

The South Carolina Court of Appeals

Randal K. Freeman, Appellant,

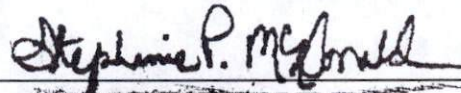
v.

David Bryan Trapp, Respondent.

Appellate Case No. 2024-000283

ORDER

Respondent's motion to dismiss is denied; there remains an existing controversy in this case while Appellant is still occupying the property. *See Mathis v. S.C. State Highway Dep't*, 260 S.C. 344, 346, 195 S.E.2d 713, 715 (1973) ("A case becomes moot when judgment, if rendered, will have no practical legal effect upon [any] existing controversy. This is true when some event occurs making it impossible for [the] reviewing [c]ourt to grant effectual relief."). Respondent is free to set forth his arguments as to the lease agreement in his brief, and the court will decide the merits of the case following final briefing. However, we note that Appellant has not sought, and this court has not issued, a stay of any ejection in this case. *See* S.C. Code Ann. § 27-40-800(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 ejection to be executed pursuant to § 27-37-40 of the 1976 Code."); S.C. Code Ann. § 27-37-40 ("If the tenant fails to appear and show cause within the aforesaid ten days then the magistrate shall issue a warrant of ejection and the tenant shall be ejected by his regular or special constable or by the sheriff of the county.").



FOR THE COURT

Columbia, South Carolina

cc:

FILED
Jun 17 2024

Randal K. Freeman
Christopher Ryan Jay, Esquire
James Benjamin Cahill, Esquire