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Mar 12 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Jessica A. Salvini, Circuit Court Judge

Civil Action No. 2026-CP-23-01193
Magistrate Court Case No.: 2026CV2310100266

Dwana Sullivan,, Appellant

v.

Legacy Oaks II,, Respondent.

NOTICE OF APPEAL

TO: THE CLERK OF COURT FOR GREENVILLE COUNTY
TO: LEGACY OAKS II, PLAINTIFF/RESPONDENT
TO: THE GREENVILLE MAGISTRATE COURT

PLEASE TAKE NOTICE that Dwana Sullivan ("Appellant"), pursuant to South Carolina Appellate Court Rule 203, hereby appeals to the South Carolina Court of Appeals from the Order of Dismissal entered by the Greenville County Common Pleas Court on March 11, 2026, (**hereto attached**) which dismissed Appellant's appeal from the Magistrate's Court.

GROUND FOR APPEAL

COMES NOW Dwana Sullivan, Appellant Pro Se, and states the following grounds for this appeal:

I. THE CIRCUIT COURT ERRED BY DISMISSING THE APPEAL WITHOUT PROVIDING NOTICE OR AN OPPORTUNITY TO BE HEARD, VIOLATING APPELLANT'S CONSTITUTIONAL RIGHT TO DUE PROCESS.

On March 11, 2026, the Common Pleas Court dismissed Appellant's appeal based solely on a "Magistrate Return and Dismissal" filed by the Honorable Jonathan A. Horne.

Appellant received no notice that dismissal of her appeal was being considered or requested. No motion to dismiss was served upon Appellant, and no hearing was scheduled or held before the dismissal was entered.

The dismissal of a vested appeal right without notice or hearing deprives a party of property (her tenancy) without due process of law, in violation of the Fourteenth Amendment to the United States Constitution and Article I, Section 3 of the South Carolina Constitution.

II. THE MAGISTRATE COURT ERRED BY SETTING AN EXCESSIVE BOND THAT VIOLATES THE SOUTH CAROLINA RESIDENTIAL LANDLORD AND TENANT ACT.

On March 5, 2026, the Magistrate Court held a bond hearing and ordered Appellant to pay the full past-due rental amount of **\$6,763.00** by March 10, 2026, as a condition of maintaining her appeal.

Under **S.C. Code Ann. § 27-40-800(b)**, when a tenant appeals an eviction for nonpayment of rent, the purpose of a bond is to secure payment of *rent due during the pendency of the appeal*, not to require immediate satisfaction of the underlying judgment.

The statute contemplates that a tenant appealing in good faith may stay the eviction by paying *accruing rent* into court or posting a bond for **FUTURE** rent. Requiring the full lump-sum

judgment amount as a condition of appeal acts as an improper barrier to appellate review and is contrary to the plain language and intent of the statute.

The Magistrate abused its discretion by imposing a bond that was punitive rather than protective, effectively denying Appellant her statutory right to appeal.

III. THE APPELLANT MADE A GOOD FAITH EFFORT TO COMPLY WITH THE BOND ORDER.

On March 9, 2026, Appellant contacted the property manager, Zilia Noriega, via text message, explaining that she would receive her tax refund by Friday, March 13, and requesting an extension to pay the full balance.

The manager responded on March 10, stating only that payment was due by 10:00 a.m. that day. At no time did the manager or any court officer inform Appellant that failure to pay by the deadline would result in automatic dismissal of her appeal without further notice.

Appellant's efforts demonstrate good faith and a genuine attempt to preserve her home and her appellate rights.

WHEREFORE, Appellant respectfully requests that the South Carolina Court of Appeals:

1. Accept this Notice of Appeal and assume jurisdiction over this matter;
2. Reverse the March 11, 2026, Order of Dismissal;
3. Reinstate Appellant's appeal to the Circuit Court;
4. Remand the case to the Circuit Court with instructions to hold a hearing to set an appropriate appeal bond consistent with S.C. Code Ann. § 27-40-800; and
5. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

By: s/ Dwana Sullivan
Dwana Sullivan
740 Woodruff Road #6305

Greenville, SC 29607
(864) 230-2172
Dwanasullivan09@gmail.com

Dated: March 13, 2026

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v.

Legacy Oaks II, , Respondent.

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of March 2026, I served a true and correct copy of the foregoing **Notice of Appeal to the Court of Appeals** upon the following by depositing same in the U.S. Mail, first-class postage prepaid, and/or by hand delivery:

Legacy Oaks II
740 Woodruff Road
Greenville, SC 29607

By: s/ Dwana Sullivan
Dwana Sullivan
740 Woodruff Road #6305
Greenville, SC 29607
(864) 230-2172
Dwanasullivan09@gmail.com

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Dwana Sullivan
740 Woodruff Road #6305
Greenville, SC 29607
(864) 230-2172
Dwanasullivan09@gmail.com

Clerk of Court
305 E North St # 202
Greenville, SC 29601

Re: Dwana Sullivan v. Legacy Oaks II
Civil Action No. 2026-CP-23-01193
Magistrate Court Case No.: 2026CV2310100266

Dear Clerk of Court,

Please be advised that the Appellant, Dwana Sullivan, has today filed a Notice of Appeal to the South Carolina Court of Appeals from this Court's Order of Dismissal, dated March 11, 2026, docketed in this matter.

Thank you for your assistance in this matter.

Respectfully,

Dwana Sullivan

Enclosures: Notice of Appeal

March 13, 2026

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Dwana Sullivan
740 Woodruff Road #6305
Greenville, SC 29607
(864) 230-2172
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Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Dwana Sullivan v. Legacy Oaks II
Civil Action No. 2026-CP-23-01193
Magistrate Court Case No.: 2026CV2310100266

Dear Clerk of Court,

Enclosed please find the original and copies of the Notice of Appeal for the above-referenced case, appealing the Order of Dismissal entered on March 12, 2026.

Please be advised that the filing fee and motion fee is being placed in the U.S. Mail to your office under separate cover today. Upon receipt of the fee, I respectfully request that the appeal be docketed.

A copy of this Notice has also been served upon the Respondent, Legacy Oaks II, and the Clerk of the Greenville County Court of Common Pleas.

Thank you for your attention to this matter.

Respectfully,

Enclosures: Notice of Appeal
Dismissal Order
Certificate of Service