

The South Carolina Court of Appeals

Deidra Sanders, Appellant,

v.

Palmetto Parks Holdings LLC, Respondent.

Appellate Case No. 2024-000199

ORDER

Respondent's motion to dismiss this appeal is denied. Appellant's alleged failure to pay the appeal bond set by the circuit court does not divest this court of jurisdiction over this appeal of the circuit court's February 13, 2024 order affirming the magistrate's writ of ejectment, where the appeal was properly filed and there remains an active controversy. To the extent Respondent seeks another writ of ejectment, it must do so at the magistrate court. *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.") (emphasis added).



FOR THE COURT

Columbia, South Carolina

cc:

Deidra Sanders

Nataliya N. Matejka, Esquire

Cheryl L. Graham

FILED
Jul 31 2024
