

FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM York County
Court of Common Pleas

G.D.Morgan Jr., Circuit Court Judge

Appellant Case No. 2025-001843
Civil Case No. 2025-CP-46-01222

Tonya R.Blake, as Personal
Representative of the Estate of
Reco D.Miller,

Appellant,

v.

Brenda Burris,

Respondent.

PROOF OF SERVICE

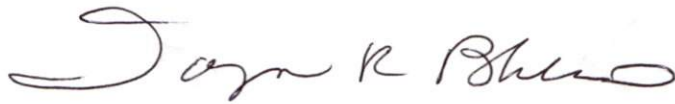
Honorable Judge or Clerk I need the Court of Appeals to compel the text messages sent to my cell phone by Brenda Burris while I was living at 821 Blackmon Street where she acknowledged she knew about home not having smoke alarms from T-Mobile or whomever who can provide them.see Sworn Affidavit Exhibit A.T-Mobile is giving me the run around for the one sentence for about 2 months.See Exhibit B.This was evidence all along I asked my previous Attorney Lawyer Taylor Grooms to get from T-Mobile but he didn't before the dismissal hearing .See Exhibit C .It was also sent in the beginning of this appeal with other documents.I also need the court transcript from the motion to be dismissed hearing on August 12,2025 to be compelled

RECEIVED

NOV 06 2025

SC Court of Appeals

. I haven't been able to get the 50-dollar copy of the court transcript successfully. I certify that I have served the Notice of Motion to Compel by sending this document and a 50-dollar money order for motion fees to the South Carolina Court of Appeals by depositing a copy of it in the United States Mail, postage prepaid, on November 4, 2025, addressed to South Carolina Court of Appeals, 1220 Senate Street, Columbia, South Carolina 29201.

A handwritten signature in black ink, appearing to read "Tonya R. Blake". The signature is fluid and cursive, with a large initial "T" and a long, sweeping underline.

November 4, 2025

s/ Tonya Blake
Tonya R. Blake
201 Sidney Street
Rock Hill, South Carolina 29730
(803)-371-3324
Pro se Appellant

AFFIDAVIT

Date: 11/04/2025

My legal name is Tonya Renee Blake, the affiant, and acknowledge I am:

- 51 years old.
- A resident in the state of South Carolina with an address of 201 Sidney Street ,Rock Hill ,SC29730.

Being duly sworn, I hereby swear under oath that:

On or about the end of 2021 or beginning of 2022 Brenda Burris previous landlord defendant sent me a text message while I was sitting in my living room at 821 Blackmon Street Rock Hill SC 29730 stating she was bringing me the smoke alarms. Brenda acknowledged she knew the property didnt have smoke detectors and didnt install any fire alarms . The text Message was sent by her cell phone to my cellphone while I was living on her rental property .

Under penalty of perjury, I hereby declare and affirm that the above-mentioned statement is, to the best of my knowledge, true and correct.

Affiant's Signature: Tonya Renee Blake Date: 11-4-25

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SC Court of Appeals

State of South Carolina
County of York

Subscribed and sworn to (or affirmed) before me on this 4th of November, 2025, by Tonya Renee Blake, proved to me on the basis of satisfactory evidence to be the person who appeared before me.

WITNESS my hand and official seal.

Signature: Tessa Jewell (Seal)

My Commission Expires: May 15, 2033



South Carolina Court
of Appeals
Case No. 2025-001843

A

Ann. §§ 5-25-1310 and 1330(A). However, Article 11 specifically states: "Failure to comply with the provisions of this article *does not create a cause of action* for a per se statutory violation for liability, *or for negligence-based* liability, for death, injury, or damages." S.C. Code Ann. § 5-25-1380 (emphasis added). The Court of Appeals has held that this provision precludes liability for failure to install smoke detectors. *Robinson v. Code*, 384 S.C. 582, 587-88, 682 S.E.2d 495, 497-98 (Ct. App. 2009). Therefore, even accepting Plaintiff's allegations regarding the lack of smoke detectors as true, S.C. Code Ann. § 5-25-1380 precludes recovery against Defendant on that basis. *Id.* at 588, 682 S.E.2d at 498 ("Article 11 does not provide for a negligence cause of action."). Accordingly, Plaintiff's allegations regarding smoke detectors fail to allege facts sufficient to constitute a cause of action and are hereby dismissed.

