

**STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG
IN THE COURT OF COMMON PLEAS
CASE NO.: 2025-CP-42-04002**

AFFIDAVIT OF PERFORMANCE

Executed this 7th day of November, 2025

I, Sylecia McIntyre, affiant, declare under penalty of perjury that the following facts are true and correct to the best of my knowledge and belief:

1. Immediately following possession of the leasehold premises in June 2025, I issued written redress pursuant to the grievance procedure outlined in the lease and in accordance with S.C. Code Ann. § 27-40-130, which governs the right to seek action as it pertains to setoff within the realm of agency and principal. My correspondence on or about June 13, 2025 instructed how future payments would be lawfully tendered and included claims of interest, notice of adjustment to the utility obligations, and instructions for handling the security deposit in accordance with statutory trust requirements.
2. The landlord failed to rebut these instructions, accepted the instruments, and retained possession of funds, thereby acquiescing to the terms by performance. Under S.C. Code § 27-40-410, a landlord must maintain and account for a separate trust or escrow ledger for any prepaid amounts, including deposits or rent equivalents, which the Respondents failed to do.
3. A twelve-month tender of payment was submitted to cover the lease term in full and was never rebutted. In the absence of a timely objection or itemized accounting, monthly tenders were then issued for the months of June, July, August, September, and October 2025, with each accompanied by supporting documentation.
4. These tenders were not merely symbolic or gratuitous, but part of a full-faith tender of performance, backed by instructions consistent with governing law, including presentment rules and interest-based accounting principles under the South Carolina Residential Landlord and Tenant Act.

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5. In addition to the monthly submissions, the following un rebutted notices and instruments were sent by certified mail and included in the evidentiary record:

Affidavit of Claim to Interest and Performance

Revocation of Assumed Power of Attorney

Fiduciary Appointment and Form 56 (IRS)

Affidavit of Acquiescence

Affidavit of Default for Failure to Respond

Notice of Claim, Setoff, and Escrow Correction

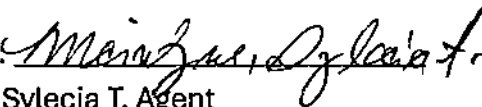
Photographs evidencing lack of habitability and property damage

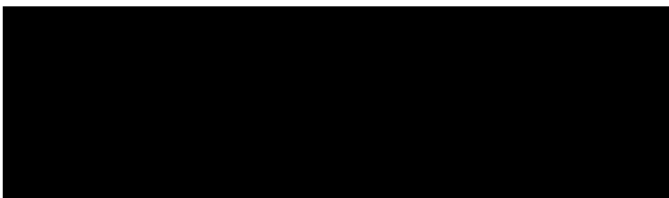
Proof of service and certified mail receipts from June through October

6. The full ledger requested under S.C. Code § 27-40-410(B) was never produced, despite repeated demand. Said ledger should reflect any amounts held in trust at First Citizens Bank, Columbia, which was designated as the institution on the face of the lease for security deposit handling. As no separate accounting was provided and no denial of the tenders occurred, the record supports a presumption of acceptance and consent by acquiescence.

7. I affirm that all actions taken were in the capacity of agent for the principal, and that performance under this leasehold agreement included timely notice, proper documentation, lawful presentment, and fulfillment of all obligations through setoff and prepayment under color of law.

Executed under penalty of perjury and the laws of South Carolina this 7th day of November, 2025.

Signature: 
McIntyre, Sylecia T, Agent



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**STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG
IN THE COURT OF COMMON PLEAS
CASE NO.: 2025-CP-42-04002**

AFFIDAVIT OF IN-CAMERA REVIEW

(In Support of Tender of Payment, Fiduciary Notices, and Evidentiary Review)

I, McIntyre, Sylecia T in the capacity of Agent on behalf of Principal Sylecia McIntyre, being duly sworn (without notary) and affirming under penalty of perjury, do hereby state the following:

1. I am the Movant in the above-captioned matter and submit this affidavit to support a request for in-camera review of documentation material to the pending Motion to Suppress Bond, the Motion to Return Unearned Income, and to preserve statutory rights of possession under South Carolina Code §§ 27-40-410 and 27-40-340.
2. Between June 2025 and October 2025, I submitted a lawful tender of payment for each respective month. These tenders were supported by mailed notices, exhibits, and instruments which together reflect a 12-month continuity of lawful effort, including offsets and application of interests pursuant to South Carolina leasehold statutes.
3. The records available for in-camera review include, but are not limited to:

12-month tender record, including instruments and supporting payment documents from June through October 2025;

Affidavit of Claim to Interest, asserting proprietary rights based on prior tender, secured interest, and application instructions;

Affidavit of Tender and Affidavit of Performance, demonstrating active compliance, equitable performance, and timely delivery of instruments;

Affidavit of Acquiescence, submitted after failure of Respondents to rebut, correct, or object to terms, notice, or fiduciary appointment;

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Affidavit of Default and Refusal to Respond, documenting prolonged silence and failure to cure after formal fiduciary notice, revocation of assumed agency, and demand for segregated ledgers;

Revocation of Assumed Power of Attorney, dated June 24, 2025;

Appointment of Fiduciary, accompanied by IRS Form 56, establishing fiduciary oversight and placing CAHEC Management and its agents on notice;

Full-color photo documentation of damages to the leased premises, including unsanitary food loss due to refrigerator failure and other unresolved issues;

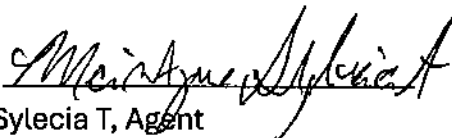
Return mail receipts, certified green cards, and all supporting exhibits previously mailed or prepared for service.

