

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

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Appellate Case No.: 2023-001927

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American Ave PM, LLC .....Respondent

v.

Margie Kelsie.....Appellant.

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MOTION TO DISMISS

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Respondent, by and through its undersigned counsel, moves this Court for an Order dismissing the instant action as moot would show as follows:

That on May 9, 2024, an Order Lifting the Stay and Reinstating the Writ was filed in the instant case.

That, acting pursuant to said Order, the Richland County Magistrate’s Court reinstated the subject Writ of Ejectment and engaged with the County’s Sheriff’s Office or other appropriate authority to post the same and supervise Appellant’s removal from the subject premises.

That the eviction of Appellant has been completed and that neither Appellant nor any personal property of Appellant’s remain upon the subject premises. An Affidavit attesting to the completed eviction is enclosed here as Motion Exhibit ‘A’ and made a part hereof by reference.

That “[a] case is moot where a judgment rendered by the Court will have no practical legal effect upon an existing controversy because an intervening event renders any grant of effectual relief impossible for the Court.” *Wachesaw Plantation E. Cmty. Servs. Ass'n v. Alexander*, 414 S.C. 355, 359, 778 S.E.2d 898, 900 (2015). In the present case, the completed eviction of Appellant renders any grant of effectual relief impossible for the Court.

Wherefore, Respondent petitions this Court for an Order dismissing the instant action as moot.

WE SO MOVE

RESPECTFULLY SUBMITTED

CRAWFORD & VON KELLER, LLC

Jason M. Hunter S.C. Bar No. 101501

Post Office Box 4216

Columbia, South Carolina 29204

Telephone 803-790-2626

ATTORNEYS FOR THE PLAINTIFF

# Exhibit 'A'

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Appellate Case No.: 2023-001927

American Ave PM, LLC

Respondent

v.

Margie Kelsie.

Appellant.

AFFIDAVIT OF RESPONDENT

STATE OF

Indiana

COUNTY OF

St. Joseph

Suzanne Plugis

, being first duly sworn, deposes and says as follows:

PERSONALLY APPEARED BEFORE ME Elizabeth Bennett, who, being duly sworn, states as follows:

1. I am employed by American Ave PM, LLC (hereinafter "Respondent"), as Evictions Manager. I am over the age of eighteen years, and I am authorized to make the representations contained in this affidavit on behalf of the Respondent. I have personal knowledge of the below events through my review of business records that are kept by Respondent in the normal course of business, including the records related to the Appellant.

2. On May 9, 2024, an Order Lifting the Stay and Reinstating the Writ was filed in the instant case. Acting pursuant to said Order, the Richland County Magistrate's Court reinstated the subject

4. That on or about August 13, 2023, Warren entered into a Lease Agreement with Defendant. Said Lease included a defined term of occupancy beginning September 16, 2023, and ending March 15, 2024, and that Warren also had a prior Lease Agreement with Defendant. A copy of said Lease Agreement executed August 13, 2023 is attached hereto as Exhibit "A" and made a part hereof by reference.

5. That the aforesaid Lease Agreement places responsibility for all utilities on Warren, as indicated on Pages 1 & 9, ¶ 10 of the aforesaid Lease.

6. That the aforesaid Lease Agreement requires that Warren put all utilities, including but not limited to electrical service, water service, gas service, and sewer service in her name (See ¶ 5).

6. That the aforesaid Lease agreement provides in ¶¶ 10.4 & 10.5, that should utilities be kept in Defendant's name, and/or should Defendant pay utilities on Warren's behalf, Warren would be liable for repayment of the utilities along with a handling fee of \$6.99 per bill, as indicated in the Fee Addendum attached thereto.

7. That Warren failed to provide proof that the aforesaid utilities were put in her name.

8. That, throughout Warren's tenancy, Defendant continued to receive utility bills which Defendant paid on Warren's behalf. Said utility payments are evidenced by Warren's Tenant Statement along with the relevant Utility Bills. Copies of the relevant Tenant Statement and Utility Bills are attached hereto collectively as Exhibit 'B'.

9. That non-payment of utilities is an event of default under the Lease Agreement as indicated in ¶ 12.

10. That pursuant to the South Carolina Landlord and Tenant Act, and ¶ 8.4.5 of the Lease Agreement, Defendant is allowed to deduct apply Warren's Security Deposit to any unpaid utility bills.

11. That the subject Lease Agreement instructed Warren how to make payments to Defendant should any online payment method be made unavailable (See ¶ 6.4).

12. That the subject Lease Agreement accelerates and holds Warren liable for any unpaid utility or other charges upon default, and that it holds Warren liable for all of Defendant's costs associated with the collection of amounts due under the Lease (See ¶ 27).

