

RECEIVED
Apr 07 2025
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Cheryl Graham, Clerk of Court

Appellate Case No. 2025-000383
Case No. 2024-CP-18-02083

Shabre Green, Appellant,

v.

BIF Summerville Station
LLC, Respondent.

MOTION TO DISMISS APPEAL

NOW COMES the Respondent, BIF Summerville Station LLC d/b/a Summerville Station Apartments (hereinafter “Summerville Station”) and through their undersigned counsel and hereby moves this Court to dismiss this appeal filed by Appellant Shabre Green on the grounds that this appeal is improper, defective, and fails to meet the procedural and substantive requirements of this Court. In support of this Motion to Dismiss, Respondent respectfully submits the following:

I. Background

It appears that by filing this appeal, Appellant seeks to appeal the decision of the Dorchester County Court of Common Pleas order dated February 11, 2025 dismissing Appellant’s appeal to the Circuit Court (Case No. 2024-CP-18-02083) entered by the Presiding Summerville Magistrate Judge dismissing Appellant’s appeal. Pursuant to the Order Dismissing Appeal (Circuit Court

Appeal), the Circuit Court appeal was dismissed for Appellant's failure to pay periodic rent as due in the amount of \$9,211.71 (bond to preserve Appellant's appeal to Circuit Court), as ordered by the Presiding Magistrate on January 13, 2025. Pursuant to S.C. Code Section 27-37-130, the appeal was dismissed, the stay of the writ was dissolved, and the Magistrate Court was ordered to issue the Writ of Ejectment. The Circuit Court's Order Dismissing Appeal is attached hereto and incorporated by reference as **Exhibit A**.

On or about February 28, 2025, Appellant filed this Appeal (Case No. 2025-00383). In her initial Notice of Appeal filed this this Court, Appellant states her reason for appeal is that she is "willing to come up with any arrangements to pay." Her revised/corrected Notice of Appeal filed with this Court does not state any legal or factual grounds for appeal, but only that she is challenging the order dismissing her Circuit Court appeal (which was dismissed for her failure to comply with court order and pay the appropriate bond to preserve her appeal). As such, the Appellant's filing of the Appeal is not only improper and defective procedurally but also constitutes an abuse of the judicial process, is duplicative, and fails to meet the procedural requirements of this Court. As such, this appeal should be dismissed.

II. Legal Argument

As it appears that Appellant wishes to appeal her own failure to comply with the bond set by the magistrate court to preserve her Circuit Court appeal, this appeal should be dismissed. Appellant does not allege any errors of fact or of law in any Notice of Appeal in which she has filed with this Court. Rather, appellant has demonstrated a clear disregard for judicial efficiency, abuse of the judicial process, and such conduct is violative of Respondent's due process rights.

This appeal should be dismissed pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure as Appellant fails to state a claim upon which relief may be granted.

Appellant's Notice of Appeal and her reason for filing this appeal indicate that this appeal is based on grounds that do not legally entitle them to relief. As such, the case should be dismissed.

This appeal is based on an underlying eviction filed by the Respondent in the Summerville Magistrate Court for Appellant's nonpayment of rent. As is necessary for the issuance of the writ, the Summerville Magistrate Court has already found that the Appellant has not satisfied her rental obligations pursuant to the terms of her Lease. Appellant has not disputed the outstanding balance owed by her or presented any evidence that she made payments in furtherance of her outstanding balance. Instead, Appellant seeks to request more time and/or pursue a payment plan for her outstanding balance. Further, if Appellant's Notice of Appeal can be interpreted to appeal the issue of her non-payment of rent, appellant is only re-raising the issue of non-payment without new legal or factual evidence. As such, the appeal should be subject to dismissal for Appellant's failure to state a claim of legal or factual grounds for relief.

In filing this appeal without legal or factual grounds for same, Appellant has wasted the time and resources of both this Court and the Court of Common Pleas. Pursuant to the order of this honorable Court, a Motion to Stay and Determination of any Appeal Bond will be held on April 14, 2025. It will be Respondent's position that the writ should not be stayed as same is greatly prejudicial to Respondent and Appellant's bond should be set at the full outstanding balance owed by her pursuant to South Carolina Code

Due to Appellant's improper filings and duplicative litigation lacking legal or factual grounds for same, Respondent request that this Court establish a gatekeeping order that requires Appellant to retain counsel to further pursue this litigation. Appellant's failings, which lack legal or factual merit, have unnecessarily consumed judicial resources.

