

WRIT of Stay

Brandi N Hudson
3434 Lot 10 Raspberry Lane
Darlington, SC 29532

RECEIVED

NOV 14 2023

SC Court of Appeals

VS

James Holmes
1129 S. Center Road
Darlington, SC 29532
843 758 2673

Brandi Hudson is asking this court to stay the Eviction

Did not receive proper notice after 1st court hearing

landlord did not maintain rental unit pursuant to S.C. Code Ann § 27-40-440

Act NO. 72, section 1. s.c state House. GOV
South Carolina Code of Laws

★ S. C Code Ann § 27-40-440

Landlord Did not maintain

Rental Unit. failure to notice, after trying
to make contact threw Gardner law firm
§ 27-40-710(B)

★ arranging for services to deduct
cost from Rent

★ failing to provide Heat of the Rental
Unit when asked by the courts.

★ Proceeding of removing property unannounced
during eviction process.

Title 31- Housing and Redevelopment
chapter 21
Fair Housing Law

STATE OF SOUTH CAROLINA)

COUNTY OF DARLINGTON)

2023CV1610400907
CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT
SET OUT ON 11/15/2023 @ 11:00 AM
WRIT OF EJECTMENT

James Holmes
1629 S.Center Road
Darlington, SC 29532
(843) 758-2673

PLAINTIFF(S)

Vs
Brandy Hudson
3434 Lot 10 Raspberry Lane
Darlington, SC 29532

Mario Mack

DEFENDANT(S)

TO THE SHERIFF/MAGISTRATE'S CONSTABLE:

Upon Judgment of this Court, rendered on the , you are hereby Ordered to proceed to the premises located at
3434 Lot 10 Raspberry Lane

Darlington, SC 29532.

Announce your identity and purpose and serve on the defendant(s) and all occupants a copy of this Writ of Ejectment. Inform them they have **twenty four (24) hours to voluntarily vacate** the premises. **If the premises appear unoccupied and no one responds** to your announced identity and purpose, the Writ of Ejectment shall be served by securely attaching a copy of the Writ in a conspicuous place on the premises.

If after 24 hours following the service or posting of the Writ, the occupants have not voluntarily vacated the premises, **a deputy sheriff may enter the premises** using only as much force as is necessary to effectuate the Ejectment.

Upon gaining access, you shall **remove from the premises any occupants and all items of personal property found on the premises. Such property may be deposited beside the public street or roadway.** All personal property removed from the premises and placed on a public street or roadway may be removed by the proper local government agency after forty eight (48) hours, excluding Saturdays, Sundays, and holidays. Such property may also be removed in the normal course of debris or trash collection before or after a period of forty eight (48) hours.

November 13, 2023

[Signature]
Darlington Magistrate

Shelby Wallace, being duly sworn state that:

- I personally served a copy of this Writ on _____, an occupant of the rental unit
- On 11-13 2023, at 1145 the rental unit appeared unoccupied and no one responded when I announced my identity and intentions. I attached a copy of this Writ to a conspicuous part of the premise.
- On _____ 20____, at _____, which was not less than 24 hours from the posting date and time, I returned to the rental unit for the purpose of ejectment.
- Under my supervision, I had all persons and personal property removed and evicted from the rental unit placing all personal property beside the roadside.
- The rental unit was unoccupied. The Tenant and all occupants had vacated the unit.
- Informed by Plaintiff that case is settled.

Date: 11-13, 2023

Shelby Wallace
Sheriff/Deputy Sheriff/Constable

RECEIVED
NOV 14 2023
SC Court of Appeals

STATE OF SOUTH CAROLINA
COUNTY OF DARLINGTON

IN THE MAGISTRATES COURT
FOURTH JUDICIAL CIRCUIT

APPEAL CASE NO: 23CP160775
CIVIL CASE NO: 2023CV1610400907

JAMES HOLMES
1629 S. CENTER ROAD
DARLINGTON, SC 29532
Landlord/Respondent

VS
BRANDI HUDSON
MARIO MACK
3434 LOT 10 RASPBERRY LANE
DARLINGTON, SC 29532
Tenant/Appellant

ORDER

DISSOLUTION OF STAY OF EVICTION
AND
DISMISSAL OF APPEAL
FROM MAGISTRATE
ORDER TO PROCEED WITH EVICTION
Tenant's Failure to Timely Pay Periodic Rent
As Ordered in Stay of Eviction
S.C. Code Section 27-40-800(e)

The magistrate court granted a judgment of eviction against Tenant/Appellant. Before execution of the order to evict could be accomplished, Tenant/Appellant filed an appeal to stay the execution and the magistrate court held a Bond Undertaking Hearing on October 24th, 2023, and issued a stay of the eviction order.

As a condition of the stay, the order required Tenant/Appellant to timely pay periodic rent in the amount of \$900.00/Month as it became due after the judgment of eviction within 5 days of the due date which was 1st day of November 2023 and monthly afterwards due on 1st day of each month. According to an affidavit filed by Landlord with the magistrate court, as of November 8th, 2023, the date of filing of the application and affidavit, Tenant has failed to pay the amount of rent as ordered and the bond undertaking has not been perfected.

1. The stay is dissolved, and Tenant's appeal is dismissed (S.C Code Section 27-37-130).
2. Issue an order to evict and remove Tenant along with all other persons and property from the rental unit.
3. The sheriff, his deputy, or constable shall execute the order of eviction as authorized by code.

Date: 11-9, 2023

Faye P. Lewis
Magistrate Clerk

IT IS ORDERED:

Date: 11/9, 2023
DARLINGTON, SC

RECEIVED
[Signature]
Magistrate

NOV 14 2023

SC Court of Appeals

Certified True Copy
Darlington Magistrate's Office

FILED
2023 NOV 10 10:14
SCOTTSBORO
CLERK OF COURT/RM/C
DARLINGTON COUNTY, S.C.

FILED
2023 NOV -9 P 5:14
DARLINGTON MAGISTRATE

TRUE CERTIFIED COPY,
Scott B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, SC