

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

David Bryant Trapp,

Plaintiff,

v.

Randall Freeman and Jenna Freeman,

Defendants

IN THE MAGISTRATES COURT
C/A No.: 2023-CV-4310101594

ORDER AND RETURN

RECEIVED

Apr 01 2024

SC Court of Appeals

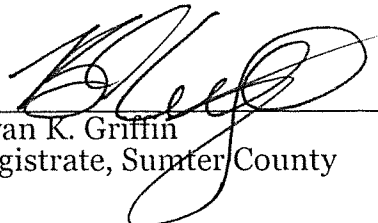
This matter is before the court upon its own motion. As stated in prior pleadings, this action arose out of an Application for Ejectment filed on April 3, 2023. Defendants filed an Answer on April 27, 2023, demanding a jury trial and a pre-trial hearing pursuant to S.C. Code Ann. § 27-40-790 to determine the rent/bond to be paid into Court pending the disposition of this action. I ordered the bond set at \$1,750.00 and payable within five (5) days from the date of the hearing. Additionally, future bond payments were set at \$1,600.00 due and payable on the first of each month and no later than the 10th of each month, beginning on September 1, 2023.

After bond was set, defendants posted their September and October bond timely to the Sumter County Magistrate Court, each in the amount of \$1,600.00 respectively. November bond was not paid or received by the Court by November 10, 2023. Accordingly, a Writ of Ejectment was issued and executed pursuant to S.C. Code Ann. §27-37-160. Subsequently, Defendant Randall Freeman filed an appeal with the Court of Common Pleas. Freeman filed the appeal without his counsel, alleging *inter alia*, that he attempted to pay his bond and was refused by my civil court clerks. Regardless of this appeal's merits, I must allow the defendant to post bond with the court pending the appeal. Accordingly, IT IS ORDERED that defendant post bond as previously ordered for November and December in the amount of Three Thousand Two Hundred Dollars (\$3200.00).¹ If the appeal is not heard before the end of this year, the previous bond

¹ When I was noticed of Freeman's appeal, I requested an affidavit from plaintiff as there was no need for a new bond hearing. The affidavit alleges rent is owed for April, May,

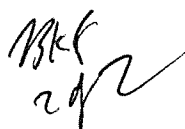
order will be extended into January. Defendant has 5 days from receipt of this order to post bond with the Summary Court. This order shall be sent to defense counsel on Freeman's behalf as he is still counsel of record for the purpose of calculating time. This order shall also serve as the magistrate's return in the event the appeal is conducted by the circuit court. Any failure to post bond will result in the dismissal of the appeal by the trial magistrate as required by statute.

AND IT IS SO ORDERED.


Bryan K. Griffin
Magistrate, Sumter County

Sumter, South Carolina
December 7, 2023

June, and July As the alleged failure to pay rent for those months is an issue on the merits, I think my order is limited to the original ruling in August to the present.



STATE OF SOUTH CAROLINA)
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COUNTY OF SUMTER)
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IN THE MATTER OF: David Bryan Trapp v.)
Randal Klint Freeman and Jenna Freeman)
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IN THE MAGISTRATE'S COURT
CASE NUMBER 2023-CV43-10101594

AFFIDAVIT

The Affiant, who, upon duly sworn, deposes and says that:

During this action, I have not received rent for the months of April, May, June, July, November, or December 2023. Accordingly, and as agreed upon at the preliminary hearing, rent was set at \$1,600.00 per month. There was a \$150.00 overage for the month of August that acted as bond; however, I am still owed \$9,450.00 in back rent from Mr. and Mrs. Freeman.

David Bryan Trapp
David Bryan Trapp, Affiant

The foregoing affidavit was sworn before me by *David Bryan Trapp* this 5th day of December 2023.

James Benjamin Cahill
Print Name: *James Benjamin Cahill*
Notary Public for South Carolina
My Commission Expires: *12/4/29*



RECEIVED
IN
SUMMARY COURT
190 CANAL ST.
SUMTER COUNTY
SOUTH CAROLINA
DATE *12/15/23*
TIME *11:56AM*