III. Conclusion

For the reasons set forth above, the Respondent respectfully requests this Court to dismiss the appeal filed by Appellant, Shabre Green as improper, defective, duplicative, and in violation of the procedural requirements set forth by the South Carolina Appellate Court Rules.

Respectfully submitted,

/s/ Morgan R. Dunn
Morgan R. Dunn, SC Bar #105610
Brownlee Whitlow & Praet, PLLC
P.O. Box 62975
N. Charleston, SC 29419
Tel./Fax (843) 410-5140
Attorney for Respondent

April 7, 2025

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

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2024CP1802083

Shabre Green	2025 FEB 19 PM 4:07	BIF Summerville Station	
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PLAINTIFF(S)	DEFENDANT(S)
Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant

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. See Page 2 for additional information.
- 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: **Appellant failed to post the required bond. Therefore, the Appeal is hereby dismissed in the Circuit Court by the instructions in the signed attached order from Judge Richardson in Summerville Magistrate.**

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:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.

Note: Title abstractors and researchers should refer to the official court order for judgment details.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.


Cheryl Graham, Clerk of Court

2099
Judge Code

2/19/2025
Date

For Clerk of Court Office Use Only

This judgment was entered on **02/19/2025**, and a copy mailed first class or placed in the appropriate attorney's box on **02/19/2025**, to attorneys of record or to parties (when appearing pro se) as follows:

Shabre Green 1660 Old Trolley Road Apt. F02
Summerville, SC 29485

BIF Summerville Station LLC P.O. Box 30247 Charlotte,
NC 28230

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Cheryl Graham

Court Reporter

Cheryl Graham - Clerk of Court

Court Reporter:

E-Filing Note: In E-Filing counties, 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 judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

Cc: Summerville Magistrate by email and courier mail

STATE OF SOUTH CAROLINA

IN THE MAGISTRATE'S COURT

2025 FEB 19 PM 4: 27

COUNTY OF DORCHESTER

CASE NO: 2024CV1810305996

Ref: 2024-CP-18-2083

WILLIAM
CIRCUIT COURT

SUMMERVILLE STATION DORCHESTER COUNTY

Plaintiff/Landlord,

vs.

SHABRE GREEN

**ORDER DISMISSING
APPEAL**

Defendant/Tenant.

Based upon these facts: It appears from the record that the Defendant/Tenant filed an appeal to the Circuit Court on December 27, 2024 from the Application for Ejectment filed in the Magistrate's Court by Plaintiff/Landlord. Thereafter, pursuant to S.C. Code §27-40-800, the Magistrate Court held a Bond to Stay Execution on Appeal hearing on January 6, 2025.

The Defendant/Tenant failed to pay periodic rent as due in the amount of \$9,211.71 by January 13, 2025, fixed by the presiding Magistrate.

Now, therefore, and pursuant to S.C. Code §27-37-130, the stay of execution shall dissolve, and the appeal by the Defendant/Tenant to the Circuit Court is hereby dismissed.

The Magistrate Court may issue a Writ of Ejectment, and the Dorchester County Sheriff's Office may dispossess the Defendant/Tenant.

AND IT IS SO ORDERED this 11th day of February 2025



Presiding Magistrate

STATE OF SOUTH CAROLINA) IN THE MAGISTRATE COURT
COUNTY OF DORCHESTER)
2025 FEB 19 PM 4:27 SUMMERVILLE
BIF Summerville Station L.L.C. & P.A.C.)
d/b/a Summerville Station)
Plaintiff of COURT
DORCHESTER COUNTY)
v.) AFFIDAVIT OF FAILURE TO PAY
) BOND OR NONCOMPLIANCE WITH
) UNDERTAKING
Shabre Green,)
Defendant.) CASE NO: 2024CV1810305996

COMES NOW, BEING DULY SWORN, Sam Bellotte states as follows:

My name is Sam Bellotte. I am the Business Manager of the Plaintiff, BIF Summerville Station L.L.C. & P.A.C. d/b/a Summerville Station and I am familiar with the manner and mode in which payment and other records are kept by BIF Summerville Station L.L.C. & P.A.C. d/b/a Summerville Station

On January 6, 2025, the Court ordered an initial Bond in this matter to be paid in the amount of \$9,211.71, in accordance with South Carolina Law and the Residential Landlord and Tenant Act, providing that the Defendant pay that Bond due on January 13, 2025 and late after 5 business days. If the tenant timely pays the initial Bond, then subsequent Bond payments are set at \$1,902.00 to be paid monthly, due by the 1st of each month and late after the 5th.

