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May 23 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

The Honorable Diane Schafer Goodstein, Circuit Court Judge

Case No. 2024-000199

Deidra Sanders, Appellant,

v.

Palmetto Parks Holdings, LLC, Respondent.

MOTION TO DISMISS

Respondent, Palmetto Parks Holdings, LLC, by and through undersigned counsel, respectfully move this Court to dismiss this appeal.

Appeals from the Magistrate and Circuit Court regarding an eviction are governed by South Carolina Residential Landlord and Tenant Act.

When an appellant fails to comply with the order staying execution of ejectment dismissal of the appeal is required by the Court. Appellant has violated the Order Staying Execution in the following ways:

1. South Carolina Code Section 27-40-800 requires (e) If the tenant fails to make a payment within five days of the due date according to the undertaking and order staying execution, the clerk, upon application of the landlord, shall issue a warrant of ejectment to be executed pursuant to Section 27-37-40 of the 1976 Code.

(f)(1) Upon appeal to the Supreme Court or to the court of appeals, it is sufficient to stay execution of a judgment for ejectment that the tenant sign an undertaking that he will pay to the landlord the amount of rent,

determined by order of the judge of the circuit court, as it becomes due periodically after judgment was entered. The judge of the court having jurisdiction shall order stay of execution upon the undertaking.

(2) The tenant's failure to comply with the terms of the undertaking entitles the landlord to execution of the judgment for possession in accordance with the provisions of subsection (e) of this section.

2. Appellant signed an undertaking on order requiring bond payments to be made on or before the nineteenth (19th) day of each month.
3. Appellant failed to make payment on or prior to May 19, 2024.
4. Appellant has still not made any payments as required by the Court Order.

CONCLUSION

The grounds for this motion are the significant failures of the Appellant to comply with the requirements of the South Carolina Residential Landlord Tenant Act and their signed and sworn undertaking to stay the action for Eviction. The Appellant has been provided the grace of the Court multiple times as she has failed to follow her signed Lease Agreement, the South Carolina Residential Landlord Tenant Act, and Court order from the Magistrate and Circuit Court. For these reasons, Respondent requests that the Court dismiss this appeal in its entirety and allow the Circuit Court to issue a Writ of Ejectment immediately as required by South Carolina Code Section 27-40-800.

May 23, 2024

/s/Nataliya Matejka
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May 23 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

The Diane Schafer Goodstein, Circuit Court Judge

Case No. 2024-000199

Deidra Sanders, Appellant,

v.

Palmetto Parks Holdings, LLC, Respondent.

PROOF OF SERVICE

I, the undersigned Nataliya N Matejka, herby certify that on the 23rd day of May 2024, I have served the within MOTION TO DISMISS upon the Appellant by placing a copy of same in the U.S. Mail, postage prepaid, addressed to the Appellant at:

Deidra Sanders.
942 Orangeburg Rd. Lot #3
Summerville, SC 29483

I further certify that all parties required by Rule to be served have been served.

May 23, 2024

/s/Nataliya Matejka
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