL IN A CIVIL CASE

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

RECEIVED
MAR 12 2020
SC Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court Of Common Pleas
Edgar W. Dickson, Circuit Court Judge

Case No. 2018-CP-38-01339

Rufus Rivers and Merle Rivers
pro se — Appellants

V.

James Smith, Jr. — Respondent

NOTICE OF APPEAL

Rufus Rivers and Merle Rivers appeals the order[judgment] of the honorable Edgar W. Dickson dated February 21, 2020. Appellants received written notice of entry of this order [judgment] on February 24, 2020.

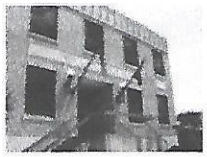
3-2-2020
Dated

Rufus Rivers, pro se

Merle Rivers, pro se

1429 Legrand Smoak Street
Cordova, SC 29039
803-218-9573

Orangeburg County
First Judicial Circuit
Public Index



Switch View

James Smith Jr VS Rufus Rivers , defendant, et al

Case Number:	2018CV3810702780	**Court Agency:**	Central Region Magistrate	**Filed Date:**	08/06/2018
Case Type:	Civil	**Case Sub Type:**	Rule to Vacate $40	**File Type:**	
Status:	Appeal	**Assigned Judge:**	Clariday, Robert Neal		
Disposition:		**Disposition Date:**		**Disposition Judge:**	
Original Source Doc:		**Original Case #:**		**Restore Reason:**	Reopened Case
Judgment Number:		**Court Roster:**			

Case Parties Judgments Tax Map Information Associated Cases Actions Financials

Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents
Smith, James Jr	Civil Court Rescheduled	Event		10/26/2021-13:30	10/26/2021-17:00	
Smith, James Jr	Archived Court Summons	Filing		10/05/2021-00:00	10/26/2021-00:00	
Smith, James Jr	Civil Court Rescheduled	Event		09/14/2021-15:00	10/26/2021-17:00	
Smith, James Jr	Archived Court Summons	Filing		08/30/2021-00:00	10/26/2021-00:00	
Smith, James Jr	Civil Court	Event		08/24/2021-14:30	09/14/2021-17:00	
Rivers, Rufus	CDC Eviction Protection Declaration	Filing		08/19/2021-08:43	10/26/2021-08:43	
Rivers, Merle	CDC Eviction Protection Declaration	Filing		08/19/2021-08:43	10/26/2021-08:43	
Rivers, Rufus	Motion to Stay Ejectment	Motion		08/12/2021-14:39	10/26/2021-14:39	
Smith, James Jr	Archived Court Summons	Filing		08/09/2021-00:00	10/26/2021-00:00	
Rivers, Rufus	Appeal/Notice of Appeal	Filing		03/12/2020-13:00	10/26/2021-16:57	
Smith, James Jr	2nd Part Sent to Civil	Filing		03/11/2020-09:30	10/26/2021-09:30	
Smith, James Jr	Writ of Ejectment with Document	Filing		03/09/2020-11:13	10/26/2021-11:13	
Smith, James Jr	Writ Document Printed	Filing		03/09/2020-00:00	10/26/2021-00:00	
Rivers, Rufus	Escrow Payment	Filing		02/07/2020-14:39	10/26/2021-14:39	
Rivers, Rufus	Escrow Payment	Filing		01/06/2020-11:49	10/26/2021-11:49	
Rivers, Rufus	Escrow Payment	Filing		12/06/2019-16:47	10/26/2021-16:47	
Rivers, Rufus	Escrow Payment	Filing		11/08/2019-10:45	10/26/2021-10:45	
Rivers, Rufus	Escrow Payment	Filing		10/04/2019-13:43	10/26/2021-13:43	