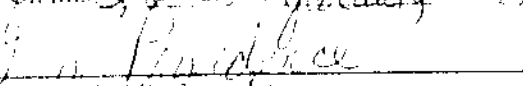
Defendant has failed to pay the initial Bond which was due on January 13, 2025 and late after January 20, 2025. Therefore, I petition this Court to dismiss the Defendant's appeal, forfeit any Bond paid, and award attorneys' fees as allowed and appropriate. I have attached a copy of the tenant's most recent ledger as Exhibit A.

FURTHER AFFIANT SWEARS NOT.

Date: 1/28/2025



Sam Bellotte, Affiant

Sworn and Subscribed before me
On this 28th day of January, 2025


Notary Public for NC
My commission expires: 11/28/2022



Resident Ledger



2025 FEB 19 P11 4: 27

Date: 01/21/2025

WILLOW BRIDGE
CLERK OF COURT

Code	10622430	Property	6000151660000	Lease From	03/25/2024
Name	Shabir Garey	Unit	102	Lease To	06/25/2025
Address	1665 Old Trolley Road	Status	Not Le	Move In	03/25/2024
	102	Rent	1902.00	Move Out	04/01/2025
City	Summerville SC 29485	Phone (H)		Phone (W)	

Date	Chg Code	Description	Charge	Payment	Balance	Chg/Rec
03/23/2024	afstand	Standard Application Fee	75.00		75.00	4370173
03/23/2024		chk# 1597352734 MC ENTRATA Web-1597352734 MC		250.00	(175.00)	4370174
03/25/2024	depo	Deposit	250.00		75.00	4370175
03/25/2024	rent	Rent for 7 days	429.48		504.48	4370176
03/25/2024	rodec	Move In Administrative Fee	250.00		754.48	4370177
03/25/2024	rent	Adjustment to match lease	(429.48)		325.00	4370177
03/25/2024	rent	Adjustment to match lease	490.84		815.84	4370178
03/25/2024	uparbr	Pro rated trash charge	5.16		821.00	4370179
03/25/2024	pestfee	Pro rated pest control charge	1.29		822.29	4370182
03/25/2024		chk# 1598799416 MO ENTRATA Terminal-1598799416 MO		149.00	673.29	15115017
03/25/2024		chk# 1598799417 MO ENTRATA Terminal-1598799417 MO		500.00	173.29	15115018
03/25/2024		chk# 1598799418 MO ENTRATA Terminal-1598799418 MO		500.00	(126.71)	15115019
03/25/2024		chk# 1598799419 MO ENTRATA Terminal-1598799419 MO		500.00	(826.71)	15115020
03/25/2024		chk# 1598799420 MO ENTRATA Terminal-1598799420 MO		500.00	(1,326.71)	15115021
03/25/2024		chk# 1598799421 MO ENTRATA Terminal-1598799421 MO		500.00	(1,826.71)	15115022
04/01/2024	pestfee	Exterminating Expense (04/2024)	5.00		(1,821.71)	4370182
04/01/2024	uparbr	Utilities - Garbage Recovery (04/2024)	20.00		(1,801.71)	4370183
04/01/2024	rent	Actual Lease Rent (04/2024)	1,902.00		100.29	4370183
04/10/2024		chk# 1601624065-MC ENTRATA-Web-1601624065-MC		100.29	0.00	15415029
05/01/2024	ubilr	Acct Setup	10.00		10.00	43199107
05/01/2024	ubilr	Service Fee - 03/25/24-03/31/24	4.25		14.25	43199108
05/01/2024	usewerr	Sewer - 03/25/24-03/31/24	13.34		27.59	43199110
05/01/2024	usewerr	Storm Water Drainage - 03/25/24-03/31/24	2.02		29.61	43199111
05/01/2024	uwater	Water - 03/25/24-03/31/24	4.70		34.31	43199113
05/01/2024	rent	Actual Lease Rent (05/2024)	1,902.00		1,936.31	43576191
05/01/2024	ugarbr	Utilities - Garbage Recovery (05/2024)	20.00		1,956.31	43576217
05/01/2024	pestfee	Exterminating Expense (05/2024)	5.00		1,961.31	43576237
05/06/2024	latefee	Late Fee Charges, 10% of \$1902.00	190.20		2,151.51	43960951
05/23/2024		chk# 1605546611 MO ENTRATA Terminal-1605546611 MO		500.00	1,651.51	15847327
05/23/2024		chk# 1605546612 MO ENTRATA Terminal-1605546612 MO		500.00	1,151.51	15847328
05/26/2024	inspv	05/06/24 - 06/06/24 - PVI INSURANCE - NEWB	10.75		1,162.26	44445914
06/01/2024	ubilr	Service Fee - 04/01/24-04/30/24	4.25		1,166.51	44346118
06/01/2024	usewerr	Sewer - 04/01/24-04/30/24	55.88		1,222.39	44346121
06/01/2024	usewerr	Storm Water Drainage - 04/01/24-04/30/24	8.51		1,230.90	44346124
06/01/2024	uwater	Water - 04/01/24-04/30/24	17.22		1,248.12	44346129
06/01/2024	uparbr	Utilities - Garbage Recovery (06/2024)	20.00		1,268.12	44702443
06/01/2024	pestfee	Exterminating Expense (06/2024)	5.00		1,273.12	44703455
06/01/2024	rent	Actual Lease Rent (06/2024)	1,902.00		3,175.12	44703840
06/01/2024		chk# 1608181585 MO ENTRATA Terminal-1608181585 MO		300.00	2,875.12	16112909
06/01/2024		chk# 1608181586 MO ENTRATA Terminal-1608181586 MO		500.00	2,375.12	16112910
06/06/2024	latefee	Late Fee Charges, 10% of \$1902.00	190.20		2,565.32	45091770
06/23/2024	inspv	06/06/24 - 07/06/24 - PVI INSURANCE - RNEW	10.75		2,576.07	45234754
06/23/2024	inspv	06/06/24 - 07/06/24 - PVI - RNEW Reverse	(10.75)		2,565.32	45285953
06/23/2024	inspv	06/06/24 - 07/06/24 - PVI INSURANCE - RNEW	10.75		2,576.07	45366645

