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**Feb 25 2025**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM SUMTER COUNTY

Court of Common Pleas

R. Ferrell Cothran, Jr., Circuit Court Judge

Case No. 2024-CP-43-000366

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Appellant Case No. 2024-000283

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Randal K. Freem,

Appellant,

v.

David Bryan Trapp,

Respondent.

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**RESPONDENT’S RETURN TO APPELLANT’S MOTION FOR  
EMERGENCY INJUNCTION AND RESTRAINING ORDER**

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Respondent hereby responds to Appellant’s Motion for Emergency Injunction and Restraining Order. Respondent urges this Court to deny the relief sought through an emergency injunction and/or restraining order by the Appellant. Further, Respondent asks this Court to enjoin the Appellant from restricting and barring access to the premises, as Appellant has indicated in his response to counsel.

Respondent has provided written notice on January 15, 2025, and on February 14, 2025, to Appellant to inspect and appraise the property. *See* Exhibits A & B. Respondent sought said inspection to ensure the property was in good order, and Respondent sought said appraisal as a requirement of the underwriting process for a refinance as required by Respondent’s lender. Both requests were denied and met with vehement opposition by Appellant to allow any entry onto the premises. *See* Exhibit C.

Respondent cites its adherence under S.C. Code § 27-40-530(c), where written notice was provided in advance to Appellant. Further, Respondent states an annual inspection to ensure the property is in good order along with an appraisal ordered by a third-party lender are not unreasonable in nature. As such, the Appellant's refusal and abuse of lawful access to the premises is in direct violation of S.C. Code § 27-40-780. Respondent has incurred appraisal fees, rate lock extensions, and additional attorney's fees due to this refusal to cooperate.

Respondent respectfully requests that this Court deny the Appellant's Motion for Emergency Injunction and Restraining Order, enjoin the Appellant from any further abuse of lawful access, and provide for actual damages and attorney's fees due to the unlawful restriction of access.

Respectfully submitted,

/s Christopher R. Jay  
Christopher R. Jay, Esq  
S.C. Bar No.: 100313  
[chris@curtisandcroft.com](mailto:chris@curtisandcroft.com)

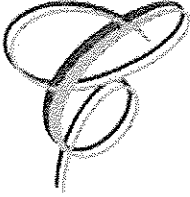
/s J. Benjamin Cahill  
J. Benjamin Cahill, Esq  
S.C. Bar No.: 102437  
[ben@curtisandcroft.com](mailto:ben@curtisandcroft.com)

Curtis & Croft, LLC  
325 W. Calhoun St  
Sumter, SC 29150  
Tel. (803) 778-7404

**Attorneys for Respondent David Bryan Trapp**

Sumter, South Carolina

February 25, 2025



**CURTIS & CROFT, LLC**  
ATTORNEYS AT LAW

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Warren S. Curtis  
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January 15, 2025

Randal K. Freeman & Jenna B. Freeman (*via USPS and email: randal.freeman88@gmail.com*)  
8 Warren Ct.  
Sumter, SC 29150

**Subject: Annual Inspection of Premises**

Dear Mr. and Mrs. Freeman:

This letter is to inform you of an annual inspection scheduled at 8 Warren Ct for this Friday, January 17, 2025, at 12:00 p.m. Under S.C. Code § 27-40-530(c), this is your twenty-four (24) hour notice. Please make the property accessible to your landlord's agent for inspection. Thank you.

Very truly yours,

Curtis & Croft, LLC

J. Benjamin Cahill  
Attorney at Law

Cc: David Trapp (via email)



**CURTIS & CROFT, LLC**  
ATTORNEYS AT LAW

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February 14, 2025

Willie H. Brunson, Esq. (*sent additionally via email: [sspann@thebrunsonlawfirm.com](mailto:sspann@thebrunsonlawfirm.com) & facsimile: (803) 774-3448*)  
425 N. Main St.  
Sumter, SC 29150

**Re:   *Appraisal of 8 Warren Court, Sumter South Carolina 29150***  
***Your Client: Randal K. Freeman***

Dear Mr. Brunson:

Mr. Freeman has requested that all correspondence be directed through your office regarding 8 Warren Ct. If you no longer represent Mr. Freeman regarding this matter, please inform this office in writing to confirm or deny your representation.

This letter is to inform you an appraiser, Mr. Jason Goodson, will be on site, Tuesday, February 18, 2025, at 11:00 a.m. to appraise the property. Under S.C. Code § 27-40-530(c), this is your client's twenty-four (24) hour notice. Please ensure the property is accessible to the appraiser.

Additionally, I have reached out and attempted to schedule mediation with you regarding Case #2024CP4300391. To date, I have not heard from you or your client whether you are amenable to Mr. Eric Hale as mediator along with your dates of availability. This is my repeated attempt to coordinate mediation in good faith. Depending upon your answer above, we will be serving discovery requests either upon you or Mr. Freeman once representation is clarified.