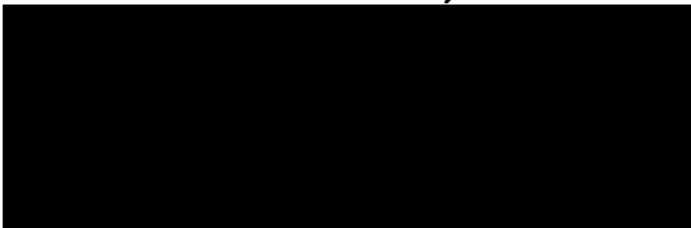
4. These materials were prepared in real-time and served with proper captioning and formatting, constituting lawful notice and presentment. Respondents' failure to respond, correct, or rebut the contents of said affidavits affirms their standing in default.

5. I respectfully request the Court to conduct an in-camera review of the above materials to confirm the legitimacy of claims, adequacy of tender, and statutory basis for suppression of bond and return of unearned income.

FURTHER AFFIANT SAYETH NAUGHT.

Executed this 7th day of November, 2025.

Signature: 
McIntyre, Sylecia T, Agent



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CLERK OF COURT
SPARTANBURG COUNTY


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STATE OF SOUTH CAROLINA)
)
 COUNTY OF Spartanburg)
)
Mcintyre, Sylecia Agent)
)
 Plaintiff,)
)
 vs.)
)
Westwood Townhomes)
)
 Defendant.)

IN THE COURT OF COMMON PLEAS
7 JUDICIAL CIRCUIT
 CASE NO.: 2025 -CP- 42 - 04002

**MOTION AND ORDER INFORMATION
 FORM AND COVERSHEET**

Plaintiff's Attorney: <u>Mcintyre, Sylecia</u> , Bar No. <u>Pro Se</u>	Defendant's Attorney: _____, Bar No. _____
	Address: _____
E-mail: _____	Phone: _____ Fax _____
Other: _____	E-mail: _____ Other: _____

MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
 FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
 PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information
 Nature of Motion: Motion To Suppress Bond
 Estimated Time Needed: _____ Court Reporter Needed: YES/ NO

SECTION II: Motion/Order Type
 Written motion attached
 Form Motion/Order
 I hereby move for relief or action by the court as set forth in the attached proposed order.
Mcintyre, Sylecia Pro Se November 14 2025
 Signature of Attorney for Plaintiff / Defendant Date submitted

SECTION III: Motion Fee
 PAID - AMOUNT: \$ _____
 EXEMPT: (check reason)
 Rule to Show Cause in Child or Spousal Support
 Domestic Abuse or Abuse and Neglect
 Indigent Status State Agency v. Indigent Party
 Sexually Violent Predator Act Post-Conviction Relief
 Motion for Stay in Bankruptcy
 Motion for Publication Motion for Execution (Rule 69, SCRPC)
 Proposed order submitted at request of the court; or,
 reduced to writing from motion made in open court per judge's instructions
 Name of Court Reporter: _____
 Other: _____

JUDGE'S SECTION
 Motion Fee to be paid upon filing of the attached order.
 Other: _____ JUDGE CODE _____
 Date: _____, 20____

CLERK'S VERIFICATION
 Collected by: _____ Date Filed: _____, 20____
 MOTION FEE COLLECTED: \$ _____
 CONTESTED - AMOUNT DUE: \$ _____

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**STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG
IN THE COURT OF COMMON PLEAS
SEVENTH JUDICIAL CIRCUIT**

CASE NO: 2025-CP-42-04002

McIntyre, Sylecia , Agent,

Plaintiff,

v.

Westwood Townhomes

Defendant.

MOTION TO COMPEL VERIFIED AFFIDAVIT AND SWORN RESPONSE

[THREE-DAY RESPONSE DEADLINE]

NOW COMES the Plaintiff, by and through her agent, and respectfully moves this Honorable Court to compel the Defendant to provide a Verified Affidavit under oath in response to the Plaintiff's prior lawful notices and instruments, and further shows:

1. That on or about June 13, 2025, Plaintiff submitted initial written instructions, redress notice, and a Tender of Payment covering a 12-month lease period, invoking rights under the South Carolina Residential Landlord-Tenant Act and associated grievance procedures.
2. That Plaintiff subsequently issued lawful documents and notices to the Defendant, including:

Affidavit of Performance

Affidavit of Tender of Payment (for June, July, August, September, and October)

Affidavit of Revocation of Assumed Power of Attorney

Appointment of Fiduciary (IRS Form 56)

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Affidavit of Acquiescence

Affidavit of Non-Response / Dishonor

Supporting photos and grievance-based redress communications

3. That Defendant accepted said notices and documentation via certified mailing, but failed to issue any sworn, verified response disputing the facts or claims made.