Rivers, Rufus	Escrow Payment	Filing		09/06/2019-16:44	10/26/2021-16:44	
Rivers, Rufus	Escrow Payment	Filing		08/02/2019-11:04	10/26/2021-11:04	
Rivers, Rufus	Escrow Payment	Filing		07/02/2019-08:42	10/26/2021-08:42	
Rivers, Rufus	Escrow Payment	Filing		05/31/2019-13:12	10/26/2021-13:12	
Rivers, Rufus	Escrow Payment	Filing		05/02/2019-10:20	10/26/2021-10:20	
Rivers, Rufus	Escrow Payment	Filing		04/02/2019-10:03	10/26/2021-10:03	
Rivers, Rufus	Escrow Payment	Filing		03/01/2019-14:55	10/26/2021-14:55	
Rivers, Rufus	Escrow Payment	Filing		02/01/2019-08:41	10/26/2021-08:41	
Rivers, Rufus	Escrow Payment	Filing		01/02/2019-14:24	10/26/2021-14:24	
Rivers, Rufus	Escrow Payment	Filing		11/30/2018-16:54	10/26/2021-16:54	
Rivers, Rufus	Escrow Payment	Filing		11/09/2018-13:11	10/26/2021-13:11	
Rivers, Rufus	Appeal/Notice of Appeal (Appeal Bond)	Filing		11/05/2018-15:25	10/26/2021-15:25	
Smith, James Jr	Civil Court Rescheduled	Event		11/02/2018-14:00	09/14/2021-17:00	
Smith, James Jr	Archived Court Summons	Filing		10/25/2018-00:00	10/26/2021-00:00	
Smith, James Jr	Archived Court Summons	Filing		10/19/2018-00:00	10/25/2018-00:00	
Smith, James Jr	Appeal/Notice of Appeal (corrected copy)	Filing		10/18/2018-14:45	10/26/2021-14:45	
Rivers, Rufus	Appeal/Notice of Appeal	Filing		10/17/2018-10:07	10/26/2021-10:07	
Rivers, Merle	Appeal/Notice of Appeal	Filing		10/17/2018-10:07	10/26/2021-10:07	
Smith, James Jr	Civil Court Rescheduled	Event		10/16/2018-14:00	10/19/2018-17:00	
Smith, James Jr	Motion/Hearing	Event		10/09/2018-14:00	10/26/2021-17:00	
Smith, James Jr	Archived Court Summons	Filing		10/05/2018-00:00	10/26/2021-00:00	
Smith, James Jr	Civil Court (Motion Hearing)	Event		10/01/2018-10:30	10/09/2018-17:00	
Smith, James Jr	Archived Court Summons	Filing		09/27/2018-00:00	10/26/2021-00:00	
Rivers, Rufus	Motion/Reconsider	Motion		09/19/2018-08:41	10/26/2021-08:41	
Rivers, Merle	Motion/Reconsider	Motion		09/19/2018-08:41	10/26/2021-08:41	
Smith, James Jr	Archived Court Summons	Filing		09/19/2018-00:00	10/26/2021-00:00	
Smith, James Jr	Civil Court	Event		09/18/2018-14:00	09/18/2018-17:00	
Rivers, Rufus	Respond By	Filing		09/04/2018-17:00	09/18/2018-09:22	
Rivers, Merle	Respond By	Filing		09/04/2018-17:00	09/18/2018-09:22	
Smith, James Jr	Archived Court Summons	Filing		09/04/2018-00:00	09/18/2018-00:00	
Rivers, Rufus	Answer/Answer	Filing		08/31/2018-12:49	09/18/2018-12:49	
Rivers, Merle	Answer/Answer	Filing		08/31/2018-12:49	09/18/2018-12:49	

Smith, James Jr	Archived Court Summons	Filing		08/31/2018-00:00	09/18/2018-00:00	
Rivers, Rufus	Service/Affidavit Of Service	Filing		08/23/2018-17:44	09/18/2018-09:22	
Smith, James Jr	1st Part Sent to Civil Dept	Filing		08/21/2018-00:00	09/18/2018-00:00	
Smith, James Jr	Change of Address Civil	Filing		08/20/2018-12:55	09/18/2018-12:55	
Rivers, Rufus	Service/Affidavit of Non Service	Filing		08/17/2018-15:48	09/18/2018-15:48	
Smith, James Jr	RTV $40.00	Action		08/08/2018-10:00	09/18/2018-10:00	
Smith, James Jr	1st Part Sent to Civil Dept	Filing		08/08/2018-00:00	09/18/2018-00:00	

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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.

Derrick Dodd
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

MV42

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

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

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

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:**
KMcdaniel@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

Gmail Search mail

-Rufus Rivers - Eviction Inbox ×

Sylvia Edwards <sedwards@orangeburgcounty.org> 12:13 PM (3 hours ago)
to me

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 time as previously ordered.

