

FORM 4

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

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2023CP1801774

Geniese M Janoski	2023 DEC -7 PM 2:18	Efrain Bonilla Diaz
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PLAINTIFF(S)	DEFENDANT(S)
Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant

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. See Page 2 for additional information.

ACTION DISMISSED (CHECK REASON): Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit);
 Rule 43(k), SCRPC (Settled); Other: _____

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: **Appellant failed to post the required bond; therefore the within action is dismissed.**

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:
ORDER INFORMATION

This order ends does not end the case.
Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.

Note: Title abstractors and researchers should refer to the official court order for judgment details.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.


Cheryl Graham, Clerk of Court

2099
Judge Code

12/7/2023
Date

For Clerk of Court Office Use Only

This judgment was entered on **12/7/2023**, and a copy mailed first class or placed in the appropriate attorney's box on **12/7/2023**, to attorneys of record or to parties (when appearing pro se) as follows:

Geniese M Janoski
176 Winter Drive
Summerville, SC 29483

Efrain Bonilla Diaz
4889 Filly Ct
North Charleston, SC 29420

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)



Court Reporter

Cheryl Graham - Clerk of Court

Court Reporter:

E-Filing Note: In E-Filing counties, 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 judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

cc: Summerville Magistrate Court on 12/7/23

STATE OF SOUTH CAROLINA

IN THE MAGISTRATE'S
COURT

COUNTY OF DORCHESTER

CASE NO: 2023-CV-181030-4905

EFRAIN BONILLA DIAZ
Plaintiff/Landlord,

vs.

GENIESE JANOSKI

See also: 2023-CP-18-1774

**ORDER DISMISSING
APPEAL**

FILED-PT
2023 DEC -7 PM 3:18
CLERK OF COURT
DORCHESTER COUNTY
JERAMIAH

Defendant/Tenant.

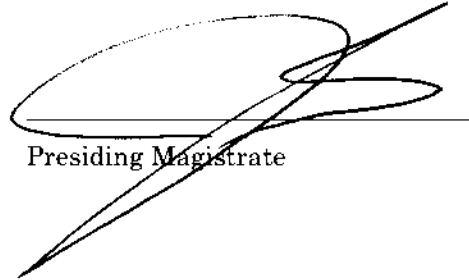
Based upon these facts: It appears from the record that the Defendant/Tenant improperly filed an appeal to the Circuit Court on October 12th, 2023.

On September 13th, 2023 the Plaintiff filed a Rule to Vacate or Show Cause. The Defendant was served on September 15th, 2023 and the hearing was scheduled for September 26th, 2023. On September 26th, 2023 the Defendant requested a jury trial and a Bond to Stay Execution hearing was held instead pursuant to S.C. Code §27-40-800. The Defendant was present and signed the Bond to Stay Execution (Jury Trial Requested). The Defendant/Tenant failed to pay periodic rent as due in the amount fixed by the Magistrate due on October 1st, 2023. On October 9th, 2023 the Plaintiff requested a Writ of Ejectment for non-payment, and it was signed on October 10th, 2023. The Defendant then improperly appealed this Writ of Ejectment, and a second Bond to Stay Execution was improperly held.

Now, therefore, and pursuant to S.C. Code §27-37-130, the stay of execution shall dissolve, and the appeal by the Defendant/Tenant to the Circuit Court is hereby dismissed.

The Magistrate Court may issue a Writ of Ejectment, and the Dorchester County Sheriff's Office may dispossess the Defendant/Tenant.

AND IT IS SO ORDERED this 5th day of December, 20 23.



Presiding Magistrate

10/9/2023

OCT 09 2023

To Whom it may concern,

I Efrain Bonilla Diaz bought the mobile home located at 176 Winter Drive from Genesis Janoski for \$9,000 on August 12,2023.

I have attached a copy of the title in my name and the lease which is in my name and a picture of the money given with the bill of sale written by Mrs. Janoski.

On September 26,2023 I had court with Genise Janoski and Judge Jacquelyn G. Jenkins regarding an eviction. Mrs. Janoski requested a jury trial and judge Jenkins gave a Bond to Stay with the guidelines of Mrs. Janoski pay \$1,500.00 a month due on the 1st.

Per the Bond of Stay, if Janoski failed to make any rental payments within five days of the due date, upon application of the landlord, the stay of execution shall dissolve, the request of jury by the tenant on issues dealing with possession must be dismissed and the Sheriff may dispossess the tenant.

On October 2, 2023, I handed a letter regarding paying the rent, there was no attempt to call or pay me. I have attached a copy of the letter.

Today is October 9th, and no rent payment has been made and Mrs. Janoski has not moved out.

I am requesting the judge to dismiss the jury trial and I am requesting the eviction to stand. I am also requesting a Warrant of Ejectment and have the Sherriff remove tenant from my property.

Best regards, Efrain Bonilla Diaz

2023 DEC -7 PM 3:19
CLERK OF COURT
DOCUMENTS UNIT

STATE OF SOUTH CAROLINA

IN THE MAGISTRATE'S
COURT

COUNTY OF DORCHESTER

CASE NO: 2020-CV-181030-4905

Efrain Bonilla Diaz

Plaintiff/Landlord,

vs.

Geniese Janoski
Defendant/Tenant.

**ORDER
DISMISSING JURY TRIAL REQUEST**

It appears from the record that the Defendant/Tenant requested a jury trial on September 26, 2023 from the Application for Ejectment filed in the Magistrate's Court by Plaintiff/Landlord. Thereafter, pursuant to S.C. Code §27-40-800, the Magistrate Court held a Bond to Stay Execution on Jury Trial Request hearing on September 26, 2023.

Based upon the Affidavit of the Plaintiff/Landlord, it now appears that the Defendant/Tenant failed to provide the bond or pay periodic rent as due in the amount fixed by the presiding Magistrate.

Now, therefore, and pursuant to S.C. Code §27-37-130, the stay of execution shall dissolve, and the jury trial request by the Defendant/Tenant is hereby dismissed.

The Magistrate Court may issue a Writ of Ejectment, and the Dorchester County Sheriff's Office may dispossess the Defendant/Tenant.

AND IT IS SO ORDERED this 10th day of October, 20 23.


Presiding Magistrate