II. Plaintiff's allegations of negligence do not allege that written notice was provided to Defendant as required for liability to attach under the Residential Landlord and Tenant Act, S.C. Code Ann. § 27-40-630(d).

Plaintiff's Complaint asserts allegations relating to smoke detectors and general, conclusory allegations of negligence concerning the premises. The Residential Landlord and Tenant Act ("the Act") creates a negligence cause of action for a tenant of residential property against his or her landlord "for failure, *after notice*, to make necessary repairs and to do what is reasonably necessary to keep the premises in a habitable condition." *Watson v. Sellers*, 299 S.C. 426, 433, 385 S.E.2d 369, 373 (Ct.App.1989) (emphasis added). There is no specific requirement under the Act mandating that a landlord provide smoke detectors. *Code*, 384 S.C. at 586, 682 S.E.2d at 497. Moreover, no cause of action for negligence arises until a tenant "has given notice to the landlord and the landlord fails to act within a reasonable time[.]" S.C. Code Ann. § 27-40-630(d).

The general and conclusory allegations of the Complaint do not allege that Plaintiff provided written notice to Defendant regarding any allegedly deficient condition of the rental



Legal & Emergency Response
4 Sylvan Way, Parsippany, N.J. 07054
Email: lerinbound@t-mobile.com
Phone: (973) 292-8911 Fax: (973) 292-8697

October 29, 2025

T-Mobile Tracking ID: 5823845
Case Number: 2025-CP-46-01222

Objection

T-Mobile hereby objects to the referenced legal demand and is unable to respond to your request for the following reason(s):

In regard to identifier(s) ending in 3324, 8900, T-Mobile/Metro by T-Mobile is unable to sort call detail records between two or more target numbers. T-Mobile/Metro by T-Mobile is unable to produce only incoming calls, only outgoing calls, or only text messages. Please resubmit a legal demand to include a revised description of records that seeks all call records for the target for a specific date range.

In regard to identifier(s) ending in 3324, 8900, Legal demand has no place of performance.

In regard to identifier(s) ending in 3324, 8900, Legal demand cut off right side unable to read.

Notwithstanding the above objections, and without waiving same, T-Mobile may also object to the referenced legal demand for one or more of the following reason(s):

a) failure of personal service; b) lack of personal jurisdiction; c) demand is facially invalid; d) demand is overbroad, unduly burdensome and/or not refined in scope or date range; e) demand does not provide reasonable time for response; f) demand seeks electronic records that are not readily accessible; and/or g) demand seeks records that are not stored or maintained by T-Mobile.

B

ISSUED BY THE Common Pleas COURT IN THE COUNTY OF York

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Tonya R. Blake FILED RECEIVED Plaintiff

NOV 06 2025

v. 2025 SEP -3 AM 10:17 SUBPOENA IN A CIVIL CASE

SC Court of Appeal

Brenda Burris Defendant Case Number: 2025-CP-46-01222

ANGIE M. BRYANT
C.C.C.P. & GS
YORK COUNTY

Pending in York County

TO: T MOBILE

YOU ARE COMMANDED to appear in the above named court at the place, and time specified below to testify in the above case.

PLACE OF TESTIMONY _____	COURTROOM _____
_____	DATE AND TIME _____, _____

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION _____	DATE AND TIME _____, _____
_____	_____

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below (list documents or objects:

Text calls from 803-417-8900 (Brenda) from October 2019 to April 2022
Looking for text saying she bringing Sophie at home

PLACE <u>email to tonya.blake50@yahoo.com or 201 Sidney Street</u>	DATE AND TIME <u>A.S.A.P (8/25)</u>
--	-------------------------------------

to 803-371-3324 (Tonya)

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES _____	DATE AND TIME _____, _____
_____	_____

ANY SUBPOENAED ORGANIZATION NOT A PARTY TO THIS IS HEREBY DIRECTED TO RULE 30(b)(6), SOUTH CAROLINA RULES OF CIVIL PROCEDURE, TO FILE A DESIGNATION WITH THE COURT SPECIFYING ONE OR MORE OFFICERS, DIRECTORS, OR MANAGING AGENTS, OR OTHER PERSONS WHO CONSENT TO TESTIFY ON ITS BEHALF, SHALL SET FORTH, FOR EACH PERSON DESIGNATED, THE MATTERS ON WHICH HE WILL TESTIFY OR PRODUCE DOCUMENTS OR THINGS. THE PERSON SO DESIGNATED TESTIFY AS TO MATTERS KNOWN OR REASONABLY AVAILABLE TO THE ORGANIZATION

I CERTIFY THAT THE SUBPOENA IS ISSUED IN COMPLIANCE WITH RULE 45(c)(1), AND THAT NOTICE AS REQUIRED BY RULE 45(b)(1) HAS BEEN GIVEN TO ALL PARTIES.

