

RECEIVED

Oct 17 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Hon. R. Lawton McIntosh

Case No. 2024-CP-07-00775
Appellate Case No. 2024-001091

Latasha L. MorrellAppellant,

v.

Beaufort Housing AuthorityRespondent.

RETURN TO MOTION DUE TO CLERICAL/ LEGAL ERRORS

This appeal was dismissed by order dated September 16, 2024. Since that time, Respondent has received two pieces of mail from the Appellant, a proof of service that arrived on October 2 as a single piece of paper in an envelope (attached as Exhibit 1) and a “Notice of Motion due to Clerical/ Legal errors” that arrived on October 10. Although there are other “motions” that appear on C-Track in this period, they have not been served on Respondent. Given this procedural history, Respondent assumes that the appeal is dismissed and no further response is necessary.

Out of an abundance of caution, Respondent submits this brief return to the motion. This appeal stems from an order of the circuit court affirming a magistrate court writ of ejectment. (Orders attached as Exhibit 2). The motion appears to seek relief from the magistrate’s writ of ejectment rather than any form of relief usually addressed by motion in the South Carolina appellate courts. To the extent there is any basis for these arguments, they would generally be

raised in the form of a motion under Rule 60, SCRCPP before the appropriate lower court. As such, Respondent does not believe that the Appellant has requested relief that can be granted by this Court at this time. Therefore, Respondent asks that this motion be dismissed or denied and that the remittitur be issued consistent with Rule 221, SCACR.

Respectfully submitted,

HAYNSWORTH SINKLER BOYD, P.A.

s/ Sarah P. Spruill

Sarah P. Spruill (S.C. Bar No. 68337)
1 North Main Street 2nd Floor
Greenville, SC 29601-2772
864.240.3200
sspruill@hsblawfirm.com

Ronald T. Scott (S.C. Bar No. 103751)
Alexandra C. Glunt (S.C. Bar No. 105761)
1201 Main Street 22nd Floor
Columbia, SC 29201-3226
803.779.3080
rscott@hsblawfirm.com
aglunt@hsblawfirm.com

*Attorneys for Respondent Beaufort Housing
Authority*

October 17, 2024
Greenville, South Carolina

Haynsworth Sinkler Boyd, P.A.
Date Rec'd 10/2/24
C/M # 1098D.06
Routing _____
Calendared _____

FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL
THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
S/R Lawton McIntosh, Circuit Court Judge

Case No. 2024-CP-07-00775
Appellate Case No. 2024-001091

Sarah P. Spruill, Ronald T. Scott, Alexander C. Glunt
Counsel for Respondent, Beaufort Housing Authority

Respondent,

v.

Latasha L. Morrell,

Appellant,

PROOF OF SERVICE

I certify that I have served the Notice of Appeal as for counsel for respondent Beaufort Housing Authority by depositing a copy of it in the United States Mail, postage prepaid, August 28, 2024 addressed to respondent attorney of record, Haynsworth Sinkler Boyd, P.A. Sarah P. Spruill, (S.C Bar No 68377) 1 North Main Street 2nd Floor Greenville, Sc 29601, Ronald T Scott (Sc Bar No. 1055761) 1201 Main Street 22nd Floor, Columbia, Sc 29201-3226, on August 28, 2024

Haynsworth Sinkler Boyd, P.A.
Sarah P. Spruill (S.C Bar No 68337)
1 North Main Street 2nd Floor
Greenville, Sc 29601-2772
864.240.3200

Ronald T. Scott (S.C Bar No 105761)
Alexander C. Glunt (S.C Bar No 105761)
1201 Main Street 22nd Floor
Columbia, Sc 29201-3226
803.779.3080

Attorney for Respondent Beaufort Housing Authority

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

2024CV0710300224
CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

WRIT OF EJECTMENT

Recalled

REC'D CIVIL DIVISION
APR 12 2024 10:30 AM

Beaufort Housing Authority
P.O. Box 1104
Beaufort, SC 29901
(843) 525-7059

PLAINTIFF(S)

Vs
Latasha Morrell and all Others
8 Southwood Park Drive Apt 148
Hilton Head, SC 29926

DEFENDANT(S)

TO THE SHERIFF/MAGISTRATE'S CONSTABLE:


Upon Judgment of this Court, rendered on the , you are hereby Ordered to proceed to the premises located at
**8 Southwood Park Drive Apt 148
Hilton Head, SC 29926.**

Announce your identity and purpose and serve on the defendant(s) and all occupants a copy of this Writ of Ejectment. Inform them they have **twenty four (24) hours to voluntarily vacate** the premises. **If the premises appear unoccupied and no one responds** to your announced identity and purpose, the Writ of Ejectment shall be served by securely attaching a copy of the Writ in a conspicuous place on the premises.

