

From: [Lakisha Gillard](#)
To: [Court Of Appeals Filings](#)
Subject: Court of appeal and motion to stay
Date: Wednesday, August 23, 2023 11:01:17 AM

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RECEIVED

Aug 23 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

IN THE MAGISTRATE'S
COURT

CASE NO: 2023-CV-181030-2846

SUNROAD WESCOTT APARTMENTS, LLC
DBA THE RESERVE AT WESCOTT
Plaintiff/Landlord,

Ref: 2023-CP-18-0001071

Janet H. Johnson
CLERK OF COURT
DORCHESTER COUNTY

2023 AUG 16 AM 8:59

CERTIFIED COPY

vs.

LAKISHA GILLARD
Defendant/Tenant.

ORDER DISMISSING
APPEAL

Based upon these facts: It appears from the record that the Defendant/Tenant filed an appeal to the Circuit Court on July 5, 2023 from the Application of Ejectment filed in the Magistrate's Court by Plaintiff/Landlord. Thereafter, pursuant to S.C. Code §27-40-800, the Magistrate Court held a Bond to Stay Execution on Appeal hearing on July 19, 2023 at 11:00 am. The Plaintiff Appeared and the Defendant/Tenant appeared, bond was set at \$1,791.25 per month, due the 1st day of each month beginning with August 1, 2023, until this matter is heard on appeal and decided by the Circuit Court. The Plaintiff's now moves before the Magistrates Court to have this appeal dismissed due to the Defendant failure to pay the bond set by the court.

Now, therefore, and pursuant to S.C. Code §27-37-130, the stay of execution shall dissolve, and the appeal by the Defendant/Tenant to the Circuit Court is hereby dismissed.

The Magistrate Court may issue a Writ of Ejectment, and the Dorchester County Sheriff's Office may dispossess the Defendant/Tenant.

AND IT IS SO ORDERED this 11 day of August, 2023.

[Signature]

Presiding Magistrate

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

Sunroad Wescott Apartments, LLC d/b/a
The Reserve at Wescott.

Plaintiff(s).

v.

Lakisha Gillard.

Defendant(s).

IN THE MAGISTRATES COURT
SUMMERVILLE COURT
CASE NO.: 2023CV1810302846

AUG 11 2023

**AFFIDAVIT OF FAILURE TO PAY
BOND OR NONCOMPLIANCE
WITH UNDERTAKING**

CERTIFIED COPY
2023 AUG 16 AM 10:59
CLERK OF COURT
DORCHESTER

COMES NOW, BEING DULY SWORN, Lindsey Schofield, who states as follows:
My name is Lindsey Schofield. I am the Assistant Community Manager of the Plaintiff,
Sunroad Wescott Apartments, LLC d/b/a The Reserve at Wescott, and I am familiar with the
manner and mode in which payment and other records are kept by Sunroad Wescott Apartments,
LLC d/b/a The Reserve at Wescott.

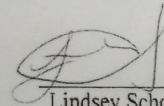
On July 19, 2023, the Court Ordered a Bond in this matter to be paid in the amount of
\$1,791.25 and the Defendant signed an Undertaking in accordance with South Carolina Law and
the Residential Landlord Tenant Act providing that the Defendant pay that Bond amount monthly,
due on the 1st, and late after five (5) days. A copy of the Bond To Stay Execution on Appeal is
attached hereto as Exhibit A.

Defendant has failed to pay the Bond as ordered. I petition this Court to dismiss the
Defendant's appeal, forfeit any Bond paid, and award attorneys' fees as allowed and appropriate.
I have attached a copy of the Defendant Tenant's most recent ledger as Exhibit B.

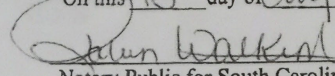
The Bond was ordered to be paid on the first of each month and is to be considered late if
not paid within five (5) days of the due date. The Defendant has not paid August 2023's Bond in
compliance with this Court's Order.

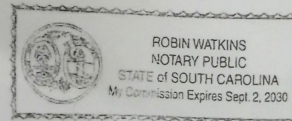
FURTHER AFFIANT SWEARS NOT.

