

The South Carolina Court of Appeals

Michael Munafo and Kathleen Gabriel, Appellants,

v.

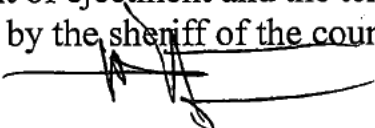
David Osteen, Respondent.

Appellate Case No. 2023-000787

ORDER

Respondent has filed a motion for a writ of ejectment, alleging Appellants have failed to pay the appeal bond set by the magistrate, and that Appellant Michael Munafo fixed a pump on the subject property at his own expense, without Respondent's notice or consent, and then withheld rent, thereby further violating the conditions of the appeal bond.

Respondent's motion is denied. This court does not issue writs of ejectment. To the extent Respondent is seeking to eject Appellants based on their alleged violations of the appeal bond set by the magistrate, Respondent is free to seek a new writ of ejectment from the magistrate if the prior one has expired. *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 ejectment 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 ejectment 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

FILED
Jul 23 2024

cc:

Michael Munafo

Ernst Allen Neumeister, Jr., Esquire

The Honorable Donald Rhett West