9. That, as a result of Warren's non-payment, Defendant initiated an eviction action against Warren on January 5, 2024 (See C/A No. 2024CV4010300034).

Writ of Ejectment and engaged with the County's Sheriff's Office or other appropriate authority to post the same and supervise Appellant's removal from the subject premises.

3. As of the execution of the instant Affidavit, the eviction of Appellant Margie Kelsie has been completed. Neither Appellant nor any personal property belonging to Appellant remain on the subject premises.

FURTHER AFFIANT SAYETH NOT.

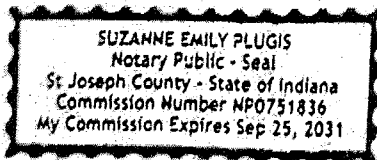
FOR RESPONDENT AMERICAN AVE PM, LLC

Elizabeth Bennett  
By: Elizabeth Bennett  
Its: Eviction Manager

SWORN TO before me this  
20 day of June, 2024.

[Signature] (L.S.)

Notary Public for Indiana  
My Commission Expires: 9/25/2031



THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Tomothy C. Edmond, Magistrate Judge

Case No. 2023CV4010700887  
Appellate Case No.: 2023-001927

American Ave PM, LLC.....Respondent.

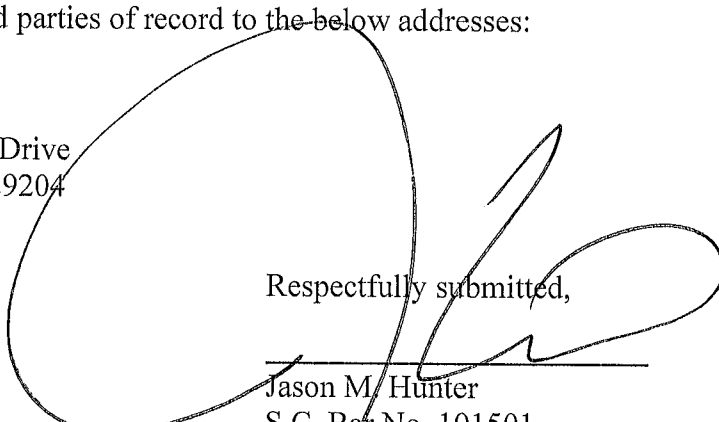
Margie Kelsie.....Appellant.

**PROOF OF SERVICE**

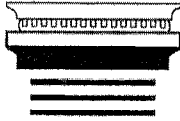
The undersigned certifies that he has served Respondent’s Motion to Dismiss by depositing a copy of it in the United States Mail, postage prepaid, on June 26, 2024, addressed to the attorneys and parties of record to the below addresses:

Margie Kelsie  
3511 Belvedere Drive  
Columbia, SC 29204

Respectfully submitted,



Jason M. Hunter  
S.C. Bar No. 101501  
Crawford & von Keller, LLC  
Post Office Box 4216  
Columbia, South Carolina 29240  
(803) 764-7444  
[jhunter@crawfordvk.com](mailto:jhunter@crawfordvk.com)  
Attorney for Respondent



**CRAWFORD & VON KELLER, LLC**

**RECEIVED**

**Jun 26 2024**

**SC Court of Appeals**

SOUTH CAROLINA  
B. Lindsay Crawford, III \*  
Theodore von Keller  
B. Lindsay Crawford, IV\*\*

NORTH CAROLINA  
Benjamin A. Barco  
William A. Kibbe  
Gregory P. Cowan\*\*  
Daniel L. Crandol  
Jonathan Payne

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Charley F. MacInnis  
Jason M. Hunter  
Eric H. Nelson  
Lawrence W. Johnson, Jr.\* - Special Counsel

\* Certified Specialist in Bankruptcy  
and Debtor-Creditor Law in SC

\*\*Admitted in South Carolina and North Carolina

June 13, 2024

**Email: ctappfilings@sccourts.org**

Clerk, SC Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

RE: **Margie Kelsie vs. American AVE PM, LLC**  
**Case No: 2023-CP-40-03470**  
**Appellate Case No.: 2023-01937**  
**Our file number: 1117-23-0017.02**

Dear Clerk:

Enclosed please find Respondent's Motion to Dismiss and Proof of Service in the above referenced matter.  
Please file accordingly.

Sincerely,

Jason M. Hunter

JMH/tdd  
Enclosures

**WE ARE A DEBT COLLECTOR. THIS COMMUNICATION IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

P.O. Box 4216, Columbia, SC 29240 • 1640 St. Julian Place, SC 29204 • 803-790-2626 • Facsimile 803-790-1277  
1017 Ashes Drive, Suite 106, Wilmington, NC 28405 • 910-363-1637 • Facsimile 910-363-1652