Date: 8/10/23


Lindsey Schofield, Affiant

Sworn and Subscribed to Before Me
On this 10 day of Aug, 2023


Notary Public for South Carolina
My commission expires: 9/2/2030



2023CV1810302846
CIVIL CASE NUMBER

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

MAGISTRATE'S COURT

SUNROAD WESCOTT APARTMENTS, LLC
DBA THE RESERVE AT WESCOTT
LANDLORD(S)

BOND TO STAY EXECUTION
ON APPEAL

Ms. Sheffield (Landlord)
vs.
Lakisha Gillard (Tenant)

LAKISHA GILLARD
TENANT(S)

2023 AUG 16 AM 8:59
CERTIFIED COPY
DORCHESTER COUNTY

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 June 20, 2023, 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 \$ 1791.25 per month, due on the 1st of each month, beginning August 2023. Payments are to be made by cash, cashier's check or money order to 1835 Woodbine Dr W/SCA.
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: JULY 19, 2023

Lakisha Gillard
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: JULY 19, 2023

Richard [Signature]
JUDGE

Julius rent to be paid by July 21, 2023. Payment in certified funds

06/01/2023	utsf	Other Reimbursed Costs - 04/01/23-04/30/23	10.28	2,099.54	1191370	
06/01/2023	rele	Reimbursed Electric - 2 - 04/01/23-04/30/23	3.00	2,102.54	1191371	
06/01/2023	rpes	Reimbursed Pest Control - 04/01/23-04/30/23	49.86	2,152.40	1191372	
06/01/2023	rsew	Reimbursed Sewer - 04/01/23-04/30/23	5.00	2,157.40	1191373	
06/01/2023	rtra	Reimbursed Trash - 04/01/23-04/30/23	30.83	2,188.23	1191374	
06/01/2023	rwat	Reimbursed Water - 04/01/23-04/30/23	1,743.00	3,931.23	1252907	
06/01/2023	rent	Rent (06/2023)	5.00	3,936.23	1252908	
06/01/2023	prkg	Parking (06/2023)	28.00	3,964.23	1252909	
06/01/2023	vtras	Reimbursed Valet Trash (06/2023)	50.00	4,014.23	1261645	
06/06/2023	late	Late Fee (06/2023)	7.25	4,021.54	1293717	
07/01/2023	utsf	Other Reimbursed Costs - 05/01/23-05/31/23	11.17	4,032.71	1293718	
07/01/2023	rele	Reimbursed Electric - 2 - 05/01/23-05/31/23	3.00	4,035.71	1293719	
07/01/2023	rpes	Reimbursed Pest Control - 05/01/23-05/31/23	56.96	4,092.67	1293720	
07/01/2023	rsew	Reimbursed Sewer - 05/01/23-05/31/23	5.00	4,097.67	1293721	
07/01/2023	rtra	Reimbursed Trash - 05/01/23-05/31/23	35.60	4,133.27	1293722	
07/01/2023	rwat	Reimbursed Water - 05/01/23-05/31/23	1,743.00	5,876.27	1354135	
07/01/2023	rent	Rent (07/2023)	5.00	5,881.27	1354144	
07/01/2023	prkg	Parking (07/2023)	28.00	5,909.27	1354145	
07/01/2023	vtras	Reimbursed Valet Trash (07/2023)	50.00	5,959.27	1360933	
07/06/2023	late	Late Fees	405.00	6,364.27	1360934	
07/20/2023	legl	Bond Hearing (Jury and Appeal) Fee 7.19.23		1,791.25	4,573.02	33371
07/25/2023	chk#	1093221453 :CHECKscan Payment	7.25	4,580.27	138369	
08/01/2023	utsf	Other Reimbursed Costs - 06/01/23-06/30/23	10.09	4,590.36	1383691	
08/01/2023	rele	Reimbursed Electric - 2 - 06/01/23-06/30/23	3.00	4,593.36	1383692	
08/01/2023	rpes	Reimbursed Pest Control - 06/01/23-06/30/23	48.44	4,641.80	1383701	
08/01/2023	rsew	Reimbursed Sewer - 06/01/23-06/30/23	5.00	4,646.80	1383702	
08/01/2023	rtra	Reimbursed Trash - 06/01/23-06/30/23	35.43	4,682.23	1383703	
08/01/2023	rwat	Reimbursed Water - 06/01/23-06/30/23	1,743.00	6,425.23	1440431	
08/01/2023	rent	Rent (08/2023)	5.00	6,430.23	1440432	
08/01/2023	prkg	Parking (08/2023)	28.00	6,458.23	1440441	
08/01/2023	vtras	Reimbursed Valet Trash (08/2023)	50.00	6,508.23	145841	
08/06/2023	late	Late Fees				

Sequence Number: 4392846514
 Capture Date: 07/26/2023
 Check Number: 1098221453

No. 1098221453

Cashier's Check

BANK OF AMERICA
 0001
 0014
 \$1,791.25
 AUTHORIZED SIGNATURE
 Ariana Destiny Sanders