Thank you for your prompt attention to this matter.

[Remainder of Page Left Intentionally Blank]

Very truly yours,

Curtis & Croft, LLC

*J. Benjamin Cahill*

J. Benjamin Cahill  
Attorney at Law

Cc: David Trapp (*via email*)

**Randal K Freeman**

8 Warren Ct  
Sumter, SC 29150  
January 15, 2025

**J. Benjamin Cahill**

Attorney at Law  
Curtis & Croft, LLC  
325 W. Calhoun Street  
Sumter, SC 29150  
803-778-7404

Dear Mr. Cahill,

This letter serves as my formal response to your recent request for access to the property located at 8 Warren Ct, Sumter, SC 29150. I wish to address the legal and procedural deficiencies in this request, as well as the broader implications of such an inspection on my constitutional rights, the health and safety risks it poses, and the matter of legal representation.

**1. Prior Inspection and Fourth Amendment Violation**

An inspection of the property was previously allowed in this case, during which photographs were taken. These photographs included personal and private items, violating my family's Fourth Amendment right to privacy. The Fourth Amendment protects individuals from unreasonable searches and seizures, and the taking of photographs during the prior inspection constituted an unreasonable intrusion into our private lives.

The U.S. Supreme Court in *Katz v. United States*, 389 U.S. 347 (1967), established that the home is entitled to the highest degree of privacy protection. Furthermore, *Snyder v. Daugherty* emphasized that tenants retain a reasonable expectation of privacy in their dwellings, and consent to a search must be freely and voluntarily given. The prior inspection, which resulted in the unauthorized capture of private photographs, violated these principles.

Given this prior violation, allowing a second inspection would only further complicate the matter and exacerbate the infringement on my family's constitutional rights.

**2. Condition of the Property**

The property was maintained in excellent condition during the first inspection, and it has since been further improved. No repairs or emergency issues have been reported, and all utilities remain active. The current request for a second inspection is unwarranted and serves no legitimate purpose.

The South Carolina Court of Appeals in *Watson v. Sellers*, 1989, 299 S.C. 426, held that repeated and unwarranted actions by a landlord can constitute harassment. Your client's request for a second inspection, particularly in light of the excellent condition of the property, mirrors the type of conduct deemed harassing in *Watson v. Sellers*.

### **3. Health and Safety Concerns**

In addition to the legal and constitutional issues raised by this request, I must also emphasize the significant health and safety risks associated with conducting an inspection at this time. Two members of my household have been medically diagnosed with COVID-19 and are currently infected. Allowing an inspection under these circumstances would endanger the health and safety of the inspector, as well as anyone else who may come into contact with them.

The Centers for Disease Control and Prevention (CDC) and public health guidelines strongly advise against unnecessary in-person interactions in households with active COVID-19 cases. Conducting an inspection at this time would not only violate these guidelines but also expose the inspector to a serious and avoidable health risk.

### **4. Fourth Amendment Protections and Privacy Expectations**

Allowing a second inspection, particularly one involving video or photographs, would further violate my family's Fourth Amendment rights. As established in *State v. Vinuya*, individuals residing in a home, even without formal property rights, have a reasonable expectation of privacy in specific areas, such as their bedrooms. The two-prong test from *Katz v. United States*—requiring both a subjective expectation of privacy and one that society recognizes as reasonable—applies here.

Additionally, *State v. Pierre* and *United States v. Blank* reinforce that tenants have a reasonable expectation of privacy in areas they exclusively control. The requested second inspection would intrude upon these protected privacy interests without any valid justification.

### **5. South Carolina Code of Laws § 27-40-530**

Under South Carolina Code of Laws § 27-40-530:

- A landlord shall not abuse the right of access or use it to harass the tenant.
- Except in cases of emergency, a landlord must provide at least 24 hours' notice of intent to enter and may only do so at reasonable times.

Your client's request for a second inspection, particularly in light of the lack of any emergency or legal justification, constitutes an abuse of the right of access and a clear attempt to harass.

### **6. Temporary Restraining Order (TRO)**

The Temporary Restraining Order issued on September 14, 2024, by Chief Magistrate W. Mattison Gamble remains in effect until the South Carolina Court of Appeals rules on this

matter. The TRO explicitly prohibits harassment by Mr. David Trapp or his representatives. Any attempts to inspect the property without proper legal basis will be considered a direct violation of this order.

### **7. Legal Basis for Access**

Per South Carolina Code of Laws § 27-40-530(d), a landlord's right of access is strictly limited to the following circumstances:

- Pursuant to court order;
- As permitted by Sections 27-40-720 and § 27-40-730;
- When accompanied by a law enforcement officer for service of process in ejectment proceedings; or
- In cases of tenant abandonment or surrender of the premises.