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

Will do, thank you. Paid. Thank you for informing me.

Reply Forward

Gmail Search mail

-RE: Eviction- Rufus & Merle Rivers Inbox x

Lisa Proveaux 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 <rrivers788@gmail.com> Wed, Mar 18, 5:22 PM

to Lisa, twolfe@burnetteshutt.law

Received, thank you.

Reply Reply all Forward

ch

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

APPENDIX

Gmail

Rufus Rivers <rrivers788@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>, "rrivers788@gmail.com" <rrivers788@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 ejectment 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

Case No. 2020-000451

RECEIVED
JUL 15 2020
SC Court of Appeals

Affidavit To The Court Of Appeals

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

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

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 thereto.

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 extention. (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

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 approched 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.

Merle Rivers

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.

Karen Williams

Notary Public

KAREN WILLIAMS NOTARY PUBLIC SOUTH CAROLINA

NOTICE

OF

EVICTION

Case No. 2019CV3810 22278

ORANGEBURG COUNTY SHERIFF'S OFFICE

Rufus Rivers
Merle Rivers
Tenant

1429 Legrand Smoak
Cordova SC 29039
Address

A WRIT OF EJECTMENT ORDER HAS BEEN ISSUED BY THE MAGISTRATE'S COURT FOR ALL OCCUPANTS AT THIS ADDRESS. IF YOU HAVE NOT MOVED OUT BY

Day	Date	Time
Monday	4.6.20	7:00 Am

WE WILL BE FORCED TO EVICT YOU.

IF YOU ARE PRESENT AFTER THE AFOREMENTIONED DATE AND TIME, YOU WILL BE TRESPASSING AND YOUR PROPERTY WILL BE PLACED IN THE STREETS.

IF THERE IS INCLEMENT WEATHER (RAIN OR STORM) THE EVICTION PROCESS WILL BE POSTPONED UNTIL THE NEXT DAY. THE EVICTION PROCESS WILL BEGIN THE NEXT DAY WITHOUT FUTHER NOTICE, STARTING AT 7:00 AM UNLESS OTHERWISE STATED.

LAND RENTAL USE ONLY HAVE UNTIL_____ AT_____ TO REMOVE THE HOME OFF THE LOT. FAILURE TO REMOVE THE HOME WILL RESULT IN THE LANDLORD REMOVING IT FROM THE LOT AT YOUR EXPENSE!

NOTICE GIVEN ON THIS DATE 3-11-20

DATE

DEPUTY SHERIFF

803-308 0816 Frazier
803-533-6879 magistrate

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Mar 16 2023
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
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APPEAL FROM ORANGEBURG COUNTY
The Honorable Edgar W. Dickson

Circuit Court Case No. 2018-CP-38-01339
Appellate Case No. 2020-000451

Rufus Rivers and Merle Rivers, pro se — Appellants

VS.

James Smith, Jr. — Respondent

PROOF OF SERVICE

We hereby certify that Appellants' Motion To Vacate was served on Respondent James Smith, Jr.and Clerk Of Court Orangeburg County by depositing same in the U. S. mail in an envelope with proper postage affixed and addressed to his attorney of record Kathleen McDaniel at P. O. Box 1929 Columbia, South Carolina 29202.

March 9, 2023

Rufus Rivers, pro se

Attorney Kathleen McDaniel, Esq.
P. O. Box 1929
Columbia, South Carolina 29202

Merle Rivers, pro se

1429 Legrand Smoak Street
Cordova, South Carolina 29039
803-218-9573

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Mar 16 2023
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THE STATE OF SOUTH CAROLINA
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APPEAL FROM ORANGEBURG COUNTY
Court Of Common Pleas
Edgar W. Dickson, Circuit Court Judge

Case No. 2018-CP-38-01339

Rufus Rivers and Merle Rivers
pro se

Appellants

V.

James Smith, Jr.

Respondent

NOTICE OF APPEAL

Rufus Rivers and Merle Rivers appeals the order[judgment] of the honorable Edgar W. Dickson dated February 21, 2020. Appellants received written notice of entry of this order [judgment] on February 24, 2020.

_____
Dated

Rufus Rivers, pro se

Merle Rivers, pro se

1429 Legrand Smoak Street
Cordova, SC 29039
803-218-9573

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