11/26/2024	mspv	11/06/24 - 12/06/24 PVI INSURANCE - RNEW	10.75	4,985.59	51446681
12/01/2024	ubill	Service Fee - 10/01/24 10/31/24	4.25	4,989.84	51282278
12/01/2024	sewer	Sewer - 10/01/24 10/31/24	64.52	5,054.36	51282281
12/01/2024	sewer	Storm Water Damage - 10/01/24 10/31/24	8.33	5,062.69	51281985
12/01/2024	water	Water - 10/01/24 10/31/24	20.83	5,083.52	51282289
12/01/2024	pestfee	Eliminating Expense (12/2024)	5.00	5,088.52	51898740
12/01/2024	ugubr	Utilities - Garbage Recovery (12/2024)	20.00	5,108.52	51898737
12/01/2024	rent	Actual Lease Rent (12/2024)	1,902.00	7,010.52	51898748
12/06/2024	latefee	Late Fee Charges - 10% of \$1902.00	190.20	7,200.72	52117799
12/26/2024	mspv	12/06/24 - 01/06/25 PVI INSURANCE - RNEW	10.75	7,211.47	52607053
01/01/2025	ubill	Service fee - 11/01/24 11/30/24	4.25	7,215.72	52463351
01/01/2025	sewer	Sewer - 11/01/24 11/30/24	61.88	7,277.60	52463354
01/01/2025	sewer	Storm Water Damage - 11/01/24 11/30/24	8.28	7,285.88	52463356
01/01/2025	water	Water - 11/01/24 11/30/24	24.83	7,309.71	52463352
01/01/2025	rent	Actual Lease Rent	1,902.00	9,211.71	54270300

2025 FEB 19 PM 4:27

2024 CV1810305996

CIVIL CASE NUMBER

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

GRANHAM
MAGISTRATE'S COURT
DORCHESTER COUNTY

MAGISTRATE'S COURT

SUMMERVILLE STATION
LANDLORD(S)

VS.

