

STATE OF SOUTH CAROLINA  
COUNTY OF LANCASTER

Terry Clark,

Appellant,

vs.

Mahender Adonda,

Respondent.

IN THE COURT OF COMMON PLEAS  
SIXTH JUDICIAL CIRCUIT

Case Number: 2025-CP-29-00182

**ORDER**

**RECEIVED**

**Apr 09 2025**

**SC Court of Appeals**

Respondent Mahender Adonda, the landlord, filed an application for ejectment in the Lancaster County Magistrate Court on January 17, 2025, seeking to eject Appellant Terry Clark, the tenant, from 3831 Fairlady Lane, Indian Land, South Carolina for nonpayment of rent. Appellant appealed the decision of Lancaster County Magistrate Douglas M. Vecchio issuing the Writ of Ejectment. The Court held a hearing on March 31, 2025. Appellant did not appear. Respondent appeared through his attorney, Emily N. Brown.

Findings of Fact

Based on the testimony and evidence adduced at trial, the Court finds the following:

1. According to the Magistrate's Appeal Answer and the Affidavit of Service filed with Respondent's Reply to Notice of Civil Appeal, the Magistrate Court served the Rule to Vacate of Show Cause (Eviction) on Appellant on January 23, 2025.
2. In the Notice of Civil Appeal, Appellant admitted she received the Rule to Vacate that required her to respond by February 3, 2025.
3. The Magistrate's Answer stated Appellant failed to file an answer, and Appellant admitted in her Appeal that she did not answer by February 3, 2025.
4. As stated in the Rule to Vacate and Appellant's Appeal, Appellant owed \$2,956.00

at the time the Application for Ejectment was filed.

5. Appellant stated she paid \$2,500.00 on January 31, 2025, and Respondent's attorney confirmed the payment.

6. However, Appellant did not pay the remaining \$456.00.

7. Respondent's attorney stated Appellant also did not pay the outstanding rent due February 1, 2025, which is consistent with Appellant's Appeal dated February 10, 2025.

8. Neither Respondent nor Respondent's attorney negotiated a settlement with Appellant.

#### Conclusions of Law

Based upon the above findings, this Court concludes as follows:

1. S.C. Code Ann. § 27-37-40 requires a tenant to answer a Rule to Vacate and Show Cause within ten days after service.

2. "If the tenant fails to appear and show cause within the aforesaid ten days then the magistrate shall issue a warrant of ejectment and the tenant shall be ejected by his regular or special constable or by the sheriff of the county." S.C. Code Ann. § 27-37-40.

3. Because Appellant failed to answer within ten days, the Magistrate properly issued the Writ of Ejectment, and the Court affirms his decision.

4. Furthermore, rent continues to accrue as long as a tenant occupies the premises. *See* S.C. Code Ann. § 27-37-150.

5. "[T]he acceptance by the landlord of any rent, whether it shall have accrued at the time of issuing such [rule to vacate or show cause] or shall subsequently accrue, shall not operate as a waiver of the landlord's right to insist upon ejectment...." S.C. Code Ann. § 27-37-150.

6. Therefore, Respondent legally accepted the \$2,500.00 in rent paid by Appellant on

January 31 and did not waive his right to continue with the ejectment proceedings.

NOW THEREFORE, IT IS ORDERED that

1. The decision of the Magistrate to issue the Writ of Ejectment is affirmed.
2. Respondent may retain the rent paid by Appellant and continue with the ejectment proceedings.
3. This case is remanded to the Magistrate to continue with the ejectment proceedings.

AND IT IS SO ORDERED.



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.**

<b>Circuit Court Judge</b>	<b>Judge Code</b>	<b>Date</b>
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**For Clerk of Court Office Use Only**

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and a copy mailed first class or placed in the appropriate attorney’s box on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ to attorneys of record or to parties (when appearing pro se) as follows:

<b>ATTORNEY(S) FOR THE PLAINTIFF(S)</b>	<b>ATTORNEY(S) FOR THE DEFENDANT(S)</b>
	<b>CLERK OF COURT</b>

**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.

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Lancaster Common Pleas

**Case Caption:** Terry Clark VS Manhender Adonda

**Case Number:** 2025CP2900182

**Type:** Order/Judgment and Form 4

So Ordered

s/Paul M. Burch, Judge #2048