Attorney/Issuing Officer's Signature	Date	Print Name
Indicate if Attorney for Plaintiff or Defendant		
Attorney's Address and Telephone Number :		

<u>Angie M. Bryant DBF</u>	<u>9/3/25</u>	<u>Angie M. Bryant DBF</u>
Clerk of Court/Issuing Officer's Signature	Date	Print Name
Pro Se Litigant's Name, Address and Telephone Number :		

Tonya Blake, 201 Sidney Street Rock Hill, S.C 29730
803-371-3324 (tonya.blake50@yahoo.com or Torreco@comparium.net)

(B)

Re: Motion "MDISMS-Motion To Dismiss" for Case "2025CP4601222- Tonya R Blake Ind And As Pr Of The Estate Of Reco Miller VS Brenda Burris" was added to a Motions Roster for 8/12/2025 at 11:00 AM

From : Taylor Grooms <taylor@groomslawfirm.com> Mon, Aug 04, 2025 11:10 AM
Subject : Re: Motion "MDISMS-Motion To Dismiss" for Case "2025CP4601222- Tonya R Blake Ind And As Pr Of The Estate Of Reco Miller VS Brenda Burris" was added to a Motions Roster for 8/12/2025 at 11:00 AM 2 attachments
To : tonya blake <torreco@comporium.net>

Hey Tonya,

Good morning. No worries at all on those phone records. My big argument to why the judge should not dismiss our case is that we have not engaged in any kind of Discovery yet on this case. So not having those phone records is almost better for us.

Yes please plan on coming to hearing. Will touch base on that again beforehand with you. Thank you again!

Taylor L. Grooms
Attorney
Grooms Law Firm, LLC
4 Carriage Lane, Suite 301
Charleston, SC 29407
(843) 375-6505 (Telephone)
(843) 278-2083 (Fax)



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From: tonya blake <torreco@comporium.net>

Sent: Monday, August 4, 2025 11:08 AM

To: Taylor Grooms <taylor@groomsllawfirm.com>

Subject: Re: Motion "MDISMS-Motion To Dismiss" for Case "2025CP4601222- Tonya R Blake Ind And As Pr Of The Estate Of Reco Miller VS Brenda Burris" was added to a Motions Roster for 8/12/2025 at 11:00 AM

T-MOBILE WAS ONLY ABLE TO GO BACK 18 MONTHS ON THE PHONE RECORDS, BUT I AM SURE YOU CAN HAVE A MAGISTRATE JUDGE SUBPOENA THEM BUT TIME WILL BE AGAINST YOU HEARING NEXT WEEK 10/2019 UNTIL 4/2022 8034178900

From: "Taylor Grooms" <taylor@groomsllawfirm.com>

To: "tonya blake" <torreco@comporium.net>

Sent: Tuesday, July 22, 2025 12:55:05 PM

Subject: Fw: Motion "MDISMS-Motion To Dismiss" for Case "2025CP4601222- Tonya R Blake Ind And As Pr Of The Estate Of Reco Miller VS Brenda Burris" was added to a Motions Roster for 8/12/2025 at 11:00 AM

Tonya,

Good afternoon. This motion hearing has been scheduled for August 12th. Please see if you can work on providing those cell phone receipts if you can. Thanks again.

Taylor L. Grooms

Attorney

Grooms Law Firm, LLC

4 Carriage Lane, Suite 301

Charleston, SC 29407

(843) 375-6505 (Telephone)

(843) 278-2083 (Fax)



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From: Courtmail46_DoNotReply@sccourts.org <Courtmail46_DoNotReply@sccourts.org>

Sent: Tuesday, July 22, 2025 12:26 PM