SHABRE GREEN

TENANT(S)

BOND TO STAY EXECUTION
ON APPEAL

Appeared via phone
Attorney [unclear]
via phone
Appeared
via phone
Appeared
via phone

TO: Circuit Court

Now comes the Tenant(s) in the above entitled action and respectfully shows the Court that a Judgment of Execution was issued against the Tenant(s) and for the Landlord on 12-3-2024, by the Magistrate. Tenant(s) has appealed the Judgment to the Circuit Court.

Pursuant to the findings of the Magistrate, the Tenant(s) is obligated to pay rent in the amount of \$ 1,902.00 per month, due on the 1st of each month, beginning January 2025. Payments are to be made by cash, cashier's check or money order to 1660 Old Ferry Rd. Summerville, SC 29155 located at [unclear]

Tenant(s) hereby undertakes to pay the periodic rent hereinafter due according to the aforesaid findings of the Court and moves the Circuit Court to stay execution on the Judgment for Ejectment until this matter is heard on appeal and decided by the Circuit Court.

Dated on: JANUARY 6, 2025

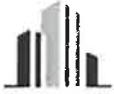
[Signature]
Tenant(s)

Upon execution of the above bond, execution on the Judgment of Ejectment is hereby stayed until the action is heard on appeal and decided by the Circuit Court. If Tenant(s) fails to make any rental payment within five (5) days of the due date, upon application of the Landlord, the stay of execution shall dissolve, the appeal by the Tenant(s) to the Circuit Court on issues dealing with possession must be dismissed and the Sheriff may dispossess the Tenant(s).

Dated on: January 6, 2025

[Signature]
JUDGE

* Must come current with past due of \$9,211.71 (includes January rent of \$1,902.00) by Monday January 13th, 2025



Brownlee Whitlow & Praet

PROPERTY • SOLUTIONS • LEGAL

RECEIVED

Apr 07 2025

Morgan R. Dunn

Associate

SC Court of Appeals
Licensed in NC and SC

mdunn@bwpf-law.com

Phone/Fax: (843) 410-5140

April 7, 2025

Via Priority Mail

South Carolina Court of Appeals

P.O. Box 11629

Columbia, South Carolina 29211

Re: Shabre Green v. BIF Summerville Station LLC
Appellate Case No. 2025-000383
Our File No.: 30055-00049

Dear Clerk:

Please be advised that this firm represents BIF Summerville Station LLC d/b/a Summerville Station, the Respondent in the above-referenced matter.

Pursuant to the South Carolina Appellate Court Rules (SCACR), please see attached Check No. 13806 in the amount of \$50.00 payable to the South Carolina Court of Appeals to satisfy the necessary filing fee for the Respondent's Motion to Dismiss filed April 7, 2025.

If you have any questions or concerns, please contact me directly.

With kindest regards, I am

Sincerely yours,

BROWNLEE WHITLOW & PRAET, PLLC

Morgan R. Dunn

cc: SC Court of Appeals (via email at ctappfilings@sccourts.org)
BIF Summerville Station LLC (via email)
Shabre Green (via email)

North Charleston Location:
4000 Faber Place Drive, Suite 100
N. Charleston, SC 29405

Mailing Address:
P.O. Box 62975
N. Charleston, SC 29419

Contact: 843.628.7120
BWPF-Law.com

RECEIVED
Apr 07 2025
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Cheryl Graham, Clerk of Court

Appellate Case No. 2025-000383
Case No. 2024-CP-18-02083

Shabre Green, Appellant,

v.

BIF Summerville Station
LLC, Respondent.

CERTIFICATE OF SERVICE

I certify that I have served the Respondent's Motion to Dismiss on Shabre Green by depositing a copy of it in the United States Mail, Postage Prepaid, on April 7, 2025, addressed to her at 1660 Old Trolley Road Apt. F02, Summerville, SC 29485, and via email at shabregreen237@gmail.com.

April 7, 2025

/s/ Morgan R. Dunn
Morgan R. Dunn, SC Bar #105610
Brownlee Whitlow & Praet, PLLC
P.O. Box 62975
N. Charleston, SC 29419
Tel./Fax (843) 410-5140
Attorney for Respondent