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Mar 07 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SUMTER COUNTY

Court of Common Pleas

R. Ferrell Cothran, Jr., Circuit Court Judge

Case No. 2024-CP-43-000366

Appellant Case No. 2024-000283

Randal K. Freeman,

Appellant,

v.

David Bryan Trapp,

Respondent.

**RESPONDENT'S RETURN TO APPELLANT'S MOTION FOR RELEASE OF
BOND WITH CLARIFICATION AND HOLD IN ABEYANCE**

Respondent, through his undersigned Counsel, hereby responds to Appellant's Motion for Release of Bond with Clarification and Hold in Abeyance. Respondent urges this Court to not only deny Appellant's Motion, but to dismiss this appeal in its entirety as the controversy is now moot.

BACKGROUND

On April 1, 2024, Respondent filed a Motion to Dismiss due to the fact Appellant's lease had expired. Appellant filed a Return on April 8, 2024, and a final Reply was made on April 18, 2024. A non-dispositional Order was made on June 17, 2024, stating specifically, "[T]here is an existing controversy in this case while Appellant is still occupying the property. *See Mathis v. S.C. State Highway Dep't*, 260, S.C. 344, 346, 195 S.E.2d 713, 715 (1973). ('A case becomes moot when judgment, if rendered, will have no practical legal effect upon [any] existing controversy. This is true when some event occurs making it impossible for [the] reviewing [c]ourt to grant effectual relief.')." *See* Order dated June 17, 2024. On March 3, 2025, Appellant dated and

postmarked a letter confirming Appellant's vacating of the premises as well as confirming all utilities to be transferred to Respondent as the responsible party. *See* Exhibit 1.

ARGUMENT

The entire premise of this appeal is whether the Appellant has grounds to stay or overturn the *Writ of Ejectment* issued on November 20, 2023. Given the Appellant has removed himself from the property and provided possession back to Respondent, an execution of the *Writ of Ejectment* would no longer have any practical legal effect upon the parties or controversy. To reiterate the *Mathis* case, the Appellant's event, *i.e.*, moving his belongings and person(s) from premises, has now made any actual relief impossible regarding the execution of said *Writ*.

However, although Respondent lies on the position that this matter is now moot, Respondent alternatively takes the position that if for any reason this appeal is not dismissed, Appellant's bond should not be lifted. Respondent has endured two years of financial hardship, court costs, and attorney's fees due to Appellant's unwillingness to remove himself from the property, and as such, Respondent would ask that this Court to have bond remain in effect to protect against protracted frivolity and additional costs.

CONCLUSION

For the foregoing reasons, the Court should deny Appellant's Motion, dismiss the appeal as moot, and affirm the Circuit Court's Order. Respondent prays to this Court that Respondent has suffered economic damage, court costs, and attorney's fees due to Appellant's appeals. As such, Respondent prays this Court impose such sanctions as allowable under Rule 269, or alternatively awarding attorney's fees to the Respondent, as this Court deems appropriate.

Respectfully submitted,

/s Christopher R. Jay
Christopher R. Jay, Esq
S.C. Bar No.: 100313
chris@curtisandcroft.com

/s J. Benjamin Cahill
J. Benjamin Cahill, Esq
S.C. Bar No.: 102437
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Curtis & Croft, LLC
325 W. Calhoun St
Sumter, SC 29150
Tel. (803) 778-7404

Attorneys for Respondent David Bryan Trapp

Sumter, South Carolina

March 7, 2025

Exhibit 1

Randal Freeman
16 Hilliard Dr
Sumter, SC 29150
Randal.freeman88@gmail.com
(224) 407-1660

03/03/2025

J. Benjamin Cahill, Esq.
Curtis & Croft, LLC
325 W. Calhoun Street
Sumter, SC 29150

Re: Case No. 2024-000283 – Notification of Residence Status

Dear Mr. Cahill,

I am writing to formally notify you that the residence located at **8 Warren Ct, Sumter, SC 29150**, which is the subject of the **SC Court of Appeals Case No. 2024-000283**, has been **vacated by the Appellant and his family as of March 3, 2025**.

All utilities have been disconnected, and as of this time, the maintenance and financial responsibility for utilities now fall upon the respondent.

Additionally, please note that the **door code remains set for Mr. Trapp as the last four digits of his phone number, as it has always been.**

Furthermore, the **general gas supply has been turned off, with all gas appliance valves shut off except for the stove, the Rinnai water heater, and the HVAC system.**

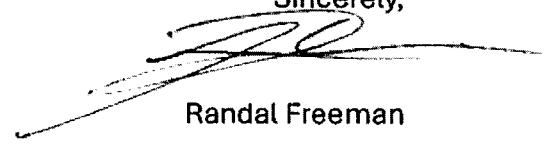
Prior to vacating the premises, a **final inspection and video documentation** were conducted to ensure all current conditions of the property were recorded at the time of exit.

Per the letter from the **South Carolina Court of Appeals Clerk, the case is currently held in abeyance pending review of the Emergency Injunction and the Motion for Release of Bond with Clarification and Hold in Abeyance.**

Please confirm receipt of this letter and acknowledge the transition of utility responsibility.

CC: Clerk of Court of Appeals
CC: Sumter County Magistrate Clerk (Case No. 2023CV4310101594)
CC: William Brunson, Esq., Brunson Law Firm, Sumter, SC

Sincerely,

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

Randal Freeman

16 Hilliard Dr.

Sumter, SC 29150

(224) 407-1660

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PROOF OF SERVICE

I certify that I have served the Respondent's Return to Appellant's Motion for Release of Bond with Clarification and Hold in Abeyance on Randal K. Freeman and by depositing a copy of it in the United States mail, postage prepaid, on March 7, 2025, addressed to Randal K. Freeman at their current or last known address of 16 Hilliard Dr., Sumter, South Carolina 29150.

/s J. Benjamin Cahill

J. Benjamin Cahill, Esq

S.C. Bar No.: 102437

ben@curtisandcroft.com

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Columbia, South Carolina

March 7, 2025