

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

J. Cordell Maddox, Jr., Circuit Judge

Case No. 2022-CP-04-01976
(Appellate Case No. 2023-000045)

Danny L. Ivester, Sr. Appellant,

v.

EYZC RE, LLC, Respondent.

INITIAL BRIEF OF RESPONDENT EYZC RE, LLC

HOLDER, PADGETT, LITTLEJOHN + PRICKETT, LLC
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October 3, 2024

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STATEMENT OF THE CASE

On May 12, 2021, Respondent acquired legal title to the real property with address of 211 Hwy 17, Piedmont, SC 29673 (the “Property”), by virtue of the Deed filed of record in favor of Respondent in the Anderson County Register of Deeds Office in Book 15802 at Page 145.

Prior to twenty (20) days before filing an Application for Writ of Ejectment, Respondent provided written notice to Appellant to vacate the Property, Respondent provided written notice to Appellant to vacate the Property.

The Appellant failed and refused to vacate the Property. So, on January 6, 2022, Respondent filed the underlying Application for Writ of Ejectment with the Anderson County Magistrates Court.

On February 7, 2022 Appellant filed a return to the Application for Writ of Ejectment which included unintelligible and nonsensical ramblings replete with references to legal terms totally irrelevant to the matter at hand.

On June 9, 2022, Respondent filed a Motion for Judgment on the Pleadings, or in the alternative, Motion for Summary Judgment, accompanied by an Affidavit of John Hanratty.

The Magistrates Court set a hearing for Respondent’s Motion for September 14, 2022. Appellant neither replied to the Motion nor attended the hearing. Accordingly, the Magistrates Court issued an Order on September 20, 2022 granting Respondent’s Motion.

Thereafter, Appellant filed an appeal to the Anderson County Court of Common Pleas. Again the Appellant’s filing was unintelligible and replete with references to legal terms that were totally irrelevant to the matter at hand. A hearing on Appellant’s appeal took place on November 30, 2022. On January 4, 2023, Judge Maddox issued an Order affirming the Magistrates Court

Order. This appeal followed. However, yet again, none of the Appellant's filings with this Court are intelligible. Rather, they are replete with legal terms that are not at all coherent or relevant to the matter at hand.

STATEMENT OF FACTS

I. On May 12, 2021, Respondent acquired legal title to the real property with address of 211 Hwy 17, Piedmont, SC 29673 (the "Property"), by virtue of the Deed filed of record in favor of Respondent in the Anderson County Register of Deeds Office in Book 15802 at Page 145. Prior to twenty (20) days before filing an Application for Writ of Ejectment, Respondent provided written notice to Appellant to vacate the Property. The Appellant failed and refused to vacate the Property. So, on January 6, 2022, Respondent filed the underlying Application for Writ of Ejectment with the Anderson County Magistrates Court.

ARGUMENT

I. WHETHER THE TRIAL COURT ABUSED ITS DISCRETION OR MADE AN ERROR OF LAW BY GRANTING THE PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT.

The Respondent remains unclear as to what arguments, if any, the Appellant has raised in this Appeal. Nonetheless, Respondent takes the position that the Magistrates Court Order is proper.

Pursuant to Rule 56, SCRPC, a valid Motion for Summary Judgment accompanied by affidavit was submitted by Respondent to the Magistrates Court. Notice thereof, and notice of the subsequent hearing scheduled by the Magistrates Court, was provided to Appellant. Appellant neither filed a response to the Motion nor appeared at the Motion hearing.

The public record is clear that the Respondent became the legal owner of the Property on May 12, 2021, as evidenced by the Deed to Respondent. Equally clear is the fact that the Appellant

has no written (or oral) lease agreement to support any position that Appellant is a lawful tenant of the Property. In accordance with S.C. Code Ann. § 27-33-10(3), the Appellant is, at best, a tenant at-will of the Property.

Prior to twenty (20) days before filing the underlying Application for Writ of Ejectment, the Respondent provided notice to Appellant to vacate the Property in accordance with S.C. Code Ann. § 22-35-130. Appellant failed and refused to comply with the notice to vacate. So, on January 6, 2022 the Respondent initiated the underlying Ejectment action. Thereafter, Appellant made no intelligible response to the Application for Writ of Ejectment. Thus, Respondent filed a Motion for Judgment on the Pleadings, or in the alternative, Motion for Summary Judgment. After receiving notice of the Respondent's Motion, the Appellant filed no response and made no appearance at the Motion hearing. The Magistrates Court thereafter properly ordered the ejectment of Appellant from the Property.

The Circuit Court subsequently issued an order on January 4, 2023, after appeal from Appellant, whereby the Circuit Court found that the Magistrates Court had proper jurisdiction of the matter in accordance with S.C. Code Ann. § 22-3-10.

The Appellant has put forth no intelligible or merit-worthy argument to reverse the Magistrates Court or the Circuit Court. So, the Respondent respectfully requests this Court affirm the Order of the Magistrates Court and that of the Court of Common Pleas.

CONCLUSION

For the foregoing reasons, Respondent respectfully requests that this Court affirm the trial court's September 20, 2022 Order, as well as the Court of Common Pleas' Order of January 4, 2023.

Respectfully submitted,

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