Remit (Purchased By): ARIANA DESTINY SANDERS
 Bank of America, N.A.
 SAN ANTONIO, TX

⑆1098221453⑆ ⑆11000014⑆ 00164000298⑆

For Deposit Only
 SUNROADASSET-111924680
 KNOW YOUR ENDORSER - REQUIRE IDENTIFICATION
 X
 111924680
 7/25/2023
 00001945060444

www.bankofamerica.com
 www.bankofamerica.com
 www.bankofamerica.com

081359398@america.com

.a.com

Electronic Endorsements:
 Date: 07/26/2023
 Sequence: 00019450604442
 Bank #: 111924680
 Rtn Loc: 50FD
 Y
 Undetermined
 Pay Bank: 111012822

Bank Name: First Natl Bank of C
 Federal Reserve Bank
 Bank of America, NA

TRN: Y
 REC: N
 ENDS: Y
 PAY: N

For Clerk of Court Office Use Only

This judgment was entered on **8/16/2023**, and a copy mailed first class or placed in the appropriate attorney's box on **8/16/2023**, to attorneys of record or to parties (when appearing pro se) as follows:

Lakisha Gillard
4976 Wescott Blvd Apt 1336
Summerville, SC 29485

Sunroad Wescott Apartments LLC
4976 Wescott Blvd
Summerville, SC 29485

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Cheryl Graham

Cheryl Graham - Clerk of Court

Court Reporter

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

cc: Magistrate Court

03/01/2023	rtra	Reimbursed Trash - 01/01/23-01/31/23	41.83	6,026.89	
03/01/2023	rwat	Reimbursed Water - 01/01/23-01/31/23	5.00	6,031.89	
03/01/2023	rent	Rent (03/2023)	27.61	6,059.50	
03/01/2023	prkg	Parking (03/2023)	1,743.00	7,802.50	
03/01/2023	vtras	Reimbursed Valet Trash (03/2023)	5.00	7,807.50	
03/01/2023	chk#	0145687366 :CHECKscan Payment	28.00	7,835.50	
04/01/2023	utsf	Other Reimbursed Costs - 02/01/23-02/28/23	9,156.48	1,320.98	
04/01/2023	rele	Reimbursed Electric - 2 - 02/01/23-02/28/23	7.25	(1,313.73)	
04/01/2023	rpes	Reimbursed Pest Control - 02/01/23-02/28/23	13.83	(1,299.85)	
04/01/2023	rsew	Reimbursed Sewer - 02/01/23-02/28/23	3.00	(1,296.85)	
04/01/2023	rtra	Reimbursed Trash - 02/01/23-02/28/23	55.48	(1,241.37)	
04/01/2023	rwat	Reimbursed Water - 02/01/23-02/28/23	3.00	(1,236.37)	
04/01/2023	rent	Rent (04/2023)	33.75	(1,202.61)	
04/01/2023	prkg	Parking (04/2023)	1,743.00	546.39	10550.97
04/01/2023	vtras	Reimbursed Valet Trash (04/2023)	5.00	545.39	10550.98
04/05/2023	late	Late Fee 04.2023	28.00	573.39	10550.99
04/13/2023	chk#	182178839 Credit Card On-Line Payment ; Mobile App - Resident Services	50.00	623.39	10602.15
05/01/2023	utsf	Other Reimbursed Costs - 03/01/23-03/31/23	623.39	0.00	25609.00
05/01/2023	rele	Reimbursed Electric - 2 - 03/01/23-03/31/23	7.25	7.25	(1,621.15)
05/01/2023	rpes	Reimbursed Pest Control - 03/01/23-03/31/23	11.49	18.74	(1,602.41)
05/01/2023	rsew	Reimbursed Sewer - 03/01/23-03/31/23	3.00	21.74	(1,580.67)
05/01/2023	rtra	Reimbursed Trash - 03/01/23-03/31/23	48.84	70.58	(1,509.83)
05/01/2023	rwat	Reimbursed Water - 03/01/23-03/31/23	5.00	75.58	(1,434.25)
05/01/2023	rent	Rent (05/2023)	30.43	106.01	(1,328.24)
05/01/2023	prkg	Parking (05/2023)	1,743.00	1,849.01	114750.9
