

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM LANCASTER COUNTY  
Court of Common Pleas

Brian Gibbons, Circuit Court Judge

Appellate Case No. 2024-000571  
Case No: 2024-CP-29-00161

**RECEIVED**

APR 19 2024

SC Court of Appeals

Madison Ridge Owner, LLC, d/b/a Madison Ridge

Respondent,

v.

Christina Lopes,

Appellant.

RETURN IN OPPOSITION TO MOTION TO STAY EVICTION

Respondent, Madison Ridge Owner, LLC, d/b/a Madison Ridge, hereby submits this Return to Appellant's Motion to Stay Eviction and requests that said Motion be denied. The court rightfully dismissed Ms. Lopes's frivolous appeal, and it should summarily deny her motion to stay that ruling.

Ms. Lopes appealed the Magistrate Court ruling dated January 31, 2024, after failing to appear at the hearing held on that date, bearing case number 2023CV2910102706. The Appellant requested a hearing and the Magistrate Court mailed notice of the hearing to Appellant's address at Madison Ridge apartment complex, where Appellant resides. In Appellant's Notice of Civil Appeal to the Lancaster Court of Common Pleas bearing file number 2024CP2900161, Appellant

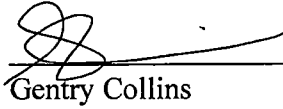
contends that the Magistrate Court failed to properly effectuate service of the notice of hearing. However, pursuant to the Answer to Appeal from Lancaster County Magistrate's Court, filed by Frederick A. Thomas, Magistrate Judge Presiding, Appellant was properly mailed notice of the hearing.

Pursuant to South Carolina Code Ann. § 18-7-180 and § 18-7-190, appeals in South Carolina to higher courts are proper when asserting an error in fact or law. S.C. Code Ann. § 18-7-180 provides that "if the appeal is founded on an error in fact in the proceedings, not affecting the merits of the action and not within the knowledge of the magistrate, the court may determine the alleged error in fact on affidavits and may, in its discretion, inquire into and determine the alleged error upon examination of witnesses." S.C. Code Ann. § 18-7-190 further states that "if the issue joined before the magistrate was an issue of law, the court shall render judgment thereon according to the law of the case; and if such judgment be against the pleadings of either party, an amendment of such pleading may be allowed on the same terms..." The Appeal filed to the Lancaster Court of Common Pleas bearing file number 2024CP2900161 was therefore frivolous as it was not based on an error in law or fact by the lower court.

When filing the present Motion to Stay Eviction, Appellant filed a Notice of Appeal appealing the Order filed by the Honorable Brian Gibbons, filed on March 18, 2024. The Form 4 Judgment in Civil Case stated in part, "at the call of the case Miss Lopes was not present [and] this appeal is DISMISSED for failure to prosecute." In the Notice of Appeal filed with the present court, Appellant asserted that she was unable to attend the appeal hearing due to "unforeseen circumstances," and that this absence was "not intentional."

In light of the foregoing, Respondent objects to Appellant's Motion to Stay Eviction and respectfully requests that the appeal be dismissed.

Respectfully submitted this 18<sup>th</sup> day of April, 2024.

A handwritten signature in black ink, consisting of a stylized, cursive 'G' followed by a horizontal line extending to the right.

Gentry Collins  
SC Bar No. 104107  
Brownlee Whitlow & Praet, PLLC  
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Charlotte, North Carolina 28204  
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Attorney for Respondent

THE STATE OF SOUTH CAROLINA  
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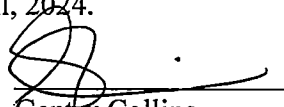
Appellant.

PROOF OF SERVICE

I certify that I have served **Respondent's Return in Opposition to Motion to Stay Eviction** by depositing a copy of it in the United States Mail, postage prepaid and via certified mail, on **April 18, 2023**, addressed to the following parties:

Christina Lopes  
4667 Boots Street, Apartment 204  
Indian Land, South Carolina 29707

Respectfully submitted this 18<sup>th</sup> day of April, 2024.

  
Gentry Collins  
SC Bar No. 104107  
Brownlee Whitlow & Praet, PLLC  
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Attorney for Respondent

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**Brownlee Whitlow & Praet**

PROPERTY SOLUTIONS LAW

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Licensed in NC, SC & TN  
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April 18, 2024

**Via First Class UPS Mail**

South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

**RECEIVED**

APR 19 2024

SC Court of Appeals

**Re: Christina Lopes v. Madison Ridge Owner (2024-000571)**


To Whom it May Concern:

Please find enclosed for your signature an original and six (6) copies of the Respondent's Return in Opposition to Motion to Stay Eviction in the above matter. Please also find enclosed a self-addressed, stamped envelope.

Thank you in advance for your attention in this matter. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

**BROWNLEE WHITLOW & PRAET, PLLC**



Gentry Collins

CC: Appellant – with enclosures.

**Charlotte Location:**  
1850 E. Third Street, Suite 100  
Charlotte, NC 28204

**Contact:** 704.247.4998  
**BWPF-Law.com**

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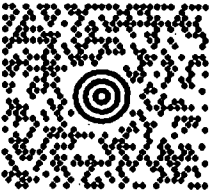

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