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Nov 03 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

Roger M. Young, Sr., Circuit Court Judge

Appellate Case No.: 2018-001659

PSG Patriots Place Apartments d/b/a Patriot Place, successor in interest to Brentwood Sixteen, LLCRespondent

v.

Graclescica Jackson.....Appellant.

RESPONDENT’S RETURN TO PETITION FOR SUPERSEDEAS & MOTION TO DISMISS APPEAL/ EMERGENCY PETITION FOR WRIT OF SUPERSEDEAS

I. Appellant’s Emergency Petition for a Writ of Supersedeas is insufficient to stay the judgment for ejection (S.C. Code § 27-40-800)

The Respondent, PSG Patriots Place Apartments d/b/a Patriot Place, successor in interest to Brentwood Sixteen, LLC moves pursuant to SC Code § 27-40-800(b) for an Order dismissing Appellant’s Emergency Petition for Writ of Supersedeas dismissed.

The underlying matter being appealed concerns an Application for Ejection filed by Respondent for nonpayment of rent when due. Appellant/Tenant has failed to sign an undertaking stating that she will pay to the Respondent/Landlord the amount of rent, determined by the magistrate in accordance with S.C. Code Section 27-40-780, as it becomes due periodically after the judgment was entered. The magistrate in the instant action has made a determination as to the amount bond owed pending Appellant/ Tenant’s appeal as indicated by that Bond to Stay Execution on Appeal Order filed June 6, 2023 in Civil Case Number 2023CV0810601822, a copy of which is attached hereto as Exhibit ‘A’ and made a part hereof

by reference. As such, the judgment cannot be stayed and Respondent's Petition should be dismissed.

Moreover, the plain reading of Respondent/Tenant Petition indicates that she is seeking to stay an injunction entered by the Circuit Court. No injunction has been issued by the Circuit Court in the matter being appealed. As such, Appellant/ Tenant has failed to state a claim under which relief may be granted.

WHEREFORE, Respondent prays for an Order dismissing the appeal and Appellants Emergency Petition for Writ of Supersedeas.

RESPECTFULLY SUBMITTED

CRAWFORD & VON KELLER, LLC

/s/ Jason M. Hunter

Theodore von Keller, S.C. Bar No. 5718
B. Lindsay Crawford, III S.C. Bar No. 6510
B. Lindsay Crawford, IV S.C. Bar No. 101707
Charley S. FitzSimons S.C. Bar No. 104326
Jason M. Hunter S.C. Bar No. 101501
Post Office Box 4216
Columbia, South Carolina 29204
Telephone 803-790-2626
ATTORNEYS FOR THE PLAINTIFF

Columbia, SC

October 31, 2023

Exhibit 'A'

STATE OF SOUTH CAROLINA)
)
COUNTY OF BERKELEY)
_____)
)
)

2023CV0810601822
CIVIL CASE NUMBER
MAGISTRATE'S COURT

**BOND TO STAY EXECUTION
ON APPEAL**

**Psg Patriots Place Apartments Db
Patriot Place Successor In Interest**

LANDLORD **FILED**
Vs JUN 08 2023
Gracescia Jackson Goose Creek
3000 Harbour Lake Dr., Unit 13B Magistrate Office
Goose Creek, SC 29445

TENANT(S)

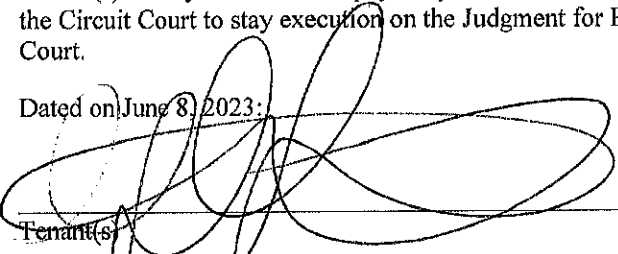
TO: Circuit Court

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 **May 25, 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 \$1,110.00 per Month, due on the 1st day of each Month. 1st Payment is due by June 15, 2023 and late after June 20, 2023. Thereafter, rent is due on the 1st of each month and late after the 5th.

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 June 8, 2023:



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 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 June 8, 2023

JUDGE

Goose Creek Magistrate
303-B North Goose Creek Blvd.
Goose Creek, SC 29445
Phone: (843) 553-7080
Fax: (843) 553-7074

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THE STATE OF SOUTH CAROLINA
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APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

Roger M. Young, Sr., Circuit Court Judge

Appellate Case No.: 2018-001659

PSG Patriots Place Apartments d/b/a Patriot Place, successor in interest to Brentwood Sixteen,
LLCRespondent

v.

Graclescica Jackson.....Appellant.

PROOF OF SERVICE

I certify that I served the foregoing Respondent's Return to Petition for Supersedeas & Motion to Dismiss Appeal/Emergency Petition for Writ of Supersedeas in this case on the date given below by mailing it to opposing counsel at the address noted below.

Graclescica Jackson
3000 Harbour Lake Drive, Unit 13B
Goose Creek, SC 29445

Respectfully submitted,

s/ Jason M. Hunter
Jason M. Hunter
S.C. Bar No. 101501
Crawford & von Keller, LLC
Post Office Box 4216
Columbia, South Carolina 29250
(803) 764-7444
ted@crawfordvk.com
Attorney for Respondent

November 2, 2023



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
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**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: PSG Patriots Apartments d/b/a Patriot Place, successor in interest to Brentwood Sixteen, LLC vs/. Graclescia Jackson
Appellate Case No.: 2018-001659**

Dear Sir/Madam:

Enclosed please find Respondent's Return to Petition for Supersedeas & Motion to Dismiss Appeal/Emergency Petition for Writ of Supersedeas 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

Jason M. Hunter, Esquire
Post Office Box 4216
Columbia, South Carolina 29240
Telephone: (803) 790-2626
Attorney for Respondent

JMH/tdd
Enclosure

Cc: Graclescia Jackson
3000 Harbour Lake Drive, Unit 13B
Goose Creek, SC 29445

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