

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
George Gallo,)
)
)
Plaintiff,)
)
vs.)
)
Autumnwood Crossing LP AND)
Intermark Management Corporation,)
)
Defendants.)
)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

CASE NO.: 2022-CP-40-05305

ORDER



This matter came before Judge Coble on Defendant’s Motion for Summary Judgment. Judge Coble heard the motion in-person on February 12, 2025. Present at the hearing was counsel for the Plaintiff, Joseph Thickens, and counsel for the Defendant, Damon Wlodarczyk. After carefully considering arguments of counsel, applicable law, and filings of the parties, the court rules as follows: the Motion for Summary Judgment is GRANTED.

After careful consideration of the arguments presented by counsel, this court find there is no genuine issue of material fact as to the element of notice. Under the Residential Landlord Tenant Act, the landlord must have notice prior to the incident of the condition. Whether the standard is written or actual, neither exists in this case.

The Landlord–Tenant Act mentions the delivery of “a written notice to the landlord specifying the acts and omissions constituting the breach.” S.C. Code Ann. § 27–40–610(a) (2007). Also, the Landlord–Tenant Act provides a tenant's rights “do not arise until he has given notice to the landlord and the landlord fails to act within a reasonable time.” S.C. Code Ann. § 27–40–630(d) (2007). As a result, this court has held the Landlord–Tenant Act creates a cause of action for a tenant of residential property against the landlord, “for failure, after notice, to make necessary repairs and to do what is

reasonably necessary to keep the premises in a habitable condition.” Robinson v. Code, 384 S.C. 582, 586, 682 S.E.2d 495, 497 (Ct. App. 2009).

The prevailing party shall provide a more formal order within ten (10) days.

IT IS SO ORDERED.

[JUDICIAL E-SIGNATURE PAGE TO FOLLOW]



Richland Common Pleas

Case Caption: George Gallo vs Autumnwood Crossing Lp , defendant, et al

Case Number: 2022CP4005305

Type: Order/Other

So Ordered

s/ Daniel Coble, 2774