

Jan 09 2025

SC Court of Appeals

**From:** [Kevin Smith](#)  
**To:** [Court Of Appeals Filings](#)  
**Subject:** Re: Filing  
**Date:** Thursday, January 9, 2025 4:59:46 PM

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Hey Mrs Shelby

Please tell me everything is ok .. and then I'm protected I wanted to wait till the end of the day but you know that they threatened to come at 3:30 today so I needed that stay I just wanted to touch base with you I hope we get some good news before you left

On Thu, Jan 9, 2025, 1:58 PM Kevin Smith <[mikesdad01@gmail.com](mailto:mikesdad01@gmail.com)> wrote:

Also keep in mind as a severely homebound disabled person that has a home health dependent upon stuff and I have service animals with no hearing which is the big problem biggest problem and no warning I'll lose all my furniture my animals will be in distress and everything will be in distress and I'll lose everything that I have my life will literally be over I'll be on the side of the road in my wheelchair with the lack of notice as well I would have to schedule people to help I can't lift anything doing anything like this is just another part of it please stay this eviction and let me be heard and let my motion be heard and let just the facts of the case be heard please please don't destroy what little life I have left

On Thu, Jan 9, 2025, 1:19 PM Kevin Smith <[mikesdad01@gmail.com](mailto:mikesdad01@gmail.com)> wrote:

To your honor and Shelby

As we previously talked about due to purpose refusal on two occasions from Richland county sheriff's department today and for me personally by the apartment manager the only employee of the complex they have refused on two occasions delivery and service of appeal and notice of appeal

They're obviously trying to do this on purpose to bully me as they've done the last 4 months so here's what I'm going to do

I am now addressing all notices of appeal and notices of service and all other documents by registered mail to keona Johnson and Stephanie Adams property manager and regional manager of colonies departments AKA eagle view Capital LLC for purposes of required service and notice of appeal by me to the court of appeals

Hopefully they receive it in the next day or two as they've left no choice but it will be sent by registered mail here in the next 15 to 20 minutes

Thank you for the courts indulgence and patience with me and protecting me and my rights as this has been constant behavior by this apartment complex to try to circumvent the law

The required paperwork has been sent registered mail as of 1:20 pm Jan 9th please consider them served for the purpose of staying this eviction pending appeal

Thanks so very much

sincerely

(Ret) AIC KEVIN J SMITH

On Thu, Jan 9, 2025, 11:59 AM Kevin Smith <[mikesdad01@gmail.com](mailto:mikesdad01@gmail.com)> wrote:

My grounds for appeal to your court would be that my motion filed November I think it was 21st 22nd to amend the conditions of the bond because my house got condemned and had out of pocket expenses and I wanted to amend the bond amount and I found that in November and the fact they never heard it and Stephanie Cameron lead administrator at Central Court and Athena the lead clerk at Circuit Court kept saying that the other one needed to schedule that motion to be heard..

I live on \$800 a month and I was trying to get it heard in November when my house got condemned and stuff basically and I had to move for a couple of days of stuff until hotel cuz my house has molding asbestos so the court should have heard it in an amended the amount of the appeal Bond as I sent you a letter from the housing authority of the conditions of the house and the fact that out of pocket expenses it was certainly been mitigating and they would have changed the bond amount had they heard the motion I still paid the full Bond about all the way up until this month every month I always did that I don't want to lose my housing voucher and all but the problem is is that they kept saying it's going to be put on the docket and I had severe expenses this month in addition so I wouldn't have had to pay the current 223 bond amount I would add to pay something different obviously had that motion been hurt and it's been 2 months I was unable to pay obviously the first was a holiday and this was the first time I was unable to pay but again I wouldn't violated the appeal Bond per se if they would have heard this motion in the last 2 months you can contact both courts if you want and know that I've talked to both lead administrators several times back and forth throughout the month of November and December begging boths to put my motion on the docket

I never will fully violated anything and just writ was issued by judge Howard and the magistrate court because she said I violated the appeal Bond as of the sixth but I want this court to keep in mind that procedurally if my motion would have been heard in the last 2 months that I filed November to amend that amount I had very valid legal reasons this would have never ver happened...

\$810 a month that I make disability from the VA only goes so far so I hope the court will stay this obviously I can't do anything in 24 hours and then let me have my day in court and order that my motion to amend that bond be heard which should have been there would have been no violation this month for the first time ever had they heard my motion in the last two months to amend that Bond... So I firmly believe that I still have great grounds to appeal and not lose my even r house and be out in the cold and i. My wheel share with my service animals especially with the cold weather coming up too I just want it to be reinstated in my motion to be hurt so I know what the proper amount to pay would be please don't let them like I said do this to me I've done everything I've been required to do and then some and I'm homebound and sometimes bedroom because of my Gout and other things as previously mentioned so all I have is time on my hands so any of them would tell you that they passed it back and forth several times I might have called a good eight or nine times between the end of November when I filed the motion and the end of December begging for the motion to be heard and each Court says it's on the other court to do so I didn't willfully violate the bond I didn't willfully do anything and I believe the bond amount is unjust... So I hope that the court will reinstate the case as it should be in demand that the lower court finally docket/hear my motion to set a new Bond... The court messed up not me and again I can't thank you guys enough don't let this Injustice happen and all I need to know is the new correct amount and it will be paid as it has been every month in the past they shouldn't be able to issue that

writ because they didn't schedule my motion hearing in 2 months  
I think you also have a copy of that motion to amend the bond from November as well it  
was never heard and passed around that I mentioning  
Thank you in advance for granting me a stay in this case and saving my life as a  
disabled persons

