

State of South Carolina Court of Appeals

Appellate Case No.
2023-000787

Michael Munafo and
Kathleen Gabriel

Appellants

Request to Deny

v

Motion to Dismiss

David Osteen SR

RECEIVED

Respondent.

NOV 22 2023

SC Court of Appeals

Now Comes the Appellants Michael Munafo and Kathleen Gabriel Requests that honorable Court Deny Respondent's motion to Dismiss. The Respondent is relying on the Magistrate Decision Given to the former owner David Osteen Jr. Filing to Evict. There was an honest error in the mailing where the Appellant failed to put a stamp on the envelope and had it returned to his residence on Oct 20, 2023. Mister Munafo attempted to call the Respondent but got no answer. He then immediately got in his car and delivered it to the Respondent's address on Oct 20th. The envelope was left on the door or the home since nobody came to the door when he rang the bell. The following Monday Oct 23rd the Appellant called the Court and spoke with Tyler and explained what had transpired and informed him of the date it was delivered. Since the issue was remedied within five days without a written notice even being given.

Pursuant to South Carolina state law
Residential landlord and tenant Act.

The Respondent accepted payment of that
rental period but has also accepted the
November payment that has the rent paid
until December 15th. Therefore the Appellant
ask this court to deny the motion to
Dismiss

Respectfully Yours
Michael Wumpo
Pro Se

The South Carolina Court of Appeals

Case No 2023-000787

Michael Mwale

Appellant

↓

Affidavit of
Michael Mwale

David Ostrow Sr

Respondent

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SC Court of Appeals

I Michael Mwale do hereby swear under the pains and penalties of perjury that the following statements to be true.

I personally hand delivered and left out rental on the door of the Respondent.

I then called the court to explain the mistake and what had happened. The money ordered was left on the door on October 20th 2023 and contact with the court was October 23, 2023. I have since given another payment that brings us current to December 15, 2023. Both of those payments have been tendered for payment a copy of those payments are attached at the date they were purchased has been highlighted.

Respectfully

Michael Mwale
Pro Se



CUSTOMER'S RECEIPT

SEE BACK OF THIS RECEIPT
FOR IMPORTANT CLAIM
INFORMATION

**NOT
NEGOTIABLE**

Pay to

Address

MOVIS - Deaf

KEEP THIS
RECEIPT FOR
YOUR RECORDS

Serial Number

28931955658

Year, Month, Day

2023-11-10

Post Office

291420

Amount

\$550.00

Clerk

4



CUSTOMER'S RECEIPT

SEE BACK OF THIS RECEIPT
FOR IMPORTANT CLAIM
INFORMATION

**NOT
NEGOTIABLE**

Pay to

Address

David Osteen SR

OCT 15 - NOV 15

KEEP THIS
RECEIPT FOR
YOUR RECORDS

Serial Number

28931954218

Year, Month, Day

2023-10-12

Post Office

291420

Amount

\$550.00

Clerk

4

PROOF OF SERVICE OF A NOTICE
OF APPEAL

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SC Court of Appeals

The State of South Carolina

Appeal from ORANGEBURG COUNTY
COURT OF COMMON PLEAS

Heath P Taylor

Circuit Court Judge

ORANGEBURG COUNTY EASTERN REGION
MAGISTRATE COURT

Judge Donald R West

CASE #s 2022-CP-38-01598

2022-CV-3816500305

Appeals Case # 2023-000787

Appellants - Michael Munalo and Kathleen Gabriel

Respondent - David Ostrow SR

PROOF OF SERVICE

I Michael Munalo do hereby swear that
A copy of Return for Motion to Dismiss
has been mailed to Allen Neumeister the
Respondents Attorney on November 20th
at his business address: 716 F.R HUFF DR
ST MATTHEWS, S.C. 29135

Michael Munalo
Pro SE
843-925-4500

M. Mural
229 Second St
Spartanburg S.C.
29142

COLUMBIA SC 290
20 NOV 2023 PM 3 L



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SC Court of Appeals

South Carolina Court of Appeals

1220 Senate Street

Columbia South Carolina

29201

ATTN: Tyler

29201-376999