As previously stated, none of these conditions are applicable here. No court order currently exists for access to the property, and the property has not been abandoned. Any access attempts by Mr. David Bryan Trapp, his legal counsel, or any representatives will be considered a violation of the TRO and South Carolina law.

### **8. Legal Representation**

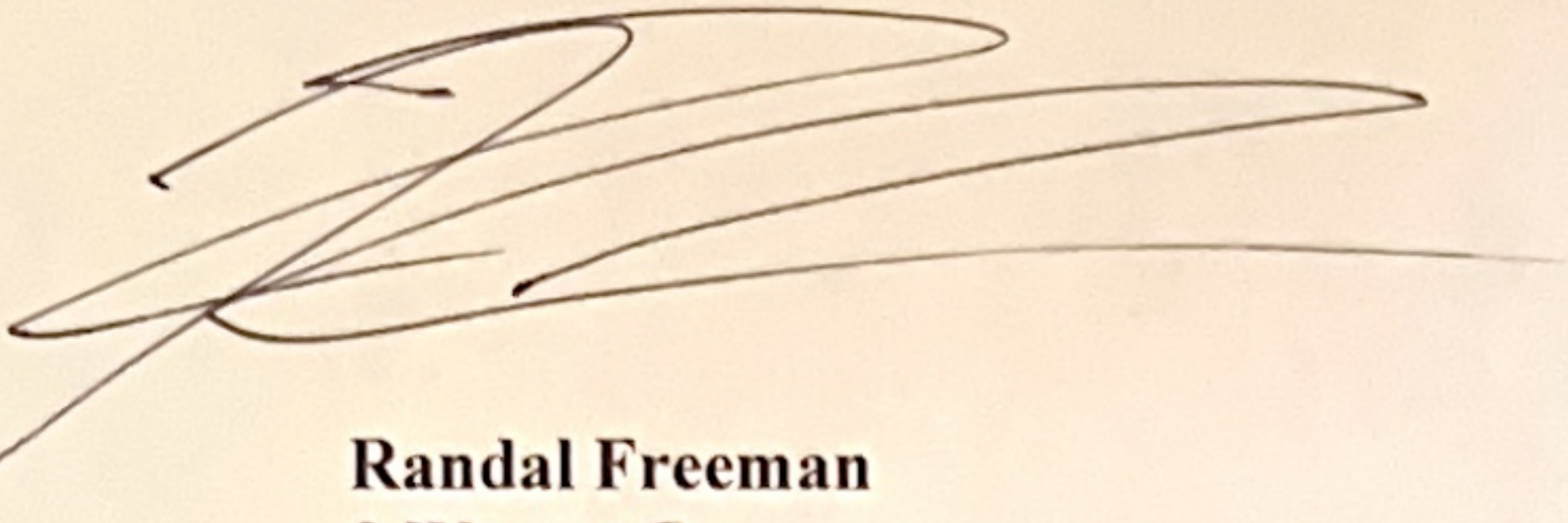
Please be advised that Mr. William Brunson currently represents me in all property matters related to 8 Warren Ct, Sumter, SC 29150, including the Claim and Delivery case pending arbitration. All future correspondence regarding this matter should be directed to Mr. Brunson's firm.

### **Conclusion**

Your assumption that inspections should or can be conducted annually lacks any legal foundation or supporting case law. The property is neither abandoned nor in disrepair, and the utilities remain fully active. The prior inspection demonstrated that the property was in excellent condition, and it has since been further improved. Furthermore, conducting an inspection at this time would pose a significant health and safety risk due to the presence of active COVID-19 cases in my household.

I will not permit access to the property absent a valid court order, and I strongly urge you to ensure that your client's actions comply with the law, the provisions of the Temporary Restraining Order, and the constitutional protections afforded to my family.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Randal Freeman', with a long horizontal flourish extending to the right.

**Randal Freeman**

8 Warren Ct

Sumter, SC 29150

[randal.freeman88@gmail.com](mailto:randal.freeman88@gmail.com)

Cc: The **Brunson** Law Firm, LLC

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Appellant Case No. 2024-000283

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David Bryan Trapp,

Respondent,

v.

Randal K. Freeman,

Appellant.

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**PROOF OF SERVICE**

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I certify that I have served the Respondent's Return to Appellant's Motion for Emergency Injunction and Restraining Order on Randal K. Freeman and by depositing a copy of it in the United States mail, postage prepaid, on February 25, 2025, addressed to Randal K. Freeman at his current or last known address of 8 Warren Ct, Sumter, South Carolina 29150.

/s J. Benjamin Cahill

J. Benjamin Cahill, Esq

S.C. Bar No.: 102437

[ben@curtisandcroft.com](mailto:ben@curtisandcroft.com)

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February 25, 2025