

The South Carolina Court of
Appeals

Case Number 2023-000287

Appeal From Orangeburg County
Honorable Heath P Taylor
First Circuit Court.

Case # 2022-CP-38-01598

David Osteen Jr Respondent

Michael Mowab v. Appellant

Brief of Appellant

Counsel of Record

Michael G Mowab - Pro-se Appellant

Allen Neumeister ATTORNEY FOR ~~Respondent~~
Respondent.

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SC Court of Appeals

Table of Contents

Table of Authorities	3
Statement of the case	4-6
Questions Presented	7
Argument - Question 1	8
Question 2	9
Question 3	10
Conclusion	11
Certificate of Service	12

Question 1 Authorities S.C. Code 27-40-77

Question 2 S.C. Code 40-5-320 (A)(1)
Bank of Am. v Campbell, 2012 U.S. Dist.
Lexis 74947.

Richardson El v. Hutchings Law Firm
2023 U.S. Dist. Lexis 75279.

Franklin v Chavis 371 S.C. 527,
640 S.E. 2d 873-2007 S.C. Lexis 20

Renaissance Enters INC v Summit Teleservice
334 S.C. 649, 515 SE 2d 257 1999
S.C. Lexis 66.

Question 3. NARRON v Alca London LTD
404. S.C. 357 745 SE 2d 90 2023

Statement of the Case

ON June 3, 2022 the respondent purchased the property in question and on June 5, 2022 the Respondent's sister came to the home demanding the tenants sign a lease agreement (tenant at will) however would not allow the tenants the opportunity to have an attorney to look it over first. The sister said she would evict us if we didn't sign it then. later after researching the laws of South Carolina I the Appellant sent a letter requesting they modify the lease as well as make repairs to the home. This letter was mailed June 30, 2022. On July 5, 2022 the sister appeared at our door with a 30 Day Notice to Quit. The Respondent appeared at the Magistrate Court July 27, 2022 requesting a writ of Ejectment. A hearing was scheduled for August of 2022 (Not sure of exact date) case number ~~2022 CV 3810~~ 2022 CV 3810500271. Magistrate Judge Donald West dismissed the case because the Respondent did NOT allow the 30 days to expire

For a writ of Ejectment. The Respondent then returned to the court days later and requested another writ of Ejectment was heard on Oct. 27, 2022. At that hearing the Respondent did not appear and instead his sister appeared claiming as his attorney in fact allowed her to represent him. The judge allowed her to do so over the objection of the Appellant. After the hearing concluded the judge ruled in favor of the Respondent. The Appellant then filed for an appeal in the court of common pleas in Orangeburg County. Related to magistrate court case number 2022CV3810500325. The circuit court heard the case on May 8, 2023 however the Respondent had sold the property on May 1, 2023 with the deed recorded May 2, 2023. The sale was to his father David Osteen Sr. and his wife Ruth. Instrument number 20233001954. Book 02164 Page 0130-0135. The sale omitted David Osteen Jr from standing on that date where he no longer owned the property. Judge Heath Taylor

Allowed the New Owner David Osteen SR. and Ruth Osteen to supplement the son and ruled to affirm the lower court ruling. Over the objection of the appellants. The appellants then filed an appeal with the South Carolina Court of Appeals.

Question 1

Did the Magistrate Judge Err by allowing the Respondent to file a new Request for writ of Ejectment without a new 30 Day Notice to Quit.

Question 2

Did the Magistrate Judge Err by allowing the Respondent's sister to practice law illegally and allow her to stand in Pro-se of an individual?

Question 3

Did the Circuit Court Judge Err in allowing the case to move forward where the moving party in the underlying case no longer had standing and allow the new landlord who was not a party to the underlying case.

Arguments

Question 1

The magistrate Judge ERROL when he allowed the respondent to file a new request for Ejectment without a 30 Day Notice to be given, S.C. Code 27-40-770. The prior notice was violated by the respondent by not allowing it to expire before he filed for the writ. The case was dismissed and he should not have been allowed to use it in a separate case as proper notice which violated the Appellants Due Process Rights.

Arguments

Question 2.

The Magistrate Judge ERR By allowing the Respondents Section appear on behalf of an individual which ~~tantamount~~ to practice law without a ~~license~~ license which is a crime in all the states in this country include South Carolina. S.C. Code 40-5-320(A)(1) See Related Court Cases in the Table of Authorities Page 3.

Arguments

Question 3.

Did the Circuit Court Judge
ERR by not ruling the case moot
due to the moving party in the
underlying case no longer owned the
property. Also by allowing the new
landlord to supplement for the ~~appellant~~
Respondent where he had no standing
of the appeal and had not seized
to evict at any point. See Related
cases in TABLE of authorities Page 3.

Conclusion

The Appellant Asks This Court
To Reverse the Rulings of the
Lower Courts and Dismiss with
Prejudice

Respectfully,
Michael M. M. M.
Pro-se

Certificate of Service

I Michael Mwale the Appellant
Do hereby swear under the Pains
and Penalties of perjury that I
have served the opposing Attorney
Allan Neumeister by mail on this
Day Feb 20, 2024 copies of the
Brief of the Appellant filed in
this Court

Respectfully
Michael Mwale
Pro - se

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Michael Mural
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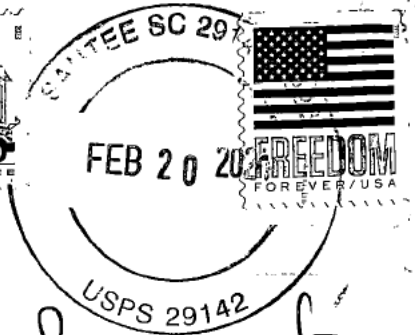
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