

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
Ernest Johnson)
Plaintiff/Respondent)
)
v.)
)
Mike Addison)
Defendant/Appellant)

IN THE MAGISTRATE'S COURT
UPPER TOWNSHIP MAGISTRATE

Civil Case Number: 2022CV4010701472
Common Pleas Case Number: 2022CP4006597

Order To Dissolve Appeal
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MAY 04 2023

SC Court of Appeals

Introduction

On February 14, 2023 the Plaintiff's counsel William Freeman presented sworn to this action through Testimony, Arguments, and Motioned for the court reconsider for past due arrears on the commercial property from September 2022-January 2023. The current monthly rent amount is \$1,150.00. Based on the findings of fact, and the Court rendered a decision for Ernest Johnson in the amount of \$5,100.00 for rent, 2% late fees, and \$150.00 for four months of utilities excluding the month of January 2023 for a total amount of \$5,700.00.

Findings On February 14, 2023:

The Court granted relief for Mr. Addison the tenant in total arrears of rent based on the Chief Justices directive regarding residential landlord tenant cases. Based on Attorney William Freeman's Motion, Counsel argued the Court made error in relief for arrears of rent because it was a commercial property contract. After further research, the court did make an error in its decision to grant relief to Mr. Addison regarding arrears of rent. Based on Attorney William Freeman's Motion and Relief of Arrears has been granted to the Plaintiff. The defendant; Mike Addison is to pay \$5,700.00 to the Plaintiff by 5:00PM on February 24, 2023 and if the payment is not made in full; writ of ejectment will be issued on February 27, 2023 in which would dissolve the defendant appeal.

On February 27, 2023 the Defendant appealed the courts finding from the February 14, 2023 hearing. The case was rescheduled for court via WebEx on March 8, 2023.

On March 8, 2023 the Plaintiff's counsel William Freeman and Defendant; Mike Addison presented sworn to this action through Testimony, Arguments, and Motioned for the court reconsider for past due arrears on the commercial property from September 2022-January 2023 and adding the month of March 2023.

The current monthly rent amount is \$1,150.00. Based on the findings of fact, and the Court rendered a decision for Ernest Johnson in the amount of \$5,100.00 for rent, 2% late fees, and \$150.00 for four months of utilities excluding the month of January 2023 but adding the additional month of March 2023 for a total amount of \$5,700.00 plus \$1,150.00 for March 2023 rent and utilities; for a total amount of \$6,850.00.

Findings On March 8, 2023:


Mr. Addison contested that he did not receive the court order in a timely manner and appealed the previous order. Based on Attorney William Freeman's Motion, Counsel argued the Court made error in relief for arrears of rent because it was a commercial property contract. After further research, the court did make an error in its decision to grant relief to Mr. Addison regarding arrears of rent. Mr. Addison contested that the memorandum applied to all renters. Based on Attorney William Freeman's Motion and Relief of Arrears has been granted to the Plaintiff. The defendant; Mike Addison is to pay \$6,850.00 to the Court by 4:30PM on March 13, 2023 and if the payment is not made in full; writ of ejectment will be issued on March 14, 2023 in which would dissolve the defendant appeal.

Conclusion of Law

Pursuant to S.C. Code § 27-37-130, the Magistrate has authority to set the bond on payment of all costs and damages the property owner must sustain. The tenant must pay the assigned amount set by the Magistrate. In the event that the established court order is not followed, the appeal does not remain in effect and is considered dissolved.

The defendant; Mike Addison made no attempt of paying the bond payment that was order by the court on February 14, 2023 that stated that he is to pay \$5,700.00 to the Plaintiff by 5:00PM on February 24, 2023 and if the payment was not made in full; the writ of ejectment will be issued on February 27, 2023 in which would dissolve the defendant appeal. Therefore, the court has ordered that the appeal to be dissolved and the Writ of Ejectment will be granted to the Respondent effective immediately.

AND IT SO ORDERED.



Judge Tomothy C. Edmond

**Upper Township Magistrate
7615 A Wilson Boulevard
Columbia, SC 29203
Phone: (803) 576-2570
Fax: (803) 576-2579**

May 1, 2023