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Nov 03 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
In the Circuit Court  
Greenville County Civil Action Number 2022-CP-23-00922

The Honorable William P. Keesley, Circuit Court Judge

Appellate Case No.: 2022-000741

Mercedes Boyd .....Appellant  
v.

Triangle Palisades at the Park, LLC d/b/a Palisades at the Park .....Respondent

**RESPONDENT’S MOTION TO DISMISS APPEAL FOR  
FAILURE TO MAINTAIN APPELLATE BOND**

Pursuant to Rule 240(a) of the South Carolina Rules of Appellate Procedure, Respondent  
Triangles Palisades at the Park, LLC d/b/a Palisades at the Park (“Respondent”) moves to  
dismiss Appellant’s appeal on the following grounds:

1. Appellant entered into a Residential Lease with Respondent dated September 3, 2021 for apartment number 2306 at 805 Mauldin Rd., Greenville, SC at the Palisades at the Park Apartments.
2. Due to a default in lease payments, on January 20, 2022, Respondent filed an Application for Ejectment in case number 2022 – CV – 23 – 11000278.
3. The eviction hearing was held on February 14, 2022 and eviction was ordered.
4. Appellant appealed to the eviction on February 17, 2022, under case number 2022 – CP – 23 – 00922.
5. On March 9, 2022, the Magistrate conducted a bond hearing as required by South Carolina Code of Laws Section and the Magistrate’s Court ordered the Defendant/Appellant to pay a bond of \$1,410.00 by March 14, 2022, and maintain rent payments in the amount of \$1,410.00 by the 5<sup>th</sup> of each month until the appeal was resolved in Circuit Court.

6. That by Order dated May 25, 2022, the Honorable William Keesley, Circuit Judge, heard Appellant's appeal and denied the appeal. A copy of Judge Keesley's order is attached hereto as Exhibit A.
7. On May 30, 2022, Appellant appealed Judge Keesley's Order to the S.C. Court of Appeals.
8. On May 31, 2022, Appellant filed a Petition for Supercedeas seeking a stay of the eviction.
9. By Order dated June 2, 2022, the Court of Appeals granted the Petition for Supercedeas and stayed the appeal based on the undertaking of the Appellant that she would "continue to pay the rent amount of \$1,410.00 on or before the 5<sup>th</sup> of each month during the execution of the stay".
10. The amount of the required statutory undertaking was reiterated by Order filed September 18, 2023, by the Honorable William Keesley, Circuit Judge. A copy of Judge Keesley's Order is attached hereto as Exhibit B.
11. That as evidenced by the attached affidavit of Sara James, Regional Manager of the Respondent, the Appellant has failed to maintain the bond and the last payment received was in November 2022 and the bond payments for the months of November and December 2022 and January through September 2023 are due and owing.
12. That due to the failure of the Appellant to maintain the bond, the appeal should be dismissed, "if the tenant fails to make a payment within 5 days of the due date according to the undertaking an order staying execution, the clerk, upon application of the landlord shall issue a warrant of ejectment to be executed pursuant to Section 27 – 37 – 40 of the 1976 Code. SC Code of Laws Section 27 – 40 – 800 (e).

November 1, 2023

Respectfully submitted,

s/Theodore von Keller  
Theodore von Keller, SC Bar No. 5718  
Crawford & von Keller, LLC  
Post Office Box 4216  
Columbia, South Carolina 29250  
(803) 764-7444  
ted@crawfordvk.com



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STATE OF SOUTH CAROLINA  
COUNTY OF Greenville  
IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CA

CASE NO. 2022CP2300922

Mercedes Boyd  
PLAINTIFF(S)

Triangle Palisades At The Park Llc et al  
DEFENDANT(S)

**DISPOSITION TYPE (CHECK ONE)**

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRCP;  Rule 41(a), SCRCP (Vol. Nonsuit);  Rule 43(k), SCRCP (Settled);  
 Other
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRCP;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See attached order (formal order to follow)  Statement of Judgment by the Court:

The hearing on this appeal from an order of eviction issued by the Magistrate was conducted on May 25, 2022, using the Webex Virtual Courtroom and its recording feature, by consent. The appellant is self-represented. The respondent is represented by Ryan A. Huggins. The court declined to consider respondent's summary judgment motion as it was not on the docket. The court rejects the respondent's challenge to hearing the appeal based a lack of service upon the respondent's attorney. The respondent was served. During her oral argument, the appellant admitted owing funds on the rental agreement. She attempts to insert new matter that does not appear to have been raised to or ruled upon by the Magistrate. She mentioned the loss of employment and her efforts to obtain short term disability, and while those are understandable, they do not give rise to obviating the debt as this time. The record indicates consideration given to the CARES Act. Therefore, the judgment is affirmed.

**ORDER INFORMATION**

This order  ends  does not end the case.

See Page 2 for additional information.

**For Clerk of Court Office Use Only**

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 05/25/2022 .

Gantt Summary Court  
 Mercedes Boyd for Mercedes Boyd  
 Triangle Palisades At The Park Llc for Triangle Palisades At The Park Llc  
 Triangle Palisades At The Park Llc for Triangle Palisades At The Park Llc  
 Mercedes Boyd for Mercedes Boyd

**NAMES OF TRADITIONAL FILERS SERVED BY MAIL**

**Court Reporter:**

**E-Filing Note:** 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 judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCF.

