

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 24<sup>th</sup>, 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 1<sup>st</sup> day of November 2023 and monthly afterwards due on 1<sup>st</sup> day of each month. According to an affidavit filed by Landlord with the magistrate court, as of November 8<sup>th</sup>, 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  
Magistrate

NOV 14 2023

SC Court of Appeals

Certified True Copy  
Darlington Magistrate's Office

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2023 NOV 9 10:34 AM  
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DARLINGTON COUNTY, S.C.

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DARLINGTON MAGISTRATE

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