

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Margie Kelsie,

Appellant,

v.

American Avenue PM, LLC,

Respondent.

IN THE COURT OF COMMON PLEAS
C/A No.: 2023-CP-40-06610

S.C. Ct. App. No.: 2023-001927

ORDER SETTING APPEAL BOND
(Action for Ejectment;
S.C. Code Ann. § 27-40-800(f)(1) & Rule
241(d) SCACR)

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SC Court of Appeals

This matter comes before me upon Order of the South Carolina Court of Appeals, pursuant to S.C. Code Ann. § 27-40-800(f)(1), seeking an Order setting an appeal bond in the instant matter.

The hearing on this matter was held before me on Wednesday, April 24, 2024. Present and participating in the hearing was Jason M. Hunter of the law firm Crawford & von Keller, LLC, for the Respondent and the Appellant, Margie Kelsie, *Pro Se*.

Based upon the proof made of the facts and circumstances alleged, I find, conclude and order as follows:

FINDINGS OF FACT

1. A Rule to Vacate was filed with the Richland County Magistrate in the Upper Township Magistrate's Office on May 8, 2023. Said matter was designated as Magistrate Court Case No. 2023CV1810304807.
2. Judgment having been found for Respondent on July 6, 2023; the Appellant appealed the eviction to the South Carolina Court of Common Pleas in Richland County. Said matter is identified as C/A 2023-CP-40-03470.
3. On July 20, 2023, a Bond to Stay Execution hearing was held in front of the Richland County Magistrate. The Magistrate set an appeal bond in an initial amount of \$1,890.70 to be paid on August 1, 2023, and \$1,418.00 per month thereafter in certified funds due on the 1st day of each month beginning September 1, 2023.
4. On December 5, 2023, the Respondent failed to comply with the Bond to Stay Execution Order and on December 13, 2023, Respondent's Circuit Court Appeal was dismissed.
5. On December 13, 2023, Respondent filed another Notice of Appeal in the South Carolina Court of Common Pleas in Richland County, appealing the same magistrate court matter. Said Notice of Appeal was given case number 2023-CP-40-06610 and was dismissed by order of the court as *res judicata*. Said case is indicated as being the order under appeal in the South Carolina Court of Appeals.

CONCLUSIONS OF LAW

Due to the foregoing, it is therefore ORDERED, ADJUDGED, AND DECREED that:

- A. Pursuant to S.C. Code Ann. § 27-40-800(f)(1) and Rules 205 & 241(d), SCACR, this Court orders a continuance of the amount of bond to stay execution of the eviction order at \$1,418.00 per month in certified funds from December 1, 2023 to April 24, 2024.
- B. As such, Appellant is hereby ordered to pay in certified funds to Respondent \$7,090.00 on or before April 25, 2024 at 5:00pm at the office of their counsel, Crawford & von Keller, LLC, located at 1640 Saint Julian Place, Columbia, SC 29204.¹
- C. Should Appellant's Appeal No. 2023-001927 remain pending beyond April 30, 2024, Appellant shall pay to Respondent a bond of \$1,418.00 in certified funds due May 1, 2024. Said bond is to continue due thereafter on the 1st of each month – but no later than 4:00 p.m. on the 5th of each month – in which Appellant's Appeal is pending. Said payments shall be made to the Upper Township Magistrate for Richland County, located at 7615A Wilson Boulevard, Columbia, SC 29203.

AND IT IS SO ORDERED!

****SIGNATURE PAGE TO FOLLOW****

¹ Appellant was advised of this via oral ruling of the Court on April 24, 2024.



Richland Common Pleas

Case Caption: Margie Kelse , plaintiff, et al VS American Ave Pm Llc

Case Number: 2023CP4006610

Type: Order/Other

So Ordered

Jocelyn Newman

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