

**IN THE COURT OF APPEALS  
STATE OF SOUTH CAROLINA**

McINTYRE, SYLECIA, Appellant

v.

WESTWOOD TOWNHOMES, Respondent

From: Magistrate Court No. 2025CV4210301403

Appeal No.: 2025-CP-42-04002

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OCT 13 2025

SC Court of Appeals

**MOTION FOR DECLARATORY RELIEF**

Pursuant to S.C. Code § 15-53-20 and Rule 57, SCRCP

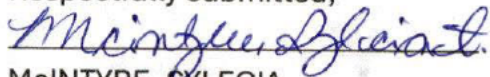
Appellant, Sylecia McIntyre, respectfully moves this Honorable Court for Declaratory Relief concerning the statutory classification and governing law applicable to the underlying matter.

1. The underlying dispute arises from a residential lease agreement and ongoing rental payments between Appellant and Respondent, Westwood Townhomes, which should properly fall under the South Carolina Residential Landlord and Tenant Act, S.C. Code Ann. § 27-40-10 et seq.
  2. The proceedings below were instead brought and adjudicated under S.C. Code Ann. § 27-37, governing ejectments without lease, despite clear evidence of a continuing tenancy and written rental agreement.
  3. This misclassification deprived Appellant of statutory protections afforded under the Landlord and Tenant Act, including proper accounting of rent, notice, habitability protections, and the right to cure default.
  4. The Appellant further asserts ambiguity within § 27-40-800(D) concerning the “undertaking of bond,” as the statute does not specify whether the bond is to be paid directly or undertaken upon compliance, leaving room for procedural error as a pro se litigant.
5. Appellant therefore requests this Court to issue a Declaratory Order confirming that:
- a. The governing law for the tenancy is § 27-40, not § 27-37;

- b. The appeal bond tender constitutes substantial compliance under § 27-40-800(D); and
- c. The prior dismissal be vacated, with the case remanded for proper proceedings under the Residential Landlord and Tenant Act.

WHEREFORE, Appellant respectfully prays that this Honorable Court declare the applicable statute to be § 27-40, vacate the dismissal entered October 10, 2025, reinstate the appeal, and grant such further relief as may be just and proper.

Respectfully submitted,



McINTYRE, SYLECIA

Agent and Appellant

1855 E Main Street

Spartanburg, SC 29307

(864) 788-3274

Date: October 13, 2025

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM Spartanburg COUNTY  
Court of Common Pleas

\_\_\_\_\_, Circuit Court Judge

Case No. 2025 - CP 413 - 01002

McIntyre, Sylecia

Appellant/Respondent,

v.

Westwood Townhomes

Appellant/Respondent.

PROOF OF SERVICE

I certify that I have served the motion for declaratory relief on Ross Plyler by depositing  
(Document) (Name)  
a copy of it in the United States Mail, postage prepaid, on 10-13-2025, addressed to,  
(Date)

P.O. Box 10529 Greenville, SC 29603

Date: 10-13-2025

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