05/01/2023	vtras	Reimbursed Valet Trash (05/2023)	5.00	1,854.01	114750.9
05/05/2023	late	Late Fee 05.2023	28.00	1,882.01	114750.9
05/24/2023	legl	Eviction Filing Fee	50.00	1,932.01	116208.9
06/01/2023	utsf	Other Reimbursed Costs - 04/01/23-04/30/23	150.00	2,082.01	121090.9
06/01/2023	rele	Reimbursed Electric - 2 - 04/01/23-04/30/23	7.25	2,089.26	119136.9
06/01/2023	rpes	Reimbursed Pest Control - 04/01/23-04/30/23	10.28	2,099.54	119137.0
06/01/2023	rsew	Reimbursed Sewer - 04/01/23-04/30/23	3.00	2,102.54	119137.1
06/01/2023	rtra	Reimbursed Trash - 04/01/23-04/30/23	49.86	2,152.40	119137.2
06/01/2023	rwat	Reimbursed Water - 04/01/23-04/30/23	5.00	2,157.40	119137.3
06/01/2023	rent	Rent (06/2023)	30.83	2,188.23	119137.4
06/01/2023	prkg	Parking (06/2023)	1,743.00	3,931.23	125290.7
06/01/2023	vtras	Reimbursed Valet Trash (06/2023)	5.00	3,936.23	125290.8
06/06/2023	late	Late Fee (06.2023)	28.00	3,964.23	125290.9
07/01/2023	utsf	Other Reimbursed Costs - 05/01/23-05/31/23	50.00	4,014.23	126164.9
07/01/2023	rele	Reimbursed Electric - 2 - 05/01/23-05/31/23	7.25	4,021.54	129371.7
07/01/2023	rpes	Reimbursed Pest Control - 05/01/23-05/31/23	11.17	4,032.71	129371.8
07/01/2023	rsew	Reimbursed Sewer - 05/01/23-05/31/23	3.00	4,035.71	129371.9
07/01/2023	rtra	Reimbursed Trash - 05/01/23-05/31/23	56.96	4,092.67	129372.0
07/01/2023	rwat	Reimbursed Water - 05/01/23-05/31/23	5.00	4,097.67	129372.1
07/01/2023	rent	Rent (07/2023)	35.60	4,133.27	129372.2
07/01/2023	prkg	Parking (07/2023)	1,743.00	5,876.27	135413.9
07/01/2023	vtras	Reimbursed Valet Trash (07/2023)	5.00	5,881.27	135414.0
07/05/2023	late	Late Fees	28.00	5,909.27	135414.1
07/20/2023	legl	Bond Hearing (Jury and Appeal) Fee 7.19.23	50.00	5,959.27	136092.1
07/25/2023	chk#	1093221453 :CHECKscan Payment	405.00	6,364.27	136324.1
08/01/2023	utsf	Other Reimbursed Costs - 06/01/23-06/30/23	1,791.25	4,573.02	33321.1
08/01/2023	rele	Reimbursed Electric - 2 - 06/01/23-06/30/23	7.25	4,580.27	138369.9
08/01/2023	rpes	Reimbursed Pest Control - 06/01/23-06/30/23	10.09	4,590.36	138369.0
08/01/2023	rsew	Reimbursed Sewer - 06/01/23-06/30/23	3.00	4,593.36	138369.1
08/01/2023	rtra	Reimbursed Trash - 06/01/23-06/30/23	48.44	4,641.80	138370.0
08/01/2023	rwat	Reimbursed Water - 06/01/23-06/30/23	5.00	4,646.80	138370.1
08/01/2023	rent	Rent (08/2023)	35.43	4,682.23	138370.2
08/01/2023	prkg	Parking (08/2023)	1,743.00	6,425.23	144043.1
08/01/2023	vtras	Reimbursed Valet Trash (08/2023)	5.00	6,430.23	144043.2
08/06/2023	late	Late Fees	28.00	6,458.23	144043.3
			50.00	6,508.23	145841.1

Amount: \$1,791.25 Sequence Number: 439286514
 Account: 1641000298 Capture Date: 07/26/2023
 Bank Number: 11400001 Check Number: 1098221453

BANK OF AMERICA  **Cashier's Check** No. 1098221453

VOID AFTER 90 DAYS No. 11148 Date 07/25/23 09:32:31 AM
 VERX

Notice to recipient: To be sure this check is cashed properly, please, if cashed, indicate the ready receipt check and recipient's full address. This check should be deposited within 90 days.

