

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)
Rachel M. Polite, et al.,)
Plaintiff(s),)
vs.)
Karen P. Polite,)
Defendant(s).)

IN THE COURT OF COMMON PLEAS

CASE NO: 2020CP0700899



ORDER

This comes before me on Defendant, Karen P. Polite’s (hereafter Defendant) Motion for Automatic Stay and Motion for Relief; filed May 3rd, 2024, and then amended May 13th, 2024.

This Court entered a Final Order April 27th, 2022, for the Plaintiff, ordering the Defendant to remove her mobile home and vacate Plaintiff’s (her Mother’s) property, subject to this case, within sixty (60) days or a Writ of Ejectment would be issued. The Defendant filed a Reconsider Motion May 9th, 2022, which was heard and denied by Order dated June 17th, 2022. A notice of Appeal to the South Carolina Court of Appeals was filed July 12th, 2022 and was

Thereafter, the Defendant filed a Motion to Enforce the Automatic Stay which I heard July 28th and August 1st, 2022. On August 11th, 2022, pursuant to SC Code of Laws section 18-9-170 and SC Appellate Court Rule 241(b)4, I ordered the Defendant to pay a bond of \$500.00 a month to the Plaintiff beginning August 15th, 2022, and that Plaintiff may petition the Court for a Writ of Assistance if the Defendant failed to pay the bond amount within 5 days of the due date (i.e. the 20th of each month).

The Order in favor of the Plaintiff was affirmed by the Court of Appeals in an unpublished opinion (2024-UP-062) filed February 21st, 2024. Thereafter, Defendant moved for a writ of certiorari to the Supreme Court which remains pending.

On February 27th, 2024, Plaintiff filed a Motion for Writ of Assistance due to missed payments and amended it April 18th, 2024. A hearing was held April 23rd, 2024, and an Order issued April 25th, 2024, where the Defendant was ordered to permanently vacate the property. Should the Defendant fail to vacate the property within 45 days from the hearing date (i.e. June 9th, 2024, by 5:00 p.m.) a Writ of Ejectment shall be issued.

As the Defendant has already filed and this Court previously ruled on the prior Motion for Automatic Stay and Relief, I hereby deny the Defendant’s May 3rd and amended May 13th, 2024, Motion for Automatic Stay and Motion for Relief.

IT IS SO ORDERED:

Honorable Marvin H. Dukes, III
Master in Equity and Special Circuit Court Judge for Beaufort
County

June _____, 2024
Beaufort, South Carolina



Beaufort Common Pleas

Case Caption: Rachel M Polite , plaintiff, et al VS Karen P Polite

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Type: Order/Other

So Ordered:

s/Marvin H. Dukes III #3069