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Greenville Common Pleas

**Case Caption:** Mercedes Boyd VS Triangle Palisades At The Park Llc , defendant, et al  
**Case Number:** 2022CP2300922  
**Type:** Order/Electronic Form 4

Circuit Judge (Code #2050)

s/ William P. Keesley

Electronically signed on 2022-05-25 10:32:51 page 3 of 3



FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Greenville
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2022CP2300922

Mercedes Boyd
PLAINTIFF(S)

Triangle Palisades At The Park Llc et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

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ACTION STRICKEN (CHECK REASON): Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
STAYED DUE TO BANKRUPTCY
DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX): Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

On May 25, 2023, the court affirmed the Magistrate's decision to evict a tenant. That ruling has been appealed, and the Court of Appeals has directed that the tenant may remain in place so long as the appeal bond is paid, which is to be set by the circuit court. Having reviewed Rule 205, SCACR, the court finds that it is not prohibited from entering this order continuing the amount of the bond to stay eviction at \$1,410 per period, as set by the Magistrate.
AND IT IS SO ORDERED.

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 09/15/2023 .

Gantt Summary Court
Mercedes Boyd for Mercedes Boyd
Triangle Palisades At The Park Llc for Triangle Palisades At The Park Llc
Triangle Palisades At The Park Llc for Triangle Palisades At The Park Llc
Mercedes Boyd for Mercedes Boyd
NAMES OF TRADITIONAL FILERS SERVED BY MAIL

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**Court Reporter:**

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Greenville Common Pleas

**Case Caption:** Mercedes Boyd VS Triangle Palisades At The Park Llc , defendant, et al  
**Case Number:** 2022CP2300922  
**Type:** Order/Electronic Form 4

Circuit Judge (Code #2050)

s/ William P. Keesley

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**Nov 03 2023**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM GREENVILLE COUNTY  
In the Circuit Court  
Greenville County Civil Action Number 2022-CP-23-00922

The Honorable William P. Keesley, Circuit Court Judge

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Appellate Case No.: 2022-000741

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Mercedes Boyd .....Appellant

v.

Triangle Palisades at the Park, LLC d/b/a Palisades at the Park .....Respondent

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**PROOF OF SERVICE**

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The undersigned certifies that he has served Respondent’s Motion to Dismiss Appeal for Failure to Maintain Appellate Bond by depositing a copy of it in the United States Mail, postage prepaid, postage prepaid on November 2, 2023, addressed to the party of record to the below address:

Mercedes Boyd  
805 Mauldin Road, Apt. 2306  
Greenville, South Carolina 29607

Respectfully submitted,

s/Theodore von Keller  
Theodore von Keller, SC Bar No. 5718  
Crawford & von Keller, LLC  
Post Office Box 4216  
Columbia, South Carolina 29250  
(803) 764-7444  
ted@crawfordvk.com



## CRAWFORD & VON KELLER, LLC

SOUTH CAROLINA  
B. Lindsay Crawford, III \*  
Theodore von Keller  
B. Lindsay Crawford, IV\*\*

NORTH CAROLINA  
Benjamin A. Barco  
Arielle Womack  
Brittany T. Morrison\*\*

Charley S. FitzSimons  
Jason M. Hunter  
Lawrence W. Johnson, Jr.\* - Special Counsel

\* Certified Specialist in Bankruptcy  
and Debtor-Creditor Law in SC

\*\*Admitted in South Carolina and North Carolina

November 2, 2023

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**Nov 03 2023**

**SC Court of Appeals**

Via ctappfilings@sccourts.org and Regular Mail

SC Court of Appeals  
PO Box 11629  
Columbia, SC 29211

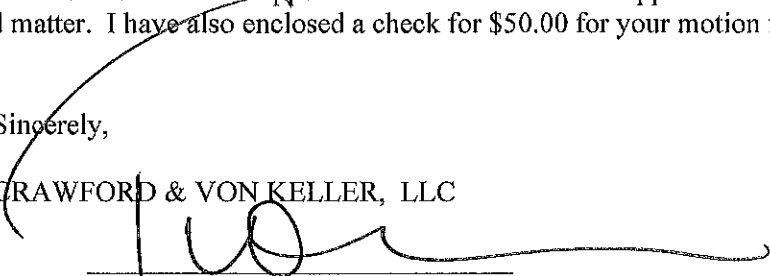
**RE: Mercedes Boyd vs. Triangle Palisades at the Park, LLC d/b/a Palisades at the Park  
Appellate Case No.: 2022-000741**

Dear Sir/Madam:

Enclosed please find Respondent's Motion to Dismiss Appeal for Failure to Maintain Appellate Bond and Proof of Service regarding the above referenced matter. I have also enclosed a check for \$50.00 for your motion filing fee.

Sincerely,

CRAWFORD & VON KELLER, LLC

  
Theodore von Keller, Esquire  
Post Office Box 4216  
Columbia, South Carolina 29240  
Telephone: (803) 790-2626  
Attorney for Respondent

TVK/tdd  
Enclosure

Cc: Mercedes Boyd  
805 Maulding Road, Apt. 2306  
Greenville, South Carolina 29607

WE ARE A DEBT COLLECTOR. THIS COMMUNICATION IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

P.O. Box 4216, Columbia, SC 29240 • 1640 St. Julian Place, SC 29204 • 803-790-2626 • Facsimile 803-790-1277  
1017 Ashes Drive, Suite 106, Wilmington, NC 28405 • 910-363-1637 • Facsimile 910-363-1652