Sincerely

Kevin Smith

Ops I think the civil process division just called me and they said they're sending  
somebody out but they have to come all the way from down on Decker so eventually  
they'll be served today and they won't be able to deny it like they did in the past not from  
these people just FYI

On Thu, Jan 9, 2025, 11:31 AM Kevin Smith <[mikesdad01@gmail.com](mailto:mikesdad01@gmail.com)> wrote:

Hey Shelby it's Kevin can you give me a quick call for 5 minutes I just spoke to my  
attorney friend who spoke to judge Howard who issued the writ and there's a little  
more clarity to what happened but there's still reason to appeal that because there was  
a procedural misstep in regards to it as well and I just wanted to take 5 minutes and  
tell you real quick cuz I think that you know you might want to know so you could tell  
the judge I think it's important to know it's a little more clarity but I still have Brown's  
for the appeal in the state anyway you'll understand when we talk thanks again so  
much for y'all saving my life thanks

Sincerely

Kevin j Smith

On Thu, Jan 9, 2025, 10:29 AM Kevin Smith <[mikesdad01@gmail.com](mailto:mikesdad01@gmail.com)> wrote:

One last thing this is some of the evidence of the conditions of my place that I have  
never been able to present to the court , (fact finding)

I just thought you might want to let the judge know that all the while I've been  
paying rent to them for this for the last 5 months the eviction was retaliatory nature  
and I don't believe the court if they heard the facts of the case and gave us an actual  
trial would ever have found in their favor and all I'm asking is the court to stay the  
eviction and give me that day

On Thu, Jan 9, 2025, 10:25 AM Kevin Smith <[mikesdad01@gmail.com](mailto:mikesdad01@gmail.com)> wrote:

Please be assured as your deciding to Grant my stay I am going to contact the civil  
process division of the Richland county sheriff's department as advised and try to  
get them to come out and do the service of the papers but hopefully and their  
refusal of accepting the papers doesn't stop anything because again they're going  
to come try to put me out illegally at 3:30 which is why they probably refuse to  
papers of appeal because that's just how they they are but don't let them destroy  
my life ....

Ty your honor and Shelly

Sincerely

Kevin j Smith

On Thu, Jan 9, 2025, 10:21 AM Kevin Smith <[mikesdad01@gmail.com](mailto:mikesdad01@gmail.com)> wrote:

Good morning you guys

Thank you for being so wonderful to this disabled veteran and helping me get my day in court and you know getting you know not letting me lose the house that I'm confined to because of my disabilities

As for your request of emailing you to let you know that this morning at about 9:45 a.m. Richland county sheriff's department came to do a service of the notice of appeals/other paperwork as discussed to the apartment manager and the office they upon arrival said that they could not do that as regular deputies they have a civil process special division down by Central Court to do those type things but they would walk over there and escort me to serve them personally we went over to the office to do that accompanied by officer Bennington of region 4 and also later on the scene was corporal Villa Cruz also of region 4 to escort me to serve them personally

They proceeded to lock the door and after the police talk to them said they could not force them to open the door to the office and they refused service and was laughing and pointing saying that my "disabled ass" was soon to be homeless Richland county sheriff's department told me to make contact with you and let you know that they refuse service after two attempts

This is their modus operandi to be slumlords to pick and believe me ever since this process begin 3 months ago and asked for a jury trial

I've been constantly harassed stalk and they've made it very difficult for me to where I've had to make payments to the court instead of them all the way to Central Court and have people from my church do that same as I'm homebound disabled and have made every which way they even offered to pay me off and then pull the offer back to try to make me late on the bond payment

They have tried every dirty handed tactic illegally to evict me and at the end of the day we never had a case at all the facts have never been hurt or proven the only reason why they got a writ two days ago

Was because I was denied in former paupas from the circuit Court and as previously stated I am on social security disability and VA disability I only make 810 a month and I have been previously approved two times for the same informal papas cuz I cannot afford the filing fee by judge Jocelyn Newman

I never thought that I would be denied cuz I'm definitely fall under the guidelines of being poverty and so they ordered me to pay the filing fee that I can't afford by January 1 and even if I could and even if that were true I don't get disability until the 3rd the filing fee constitutes 1/3 of my monthly income so I definitely should have been approved for the waiver of the filing fee

Please do not allow this writ to be executed and remand this back to your court so that they have to prove facts and have to prove their case and I get my day in court not to mention the fact that I don't want to lose all my belongings and lose everything and again I've never done anything wrong

Please give me an immediate stay and reschedule this case to be heard

My life is in your hands and I think this court so much as I am scared I've had three heart attacks in the last four and a half years I have a failing kidney and I have severe gout which requires you civil Walker wheelchair and cane I also have two service animals

I sincerely appreciate the court giving me a stay and allowing me to get my

future day in court and not let me lose everything because of I dismiss all of my appeal due to a filing fee and losing my right to my day in court they have no grounds

Again thank you so much my life is in your hands...

As a homebound dying disabled veteran I thank you very much from the bottom of my heart

Sincerely

Kevin Smith

On Thu, Jan 9, 2025, 9:49 AM Court Of Appeals Filings

<[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)> wrote:

Good morning Mr. Smith,

You may use this email to provide correspondence to our office.

## **South Carolina Court of Appeals**

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[Columbia, SC 29201](#)

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