4. That under S.C. Code Ann. § 27-40-410, and general principles of equity, agency, and performance, Plaintiff requests this Court compel Defendant to issue a sworn affidavit verifying:

Receipt of all documents and tenders referenced above;

Agreement or disagreement with the instructions enclosed therein;

Disclosure of any escrow or security deposit accounts held;

Whether the Defendant contests or concedes the payment terms and amendments set forth by Plaintiff.

5. That failure to respond by sworn affidavit within three (3) calendar days of service shall be deemed:

Agreement to the facts and tenders presented;

Waiver of rebuttal;

A fiduciary default through silence and acquiescence.

WHEREFORE, Plaintiff prays this Court:

GRANT this Motion to Compel;

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SPARTANBURG COUNTY
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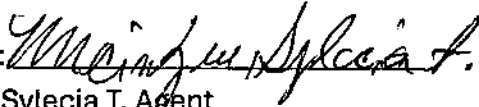
ORDER Defendant to issue a sworn, notarized affidavit within three (3) calendar days of service;

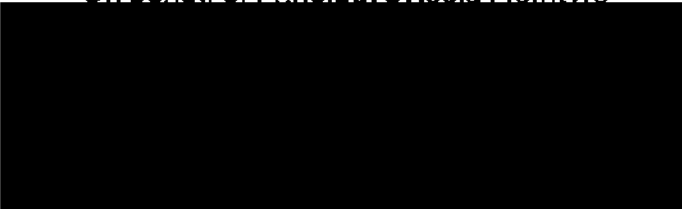
RECOGNIZE that failure to do so shall constitute admission by default and acceptance of the record;

GRANT any such further relief the Court deems just and equitable.

Respectfully submitted,

Executed this 7th day of November, 2025.

Signature: 
McIntyre, Sylecia T, Agent
On behalf of Principal Sylecia McIntyre



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CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

CERTIFICATE OF SERVICE

I, McIntyre, Sylecia, Agent for Principal, hereby certify that on this 15, day of November 2025, I served the following documents:

- Supplemental Notice of Default
- Objection to Co-Counsel's Responsive Filing
- Notice of Reversal and Motion to Correct the Record

By depositing a true and correct copy of each document in the United States Postal Service/UPS for regular delivery, properly addressed to:

Cassidy Coates Price, P.A.

Attn: Ross Plyler & Tiffany H.

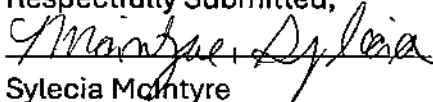
1052 N. Church St.

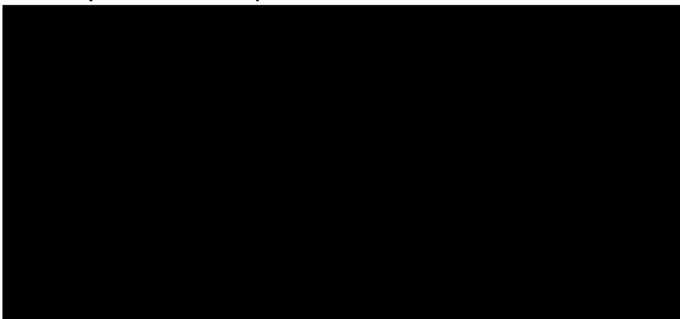
Greenville, SC 29601-1639

Service was completed in good faith pursuant to the South Carolina Rules of Civil Procedure.

I further certify that the above service constitutes full and proper notice to the opposing party.

Respectfully Submitted,


Sylecia McIntyre



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CLERK OF COURT
SPARTANBURG COUNTY
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**IN THE COURT OF COMMON PLEAS
SEVENTH JUDICIAL CIRCUIT
SPARTANBURG COUNTY, SOUTH CAROLINA**

PROOF OF SERVICE

I, the undersigned, do hereby certify that I have this day served the following document:

Notice of Default *Supplemental Notice of default, objection, Notice of reversal*

By placing a true and correct copy thereof in a properly addressed envelope with sufficient postage affixed thereto, and deposited it in the united States mail, addressed as follows:

Cassidy Coates Price PA
Attn: Ross Plyler & Tiffany H
1052 N Church St
Greenville, SC 29601-1639

I declare under penalty of perjury that the foregoing is true and correct.

Please see Exhibit B, Proof of tracking

Executed on this 15 day of November 2025.

Respectfully submitted,

McIntyre, Sylecia A

McIntyre, Sylecia

Agent for Principal



Tracking: USPS 9505 3134 3617 8321 021476
Proof

CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

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