If after 24 hours following the service or posting of the Writ, the occupants have not voluntarily vacated the premises, **a deputy sheriff may enter the premises** using only as much force as is necessary to effectuate the Ejectment.

Upon gaining access, you shall **remove from the premises any occupants and all items of personal property found on the premises. Such property may be deposited beside the public street or roadway.** All personal property removed from the premises and placed on a public street or roadway may be removed by the proper local government agency after forty eight (48) hours, excluding Saturdays, Sundays, and holidays. Such property may also be removed in the normal course of debris or trash collection before or after a period of forty eight (48) hours.

April 8, 2024


Bluffton Magistrate

_____, being duly sworn state that:

- I personally served a copy of this Writ on _____, an occupant of the rental unit
- On _____ 20____, at _____ the rental unit appeared unoccupied and no one responded when I announced my identity and intentions. I attached a copy of this Writ to a conspicuous part of the premise.
- On _____ 20____, at _____, which was not less than 24 hours from the posting date and time, I returned to the rental unit for the purpose of ejectment.
- Under my supervision, I had all persons and personal property removed and evicted from the rental unit placing all personal property beside the roadside.
- The rental unit was unoccupied. The Tenant and all occupants had vacated the unit.
- Informed by Plaintiff that case is settled.

Date: _____, 20____

Sheriff/Deputy Sheriff/Constable

STATE OF SOUTH CAROLINA
COUNTY OF Beaufort
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2024CP0700775

Latasha L Morrell
PLAINTIFF(S)

Beaufort Housing Authority
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled);
 Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded;
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

The magistrate court is affirmed.

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 06/20/2024 .

Beaufort Housing Authority for Beaufort Housing Authority
 Latasha L Morrell for Latasha L Morrell
 Beaufort Housing Authority for Beaufort Housing Authority
 Latasha L Morrell for Latasha L Morrell

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.



Beaufort Common Pleas

Case Caption: Latasha L Morrell VS Beaufort Housing Authority

Case Number: 2024CP0700775

Type: Order/Electronic Form 4

S/R. LAWTON McINTOSH

S/R.LAWTON McINTOSH

Electronically signed on 2024-06-20 09:28:22 page 3 of 3

RECEIVED

Oct 17 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Hon. R. Lawton McIntosh

Case No. 2024-CP-07-00775
Appellate Case No. 2024-001091

Latasha L. MorrellAppellant,

v.

Beaufort Housing AuthorityRespondent.

PROOF OF SERVICE

I certify that I have served the *Return to Motion Due to Clerical/ Legal Errors* on all parties of record by depositing a copy of the same in the United States Mail, postage prepaid, on October 17, 2024, addressed to:

Latasha L. Morrell
8 Southwood Park Drive
Apt #148
Hilton Head SC 29926



Stacey Carberry, Legal Assistant
HAYNSWORTH SINKLER BOYD, P.A.

RECEIVED

Oct 17 2024

SC Court of Appeals

HAYNSWORTH
SINKLER BOYD

HAYNSWORTH SINKLER BOYD, P.A.
ONE NORTH MAIN STREET, 2ND FLOOR
P.O. BOX 2048 (29602)
GREENVILLE, SOUTH CAROLINA 29601
MAIN 864.240.3200
FAX 864.240.3300
www.hsblawfirm.com

SARAH P. SPRUILL
DIRECT 864.240.3220
sspruill@hsblawfirm.com

October 17, 2024

VIA EMAIL

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

Re: *Latasha L. Morrell v. Beaufort Housing Authority*
Appellate Case No. 2024-001091

Dear Ms. Kitchings:

This firm represents the Respondent in the above matter. Enclosed for filing, please find the *Return to Motion Due to Clerical/ Legal Errors* together with our *Proof of Service* for the same.

Please note service on the pro se party by copy of this letter. Once this motion has been filed-stamped, we would appreciate your reply to this message with a filed-stamped copy. Thank you for your assistance in this matter.

Sincerely yours,

HAYNSWORTH SINKLER BOYD, P.A.



Sarah P. Spruill

SPS/sac
Enclosures

cc: Ronald T. Scott (RScott@hsblawfirm.com)
Alexandra C. Glunt (AGlunt@hsblawfirm.com)
Latasha L. Morrell (Via US Mail)