

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

102184
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APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

JUN 27 2024
SC Court of Appeals

Health Taylor, Circuit Court Judge

(Appellate Case No. 2023-000787)

Michael Munafo and Kathleen Gabrie.....Appellants,

David Osteen, Jr.....Respondent,

MOTION FOR WRIT OF EJECTMENT

Counsel for Respondent



Allen Neumeister for Respondent
Banks & Neumeister, Attys at law, LLP
716 F.R. Huff Dr.
St. Matthews, SC 29135
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Pursuant to §27-40-440, §27-40-610, and §27-40-630 of the South Carolina Code of Laws, respondent David Osteen, Jr. moves this Court to grant a *writ of ejectment* against Appellants. The Appellants failed to pay their appeal bond in its entirety. The Appellants failure to pay the appeal bond the violates both the Magistrate's Court's order and the Residential Landlord Tenant Act.

The circumstances giving rise to this motion occurred when a well pump at the Respondent's property broke. Appellant Michael Mufano called the Respondent's attorney approximately at 4:30 on a Friday to provide notice. At no time did Michael Mufano provide written notice concerning the broken pump. Appellant subsequently fixed the pump at his own expense a few days later. Michael Mufano then withheld a portion of the next month's appeal bond to pay for a new pump and labor.

The Appellants violated §27-40-610 of the Residential Landlord Tenant Act by failing to give Respondent written notice of the broken pump and by failing to allow him 14 days to cure the defect. The Appellants also violated §27-40-440 of the Residential Landlord Tenant Act by failing to provide the Respondent with written notice that Appellants were going to replace the broken pump. Lastly, §27-40-630(c) states the following: "Under no circumstances should this section be interpreted to authorize the tenant to make repairs on the rental property and deduct the cost of the repairs from rent." However, appellants unilaterally deducted costs of repairs in violation of this section and violated the conditions of the appeal bond.

For these reasons, respondent requests that the Court issue a writ of ejectment against the appellants.

Signature Page to Follow:

Allen Neumeister

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STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)

CERTIFICATE OF SERVICE

CASE NO. # 2023-000787

I, the undersigned of the law office of Banks and Neumeister, LLP, attorney for the Plaintiff, hereby certify that I have served all parties in this action with a copy of the document(s) herein below specified by delivering a copy to the persons listed below, to the following address, by the below- indicated method.

Document(s):

Motion for Writ of Ejectment

Person Served:

SC Court of Appeals
1220 Senate St.
P.O. Box 11629
Columbia, SC 29211

Michael Munafo
229 Second St.
Santee, SC 29142

Kathleen Gabrie
229 Second St.
Santee, SC 29142

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Method(s) of Service:

- hand-delivery
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- personal service
- other overnight delivery

Dated this 25th day of June 2024 in St. Matthews, South Carolina

S/Allen Neumeister
Allen neumeister, Atty. For Plaintiff
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Banks & Neumeister

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Martin R. Banks
E. Allen Neumeister

June 24, 2024

SC Court of Appeals
1220 Senate St.
P.O. Box 11629
Columbia, SC 29211

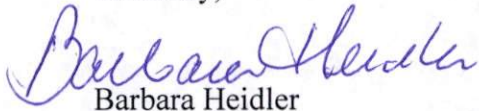
Re: Case # 2023-000787
Olsteen vs. Munafo & Gabrie

Dear Clerk:

The find enclosed a original Motion for Writ of Ejectment. Also a check in the amount of \$50.00 for your filing fee.

Thank you, please let me know if you have any questions.

Sincerely,



Barbara Heidler

EAN/bjh

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