

Dec 20 2024

From: [Eric Pettis](#)
To: [Court Of Appeals Filings](#)
Subject: Appellate Case No.: 2024-002058 - Cloisters Investment, LLC v. Kimberly Alford and Fausto Collado
Date: Friday, December 20, 2024 8:41:51 PM
Attachments: [image001.png](#)

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Greetings,

I represent Cloisters Investment, LLC in the above-referenced matter involving Kimberly Alford, a tenant in my Client's community. I am reaching out to court administration to seek guidance and clarification on the procedural steps my Client should take to proceed in this matter. To provide context and background for my inquiry, I have outlined a timeline of relevant events:

- **October 24, 2024:** The Horry County Magistrate Court issued a Writ of Ejectment after the tenant failed to appear for the hearing (Case No.: 2024CV261092990).
- **November 5, 2024:** The tenant filed a Motion to Stay Eviction Proceedings with the South Carolina Court of Appeals (Appellate Case No.: 2024-002058).
- **November 6, 2024:** The tenant filed a Notice of Appeal in Horry County Circuit Court (Case No.: 2024CP2607556).
- **November 14, 2024:** A Bond to Stay Hearing was conducted in Magistrate Court, resulting in an order requiring the tenant to post \$8,345.00 by 5:00 PM on November 19, 2024, and to make subsequent payments of \$1,519.00 on the first of each month, beginning December 1, 2024.
- **December 6, 2024:** The South Carolina Court of Appeals issued an Order temporarily granting the tenant's motion to stay the eviction and remanding the case to Circuit Court for an expedited hearing on the motion to stay and determination of an appeal bond under S.C. Code Ann. § 27-40-800(f)(1).
- **December 9, 2024:** The South Carolina Court of Appeals' Order was filed with the Circuit Court.
- **December 11, 2024:** The Magistrate Court issued an Order of Non-Compliance, finding that the tenant had failed to post the required bond of \$8,345.00.
- **December 13, 2024:** The Circuit Court issued a Form 4 Order dismissing the tenant's appeal based on the Magistrate Court's Order of Non-Compliance.
- **January 13, 2025:** A hearing was scheduled on this date in Horry County Circuit Court in accordance with the South Carolina Court of Appeals' Order for a bond-to-stay hearing. However, this hearing is marked as dismissed on the docket.

The procedural complexity stems from the tenant filing duplicative appeals in both Circuit Court and the South Carolina Court of Appeals, resulting in overlapping issues. While the Magistrate Court and Circuit Court dismissed the case for failure to post the required bond, it appears the Circuit Court did not conduct the bond hearing as instructed by the South Carolina Court of Appeals, potentially due to the fact that the Magistrate Court was more expeditious in holding this hearing than the Circuit

Court.

Given these circumstances, my Client is seeking clarification on the following:

1. Is my Client entitled to obtain/enforce the Writ of Ejectment previously issued by the Magistrate Court, now that the case has been dismissed for failure to comply with the bond requirement?
2. Does the Circuit Court's failure to conduct a bond hearing in accordance with the South Carolina Court of Appeals' instructions impact the enforceability of the Circuit Court's Form 4 Order dismissing the tenant's appeal?

Your guidance on the appropriate procedural steps to resolve this matter and enforce my Client's rights would be greatly appreciated.

With sincere appreciation,

Eric Pettis | Associate

Licensed in PA and SC

****Please note that our offices will be closed 12/24 - 12/26, and 1/1 in observance of Christmas and New Year's Day****



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