NORTHWOODS
 0001 7500400 0014

Pay  **BANK OF AMERICA** **1791.25** ****\$1,791.25****

One Thousand Seven Hundred Ninety One and 25/100 Dollars
 To The **THE RESERVE AT WESCOTT**
 Order Of

Remitter (Purchased By): **ARIANA DESTINY SANDERS**

Bank of America, N.A. **1334**
 SAN ANTONIO, TX

Ariana Sanders
 AUTHORIZED SIGNATURE

1098221453# 1641000298 000019450604442

081353368@ofamerica.com www.bankofamerica.com

www.bankofamerica.com www.bankofamerica.com

www.bankofamerica.com www.bankofamerica.com

FOR DEPOSIT ONLY

SUNCOASTBANK-1111111111

111924600

7/26/2023

000019450604442

Electronic Endorsements:

Date	Sequence	Bank #	Endrs Type	TRC	RRC	Bank Name
07/25/2023	000019450604442	111924600	Rtn Loc/BOFD	Y		First Natl Bank of C
07/26/2023	4221968238	61000146	Undetermined	N		Federal Reserve Bank
07/26/2023	004392846514	111012822	Pay Bank	N		Bank of America, NA

Keisha D. Gadsden

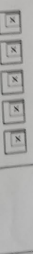
From: Rachel McKain <rachel.mckain@loebackbrownlee.com>
Sent: Friday, August 11, 2023 2:35 PM
To: Talia F. Marks, Keisha D. Gadsden
Cc: The Reserve at Wescott Manager; The Reserve at Wescott Assistant Manager; Lathina Sampson; Michael Siley
Subject: The Reserve at Wescott v. Gillard / 2023CV1810302846 / Bond Non-Compliance
Attachments: The Reserve at Wescott v. Gillard Affidavit of Non-Compliance Signed.pdf

[EXTERNAL - This message originated outside our organization. Use caution when clicking links or opening attachments.]

Ms. Marks,
Attached please find the Plaintiff's Affidavit of Failure to Pay Bond or Noncompliance with Undertaking in the *Suprood Wescott Apartments, LLC d/b/a The Reserve at Wescott v. Gillard* matter under case number 2023CV1810302846. The Bond Order and updated Ledger referenced in the Affidavit of Non-Compliance are attached as exhibits to the Affidavit.
Upon the Court's review of the attached documents, please let us know if this matter will require a hearing or if it will be dismissed without the need for a hearing.
Thank you for your time and attention to this matter and I look forward to hearing from you soon. Have a wonderful weekend.

-R. McKain
Rachel McKain
Senior Associate Attorney | Loeback & Brownlee, PLLC
Office: 843-438-0240
Email: Rachel.McKain@LoebackBrownlee.com
Website: www.LoebackBrownlee.com

CERTIFIED COPY
2023 AUG 16 AM 8:59
Cheryl Hinkle
CLERK OF COURT
BOND MASTER COURT



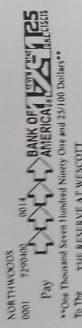
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AMOUNT: \$1,791.25
ACCOUNT: 1641000298
BANK NUMBER: 54075010

No. 1098221453
Date 07/25/23 09:32:31 AM

Cashier's Check - CREDIT COPY
Void After 90 Days
NTX

\$1,791.25
Not-Negotiable
Credit Copy



Remitter (Purchased By): ARIANA DESTINY SANDERS
Bank of America, N.A.
SAN ANTONIO, TX

* 1098221453 * 15407501000 001641000298 *

081353368

Seq: 85
Batch: 391687
Date: 07/25/23

Trans 0014 07/25/2023 09:33 ASC
R/TR CC 7290400 TR 00001
Account 00000000000
Account # 1098221453
Official Check Site
CC *****
07/28

Electronic Endorsement:
Date 07/25/2023
Sequence 3252149808
Bank # 11000118
Ends Type RTR
Ren Loc/BOPD Y
Bank Name Bank of America, NA

Amount: \$1,791.25
Account: 1641000298
Bank Number: 54075010

Sequence Number: 3252149808
Capture Date: 07/25/2023
Check Number: 1098221453

Notice to Purchaser: In the event that this check is lost, misplaced or stolen, a 90-day suspension and 90-day waiting period will be required prior to replacement. This check should be negotiated within 90 days.

Cashier's Check - CREDIT COPY

No. 1098221453
Date 07/25/23 09:32:31 AM

Void After 90 Days 30-1/1140
NTX

NORTHWOODS
0001 7290400 0014

Pay



One Thousand Seven Hundred Ninety One and 25/100 Dollars
To The THE RESERVE AT WESCOTT
Order Of

\$1,791.25

Not-Negotiable
Credit Copy

Remitter (Purchased By): ARIANA DESTINY SANDERS
Bank of America, N.A.
SAN ANTONIO, TX

96-715-15408 06/2019

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